

When agendas collide: Combating drugs and organised crime in West Africa

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Key Points

- There has been a significant increase in collaboration between European and West African law enforcement agencies since the emergence of a West African transit route for cocaine shipments to Europe from Latin America in the early 2000s
- Much of this collaboration is funded as development cooperation but is directed against transnational organised crime. This reflects a fusion of development and external security policies by the European Union. Whereas before development was seen as a precondition for security, the reasoning changed to regard security as a precondition of development. Support for the security sector has since become an aspect of development cooperation
- While the European Commission is emerging as the largest funding body, it lacks the implementing capacity and therefore contracts out programmes to other organisations including the United Nations Office on Drugs and Crime and Interpol.
- While security is assumed to be a precondition for development, programme managers are rarely concerned with development objectives, focusing instead on law enforcement objectives.
- In many of the programmes, there is a lack of distinction between fighting multiple forms of organised crime and combating drug trafficking.
- Law enforcement agencies cooperating with West African partners should draw on the experience of the development sector and the importance of bottom up approaches, the need for governance and accountability mechanisms and the systemic nature of corruption.
- The European Commission needs tighter oversight and a broader contextual analysis of drug markets and criminal activities in beneficiary countries, to ensure that projects designed to promote development, good governance and the rule of law are sensitive to the impact and potentially counterproductive effect on organised crime and the drug trade in different West African theatres.

INTRODUCTION

Drug trafficking continues to be the most dynamic criminal activity, involving the largest number of organised crime groups, and providing the greatest illicit revenue stream.¹ Countermeasures have forced smugglers to continuously adapt their techniques, triggering a quasi-Darwinian process of selection where only the fittest survive. Yet, not all law enforcement interventions in drug markets are necessarily targeted at organised crime. To the contrary, most policing activity impacts on drug consumers, low level operators or opportunists. Where law enforcement agencies work together internationally, as they do in West Africa, continuous scrutiny is needed lest programmes designed to combat organised crime dwindle into skirmishes in the global war on drugs. Security sector reform is delivered under the aegis of technical cooperation. It is apposite to incorporate insights from thirty years plus of development assistance as they bear upon security sector reform processes, including issues relating to chronic inadequacy of official salaries, pervasive informalisation of working practices, the political clout of 'big men' and the fragility of institutions. Given that assistance programmes revolve around the provision of equipment, training and information, lessons can be learnt about the adaptation of technology and lack of basic infrastructure like electricity, to better tailor interventions to the needs of local populations. Attentions should also be paid to the capacity of beneficiaries to generate outcomes, and the ever present risk of beneficiaries and providers colluding to demonstrate success using crude quantitative measures.

CHALLENGES TO WEST AFRICAN POLICING

African policing in the security and development literature is usually approached in normative and evolutionary terms, where the establishment of a police and security sector analogous to Western countries is seen as desirable and possible.² The current underperformance is

attributed to technical and resource shortfalls that are amenable to correction, albeit only via long-term engagement.³

It is interesting to contrast these viewpoints to the anthropological literature on pre-colonial governance. This identifies profound, qualitative differences in the methods used for maintaining peace in Africa relating to the absence of centralised authority, the emphasis on resolving disputes by relying on traditional authorities, and culturally established practices of conflict resolution.⁴

European rule was imposed and maintained by overwhelming force, but most parts of Africa experienced colonialism as indirect rule. The primary concern for colonial police was maintaining public order. Power would be projected to eliminate slavery or human sacrifice, but settling disputes was largely left to indigenous authorities. Inevitably, the transformation of African societies in the coastal cities necessitated the introduction of new forms of social organisations, hierarchically and spatially organised, with the judicial and criminal justice system derived from metropolitan models at the apex. Local adaptations of traditional political concepts to fast growing conurbations produced systems of governance to make safe the empty spaces ungoverned by the state that were widely at variance with colonial policing models.⁵

Independent governments took over these systems in their entirety.⁶ Law enforcement agencies were primarily instruments for regime protection and enforcing the government's will. For ideological and strategic reasons, former imperial powers and the US provided direct assistance to protect economic interests. With the end of the Cold War and the ensuing wave of conflict embroiling much of the continent, security sector issues attracted the interest of development planners. For the first time, security was seen as a precondition

for development, albeit redefined as human security, and associated with good governance and rule of law, and programmatically, access to justice.⁷ Assistance has been provided within a development policy framework driven by notions of incremental change through the provision of structured and modular assistance programmes. Much of the impetus came from the conflict resolution and peace building agenda in countries like Sierra Leone and Liberia in the 1990s, and attempts to rebuild the security architecture in the aftermath of prolonged periods of violent conflict. Development agencies promoted a model of community policing that was more democratic, inclusive and accountable, by involving traditional authorities and setting up local police partnership boards (Albrecht, 2013).⁸

The most recent ‘best practice’ manuals outline the sequence for security sector reform as (i) developing an institutional framework followed by (ii) spreading the principle of democratic control of the security sector through the practice of good governance, especially oversight, accountability, and transparency; after which (iii) a capable, professional and accountable security services and justice systems were to be developed; and (iv) a culture fostered that is supportive of the above among the political, security and justice leadership.⁹ They also continued efforts begun in the late colonial period, towards creating a professional police identity that transcended ethnic, religious and regional identities.

