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A large, stylized map of West Africa is the central focus of the cover. The map is filled with a textured, orange-toned image. On the left side of the map, two women are walking, each carrying a large basket on her head. On the right side, a truck is shown from a rear perspective, heavily loaded with people and goods, with more people standing on top of the cargo. The background of the entire cover is a solid, light orange color.

**TRANSNATIONAL TRAFFICKING  
AND THE RULE OF LAW  
IN WEST AFRICA:**

**A Threat Assessment**

July 2009



UNITED NATIONS OFFICE ON DRUGS AND CRIME  
Vienna

# **Transnational Trafficking and the Rule of Law in West Africa:**

## *A Threat Assessment*

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## Preface

West Africa suffers from a combination of factors that make it vulnerable to organized crime. It is one of the poorest regions on earth. In many countries governance is weak. The region is located along illicit trafficking routes. And criminal groups can recruit foot soldiers from a large pool of desperate youth.

Criminals are exploiting these conditions to traffic a range of products through the region: drugs (mostly cocaine from South America to Europe); cigarettes; weapons and ammunition; people (destined for illegal migration or the sex trade); counterfeit medicines; toxic waste (including e-waste); oil; and natural resources (like hardwood and diamonds). In some cases, the value of trafficking flows dwarfs local economies.

This trade is putting a fragile region at greater risk – undermining the rule of law; deepening corruption; polluting the environment; violating human rights; stealing natural resources; depleting human resources; and jeopardizing health. This makes West Africa more prone to political instability and less able to achieve the Millennium Development Goals.

While this Report takes a regional approach, its assessment should be put into a global context. Most illicit activity occurring in West Africa is caused by external market forces.

That being said, there are many beneficiaries in the region. Collusion between corrupt elites and opportunistic criminals enriches the few, impoverishes the many, and undermines public institutions. States are being hollowed out from the inside. Democracy and development falter, while crime and corruption flourish.

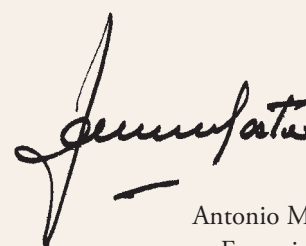
A two-pronged approach is needed.

First, based on the evidence in this Report, the international community should be better prepared and equipped to identify threats, and take the remedial action needed to tackle them. Rich countries should take their share of the responsi-

bility by curbing their appetite for the drugs, cheap labour and exotic goods that are being smuggled via the region, and by stopping the use of West Africa as a dumping ground for weapons, waste, and fake medicines. Private companies that are complicit in this illegal business should be named, shamed, and banned, and codes of conduct more rigorously enforced.

Second, illicit transnational flows may change over time, including in response to successful policy interventions. Signs of a recent decline in cocaine trafficking through West Africa provide a welcome example. However, unless the underlying issues are addressed, the problem will be displaced somewhere else, or simply replaced by another illicit activity. Therefore, governments must strengthen the rule of law in their countries to develop social antibodies against organized crime and to eventually break the cycle of crime and underdevelopment. Because of the transnational nature of the threats, national governments should draw on the support of donors, regional arrangements, and international instruments like the UN Conventions against Corruption and Transnational Organized Crime.

West Africa is under attack, from within and especially from abroad. It is time for the world – and the governments concerned – to respond to the threat before more of the common wealth is stolen, more lives are lost, and before criminality deepens its penetration of state institutions and society at large.



Antonio Maria Costa  
Executive Director

United Nations Office on Drugs and Crime





## Executive summary

West Africa\* is arguably the poorest and least stable area on earth. It is also afflicted by a number of transnational trafficking flows, attracted by and aggravating the special vulnerability of this region. This report examines these flows in a similar way, looking at the potential impact on the rule of law, with an eye to facilitating comparison and prioritization. The flows examined are:

- Cocaine from South America to Europe
- Oil from Nigeria to the world
- Cigarettes from Europe and Asia to West and North Africa
- Counterfeit medicines from Asia to West Africa
- Victims of trafficking for sexual exploitation from West Africa to Europe
- Small arms to West Africa
- Toxic waste from Europe to Nigeria and Ghana
- Workers from West Africa to Europe

### Cocaine

The large-scale use of West Africa as a transit route to Europe is a relatively new phenomenon, precipitated by the shift in trafficking flows away from a declining North American market and toward a growing European market. From around 2005, a series of very large (hundreds of kilograms) cocaine seizures were made, en route to or in West Africa. At the same time, hundreds of cocaine couriers were detected on commercial flights originating in West Africa and destined for Europe. It appeared that Latin American

traffickers were using West Africa as a way station, and were paying for the privilege in cocaine. These payments were then trafficked north to a large network of West African (particularly Nigerian) retailers already active in Europe.

The potential impact of this flow, valued at the time at almost two billion US dollars per annum (wholesale), was clear: the traffickers had more resources at their command than many of the law enforcement agencies in the region, and the leverage corrupt officials at the highest levels of government. To some extent, this threat was realized. For example, after his father's death in December 2008, the son of the president of Guinea confessed his involvement in drug trafficking, having made use of his role as head of the presidential guard and having been facilitated by his access to diplomatic passports and pouches.

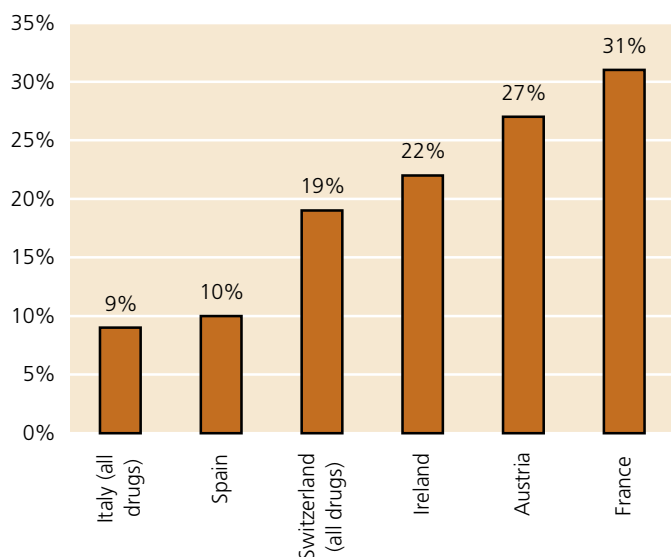
Since 2008, this flow appears to have been in decline, a reduction attributable at least in part to the increased international attention to the area. Despite progress, it appears that at least one billion dollars' worth of cocaine continues to be trafficked through the region, and the West African distribution network in Europe remains intact. Should international attention waver, this region retains all of the attractions that drew traffickers here in the first place.

### Oil

The value of the oil stolen in West Africa is comparable to that of the cocaine flow, but is even more directly linked to instability, since the proceeds go directly to militants and corrupt officials in Nigeria, the economic powerhouse and home to half the population of the region. The conflict in the Niger Delta is rooted in grievances of residents who, despite the wealth beneath their land, remain very poor, and argue that environmental damage related to the indus-

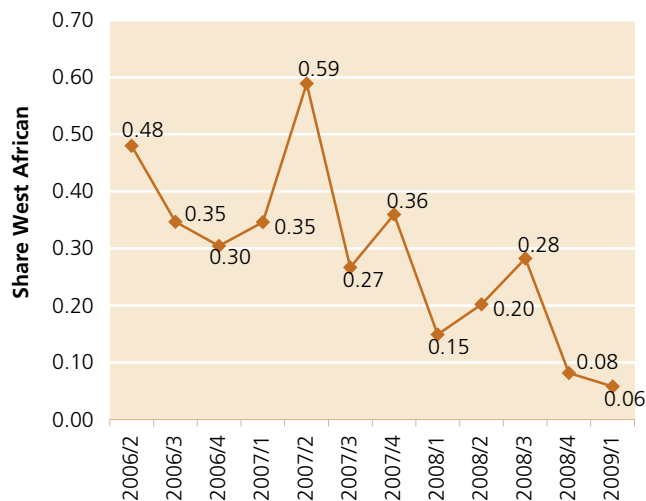
\* For the purposes of this paper, "West Africa" refers to Benin, Burkina Faso, Cape Verde, Côte d'Ivoire, the Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Mauritania, Niger, Nigeria, Senegal, Sierra Leone and Togo.

Share of foreign cocaine traffickers arrested in European countries who were Nigerian (2006 or 2007)



Source: UNODC Annual Reports Questionnaires; national reports

Share of detected cocaine couriers in Europe whose flight originated in West Africa



Source: Individual seizures database

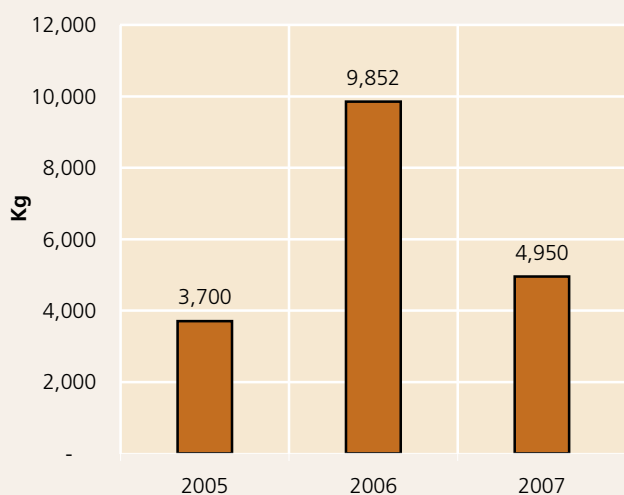
try has undermined traditional livelihoods. But the theft and trafficking of oil (termed “bunkering” in the region) has become a transnational criminal enterprise in its own right, and the violent political struggle provides a convenient smokescreen for those intent on personal enrichment. Militants and officials earning good incomes off the conflict may be less than eager to come to the negotiating table.

The Delta provinces receive an extra share of the national oil revenues, so competition for public office is often fierce and violent. Young men employed to “get out the vote” at election time are among those engaged in the illicit oil industry, and law enforcement officials assigned to combating the trade have, on many occasions, been found to be

complicit. Even the aggrieved communities may receive payment for allowing oil theft to take place on their land. The wide range of players involved in bunkering and the complex web of their alliances make it difficult to discern the victims from the perpetrators. The loss of oil revenues – perhaps one third of the income on which 80% of the Nigerian national budget is based – means that, aside from a few well-placed individuals, the Nigerian public is the net loser.