In the context of West African reality this form of engagement quickly runs into difficulties beyond the simple lack of capacity. In many countries the police and security forces are hampered by widespread public resentment over brutality, corruption and ineffectiveness.¹⁰ Efforts to rectify these through workshops or training may achieve short-lived changes in behaviour,¹¹ but run the risk of being tokenistic because underlying structural deficiencies are not peculiar to the sector but systemic to the region’s states.

In Nigeria, for instance, the police often behave like an occupying force living off the land. As salaries frequently remain unpaid for months on end, and at any rate are pegged well below the poverty level, officers use the authority invested in their office to wrest money, goods and services out of the population they are supposed to protect.¹² In extreme instances depredations by law enforcement become a cause of insecurity, triggering riots in Burkina Faso or fuelling Islamist insurrection in Northern Nigeria. Yet, in spite of misgivings about performance and corruption, research on public attitudes shows that in Nigeria and Ghana respondents express a general preference for having police forces around than not.¹³ While this is not an endorsement of policing practice it shows that people would rather live under the police than the alternatives, such as the rule of gangs. This tacit acceptance of policing style is accompanied by visceral public support for the sharp punishment of criminals and the ready resort to popular justice.¹⁴

Misgivings about the police, and particularly the quasi taxation at roadblocks found across the region, where officers extort payments from motorists, does not translate into support for the ideal type policing model conjured by development planners. In West Africa many have accommodated themselves to a style of policing that bestows advantages in particular situations. A critical factor in any encounter is the situational identity of the police officer and member of the public. Less important than the infraction is who did what to whom, and how they relate to the officer, whose conduct is determined by his affiliations. According to one scholar, West African officials differentiate between the civic public of the post-colonial state and the primordial public of ethnic group and village. While bribes may be solicited from strangers and public funds embezzled without troubling the official’s conscience, the utmost rectitude is required when dealing with community issues and supervising

local projects.¹⁵ There are expectations of preferential treatment from a 'kinsman', with individuals going to great lengths to identify a contact in their dealings with the authority.

The second characteristic is that of negotiability as many conflicts and transgression are resolved between the involved parties before coming to court. Police participation in these processes is in part at least the realistic adaptation of an overburdened and under-resourced criminal justice system. It is also a continuation of the pre-colonial traditions whereby office holders in non-centralised polities maintained order by working to reconcile litigants over whom they had scant formal powers of coercion.¹⁶

One consequence of such negotiation in the current system is that disputes are taken care of before they enter the formal legal process. Concern voiced by criminologists in Western countries over the appropriation of conflict by the legal professions and the state¹⁷ are keenly shared in West Africa. Even the spread of sharia law across northern Nigeria is not simply a consequence of the Islamic revival, but reflects also the dissatisfaction with conventional forms of justice. In order to convey a better sense of the process Beek introduces the idea of shifting boundaries.¹⁸ Negotiations shift the boundary between what constitutes a crime and consequently the appropriate site in which a dispute should be resolved. While money and services travel from plaintiff and accused to the police, this is not the malfunction of a corrupt system but an out of court settlement that "incorporates multiple normative orders and moral beliefs outside of state law." The flexibility implied allows civilians to take possession of their dispute. The police participate in this boundary shifting by representing themselves "as the final legitimate authority, limiting and framing the local negotiation".¹⁹ Important then is to differentiate between predatory extractions by law enforcement from unwilling victims, and rewards given freely for services rendered.

While both may seem irreconcilable with Western notions of policing one is culturally embedded, while the other is universally decried as abuse.

Legitimacy is a continuing problem for the West African state, which since the structural adjustments of the 1990s has had little opportunity to spend on development. Against the backdrop of post conflict reconstruction (in some of the countries at least), high levels of structural poverty and low economic growth (until recently), the inability of political authorities to invest in public services and reward supporters has undermined much public faith in governance. Some of the groups excluded from the shrinking pool of state sponsored benefits have entered informal and criminal economies, searching for new forms of legitimate domination.²⁰ Precisely because of the "material inequalities and scalar disjunctures" that mark Africa's participation in the global economy,²¹ contested assets derive their value from overseas demand. Contesting existing arrangements means running into conflict with international supporters of incumbent governments, but can also attract interest from competitors.

Current economic conditions in West Africa dictate the need for 'extraversion' or linkage with overseas operators for any venture aimed at the accumulation of wealth. In the absence of extractable mineral wealth, candidates can offer services, particularly in economic sectors where the very flexibility of state institutions and the willingness of officials to negotiate bestow a competitive advantage. To international organised crime groups the notional statehood of West African countries, the absence of records and documentation, and the institutional culture of opacity, where many government employees are vulnerable to financial suasion may constitute an ideal working environment, for trafficking ventures. In addition, the low levels of government control over rural areas have allowed the

building of clandestine airstrips where drug cargos can be imported, and then trafficked across porous borders.

INTERNATIONAL CONCERN OVER TRANSNATIONAL ORGANISED CRIME IN WEST AFRICA

The participation of Nigerian ‘syndicates’ in the international drug trade came to the attention of law enforcement agencies in Europe, South Africa and the US during the early 1990s following sharp increases in the number of arrests of Nigerian drug couriers.²² The response of the Nigerian military government, under internal and external pressure for mismanagement, human rights abuses and illegitimacy, created a dedicated drug control agency, the Nigerian Drug Law Enforcement Agency (NDLEA), for the express purpose of improving the country’s international image.²³ Folding the capacities of different bodies into a single organisation further increased central government control while creating a national contact for international partners, particularly the US Drug Enforcement Administration (DEA) and United Nations Office on Drugs and Crime (UNODC). When large numbers of officers became involved in drug trafficking, intensifying the very problem it was supposed to resolve, a new chairman was appointed, a serving general with a “reputation for strong-arm tactics and many years of service dating back to the civil war”,²⁴ who transformed the agency. Close to 40% of operatives were retired, a large number of corrupt officers were prosecuted, new equipment was procured and training was enhanced. The NDLEA became a paramilitary organisation that enforced drug control with unprecedented vigour. For a while, at least, Nigeria became less attractive for drug importers. However, while these measures contributed to the displacement of trafficking, they failed to tackle corruption as the structural driver of Nigeria’s vulnerability.

In the 2000s, the drug trade has ceased to be a Nigerian phenomenon as traffickers fanned out across the region and Transnational Organised Crime groups (TOCs) took advantage of the vulnerabilities of other West African countries. Possibly tougher controls along Central American and Caribbean routes following the agreement of the Merida Plan provided an additional push factor for the re-routing of cocaine flows by South American exporters. International agencies involved with drug control work both conceptually and operationally with a West African trafficking model. National governments in the region are also drawn increasingly to cooperate regionally in what is perceived as a transnational phenomenon. This brief will make observations on the regional dimension of response measures.

In West Africa, annual seizures rose from less than 1 metric tonnes in 1998 to 15 metric tons in 2006. In the period 2005–07 seizures of cocaine bound for Europe via West Africa mounted to 33 tons.²⁵ The involvement of Latin American organised crime groups and the wealth accumulated by traffickers has been identified as a growing threat to the political stability of the region with profound implications for Europe.²⁶ A key driver behind the dissemination of information on the West African route was UNODC which, “in light of these challenges [...] plays an important role in raising awareness among public authorities, the local population and the international community”.²⁷

The tone of these reports remains alarmist even when estimated flows declined from 47 tons in 2007 to 18 tons in 2012, as this would yield “profits [that] may still be larger than the national security budgets of several West African countries”.²⁸ Much of this information was targeted at European policymakers, playing into the key principle of ‘shared responsibility’ identified in the EU Drug Strategy. The head of the agency, Antonio Maria Costa, laboured the point when rebranding the former Gold Coast as Coke Coast, and comparing the impact

wrought by European cocaine consumption on West Africa to the horrors of the Slave Trade: “In the 19th century, Europe’s hunger for slaves devastated West Africa. Two hundred years later, its growing appetite for cocaine could do the same”.²⁹

EU DEVELOPMENT ASSISTANCE FOR THE SECURITY SECTOR

The UNODC campaign has coincided with a substantial shift in the external policy of the EU. With the end of the Cold War the geopolitical alignment of development partners ceased to be of import. Instead, the realisation that states had often failed to fulfil their security obligations towards their own people, coupled with the descent of countries like Sierra Leone and Liberia into extended periods of conflict, served for Security Sector Reform (SSR) to become an integral part of development aid. Broadened to include human rights and governance, Security Sector Reform rotates around the principle of ‘human security’ and seeks to coordinate interventions with development work in order to achieve sustainable benefits.

The European Commission has followed other development providers, particularly the UK’s Department for International Development (DfID), to the position that peace and security were a precondition for sustainable development.³⁰ As a consequence Security Sector Reform (SSR) has become a legitimate part of development assistance.³¹ European Development Fund (EDF) allocations to security sector reform rose from €14 m in 2001 to €174m in 2009, and a total of €1bn over the period.

Assistance to the former colonies of member states in the Africa-Caribbean-Pacific region was re-negotiated in the Cotonou Agreement in 2000, with poverty reduction, sustainable development and integration in the world economy as the main goals. All signatories are considered equal partners and ownership of development strategies by recipients is seen as critical.

Revising the treaty in 2005, all parties agreed on a regular dialogue on issues of mutual concern including drugs and organised crime, followed in the second revision in 2010 by acknowledging the need to address security threats such as TOC and trafficking in drugs, arms and people.³²

Redefining security as crime control and anti-trafficking measures has shifted SSR from peace building and human security, and blurred the identity of the ultimate ‘beneficiary’ of interventions. There is a risk of slippage, where community policing is replaced by support for military capacity, and democratic oversight by national assemblies and civil society substituted for accountability to external donors pursuing an anti-narcotic or counter terrorism agenda.

To better support these interventions the EU had to speed up cumbersome EDF processes by creating a rapid response vehicle in 2006. The Instrument for Stability (IfS) is a funding package of €2,118 million for 2007–13 with a three pronged focus: (i) a rapid response facility allowing the EU to take action in emerging political crises or natural disasters; (ii) to tackle trans-regional threats including organised crime over the long term; (iii) to support conflict prevention measures. Guidance documents listed for the implementation of the IfS such as the European Security Strategy and the Consensus on Development, create a framework for delivering security sector reform in the context of development assistance. It meant marrying the benevolent impulse of aid where recipient benefit is paramount with the blatant self-interest of the security calculus. It was arguably the conjunction of these two that has driven the security sector programmes in West Africa in the last few years.