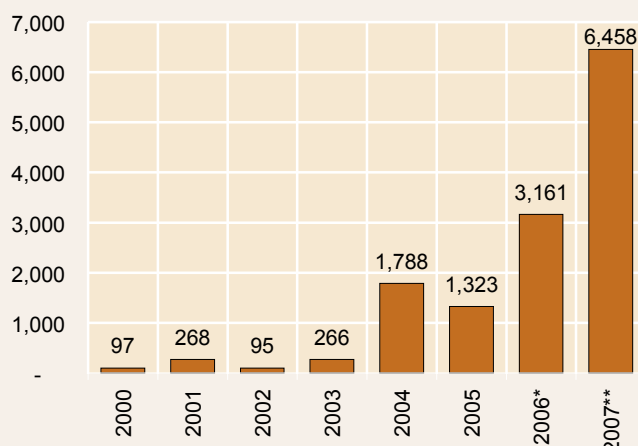
It is also difficult to say how much oil is stolen, since no one is sure how much oil is pumped out of the ground. Installing gauges on the well heads could help address this problem. Since there are only a limited number of international

Total of large cocaine seizures (above 100 kg) linked to Africa and made by European law enforcement agencies



Source: Individual seizures database

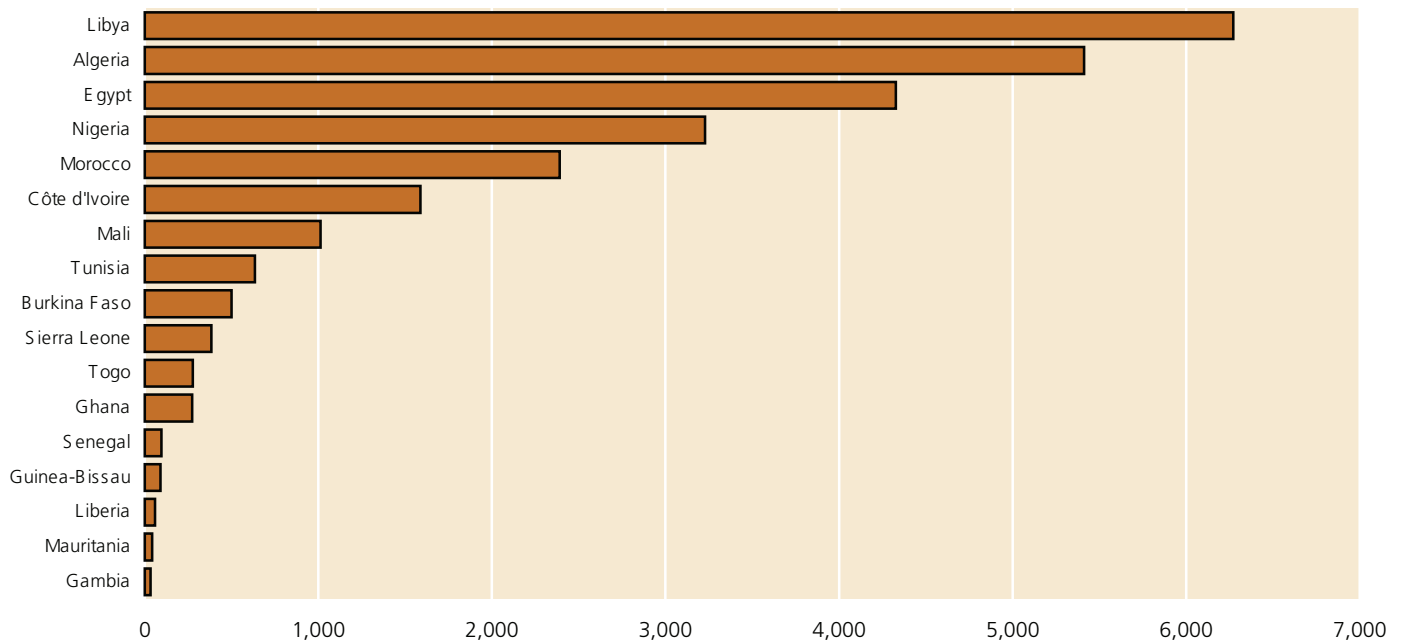
Annual cocaine seizures in West Africa, 2000 – 2007



\* preliminary data for 2006 based on available data as of November 2007  
 \*\* from data collected by UNODC between January – November 2007

Source: UNODC Annual Reports Questionnaires

## Illicit cigarette consumption (in millions of sticks)



Source: WHO, UN Population Division, UNODC

players with the capacity to make use of tankers full of stolen oil, this criminal enterprise is also vulnerable on the demand side. A kind of Kimberley Process for what President Yar'Adua calls “blood oil” could undercut profitability to the point that the violent struggle would become pointless.

### Cigarettes

Despite the limited capacity of West African governments to enforce tax obligations, the smuggling of cigarettes to West Africa, and through West Africa to North Africa, is a major money spinner, valued at about three quarters of a billion dollars. As much as 80% of the cigarette market in some West and North African countries is illicit, meaning that most of the smoking in these countries profits criminals. Standardizing the licensing and tax regimes in ECOWAS and taxing all cigarettes on entry at port would address some of this trade, but not all of it.

Luckily, the impact of these funds on political stability is limited. Most of the illicit importation and local distribution are handled by a small number of licensed dealers, who are not, as a rule, intent on toppling any particular government. Some funds may accrue to local groups facilitating trans-Saharan transportation, and these groups may have links to insurgents in the north of Mali and Niger. But it appears that, at present, these groups are service providers, and do not take ownership of the contraband. This limits the profits going to those with an interest in destabilisation.

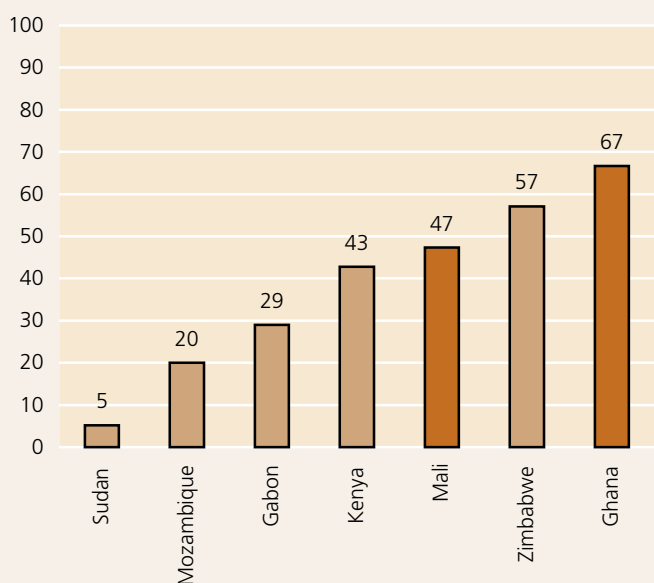
### Counterfeit medication

The trafficking of inert or substandard medication into West Africa is not generally reckoned as a major organized

crime activity, but its ramifications are grave and extend beyond the region. Aside from the loss of life among those who unwittingly leave their illnesses untreated, low-potency medication facilitates the development of drug-resistant strains of malaria, tuberculosis, and other infectious diseases. These strains could spread beyond the region, so the issue is one of global importance.

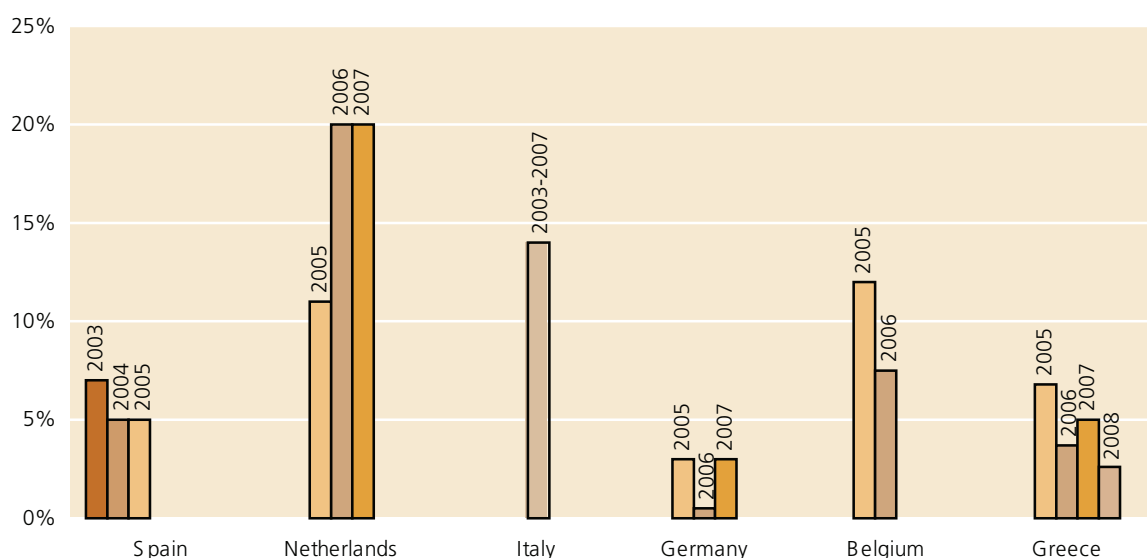
While no systematic regional study has been carried out on the share of medications that are substandard, a number of smaller samplings have supported figures on the order of 50%. Looking just at anti-malarial medication, a possible

### Percentage failure of chloroquine tablets



Source: Maponga, Charles and Ondari, Clive. *The quality of antimalarials: A study in selected African countries*. WHO, 2003.

## Share of West Africans among total detected victims of trafficking in selected European countries



Source: UNODC/UN.GIFT statistics

83 million cases are treated in the private sector in the region. If half of these were treated with counterfeit medication, this would represent a market worth just under a half billion dollars.

But while the public health implications of counterfeit medication are clear, the impact on the rule of law is more subtle. Living in a society where such widespread and serious fraud can occur undermines confidence in government, but the effects are so diffuse and uncertain that they are unlikely to generate an organized political response. This does not mean that the issue should be ignored; given the global implications, substantial investment should be made in halting the practice, particularly at source.

### Victims of trafficking for sexual exploitation

Since the 1980s, Nigerian women from around Benin City have had a presence in European prostitution markets, comprising a significant share of the sex workers detected by authorities in several countries. These women are often victims of exploitative debt bondage, and may work without pay for two to three years to settle the costs of their illegal importation. Their minders are often women, many of whom were victims themselves in the past.

In 2006, a total of 570 West African victims were detected in 11 European countries. If one in 30 were detected, this suggests a pool of some 17,000 victims at any one time in Europe, with a turnover rate of 5,700 victims per year. Multiplying this by the average debt they are expected to repay results in a market worth just under US\$300 million.

While the exploitative networks involved usually have rep-

resentatives in both West Africa and Europe, it remains unclear what share of this money might impact on West African stability. But the concentration of the West African trade around Benin City, an area not prone to instability, suggests the impact on the local rule of law is minimal. The primary impact is on the human rights of the victims.

### Small arms and ammunition

The single form of contraband most associated with destabilisation is arms. Political violence would be unthinkable without them, as would most forms of organized crime. It is known that militants in the Niger Delta use bunkering revenues to purchase trafficked arms, and the many insurgent groups active in the region may be engaged in similar activity.

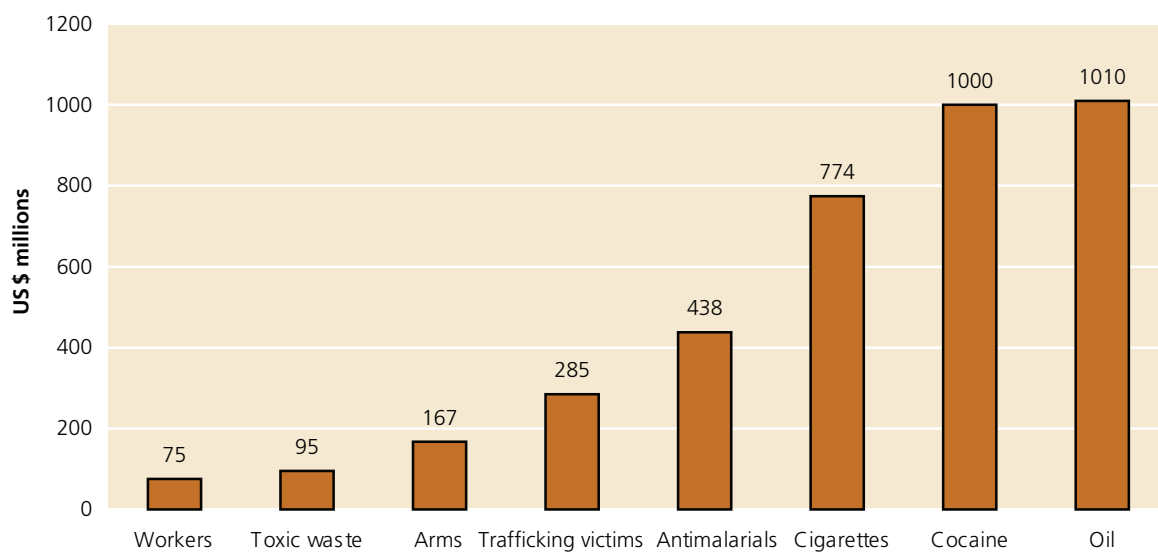
The only problem with this analysis is that there are already many weapons in circulation in the region (an estimated 7 to 10 million) and, unlike drugs and oil, smuggled firearms have some longevity. There is widespread evidence that both criminals and rebels may purchase or rent their weaponry from security forces, and, for the low end of the market, there exists a booming trade in “craft weapons”, which are manufactured locally, particularly in Ghana. There would be a greater demand for ammunition, but much of this can be had from the same local sources.