EU INTERVENTIONS IN WEST AFRICA

The advances of radical Islamic groups in Algeria, Mali, Niger and northern Nigeria, their attacks on EU nationals and economic interests, and their

involvement in terrorist attacks has accelerated the involvement of European security forces and forged closer military cooperation with West African governments. Of particular interest to this brief is the much reported “possibility that trafficking through the region could provide income to non-state armed groups, especially the various rebel forces in the Sahel and the terrorist group Al Qaeda in the Islamic Maghreb (AQIM).”³³ Europol, in its 2013 Threat Assessment strikes a more sober note when referring to the illicit drug trade to European markets as a ‘criminal enabler’, but emphasizes the prominence of West Africa as a transit route.³⁴ Involvement in the cocaine market could hugely increase the financial resources of such groups, with serious consequences for the region and the EU. In response, EU mechanisms for the coordination of operational actions such as the Standing Committee on Operational Cooperation on Internal Security (COSI) have identified West Africa as a theatre for intervention. A programme of activities has been included as a strategic goal for the European Multidisciplinary Platform against Criminal Threats (EMPACT). This means that the European Commission as the implementing agency for development assistance has the mandate, as well as the financial means to support security sector activities in West Africa.

What it does not have, however, is technical implementation capacity, hence, programme delivery is contracted out to private companies, international organisations like Interpol, UNODC, World Customs Organisation (WCO) as well as member states’ Law Enforcement Agencies (LEAs). Some of these have experience in providing technical assistance, such as the German BKA dog handling projects, or the French police and customs officers embedded in agencies in Senegal, Benin and Togo. Since 2006, the UK National Crime Agency (NCA, previously known as the Serious and Organised Crime Agency (SOCA) 2006–13) has been running a bilateral drug trafficking interception project in Ghana, called Operation Westbridge. There

is then, considerable know-how available, but organisations with different command chains and operational principles are liable to make changes to projects during the process of implementation. Though there are oversight mechanisms in Brussels and through the review cycle, the European Commission is understaffed and has just embarked on creating analytical capacity to track the outcome of its security sector reform interventions. Separate competencies between the External Action Service responsible for drafting strategy papers, and the Directorates of the European Commission as implementing agency complicates matters further.

This raises the question whether the large investment in West Africa’s law enforcement capacities is receiving the appropriate level of scrutiny, particular with regard to attaining development objectives. Research into security issues always has to contend with a sector specific reticence to share information, but this is compounded in West Africa by the dual role of UNODC as both main commentator on the West African drugs/crime phenomenon, and the largest programme managing agency.

The need for a critical, reflexive debate on law enforcement cooperation beyond the scorecard of arrests/seizures is important for recipients, donors and implementers. At present, programmes are seen as being reactive to what is perceived to be an imminent threat. But the transfer of resources, the corresponding changes to West African law enforcement practice, and the growing involvement of European police forces in the region are transforming the field. Based on analysis of project documentation, this brief now provides an overview of the interventions and draws attention to some of the potential difficulties.

EU FUNDED CRIME CONTROL PROJECTS IN WEST AFRICA

Most security sector reform projects are financed from the European Development

Fund and disbursed on a national basis. Beneficiaries include Guinea Bissau, with €7.6 million for security sector reform and €2 million to set up a drug control unit (assistance has been suspended), Ghana €3 million for enhancing police capacity and Cap Verde receiving €11.5 million budget support for the security pillar. The financing agreement for the largest national programme was signed in 2012 between the European Commission and Nigeria for a set of interventions costing €36 million programme to support the fight against drugs and organised crime.³⁵ In the absence of suitable in-country agencies the UNODC country office has been contracted to implement this large, multi-component programme,³⁶ which includes: (i) changes to the legislative framework (ii) enhancing policing capacity and exceptionally, a series of activities to (iii) improve drug treatment. The biggest beneficiary, however, is the Nigerian NDLEA. By far the largest drug control agency in West Africa, it has forged a good operational relationship with the UNODC, with the DEA, and UK's NCA. The objective of the programme is to enable the agency to dismantle trafficking groups, identify the organisers, and seize the proceeds of crime.

At the regional level, West African countries, including Nigeria, benefit from another multi component programme, known as the Cocaine Route Programme comprising eight stand-alone projects to (i) raise the operational capacity of West African and Latin American LEAs and (ii) facilitate regional and inter regional law enforcement cooperation. Ambitious in scope and orientation, it seeks to combat transnational crime by facilitating law enforcement cooperation, enhancing capacity and closing down points of entry at air, and seaports. With a budget of € 34 million and a commitment to continue support over the next budget cycle, the programme operationalises the concept of 'flows', of drugs, information and money with interlocking sets of activity along the commodity chain.

In its multi-modular complexity the programme exemplifies both the opportunities and the challenges for the European Commission to become a player in the field. The cross regional ambition directly addresses the reality of inter-continental drug trafficking by linking up LEAs in West Africa, Latin America, the Caribbean and Europe. In supporting information exchange platforms, the formation of multi-agency teams operating at air and seaports, and anti-money laundering activities, the programme is comprehensive in addressing strategic weaknesses. The difficulty with such a complex set of activities is that the implementation has been contracted out to a number of different agencies, with often less than optimal coordination. Cooperation with other projects implemented on a bilateral basis, like Westbridge or through other UN initiatives such as the Global Container Control Programme,³⁷ has been even more fraught with territorial conflicts and organisational rivalry. Becoming a player in security sector reform with limited experience and no implementation capacity holds big challenges for the European Union. Some of these are discussed below.

ADHERENCE TO GOOD GOVERNANCE OBJECTIVES

Development specialists have argued that programmes in the wars on drugs and terror are raising operational effectiveness of African agencies, with little concern about the implications on human rights, human security and institutional probity.³⁸ Given that law enforcement agencies in most West African countries are struggling with corruption and perceptions of legitimacy, funding agencies have to pay attention to the codes of professional conduct of beneficiaries and the democratic oversight mechanisms for the broader programme. This warning is relevant in regard to the NDLEA, which during the 1990s became an effective paramilitary organisation, with the organisational structure, training and

subculture similar to those of a professional military force, but without being integrated into the formal armed forces and maintaining its law enforcement functions. While this was accompanied by better professional standards and higher morale in the force, there was also an increase in reported human rights violations.³⁹ As fundamental shortcomings in the working conditions, including inadequate remuneration were unresolved, the basic business model is that operatives have to make a living from the power invested in their office. Since opportunities for participating in drug markets were severely curtailed by chairman Bamayi's reforms in the late 1990s, they would now use the threat of arrest and asset forfeiture. Following Nigeria's return to civilian rule in 1999 changes at the top and tighter political scrutiny have reduced power and prestige of the agency. It has nevertheless continued to steadily expand its 'productivity' in terms of arrests, rising from 2385 in 2000, to 7894 in 2008, and 8,639 in 2011.⁴⁰

For a development assistance programme there are evident complications in working with an agency that "has prioritized the repressive dimension of crime control".⁴¹ It is particularly difficult to reconcile the European Development Fund's aspirations for poverty reduction with the record of violent cannabis eradication resulting in fatalities. There are further problems relating to the allegation of violent interrogation methods and unlawful arrest.⁴²

While it is precisely the purpose of SSR to raise operational standards and inject a respect for human rights, due process and more sophisticated investigation techniques, not all implementing agencies appear to share these priorities. UNODC, for one, has no track record promoting human rights or good governance. Indeed, the UNODC national representative Mariam Sissoko, has commended the NDLEA for waging war against drug trafficking in Nigeria and pledged the agency's support. She further

failed to distinguish between operations directed at domestically produced cannabis and internationally trafficked cocaine when praising the agency for arresting "3,028 drug suspects, while 66,273kg of illicit drugs were seized from the cartel; this is indeed, commendable".⁴³ Questions of proportionality in sentencing, distinction between roles and levels of culpability between, for instance, drug users and drug sellers, classification of substances according to harm potential and efforts to find alternatives that avoid the harms of imprisonment do not appear to be priorities of the agency.⁴⁴ With its emphasis on repressive and even paramilitary operations the NDLEA, but also its incipient cognates in other ECOWAS countries are clearly out of step with the EU drug strategy, its call for a balanced approach and harm reduction.⁴⁵

In some ways this is understandable as the UNODC sees the transit of large amounts of cocaine and the potential destabilising effect on West African states as the main problem. Senior staff already overstretched and under-resourced, are loathe to disturb essential working relationships with issues that are rarely raised by either West African policy makers or civil society organisations. The agency's intermediary role, works only as long as it challenges neither the local modus operandi nor the donors' perception of risks. Its success in first calling attention to the West African cocaine route, and then mobilising interventions, has propelled West Africa as the most important theatre of operations replacing Afghanistan and Colombia over the 2012–15 budget cycle. Given that UNODC depends for over 90% of its funding on 'voluntary contributions' earmarked for programme management, West Africa has acquired an existential significance for the agency as a whole. At present it has:

West and Central Asia-299.3 (26.5%)	
Afghanistan (157.7)	RO Central Asia (52.5)
Iran (13.3)	RP Afghanistan & Neighbouring
Pakistan (60.0)	Countries (15.9)
	Paris Pact (0.5)
Africa and Middle East 438.1 (38.8%)	
RO East Africa (52.7)	RO Western Africa (124.5)
RO Southern Africa (42.8)	CO Nigeria (113.8)
RO for Arab States (104.3)	
South Asia, East Asia & Pacific 97.1 (8.6%)	
RO South Asia (14.9)	RC East Asia & Pacific (82.2)
South East Europe, Latin America & Caribbean 295.1 (26.1%)	
Balkan States (14.7)	
CO Colombia (107.0)	RO Mexico (38.1) RO Panama ((39.1) RO Brazil (51.90)
CO Bolivia	
RO Peru (34.0)	

UNODC, 2012⁴⁶

OVERSIGHT BY THE EUROPEAN COMMISSION

Ensuring that programmes funded out of ‘national envelopes’ adhere to the identified objectives is the responsibility of staff at EU delegations. Brussels based Directory Development staff are responsible for regional programmes. Given the volume of work and the particular technical requirements for each project the challenges to investigating project impact are considerable. In practice, management agencies have much leeway in shaping the actual delivery of projects.

Even more challenging is keeping track of the multi-component, inter regional programmes funded by the IfS such as the above listed Cocaine Route Programme. This flagship programme contains eight separate, stand alone projects in West Africa and Latin America with the clear objective of combating transnational organised crime along the ‘cocaine route’ running from Latin America and the Caribbean via West Africa to Europe. Activities include training and equipping teams at air and seaports, facilitating the exchange of information and intelligence within West

Africa, and between West Africa, Latin America and Europe, and to enhance investigative capacity, including into criminal assets.