### Toxic waste

Around 1988, there were a series of scandals surrounding the dumping of toxic waste in a number of West African countries, often with the complicity of national authorities. These concerns were addressed the next year with the passage of the Basel Convention on the Transboundary Movements of Hazardous Wastes and their Disposal, which



## Valuation of West African trafficking flows



Source: UNODC

requires notification and tracking of international waste shipments. This did not prevent short-sighted leaders from voluntarily importing waste, so a number of African countries jointly agreed to prohibit this practice in the 1991 Bamako Convention on hazardous waste. These two initiatives were apparently spectacularly successful, and, with a few notable exceptions, there have been very few instances of toxic dumping since.

There has been, however, a new threat emerging: that of electrical and electronic waste, also known as e-waste. With the planned obsolescence of items such as cell phones and computer equipment, it is estimated that the EU alone produces 8.7 million tons of e-waste each year. Many of these items contain heavy metals and other toxins. Being expensive to recycle, there are strong incentives for dumping. At the same time, developing countries could make good use of many items regarded as outdated in the richer countries. It can become difficult to discern what is dumping and what is legitimate export for re-use.

While the facts are far from clear, it has been persistently alleged that two West African countries that did not sign the Bamako Convention – Nigeria and Ghana – are receiving container-loads of mixed electrical and electronic goods, an indeterminate share of which are non-functional. West African merchants buy these consignments, ferret out the functional items, and dump the rest. There has been much media coverage of videos showing young boys working to liberate the precious metals contained in this dumped material, using unsafe techniques, and soil testing has shown unacceptably high levels of toxins in these areas.

If the exporters of these shipments are being paid to recycle them, this flow could be worth quite a lot. If, on the other

hand, they are reliant on sale to Nigerian and Ghanaian second-hand merchants, the flow almost certainly generates less than US\$100 million per year. Aside from degrading quality of life, the impact of this flow on rule of law locally is likely to be minimal, and best addressed by enforcing local waste regulation.

### Workers

Some 20,000 West Africans entered European soil illegally in 2008. For most of these, no repatriation agreement exists with their home country, so they were released in Europe with an order to return. In this way, they effectively emigrated. To get to this point, most had to pay for the professional services of at least one smuggling group. Not all of these are sophisticated criminal organizations, however, and may be little more than a man with access to a bus or a boat.

Smuggled migrants are apparently willing to pay surprising sums for the privilege, and figures of several thousand dollars per leg of the journey are not uncommon. Making use of all the available price information, a market value of US\$75 million can be derived.

### Comparing the flows

Despite many notable attempts, it seems impossible to reduce the rule of law to a single indicator, because it encompasses too many disparate values. As a result, no single indicator can capture the impact of trafficking flows, and discussion of this impact necessarily requires reference to several aspects of the rule of law.

The most obvious way of assessing the threat is through valuation of the contraband flow, since this money accrues to law breakers and corrupt officials who may have an inter-


est in maintaining state weakness. The estimated value of the flows has been discussed above. Cocaine and oil have the highest valuation, and both would have been worth more in the recent past. But the values of cigarettes and counterfeit medication are not far off, and the latter in particular might increase with more precise estimation techniques.

Aside from total value, also significant in evaluating threat are the location where this value is realized and the identity, number, and concentration of traffickers to whom it accrues. The bulk of the cocaine flow, for example, appears to remain in the hands of Latin American traffickers, so it is not clear what share of the wholesale value would be available to buy arms or corrupt officials in West Africa. The proceeds from the sale of stolen oil, on other hand, go directly to traffickers based in the region. Those in charge of cigarette trafficking in West Africa are largely the licit distributors, who have no interest in regional instability, while those trafficking arms have a market interest in promoting conflict. High levels of geographic concentration can be seen in the markets for victims of trafficking for sexual exploitation and oil, both of which are mainly sourced from small areas of Nigeria. Smuggled workers, on the other hand, are sourced from all parts of Africa and moved by a wide range of independent facilitators, so the impact is highly diffuse.

The economic value of the flows does not capture all aspects of the threat to the rule of law, of course. Human rights are a key component of the rule of law, and they are directly implicated in the import of counterfeit medications and the export of women into prostitution. It is difficult to reconcile these less quantifiable aspects of the threat with those more directly related to instability and corruption, and it is clear that the threat to health posed by substandard medicine is in need of immediate attention.

But all things considered, the threat posed by oil seems to be the greatest rule of law challenge confronting the region. It directly destabilises the most powerful economy in the region, with implications far beyond the Niger Delta. The problem has been allowed to persist for so long that it will be difficult to uproot, but President Yar'Adua's call for a Kimberley-type process to address "blood oil" should not go unheeded.





## Transnational trafficking and the rule of law

Conditions vary considerably between countries, but, overall, West Africa is arguably the poorest and least stable area of the world. All but three of the 16 countries in this region are on the United Nations list of the “least developed countries”,<sup>2</sup> including the five countries with the very lowest levels of human development.<sup>3</sup> Since independence, West Africa has experienced at least 58 coups and attempted coups. There remain many active rebel groups in the region, in addition to the threat posed by the official armed forces themselves. Between August 2008 and March 2009 alone, there was a military coup in Mauritania; a military junta took control in Guinea after the death of the president; and, after repeated skirmishes, the president of Guinea-Bissau was assassinated by his own troops.

Although progress has been made in many areas in recent years, poverty and instability persist. At first glance, it might appear that crime, and particularly organized crime, would be the least of the region’s worries. But organized crime plays a role in perpetuating both the poverty and the instability of the region, while poverty and instability provide optimal conditions for organized crime. Where the rule of law is weak, the lawless prosper, and they further cultivate the disorder that provides their best defence.

Coping with the threat of organized crime is difficult, even for the most developed and stable countries in the world. Transnational organized crime is even more challenging, and coordinated action is essential if national efforts are to have any impact. Here, the United Nations has a special role to play, looking at trends and supporting interventions transcending the capabilities of any particular government. This report explores the threat posed to the rule of law by transnational organized crime in West Africa.

In the past several decades, the international community has struggled to come to grips with the phenomenon of transnational criminality. Penal law is a matter of national legislation and custom, and, historically, has dealt with matters of primarily local interest. The global rise in prominence of “organized crime” prompted the creation of a United Nations convention: the 2000 *United Nations Convention against Transnational Organized Crime*.

But this agreement itself highlights the difficulties of reaching consensus on a matter which has not been well researched or conceptualized. Remarkably, the convention nowhere defines “organized crime”,<sup>4</sup> although the attached protocols (relating to human trafficking, migrant smuggling and firearms trafficking) give some idea of the types of activity intended. Instead, the Convention settles for a rather broad description of “organized criminal group”, comprising the following elements:

- a group of three or more persons that was not randomly formed;
- existing for a period of time;
- acting in concert with the aim of committing at least one crime punishable by at least four years incarceration;
- in order to obtain, directly or indirectly, a financial or other material benefit.

Since most “groups” of any sort usually involve three or more people working in concert for a period of time, the defining characteristic of organized crime under the Convention is its seriousness and profit-driven nature. The Convention does not require that the groups operate transnationally, and so the definition encompasses strictly local forms of crime-for-profit.<sup>5</sup> Beyond the fact that money

must be made, the range of relevant criminal activities is theoretically unbounded. In practice, however, the backbone of global organized crime has long been transnational trafficking, in particular the illicit trade in drugs, people and guns.

The Convention's focus on the group, rather than the activities of that group, is not unique to the Convention. It is a manifestation of a recurring perceptual problem in law enforcement. Police officers, investigators and prosecutors are employed to make cases against individuals and groups of individuals. They lack the authority and the tools to take on an entire trafficking flow. As a result, they tend to conceptualize organized crime as the activities of a collection of particular people, rather than a market with a dynamism of its own.

Today, organized crime is less a matter of a group of individuals who are involved in a range of illicit activities, and more a matter of a group of illicit activities in which some individuals are presently involved. If these individuals are arrested and incarcerated, the activities continue, because the market and the incentives it generates remain. The groups that emerge to satisfy illicit markets may have no relationship to one another, so the destruction of any given group represents an opportunity, not a deterrent, to the remaining groups. The key to defeating organized crime, then, is to disable the markets by making it structurally more difficult for organised criminals to do what they do, and the first step in this process is to understand the markets.

Toward this end, this report focuses on a series of eight discrete transnational trafficking flows affecting the rule of law in West Africa:

- Cocaine from South America to Europe
- Oil from Nigeria to the world
- Cigarettes from Europe and Asia to West and North Africa
- Counterfeit medicines from Asia to West Africa
- Victims of trafficking for sexual exploitation from West Africa to Europe
- Small arms to West Africa
- Toxic waste from Europe to Nigeria and Ghana
- Workers from West Africa to Europe

These flows do not constitute all the trafficking patterns that afflict the region. Cannabis, heroin, and synthetic drugs are also trafficked either from or through the region. Labourers, including child labourers, are trafficked between West African countries. A range of environmental crimes affect West Africa, including the plunder of timber, fish, diamonds, gold, and other universal resources and commodities. Ivory is trans-shipped through West Africa.<sup>6</sup> Counterfeit items other than medication are also common.

But, for reasons described below, the eight patterns above were deemed to have the greatest significance and potential impact on the rule of law.

Each flow is examined in a similar way, subjected to four questions:

- What is the nature of this market?
- How is the trafficking conducted?
- Who are the traffickers?
- How big is the flow?

Thus, the groups involved are not ignored, but are not treated as immutable either; rather, they provide valuable clues about the nature of the trafficking and the threat it poses. For each flow, an attempt is made to quantify the volume of contraband and its likely value at destination. This is useful, for example, as a basis for evaluating the threat posed by each, based on the premise that money in the hands of criminals and corrupt officials is undesirable.

The concept of "threat assessment" is currently in vogue in law enforcement circles. It represents a move away from the backward-looking administrative reports of the past, toward an analysis more in line with the principles of pro-active policing. The threat in this case is a threat to "the rule of law", another notoriously nebulous concept. While it has become a commonplace of development discourse, there is very little consensus on what "the rule of law" means, and a very wide range of programmes have been advanced under its aegis. For the purposes of this paper, the phrase is used to describe the capacity of the state to establish order in its territory while maintaining respect for the values of democracy and human rights. Corruption, political instability, and authoritarian government would all be inimical to this definition of rule of law. As the discussion in the third section will show, organized crime promotes and profits from all of these.

In the final section, each of these flows is compared based on the impact they have on the rule of law in West Africa. This is intended to provide policy makers with some basis for prioritization and rational allocation of scarce resources.



## The flows

West Africa is affected by a number of illicit commercial flows. Some of these originate in the region, such as those involving stolen oil, undocumented migrant labourers, or sex workers. Others are destined for the region, such as toxic waste, firearms, or counterfeit medication. Still others merely transit the region, such as cocaine. In each case, though, these flows leave their imprint on West Africa. This report is an attempt to assess and compare these imprints.

The task is a difficult one. The markets for these goods are clandestine. The flow is detected only when some national government decides to interrupt it. The extent to which this interruption is successful is dependent on the amount of resources dedicated to interdiction, and in regions such as West Africa, resources are scarce. Luckily, these flows are transnational, and as a result, much of the best information on contraband flows through West Africa comes from data sources outside the region. Still, the information remains sketchy and incomplete, and its interpretation is, in the end, a matter of judgement.

For each flow, it is important to estimate the volumes involved. Certain issues attract a great deal of attention when detected, such as human trafficking. Others attract less even when more widespread and visible, such as cigarette smuggling. This does not mean that the overall impact of human trafficking is necessarily greater than cigarette smuggling. The popular tendency to focus on the unusual is not unique to criminal matters. A great deal of anxiety is often generated by novel safety threats, such as an outbreak of influenza, while more prevalent hazards, such as vehicular accidents, receive relatively little attention. These public perceptions are not a valid basis for resource allocation, so volume and valuation estimates are essential. Given the

limitations of the data, though, these are based on a series of assumptions and remain tentative.

Regarding the valuation of the flows, it is important to keep in mind the small size of most West African economies. As is discussed in the concluding sections of this report, these countries are mostly dependent on exporting a small number of primary commodities, the value of which is generally on the order of between one and 10 billion US dollars per annum. Contraband flows valued in the hundreds of millions of dollars can quickly rival the value of the licit economy, a situation completely without parallel in the developed world.

It may seem implausible and even alarmist to suggest that contraband flows could affect national stability, particularly when these warnings come from an agency largely focused on contraband. But in this particular region, where the majority of the countries are relatively small and still engaged in a process of political and socio-economic development, these flows pose a genuine threat. For most people in West Africa, even the most powerful, illicit markets present opportunities for enrichment not found in the legal economy, and may pose even lower risks. The economic gravity of these flows distorts incentives to the point that obeying the law may no longer make sense. Rebellion, coup d'état, or repressive authoritarianism may become attractive if necessary to access and enjoy these opportunities.

Of course, each flow is unique in the way that it interacts with the region. The money made through trafficking may be concentrated in a few hands or may be spread over many; it may flow into or out of the region. The threats posed by these flows depend a lot on the character of the individuals they enrich. They may also involve harms not

captured in the monetary value of the flow, such as impacts on human rights or public health. As a result, a detailed discussion must accompany estimates of the bottom line. The following sections look at the way the trafficking is conducted for each of the following markets:

- Cocaine from South America to Europe
- Oil from Nigeria to the world
- Cigarettes from the world to Africa
- Counterfeit medicines from Asia to West Africa
- Victims of trafficking for sexual exploitation from West Africa to Europe
- Small arms and ammunition from the world to West Africa
- Toxic waste from industrialized countries to Nigeria and Ghana
- Workers from West Africa to Europe



## COCAINE FROM SOUTH AMERICA TO EUROPE

### Route

Source: *South America (Colombia and Venezuela (Bolivarian Republic of))*  
 Vector to West Africa: *Sea, air*  
 Vector within West Africa: *Land, air*  
 Destination: *West Europe*

### Value

Volume: *20 tons*  
 Value at destination: *US\$ 1 billion*

### Traffickers

Groups involved: *Colombian, Nigerian, other West African, European*  
 Residence of traffickers: *Colombia, Spain, other European countries*

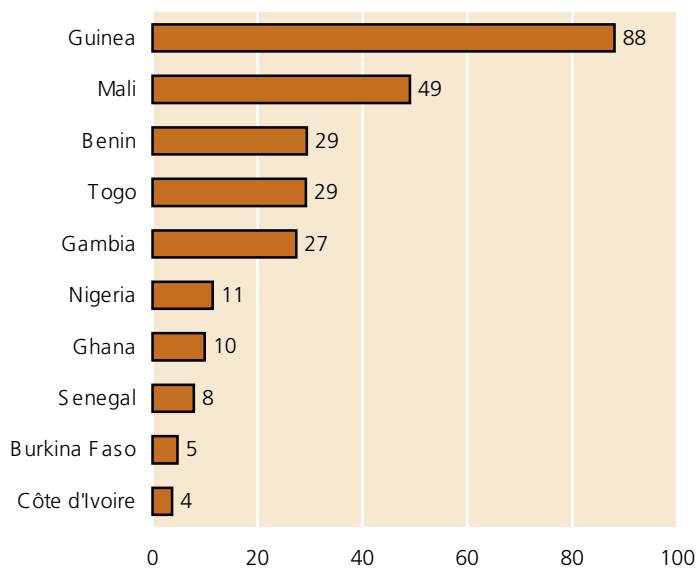
### Threat

Estimated trend: *Declining*  
 Potential effects in region: *Rising cocaine use, economic destabilization, corruption, violence*  
 Likelihood of effects being realised: *Unknown*  
 Potential effects outside region: *Rising cocaine use in Europe*  
 Likelihood of effects being realised: *High*



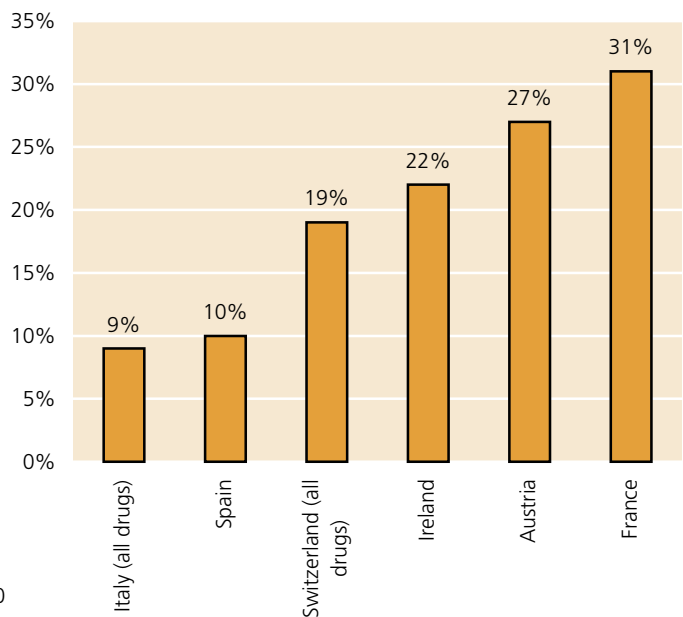


### Detected cocaine couriers on flights to Europe per 100,000 international passengers by embarkation country (January 2006-May 2008)



Source: Elaborated from INTERPOL (COCAF); UNODC (IDS); and ICAO<sup>9</sup>

### Share of foreign cocaine traffickers arrested who were Nigerian (2006 or 2007)



Source: Annual Reports Questionnaire; national reports

Most of the cocaine transiting the region appears to cross the Atlantic in large “mother-ships”, specially modified to carry multi-ton consignments of the drug. This cargo is then offloaded to smaller vessels along the West African coast. There have also been several incidents in which small aircraft, specially modified for transatlantic flight, were intercepted with cargos approaching one ton, mostly departing Venezuela (Bolivarian Republic of).

Once in West African hands, the drug is conveyed northward by a variety of means. Small craft may be used to ferry cocaine up the coast. Land vehicles have been used to bring the drug inland and toward Europe. At least 1,400 couriers have been arrested carrying the drug to Europe from West Africa on commercial air flights since 2004. These flights originate in most West African countries, although Côte d'Ivoire appears to be underrepresented, especially when passenger volumes are taken into consideration.

Based on both maritime and airport seizures, it appears that there are at least two distinct hubs for cocaine trafficking in West Africa. The southern one appears to involve cocaine trafficked into the Bight of Benin and then routed into Togo, Benin, Ghana and Nigeria.<sup>10</sup> The northern hub involves the two Guineas (Bissau and Conakry) as entry points, as well as possibly Sierra Leone and Mauritania as additional air destinations. These drugs could be shipped to Senegal, Mali and the Gambia for air couriership.<sup>11</sup> During the height of the trafficking, Bamako was a key hub for air couriers, despite the fact that it is situated some 1,000 kilometres from the coastal countries that were receiving the cocaine. The reason for this inland detour may have been commercial: cannabis had long been imported from Mali, and the dealers buying it may have got a good “exchange rate” for payment in cocaine. Mali appears to be supplied by

road from Guinea-Bissau and Guinea. Between these two hubs, in Liberia and Côte d'Ivoire, there is little evidence of activity.

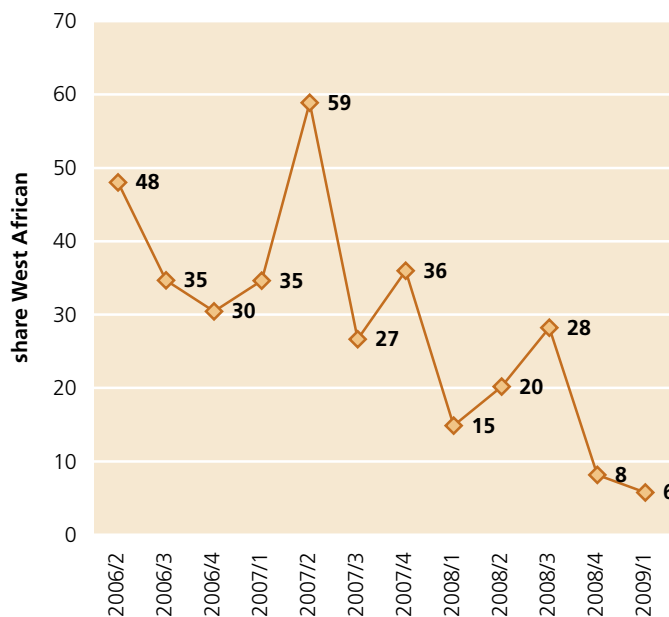
### Who are the traffickers?

Today, the bulk shipments appear to be controlled by Latin American traffickers. Colombia produces more than half the world's cocaine and Colombian traffickers have long been dominant players in the global market for the drug. In 2007, they made up some 40% of the foreign cocaine traffickers arrested in Spain, the primary point of entry to the European market.

But West Africans clearly play an important role in bringing the drug from the region to Europe, and in distributing it once there. It may be that locals facilitating the maritime trafficking are paid in kind rather than cash, and bring it into Europe through a technique West African criminals have perfected globally: delivery by couriers travelling on commercial air flights. Of the 1,400 detected cocaine couriers on flights originating in West Africa and destined for Europe since 2004, most were West African. Some 2.7 tons of cocaine were seized from the couriers between 2006 and mid-2008, mostly in quantities of two kilograms or less. Nigerian nationals, who make up 53% of the regional population, represented 57% of the commercial air couriers arrested during that period of time, and were detected couriership drugs from every country in the region except Guinea-Bissau.<sup>12</sup>

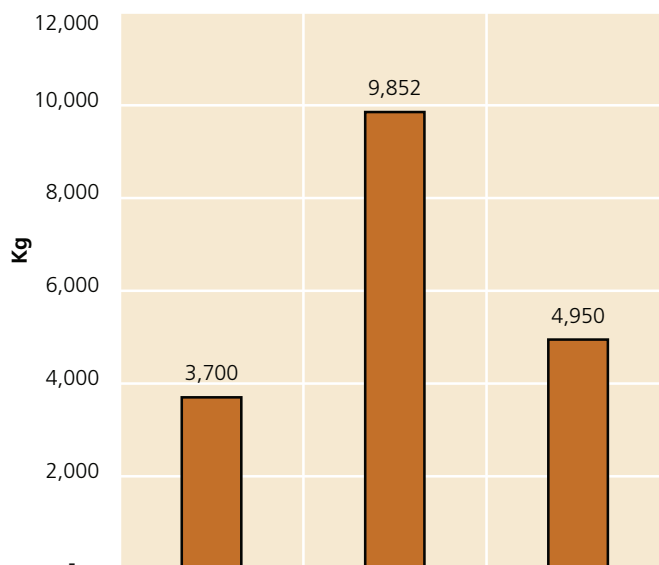
Once in Europe, the drugs are often distributed by West Africans resident in Europe, especially Nigerians. Switzerland and Portugal are exceptions, where a wider range of West African nationalities are active, but between 10% and 31% of the foreign cocaine traffickers arrested in European

Share of detected cocaine couriers in Europe whose flight originated in West Africa



Source: Individual seizures database<sup>16</sup>

Total of large cocaine seizures (above 100 kg) linked to Africa and made by European law enforcement agencies



Source: Individual seizures database

destination markets recent years were Nigerian. These are startling percentages given that census data put the numbers of West Africans in any given European country in the tens of thousands, a small share of the overall foreign population.