While raising operational capacity and the transfer of Western policing models falls into classic development assistance, fostering international cooperation is far more difficult to assess in terms of efficacy. For instance, how can a judgement be made on the significance of information exchanged between agencies and what the outcomes were, even if such information was available. One response is to resort to output indicators that are quantifiable, like the number of workshops held, but they provide no critical qualitative information. The default position in the evaluation of crime control programmes is to count arrests and drug seizures, but these reflect police activity far more efficiently than the volume of the flow. But because they provide contractors with a measurable outcome to report against, they tend to transform anti-crime operations into drug control projects.

THE RISK OF EQUATING DRUG CONTROL WITH COMBATING ORGANISED CRIME

Raising capacity at points of entry through the provision of scanners, computers and communications technology like Interpol 24/7 are important aspects of EU support. Selected officers from West African LEAs are also trained in profiling and interrogation techniques, and supported in their tasks at air and seaports. These interventions do yield results, but they may be achieving little in combating organised crime.

Much of the reported activity has centred on the arrest of drug couriers. While there is a tendency for West African LEAs to describe everybody arrested on drugs charges as a 'drug baron'⁴⁷ the quantities seized to date are risible. Multi-kilogram loads of cocaine or methamphetamine are profitable for an amateur but do not fit into the serious, organised crime threat scenario that spurred original European investments. There is a clear risk that the measures introduced by these programmes will not affect the sophisticated organised crime groups, while producing large numbers of arrests and seizures. For the West African partner agencies this does not appear to be a problem, as there are no legal distinctions between types of drugs and the roles of people involved. Arrests are seen as sufficient and the seizure of controlled drugs marks the end of most investigations. Many senior officers and policy makers continue to regard trafficking as a European problem given the absence of local drug markets, and may even think that there are economic benefits for transit countries.⁴⁸ It appears that some officials regard the flow of drug money as a social safety net that provides liquidity to the informal sector. This was regarded as particularly important during the financial crisis 2009–13. In a continuation of pre-colonial practice, the role of the authorities is therefore not to pursue abstract legal principle, but to reconcile different positions among constituents into a workable solution.

Dedicated drug control agencies like NDLEA and the Ghana Narcotics Control Board (NACOB) formed specifically to pursue the 'fight against drugs' naturally take a different view. Drug seizures, the eradication of cannabis farms and the arrest of drug traffickers and users are central tasks, which they promote by parading arrested traffickers and their cargo before media cameras. The view is shared by the inter-agency teams formed in Ghana, Benin, Togo, Senegal, Cap Verde and Mali by different EU programmes. This interpretation can hardly be faulted considering how programmes are structured and delivered. Cocair is one of the most expansive and resource intensive examples of EU-West African cooperation on drug and crime control. Led by the World Customs Operation, with support from Interpol and UNODC it coordinates operations between task forces in over 30 African countries over several days at a time. The result of this extensive operation in 2011 were seizures of 24 kg of cocaine and 5 kg of heroin, as well as unspecified amounts of MDMA and methamphetamine.⁴⁹ But since there is no investigative follow-up such one-off operations have no effect beyond the seizures themselves, and seem more like training manoeuvres.

The sophisticated operation involving intelligence exchanges across three continents passed via secure radio systems goes no further than the arrest at the airport. Electronic scanners, sniffer dogs and drug testing kits all come into play, but once the drug is secured and the suspect arrested and charged, the police inquiry in the West African countries comes to an end. For the European liaison officers, by contrast, this is a point where the investigation begins. In policing terms they are not interested in a hired courier but in whoever was responsible for sourcing the drugs, organising the shipment, the distributing in the end market and the laundering of funds. Only by following up on these leads can an

operation be closed down and a network be disbanded. Intermittent arrests may raise the cost of operation but do not prove lethal or even dangerous to an organisation.

IS WEST AFRICAN LAW ENFORCEMENT GEARED UP TO TACKLE ORGANISED CRIME?

While in Europe these up and down stream investigations have allowed LEAs to crack organised crime groups, such sophisticated investigation techniques remain absent from the West African programmes. Indeed, in some countries, the technology available for interception is in an asymmetric relationship to the quality of subsequent investigation. At Senegal airport officers funded by the EU Aircop project have access to secure communications systems and databases. But the information gathered from interviews with suspects and searches is haphazardly and unsystematically recorded by hand in an A4 notebook.⁵⁰ Nor is there much consideration as to the processing of these suspects through the legal system. Most West African countries already experience congestion of courts, the extensive use of pre-trial detention, and many defendants find it difficult to obtain legal representation.

As West African agencies are working with such poorly developed recording and investigation tools it is little surprise that there is a scant understanding of organised crime groups. Amongst Senegal and Benin police officers, organised crime groups were referred to as 'les anglophone', in Ghana it was the Nigerians, while in Nigeria it was ethnic groups from Eastern states or the 'Lebanese'.⁵¹ That these stigmatizing characterizations were not considered problematic, at least in terms of highlighting a knowledge gap, confirms the suggestion by Jean and John Comaroff,⁵² that crime problems are discursively constructed as part of the politics of order and control and to justify the work of law enforcement agencies.