### How big is the flow?

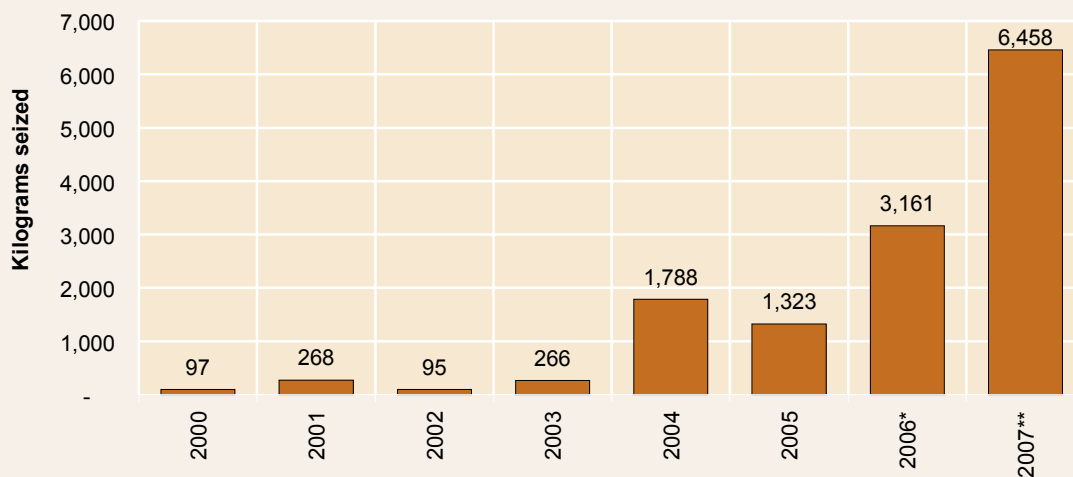
It is estimated that some 250 tons of cocaine are trafficked toward Europe each year, which would be worth some US\$11 billion if it were to reach the wholesale market. According to Europol:

*Three main sea routes to Europe have been identified: the Northern route, leading from the Caribbean via the Azores to*

*Portugal and Spain; the Central route from South America via Cape Verde or Madeira and the Canary Islands to Europe and, more recently, the African route from South America to Western Africa and from there to Spain and Portugal.*<sup>13</sup> (emphasis added)

It is unclear what share of this supply is trafficked via West Africa, but an analysis of available seizure data gives the basis for an estimate. In 2006, the Government of Spain provided UNODC with information on some 900 cocaine seizures, totalling 33.5 tons. Out of these seizures, data on the origin or the transit routes of the consignment could be established for 892 seizures, totalling 27 tons of cocaine,<sup>14</sup> equal to 49% of the volume of all cocaine seized in Spain.

Annual cocaine seizures in West Africa, 2000 – 2007



\* preliminary data for 2006 based on available data as of November 2007

\*\* from data collected by UNODC between January – November 2007

Source: UNODC Annual Reports Questionnaires



Some 29% of this volume transited Africa. Looking at similar data from other countries (France, Germany, Belgium, Italy), it is possible to estimate that about 27% of the cocaine that entered Europe in 2006 transited Africa.<sup>15</sup>

It appears, however, that the use of this route is declining, at least for the time being. Cocaine seizures made in West Africa increased sharply through 2007, while European seizures linked to West Africa peaked in 2006. Overall seizures related to the region declined between 2006 and 2007, and between 2007 and 2008. This trend appears to be continuing in 2009 and includes declines in the number and volume of seizures made in the region and in the number of air couriers coming from the region in Europe.

There were at least 11 very large seizures of cocaine made in West Africa or off the coast in 2007, but only four in 2008 and none to date in 2009.<sup>17</sup> Since these seizures are sporadic, however, it is more appropriate to use air courier interdictions to estimate trends in the amount of cocaine being moved through West Africa. In 2006, 36% of the cocaine couriers detected in one network of European airports were on flights originating in West Africa. In 2008, only 17% were. Similarly, West Africa-related European airport seizures recorded by INTERPOL in their COCAF database show a reduction from 476 incidents in 2007 to 212 in the first half of 2008, 118 in the second half of 2008, and just 56 in the first quarter of 2009, which would also suggest a reduction of about 50%. The implication is that the flow has roughly halved during that time period. This would indicate that about 14% of Europe's cocaine transited West Africa in 2008, or some 20 tons. At a wholesale price of about US\$50,000 per kilogram in West Europe, this would be valued at one billion US dollars.





## OIL FROM NIGERIA TO THE WORLD

### Route

Source: *Niger Delta, Nigeria*

Destinations: *Nigeria, other Gulf of Guinea states, rest of the world*

Vector to West Africa: *Maritime; land to local markets*

### Value

Annual volume: *55 million barrels*

Annual value at destination: *US\$1 billion per year*

### Traffickers

Groups involved: *Nigerian and international*

Residence of traffickers: *Nigeria*

### Threat

Estimated trend: *Long term growth, recent possible decline*

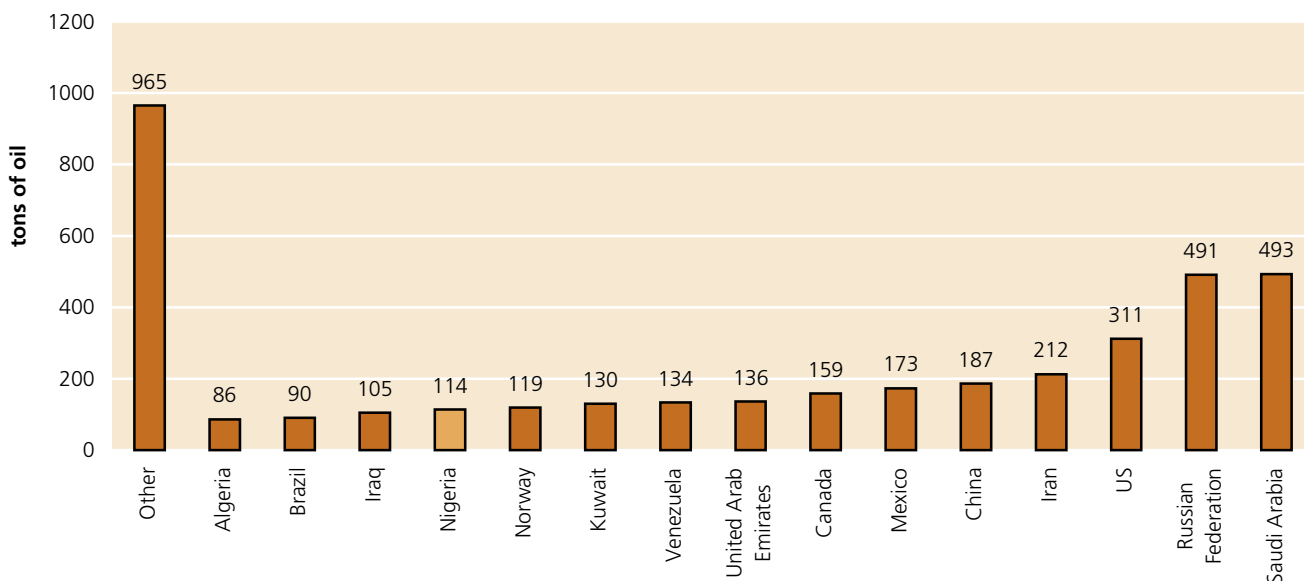
Potential effects in region: *Loss of one third of official production and concomitant state revenue; violence; corruption; environmental damage*

Likelihood of effects being realised: *High*

Potential effects outside region: *Interstate conflict regarding Bakassi Peninsula; impact on global oil prices*

Likelihood of effects being realised: *Low*

## Tons of oil produced globally in 2007



Source: BP Statistical Review of World Energy 2008<sup>21</sup>

### What is the nature of this market?

Arguably, one of the greatest threats to the rule of law in West Africa is rooted in the smuggling of a licit commodity: oil. This is despite the fact that only one ECOWAS country produces large amounts of oil: Nigeria.<sup>18</sup> But Nigeria accounts for over half the population of the region and over 60% of the regional GDP. Oil comprises 95% of Nigeria's foreign exchange earnings and up to 80% of budgetary revenues.<sup>19</sup> In turn, Nigeria is a key trading partner for the other countries of the region, so a large share of the region's population is dependent on the oil sector.

Nigeria is generally regarded as the eighth largest oil producer in the world, responsible for about 4% of the world's crude oil production, and is the fifth largest supplier to the USA, the world's largest consumer. Nigeria has produced roughly two million barrels per day (b/d) since the late 1990s. Production has not increased, despite considerable investment in increasing deepwater production capacity. Today, Nigeria is theoretically capable of producing about three million b/d, which means it is effectively running at two thirds of capacity. The underproduction is mainly attributable to theft, vandalism, and violence in the Niger Delta.<sup>20</sup>

Although most Nigerian oil output is produced in cooperation with multinational oil companies, by law the mineral wealth of the country is the property of the Nigerian state and thus all the people of Nigeria.<sup>22</sup> Consequently, the theft and smuggling of this oil – a crime termed “bunkering” in the region<sup>23</sup> – is theft from one of the poorest populations on earth. But direct losses do not comprise the greatest threat posed by bunkering. Far more formidable are the associated conflict and corruption.

Historically, almost all of Nigeria's oil has been produced in the Niger Delta, which nonetheless remains one of the poorest areas of the country. Anger over this incongruity and the environmental damage done by the industry has led to longstanding protest and violence. Oil theft is but one aspect of the ongoing conflict in the Niger Delta, but it brings in resources and arms for the combatants, as well as providing strong disincentives to negotiate.<sup>24</sup> Some argue that oil was even a factor in precipitating the Biafran rebellion (1967-1970).<sup>25</sup>

### How is the trafficking conducted?

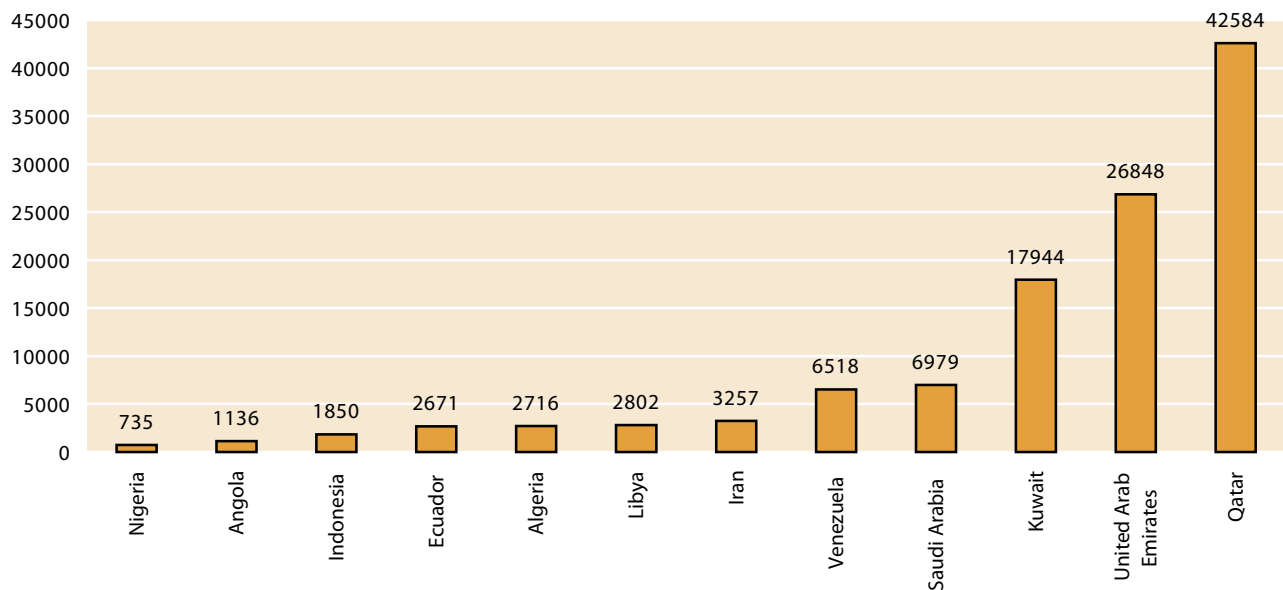
Before stolen oil can be trafficked, it must first be stolen. Classic oil bunkering involves stealth; attaching an unauthorised secondary pipeline to a company mainline by the techniques known as hot and cold tapping. The theft of oil through corruption is also possible, where vessels are filled or over-filled through payments to the officials controlling export. These two approaches will be discussed in turn.

#### *Theft by stealth*

Oil is produced in the Delta on hundreds of relatively small fields. In 2008, there were 606 oil and gas fields, 5,284 wells, 7,000 kilometres of pipeline, ten export terminals and 275 flow stations in the Delta. There are oil or gas operations on the territory of about 50% of the Delta's 3,000 communities.<sup>26</sup> Finding an isolated stretch of pipeline to tap is a relatively easy matter. Oil appears to be mainly stolen during the night.<sup>27</sup>

“Hot tapping” involves creating a branch connection to a pipeline in which the oil is flowing under pressure. To access lines running under water and to conceal the tap, a small area of swamp around the pipe may be cordoned off

## GDP per capita, less value of oil exports per capita, in OPEC states (excluding Iraq) in 2007 (US\$)



Source: Elaborated from OPEC, Annual Statistical Bulletin 2007

and drained. An isolating valve is either welded or fitted mechanically to the pipe. After fitting – and with the valve in the open position – the pipe is drilled to the maximum permissible size through the valve, or the pipe is drilled part-way through and doused with sulphuric acid to complete the job once the line is in place. This procedure is extremely hazardous, as the sparks from drilling can easily ignite the fuel. In the past, corrupt or former oil-industry workers were used for this task, but professional “bunkers” have now acquired the skill.

In “cold tapping”, oil gangs blow up a pipeline, putting it out of use long enough for them to attach their spur pipeline. Most pipeline bomb attacks appear to be linked to oil theft: either to enable a spur pipeline to be fitted, or in retaliation for military operations against the oil gangs. According to Niger Delta security analysts Bergen Risk Solutions, there were 19 pipeline bomb attacks during the course of 2008.<sup>28</sup>

The illegal spur pipeline transports the crude, often over several kilometres, to a convenient creek, where it is released into flat bottomed loaders (barges) or wooden “Cotonou boats”. All stolen oil that is taken out of Nigeria for sale elsewhere appears to be initially transported in surface tanks or barges. However, much of the oil to be distributed within Nigeria appears to be transferred into drums, generally transported by trucks.<sup>29</sup>

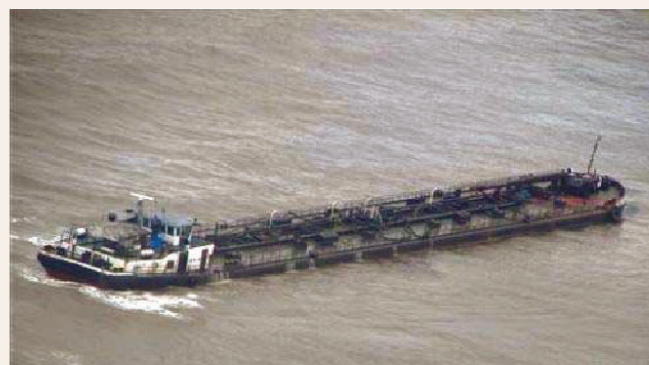
The barges make their way downstream, pulled by tug-boats, to meet awaiting tankers.<sup>30</sup> Due to the topography of the Niger Delta, tankers can approach quite close to the shore at the mouths of major rivers, in particular the Benin, Escravos, Forcados and Ramos rivers.<sup>31</sup> The vessels involved are typically in poor repair, usually leaking oil, and many

have been officially disclassified (decommissioned). One 2006 report put the cost of the barges at 6-10 billion Nigerian naira (\$45-74,000), with a capacity of up to 5,000 barrels.<sup>32</sup> The vessels seized by the Joint Task Force (JTF), the inter-agency body tasked with fighting oil theft, during the course of 2008 had storage capacity of between 84 and 12,000 tons and comprised 44 barges, 50 wooden boats, 58 tankers and 56 surface tanks.<sup>33</sup>

Most of the seizures of illegal oil and vessels took place in the Eastern Delta until fairly recently. This might be regarded as indicating that theft was concentrated in this area but recent evidence suggests that the military, possibly with the connivance of local politicians, took a softer line on oil theft in the west until early 2008. More recent interdiction work suggests bunkering activity is spread throughout the Delta region.

Most sources believe that the chain from theft up to transference to oil tanker or local distribution is handled by the

### Bunkering ship observed near the mouth of the Benin River





A barge being filled with stolen oil



A Cotonou boat filled with oil



same gang but generally different units of the same group. The operation of the oil tankers and marketing of the stolen oil overseas appears to be a separate undertaking.

#### *Theft by corruption*

While most attention is given to the forms of bunkering described above, the lack of accounting for the oil pumped out of the ground opens the door to corruption-based theft, either by well-connected professional criminal groups or by the government/corporate ventures themselves. In 2003, a motion sponsored by the Chairman of the House Committee on Petroleum, The Honourable John Halims Agoda, alleged that the Federal Government of Nigeria was losing over N100 billion (\$770 million) annually to large scale fraud and illegal bunkering by the oil companies.<sup>34</sup> Some analysts believe that illegal bunkering actually began in the late 1980s as a method of enabling the Nigerian National Petroleum Corporation (NNPC) to export crude oil beyond its OPEC quota. According to this line of argument, the NNPC pioneered bunkering, and militant groups simply took it up.

Today, there are several ways oil can be stolen without the need for tapping a pipeline. Oil company employees can be bribed into allowing unauthorised vessels to load. Authorised vessels can be “topped” – filled with oil beyond their stated capacity – and the excess load sold on. Oil revenues can also be embezzled, or money made through the sale of export credentials and other paperwork.

#### *Trafficking and sale*

Once the oil is stolen, it must be moved to the markets and sold. Three markets can be identified:

- Domestic
- Regional
- Intercontinental

A sizeable proportion of the stolen oil is sold within Nigeria. This is possible because Delta crude is of exceptionally high quality, with low sulphur content, and requires minimal refining. There is evidence that a large amount of the stolen oil is processed in rudimentary local refineries, a technology that may have been developed during the blockade of Biafra during the Nigerian Civil War (1967-1970). In 2008, at least 300 illegal refineries were destroyed by the military in the Delta.<sup>35</sup> Condensate, which is the liquid left over after natural gas has been processed, is also stolen and used locally.

Oil and refined petroleum products – whether licit or stolen – have long been smuggled from Nigeria to much of the rest of West Africa, because Nigerian subsidies have traditionally made diesel and petrol substantially cheaper in Nigeria than elsewhere in the region, particularly in Benin, Cameroon, Chad and Niger. In 2004, the International Monetary Fund concluded that the trade was so vast that it had substantial implications for Nigerian monetary policy and the value of the CFA franc.<sup>36</sup>

Nigeria has four oil refineries of its own with official production capacity of 388,000 b/d but they are in a poor state of repair and operate at far below this figure.<sup>37</sup> Despite being an oil exporter of global importance, Nigeria is actually forced to import some of its fuel requirements. It appears that a large share of the stolen oil is refined in other

West African countries, including Ghana, Cameroon and Côte d'Ivoire.

There may be a structural reason behind this trade. Many African governments force their state owned refineries to purchase crude oil at the market rate but expect them to sell refined petroleum products at a fixed, subsidised rate. Ghana's Tema Oil Refinery, in particular, has built up massive debts over many years as a result of the subsidy policy. As a result, senior managers might be tempted to purchase crude oil of a dubious nature.

Another indicator that much of the trade is regional is found in the nature of the bunkering vessels detected. Many of these are coastal tankers and vessels designed to operate on the inland waters of Europe, without the capacity to navigate the open sea. Regional crews have also been detected: six Ghanaians were recently arrested on board a vessel with 4,000 tons of oil.<sup>38</sup>

But although a share of the oil is sold within the Gulf of Guinea, it seems that there is insufficient demand within the region to absorb 150,000 barrels of stolen oil per day, especially since much licit trade in petroleum takes place within the region. In addition, the crews of vessels that operate within the Gulf of Guinea are likely to be overwhelmingly African but most of the crew members seized on illegal oil bunkering vessels by the Nigerian military have come from other parts of the world.<sup>39</sup>

Despite indications that much of the stolen oil is shipped to ports beyond the region, the destination market for this oil remains unclear. The fact that a shipment of oil can change ownership several times while at sea contributes to the opacity of the trade. Countries frequently mentioned in association with illegally bunkered oil include China, North Korea, Israel, and South Africa. Lebanese brokers are frequently mentioned. It has also been suggested that the oil is sold on the Rotterdam spot market, using forged or fraudulently obtained paperwork.

### Who are the traffickers?

The Niger Delta militants are the groups most often associated with illegal oil bunkering, but they are but one of many elements involved in the trade. In 2003, Brigadier-General Elias Zamani, then commanding a Delta peace-keeping force, was asked whether oil was being stolen by local people, the security forces, government officials or an international element. His reply was: "All."<sup>40</sup>

For starters, the line between the state and the militant groups is not as clear as is often portrayed. While many of the groups started out as ethnic self-protection societies or protest groups, some were drawn into the high-stakes world of Delta politics. In a patronage system similar to that of the "area dons" found in Jamaica's garrison communities, many of the militant groups have been funded and armed by local political leaders to ensure electoral victory for their

patron. This victory gives the patron the opportunity to loot the preferential share of oil revenues assigned to the oil producing states. In between elections, these armed groups may freelance in crimes against the oil companies – including kidnapping, extortion, and illegal bunkering – all committed in the name of fighting for the people of the Delta. They commit these crimes with a sense of impunity, due to their connections to their political patrons. It may be that some of the revenues find their way back to their sponsors, or that license to loot is simply one component of the patronage agreement.