As a consequence little interest is taken in determining the structure, reach and impact of organised crime, the mechanisms of recruitment, whether operations have been diversified, or in what areas of the economy they are represented. There are, however, emerging patterns to be gleaned from the abundant information on drug trafficking cases. UNODC summarises information from 2008–12 on the involvement of the presidential family and elite military units in Guinea, high ranking police personnel in Mauritania, and senior security staff in Gambia, including the heads of police, army and navy in drug trafficking.⁵³ More alarming still, perhaps, has been the involvement of "high-level officials and mid- and low-level cadres that have been found to be involved in organized crime in Ghana over the past decade, particularly drug trafficking and money laundering" which "indicates deep structural challenges and indications that crime is also being used in support of the political process".⁵⁴

The symbols of statehood, such as the immunity of diplomatic pouches in international correspondence, the prestige of political office and state property are readily abused to facilitate drug trafficking. Far from attracting moral opprobrium this sort conduct is celebrated by political followers. Ghanaian MP Eric Amoateng is serving time in a US prison for importing 136 kg of heroin, but enjoys great popularity in his constituency Nkoranza North in the Brong Ahafo Region. Following his arrest a rally was held at the town of Busunya where supporters carried placards bearing slogans "Cocaine Or No Cocaine, Amoateng Is Still Our MP".⁵⁵ This suggests that his supporters, in their indifference to the type of drug involved, concur that these are not African but American problems, and that their leader's primary task is to defend their interests. Adhering to international legislation and norms comes a distant secondary, especially when this has to be balanced against direct material benefits. It appears that he is likely to enjoy

his homecoming as efforts by the NACOB to investigate his assets were thwarted by then president John Agyekum Kufuor.⁵⁶

A popular image in the rhetoric of West African LEA chiefs is the 'rotten apple', suggesting that abuse of position is exceptional. This enables them to hold on to their constitutional legitimacy, and to avoid undertaking reforms. But abuse occurs with such regularity that it raises serious questions. UNODC reports that in many countries seized drugs frequently disappear from custody. Senior officials once implicated can avoid trial, escape conviction on technicality, or are released after short periods. Suspects without such connections meanwhile disappear inside overcrowded prisons spending years in pre-trial attention.

While there is insufficient information on the structure and configuration of organised crime groups, more is known about the modus operandi of drug trafficking operations. Large shipments involve almost invariably the collusion of security forces senior officialdom and politicians. Their authority facilitates the passage of drugs through the country, secure storage, and the collection and distribution of funds. Benefits are spread widely across the security apparatus, for often minor tasks and even without knowledge of complicit parties. The phrase used among security officers at Accra airport is being 'asked to make a call'. As consignments, be these in air cargo or in the luggage of couriers, pass through inspection area the officers on duty step out to make an urgent phone call. Compliance is rewarded, while failure to do so will be reprimanded.⁵⁷ For the EU, which is strengthening the very sectors that are critical cogs in the operation of the West African drug trade this has profound implications. Continuing demand for drugs in Europe, coupled with strict controls and stiff penalties for traffickers, has forced traffickers to rout consignments via West Africa. The high prices in end markets feed through into the transit zones where the opportunities for

pay offs undermine state institutions, as well as the very efforts put into interrupting the trade. West Africa's emergence as a theatre in the war on drugs, are part of the cost, paid in crime and arrested development for the pursuit of a public health policy in Europe.

DISCUSSION - CHALLENGES FOR EU SUPPORT FOR SECURITY SECTOR REFORM IN WEST AFRICA

- (i) While corruption is a key issue across many areas of development cooperation it is nowhere as sensitive as in the security sector because it connects the inputs delivered directly with the problem that it seeks to address. Though the EU has changed its orientation towards working with West African law enforcement for both development and security considerations, the governance problems undermining the function of recipient agencies remain unchanged. It may be that training can change the attitudes of officers, but even the most optimistic observers attribute at best a limited and temporary effect.⁵⁸ This should not be seen as a programme failure, because corruption is not peculiar to the LEAs - it is systemic right across the region. Salaries are often inadequate and officers expected to use the uniform to supplement their income. All too often, senior commanders will appropriate benefits, allowances and even salaries. In many forces officers will loot the property of suspects or use the threat of arrest to extort payments.

Bilateral donors working operationally in West Africa such as the US DEA or UK NCA attempt to circumvent corruption related problems by working only with special units whose officers are vetted, exposed to special training and receive salary uplifts. But international experience with special forces is mixed. In Mexico, for instance, specially trained forces like the Zetas

have become deeply embroiled in the criminal economy. There is an urgent need to review the West African experience and to ensure that there is civilian government oversight over the security sector as support programmes are picking up speed.

Commission funded projects, however, make no special provisions to combat corruption. They are based on rolling out the experience and good practice from Europe, such as inter-agency teams, and provide training and mentoring. But there is no acknowledgement of the scale and systemic character of corruption even though experience and available objective indicator place West African partners as among the most corrupt countries in the world.⁵⁹ Agencies in the EU but also in Latin America are reluctant to share intelligence with partners whom they suspect of being compromised. Without this confidence the long term objective of the Cocaine Programme, to foster the communication and exchange between LEAs across different countries and regions cannot be realised.

- (ii) Accountability remains a serious question at both ends of each programme. There is inadequate communication between EU funded SSR and judicial or political reform programmes to strengthen democratic oversight over West African security and law enforcement services. Without parliamentary accountability mechanisms or media scrutiny it is difficult to see how such interventions can further good governance objectives. Once national governments have agreed to a cooperation agenda phrased in broad and general terms, it is possible for senior law enforcement officers to arrive at arrangements with minimum political consultation.

In Brussels, meanwhile, the Commission is short of staff and often experience to

keep on top of a growing portfolio of SSR projects. Further up the chain oversight by the European Parliament is also constrained by capacity and inclination to go into the detail of programme delivery and outcomes.