There are a great variety of armed groups operating in the Delta region, and it is likely that most, if not all, of them profit from illegal bunkering. The militant groups do spend a good deal of time and money presenting their political message, but they have also asserted their involvement in oil theft. The leader of the Niger Delta People's Volunteer Force, Dokubo Asari, has openly admitted to gaining the funds to arm his group through the sale of stolen crude oil.<sup>47</sup> He has argued that he was simply taking back the oil that was stolen from the Ijaw.<sup>48</sup>

It also appears that the Movement for the Emancipation of the Niger Delta (MEND), the most prominent militant group presently operating, is involved in stealing oil in addition to its kidnapping activities. MEND was formed, in part, in protest against the arrest of Dokubo Asari. When Brigadier General Wuyep Rintip, the new Joint Task Force commander for the western part of the Delta, stepped up the fight against the oil gangs and replaced several army battalions suspected of involvement, MEND warned that it would retaliate.<sup>49</sup> In October 2008, Rintip said: "There is a connection between militancy and illegal bunkering. It is their main source of sustenance. They use the proceeds from the sale of stolen petroleum products, whether refined or crude, to procure arms and take care of their needs."<sup>50</sup> The view that MEND is involved in bunkering was also suggested in statements made around the extradition of the putative head of the organization, Henry Okah, from Angola.<sup>51</sup>

The oil bunkering groups have set territories and violently discourage newcomers from entering the business. A Port Harcourt-based researcher into Niger Delta affairs estimated that up to 1,000 people were killed between January and November 2008 in conflict at least in part motivated by control of oil turf.<sup>52</sup> In September 2008, it was widely reported that two separate groups with links to MEND had clashed at the village of Harristown in Rivers State.<sup>53</sup>

It appears that this activity is conducted with the cooperation of, and perhaps for the benefit of, local political figures, in particular the state governors. In 2006, the Nigerian Economic and Financial Crimes Commission (EFCC) announced that 31 of the 36 governors in the country were under investigation for corruption and that at least 15 would be charged. Serving governors are immune from prosecution, but 12 former governors are currently awaiting

## Gangs in Nigeria

Nigeria does have informal street gangs, such as the so-called “area boys” of Lagos. But more common are groups that are at once criminal, political, and ethno-cultural associations, some of which were outlawed in the 2004 “Secret Cult and Similar Activities Prohibition Law”. These “cults” often emerge as defensive associations, designed to protect the members and their communities in a country where competition for resources is fierce and often violent. With allowance for considerable overlap, a rough typology would recognize at least four distinct types of cults in the country:

- Secret societies
- University fraternal groups
- Vigilante groups
- Ethnic militias

So-called “secret societies” are part of many of the traditional religious practices of the peoples of Nigeria, including those of the Delta, but have taken on a somewhat different character in the modern world. In the past, these groups were often charged with conducting certain religious rites, communicating the will of the gods through masked interventions, and acting as the conscience of the community. As these traditions comprise a key part of ethnic identity, these groups may provide the basis for ethnic militias. Some believe that members of the Delta armed groups are possessed by the gods when they take action against the oil companies,<sup>41</sup> essentially acting as members of the secret societies did in the past.

Another variation on this tradition is the phenomenon of university student “cults”. These groups began as African counterparts to Western university fraternities, but, under local pressures, have assumed a very different character in many instances. The first of these was the National Association of Sea Dogs (also known as the Pyrates Confraternity), founded in 1952 by, among others, Nobel-laureate Wole Soyinka,<sup>42</sup> and outlawed in 2004. Fraternal groups proliferated during the 1970s and increasingly took on both a defensive and a political character, in response to a series of authoritarian governments. Today, they form a kind of urban counterpoint to the rural militias, similarly used by local politicians to control elections and similarly violent in their methods. They have also adopted imagery and rituals steeped in local religious traditions, similar to the traditional secret societies.<sup>43</sup>

Vigilante groups often arise in response to urban street gangs, starting as community watch programmes and sometimes evolving into ethnic militias or private security companies. These groups may be encouraged or even hired by local government leaders, and may enjoy widespread community support, at least initially. Operating outside the official government structures, however, their methods are often brutal. They have a tendency to degenerate into protection rackets and, ultimately, variations on the criminal gangs they were brought in to eliminate. The Bakassi Boys is one of the best known examples, a regional vigilante group that emerged in response to lawlessness in Abia State and, despite their violent tactics, were later officially endorsed by the state governor and were invited by Anambra State to do similar work.<sup>44</sup>

Many of the ethnic militias start out as these self-defence or vigilante groups, but may be politically motivated from the start. The Egbesu Boys, for example, was one of a number of popular Ijaw groups formed in protest to the neglect of the Delta. The Odua People’s Congress began at a higher level, as a Yoruba response to the loss of the Abiola presidency.<sup>45</sup> These groups are not necessarily insurgent or secessionist, but rather act militantly to defend common ethnic interests.

The Niger Delta militant groups exhibit characteristics of several of these organizational types. Some argue that many of the groups are rooted in prominent cults, such as the Icelanders and the Greenlanders, particularly in urban areas like Port Harcourt.<sup>46</sup> Others appear to be ethnic militias. While there are a dizzying number of independently named groups, the most prominent in the recent past have been the Niger Delta People’s Volunteer Force (NDPVF), led by Dokubo Asari, and the Niger Delta Vigilante (NDV), led by Ateke Tom. Both of these are predominantly Ijaw groups. Since about 2006, however, the paramount group has been the Movement for the Emancipation of the Niger Delta (MEND), whose leadership is disputed. MEND has been referred to as an umbrella body, in the sense that many smaller groups are affiliated to it but continue to act independently.



trial, and several prominent former Delta governors have been accused. Although some convictions have been made, in 2009, EFCC chairwoman Farida Waziri complained that the accused were manipulating the courts to avoid prosecution.<sup>54</sup> Militant leaders have claimed association with these governors. There have also been repeated claims of links to national leaders in Abuja.

Bunkering and related activities are facilitated by widespread corruption. Uniformed officers get their cut for providing information, looking the other way, or actively protecting the bunkerers. Employees of the state oil company can also cash in on their positions by supplying information and access. Even the beleaguered farmers and fishermen who can no longer support their families on the oil-tainted land can profit from the odd compensation claim. Local communities can also be “settled” for allowing bunkering to occur on their land.

The armed forces have often been implicated in the trade. In January 2005, two Nigerian admirals, Samuel Babatunde Kolawole and Francis Agbiti, were found guilty by a court martial of helping to steal an oil tanker and trying to sell stolen oil to an international crime syndicate. The vessel was captured off the Nigerian coast with a cargo of 11,000 barrels of oil, at that time the country’s largest seizure of stolen crude, but later disappeared. Although found guilty, they were merely sacked and demoted but were not sentenced to prison.<sup>55</sup>

Further cases have come to light more recently. In July 2007, ten officers, including a rear admiral, were retired because of “formal intelligence reports” that they were involved in smuggling stolen crude oil. Chief of Navy Staff Ganiyu Adeyeye admitted, “they were involved in oil bunkering.”<sup>56</sup>

In September 2008, the Ijaw leader, Chief Edwin Clark, accused members of the Joint Task Force (JTF), the inter-agency body tasked with fighting oil theft, of involvement in illegal bunkering.<sup>57</sup> He suggested that elements of the JTF had provoked the militants into fighting, in order to create a smokescreen for the continuation of oil theft. His accusations appear to have been prompted by the JTF’s efforts to continue fighting the militants, even during MEND’s self-proclaimed ceasefire. It has been widely reported that Rintip has replaced several battalions, including one in the Delta city of Warri and one in Bayelsa’s capital Yenegoa, because its “soldiers were deemed to have become too close to criminals engaged in bunkering.”<sup>58</sup>

Omolubi Nuwuwumi, a member of the Waterways Security Committee, a local government-run body that investigates kidnapping, told IRIN that some members of the military moonlight for criminal gangs or rebel groups. “The soldiers are deeply involved. There is no bunkering activity that is taking place in the Niger Delta that the military is not involved in,” Nuwuwumi said, “Eighty percent of sol-

diers in the region own the best cars – these are people who did not own a motorcycle before coming to the Delta.”<sup>59</sup>

It also seems clear that oil industry employees are involved. Numerous analysts and commentators have concluded that illegal oil bunkering would be impossible without some collusion by industry insiders. In November 2007, 14 workers at the NNPC oil depot at Calabar were arrested for facilitating oil theft. The thieves were actually caught inside an oil tank by JTF personnel. One of the accused claimed that some police officers were also involved in the operation.<sup>60</sup>

### How big is the flow?

It is difficult to determine how much oil is stolen for two main reasons:

- No one knows for sure how much oil is pumped out of the ground.
- Not all the oil lost is illegally bunkered.

First, there is a general lack of public data around the oil industry in Nigeria, despite efforts such as the Nigerian Extractive Industries Transparency Initiative.<sup>61</sup> In particular, there is no metering at the well head to indicate the amount of oil produced, so it is impossible to simply subtract exports from this amount to arrive at a loss figure. A Nigerian Senate inquiry, which was set up to investigate the issue in March 2008, concluded that “no-one really knows exactly how much oil is pumped out of the ground.”<sup>62</sup>

Second, lost oil is not necessarily stolen oil. Whenever oil is stolen, there is some spillage, so it is impossible to say how much was actually acquired for trafficking. As discussed above, it is also common for thieves to intentionally damage a pipeline in order to create an opportunity to install taps once the oil pressure drops, resulting in considerable losses. Some pipelines are destroyed in protest, motivated either by the desire to drive the oil companies from the Delta or in retribution for state action against oil bunkering. Finally, it is recurrently alleged that communities sabotage pipelines in order to have a basis for compensation claims.

Despite these difficulties, a large number of different organizations and individuals have sought to estimate the scale of the problem, often by taking the volume of oil stolen in a well-documented incident and extrapolating. Most estimates range from 80,000 b/d to 300,000 b/d, with a strong clustering between 100,000 and 200,000 b/d, representing between 5% and 10% of official production.

The share of total production stolen is likely to vary substantially over time, though, depending on factors ranging from the proximity of elections to the global market price for oil. Legaloil, an independent website that specializes in Nigeria’s illegal oil bunkering trade, believes that while theft averaged 100,000 b/d over the period 2003–2006, it actually fluctuated widely between 20,000 b/d and 250,000 b/d,

as oil companies improved security and brought pipelines back under control, or oil gangs moved into new areas.<sup>63</sup>

With regard to the long-term trend, a number of indicators suggest oil theft has increased over the last decade, with a possible recent decline. For example, while losses cannot be equated with theft, some relation between the two is likely. Pipeline breaks due to sabotage almost doubled between 1999 and 2004, from 497 to 895. As a result, the amount of oil officially lost in pipeline ruptures increased from 179,000 to 396,000 metric tons per day over the same period.<sup>64</sup> At a press conference in September 2008, Nigerian environment minister Halima Alao revealed that there had been 1,260 registered oil spills from all causes, including many from theft, between January 2006 and June 2008, of which 419 had occurred during the first half of 2008. Mr. Alao said that this reflected “a progressive trend of theft and sabotage.”<sup>65</sup>

It is possible that oil bunkering and related militancy will spread to other countries in the region as well. Ghana is due to become a substantial oil producer in the near future, with output of 125,000 b/d expected by the end of 2010 and double that soon after. Many attribute the vigour of the electioneering in the last campaign season to this newfound wealth. In late 2008, sovereignty over the Bakassi Peninsula was transferred from Nigeria to Cameroon. Violence accompanied this transfer, and a group called the Niger Delta Defence and Security Council has claimed responsibility for some of the attacks, kidnappings and killings.<sup>66</sup> It seems likely that regional oil theft will grow unless regional solutions to this problem are found.