- (iii) Hardening the state and intensifying social tension. West Africa, to all intents and purposes, remains a transit zone not the final destination for South American Cocaine shipments. Law enforcement agencies are interrupting the flow to prevent them reaching European markets and to tackle organised crime locally. Working with European law enforcement officers on bilateral or EU funded programmes the LEAs obtain new equipment, benefit from training and raise their operational efficiency. It also means changing behaviour. When drugs are found on a passenger the rules of negotiability are suspended. The drugs will be seized, the passenger arrested, charged, and kept in detention until the trial comes up.

The tough attitude towards drug offences is one of the consequences of EU funded interventions, with larger number of people arrested and imprisoned. This is possibly a price worth paying in terms of greater security and improved governance, which in turn create the conditions for poverty alleviation. But given the involvement of policy makers and security services in the trade, there is a risk of the harsh edge of the law only falling on people outside the system and who have no connections to advocate on their behalf. There is a risk of filling up West African prisons with low level traffickers to provide a screen of law enforcement activity while leaving large, politically connected groups intact. Instead of raising the defences, interventions could merely provide a false sense of security. In the worst case scenario, information on technology, and

even intelligence on active cases, could be passed to criminal groups through corrupt officers trained up in the course of cooperation programmes.

Current legal systems, which in Ghana, Togo and Nigeria, for instance, criminalise the very use of illicit drugs, as well as poor recording techniques abet the problem of opacity. In Nigeria, the original and in all likelihood still most active West African transit point for cocaine and heroin shipments, the NDLEA, an agency created to curtail the trade, spends the overwhelming part of its resources cracking down on cannabis, all of which is domestically produced. Without clear distinctions between drugs, the roles of suspects, and draconian laws, the agencies continue to work in a war on drugs as an end in itself. This explains the rising number of arrests while cocaine seizures are falling. Yet, when working outside the view of international observers, even NDLEA operatives will fall back to traditional practices of West African policing. Suspects will be allowed to negotiate a 'settlement' to avoid the formality of the justice system. But the amounts of money involved are liable to be a lot higher now than before the injection of external funds.

To summarise, the point, the anti-organised crime objectives of the EU funded Cocaine Route Programme, are in some cases interpreted as an anti-drug effort. This can result in more aggressive policing on drug issues, even far from the actual points of transit and with regard to different substances. International interest has hardened the stance of the state against offenders, which has an inflationary effect on the cost of negotiation and is leading to a sharp rise in incarceration.

These are social costs that will have to be factored into the assessment of programme impact. Prison occupancy rates are already very high in West Africa, with prisoners spending long periods in pre-trial detention. But the sharp rise in Nigeria is a warning of the consequences of accelerating the war on drugs in countries where cannabis consumption is spreading fast. Assistance provided in the fight against transnational organised crime can have the unintended consequence of intensifying the crackdown on local drug users. It may tilt domestic drug policy towards a repressive, criminal justice centred approach, and away from the original concern with public health and harm reduction that inspired drug control in the first place. By fostering more violence by the state against citizens, such policies place a further burden on the legitimacy of the state and particularly the agencies employed for maintaining law and order.

CONCLUSION - NEED FOR CLARITY

Moving these issues forward requires a careful consideration of objectives, achievements and impact by the European Commission. While the pursuit of Millennium Development Goals (MDGs) may require engagement with the security sector their marriage with external security objectives is fraught with tensions. Stakeholders in each project have to be clear what their purpose is and whose interests they are serving. This is of particular pertinence for projects managed by large organisations with their own agenda.

In recognition of the need to monitor the outcome of its various activities the European Commission formed a dedicated team, currently located at the Ministry of Foreign Affairs in Italy. One way of pursuing the objective of greater clarity and oversight would be to strengthen the capacity of this unit and broaden its remit to, for example, provide regular updates on projects across the

portfolio of SSR at national and regional level. As these are funded from different streams extending the mandate will require buy-in from the European External Action Service (EEAS) and the Development Directorate. Regular updates on activity against a dynamic set of indicators should help track the pursuit of project specific purpose, overall programme objectives, and the MDG.

Sitting at the junction of project information flows the unit will be able to feed into the debate on not only the performance of partner agencies, but also on the underlying threat scenarios. Through regular contact with both implementers and recipient, they could provide independent assessments on trafficking, organised crime and terrorism. This added benefit, over and above the efficiency savings from better coordinating the different interventions, is particularly important in West Africa where there are few think tanks or other independent information sources.

The broader analytical frame will also provide an early warning system against such risks as focus displacement among West African partner agencies, including the shift from targeting transnational trafficking to local cannabis markets. It may also add another layer of defence against blow back, the implication of units trained by EU programmes, in organised crime.

While teasing out the discrete objectives of development and security agendas, it is

crucial to maintain awareness of the third policy field. The fact that drug trafficking provides organised crime groups with an estimated one third of revenue flows does not mean that these substances are inherently criminogenic. It is the legal sanction on trade in products for which there is strong demand that has opened a commercial opportunity for anybody prepared to break the law. Many officers on the frontline of the war on drugs need reminding that their ultimate objective is public health, to which end the criminalisation of cocaine, cannabis and heroin, have been chosen as a suitable means. Keeping score of EU programmes supporting that fight in West Africa, their consequences and the unintended side effects, should also help with reviewing the costs and benefits of a prohibitionist drug strategy, which while enabling organised crime group is intended to protect public health.

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