Calculating the value of the flow is complicated by the recent volatility in the global market for oil, with prices peaking at US\$147 per barrel in July 2008, more than triple the February 2009 price. In addition, the value accruing to the thieves surely depends on where and how they sell the oil. But analysts considering the issue have suggested a 50% discount on the world price would be sufficient inducement to attract large buyers. At a price of US\$20 per barrel of stolen oil, 150,000 b/d would generate a daily income of three million dollars, almost all of which would go to criminal or corrupt parties. This would represent about one billion US dollars per year.



## CIGARETTES FROM THE WORLD TO AFRICA

### Route

Source: *Far East (China, Viet Nam); Europe (Bulgaria, Luxembourg, Greece)*

Vector to West Africa: *Via worldwide free trade zones, particularly Jebel Ali (Dubai) and through tax havens*

Vector within West Africa: *Landfall at a) Ghana-Benin-Togo, b) Guinea (Conakry) and c) Mauritania, Trans-Saharan routes to North African markets*

Destination: *West Africa (1/3), North Africa (2/3)*

### Value

Volume: *11 billion illicit cigarettes for West African consumer markets, 21 billion for North Africa*

Value: *US\$774 million*

### Traffickers

Groups involved: *Cigarette manufacturers, local distributors*

Residence of traffickers: *West Africa*

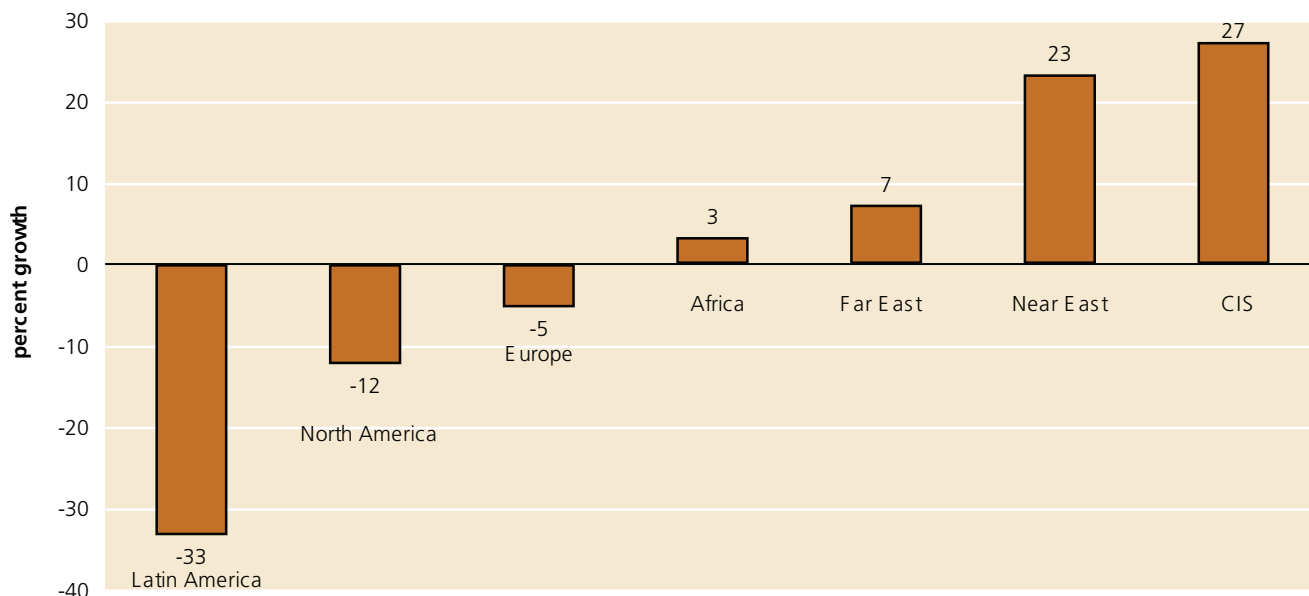
### Threat

Estimated trend: *Increasing*

Potential effects in region: *Corruption, possible insurgent funding, loss of tax revenues*

Potential effects outside region: *Corruption, possible insurgent funding, loss of tax revenues*

## Growth in regional tobacco markets, 1971-1999



UN Food and Agricultural Organization (FAO)<sup>71</sup>

### What is the nature of this market?

Approximately 5.8 trillion cigarettes were sold globally in 2006 – nearly 1,000 cigarettes for every man, woman, and child on the planet.<sup>67</sup> This massive market has remained resilient in the face of growing regulation in Europe and the Americas. It has done so by expanding its marketing in the developing world, including Africa. By 1999, these emerging consumer markets made up more than half of global sales.

“Illicit” cigarettes include both cigarettes that are imported into a market without the payment of local taxes, and counterfeit cigarettes, which copy major brands (and are also generally smuggled).<sup>68</sup> A pioneering report commissioned by the World Bank in 2000 estimated that between 6% and 8.5% of the cigarettes consumed globally were smuggled.<sup>69</sup> The Framework Convention Alliance placed global illicit sales at 10.7% of the market in 2005, amounting to over 600 billion cigarettes. Asia consumes the greatest number of cigarettes, and also the greatest number of illicit cigarettes. But the share of the regional market that is illicit is believed to be higher in Latin America (20%) and in Africa (15%).<sup>70</sup>

As “vice” items, cigarettes are generally heavily taxed, in part to discourage their use and in part to offset the public health costs associated with their consumption. Since they are inexpensive to produce, much of the retail price of cigarettes is comprised of marketing cost and taxes. The illicit cigarette industry makes its money by avoiding either or both of these expenses. This is very important in accessing markets where the consumer cannot afford to pay much, like West Africa.

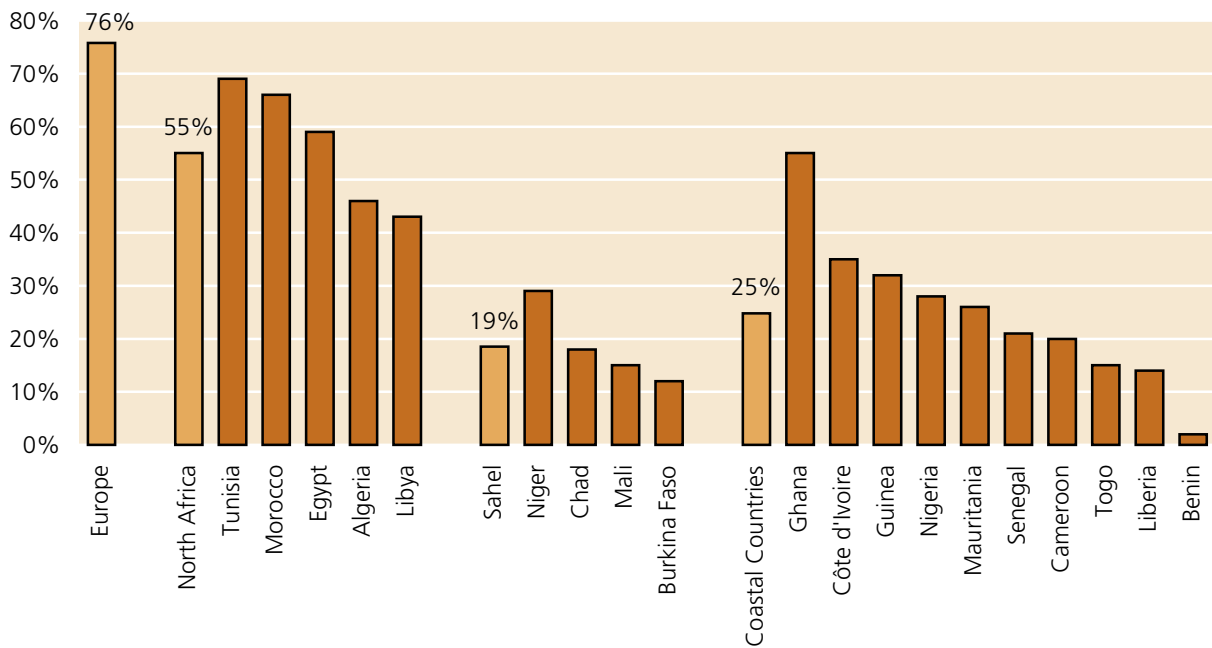
But smuggled cigarettes are not necessarily entirely untaxed. Since the amount of tax levied on cigarettes varies so much from country to country, considerable profits can be made simply by moving cigarettes from low-tax to high-tax countries. This activity is commonplace, and occurs at all levels, from consumers stocking up a few undeclared cartons while on holiday to large-scale operations moving truckloads of product. Indeed, it appears that international cigarette companies have depended on this phenomenon in the past, exporting large volumes to low-tax countries with the knowledge that this excess will be redistributed informally to higher tax countries in the same region. This allowed them to penetrate markets that would have been otherwise inaccessible.<sup>72</sup>

In 2007, Africans smoked an estimated 400 billion cigarettes.<sup>74</sup> If the illicit market comprises 15% of the cigarettes consumed in Africa, this would mean that more than 60 billion cigarettes (30 million packs; 6,000 containers) were consumed illegally in Africa that year. West Africa represented only 17% of African consumption, while comprising 30% of Africa’s population. But demand is much higher in North Africa, including Algeria, Egypt, Libya, Morocco, and Tunisia, and West Africa acts as a conduit to these countries. While these five North African countries represent only 16% of the continent’s population, they smoke 44% of its cigarettes.

### How is the trafficking conducted?

As noted above, the illicit cigarette market includes both legitimate cigarettes smuggled to avoid taxes, and counterfeit cigarettes, which are also generally smuggled. While producing and smuggling counterfeit cigarettes is more complicated than simply smuggling the originals, the addi-

## Taxes as share of retail price for a pack of cigarettes



Source: Tobacco Manufacturers Association (TMA) for Europe, WHO and other sources for Africa<sup>73</sup>

tional trouble is offset by higher profits. But going to the trouble of producing believable false packaging (and the increased scrutiny it draws) is only justified if consumers are willing to pay a small premium for the cachet of the brand. In Africa, few can afford this luxury, and so generic “cheap whites” have commanded a growing share of the illicit market in recent years.

Counterfeit cigarettes and “cheap whites” are widely produced in China, Viet Nam, and neighbouring countries in the Far East, as well as in Eastern and Southern Europe. Both regions are believed to be important sources for illicit cigarettes in West and North Africa. But these products are generally not imported directly from these regions. Rather, most of the illicit cigarettes entering West Africa are sourced from free trade zones, such as those in the Emirate of Dubai. As a result, the route from producer to consumer can be surprisingly roundabout. The companies orchestrating this trade are often headquartered in offshore investment centres in another part of the world entirely.

Free trade zones allow criminals to conceal the origin of their products by re-packing or even re-branding cigarettes. The ownership of the firms doing the production and trafficking are concealed by a complex network of shell companies, often based in offshore financial centres. These and other techniques are used to thwart law enforcement efforts to trace contraband tobacco. A former US customs enforcer summarized the challenges this way:

*The shipments were sold several times while the cigarettes were in transit, the invoices were faxed or otherwise transmitted many times, resulting in critical data being blurred in transmission or possibly altered between transmissions. The cigarette packages and cartons lacked unique serial numbers that were*

*readable by law enforcement authorities. The unique numbers found on master cases were often removed by traffickers to hinder law enforcement efforts to trace the cigarettes.*<sup>75</sup>

Three hubs function as major entry points for illicit cigarettes to West Africa, and subsequently to North Africa:

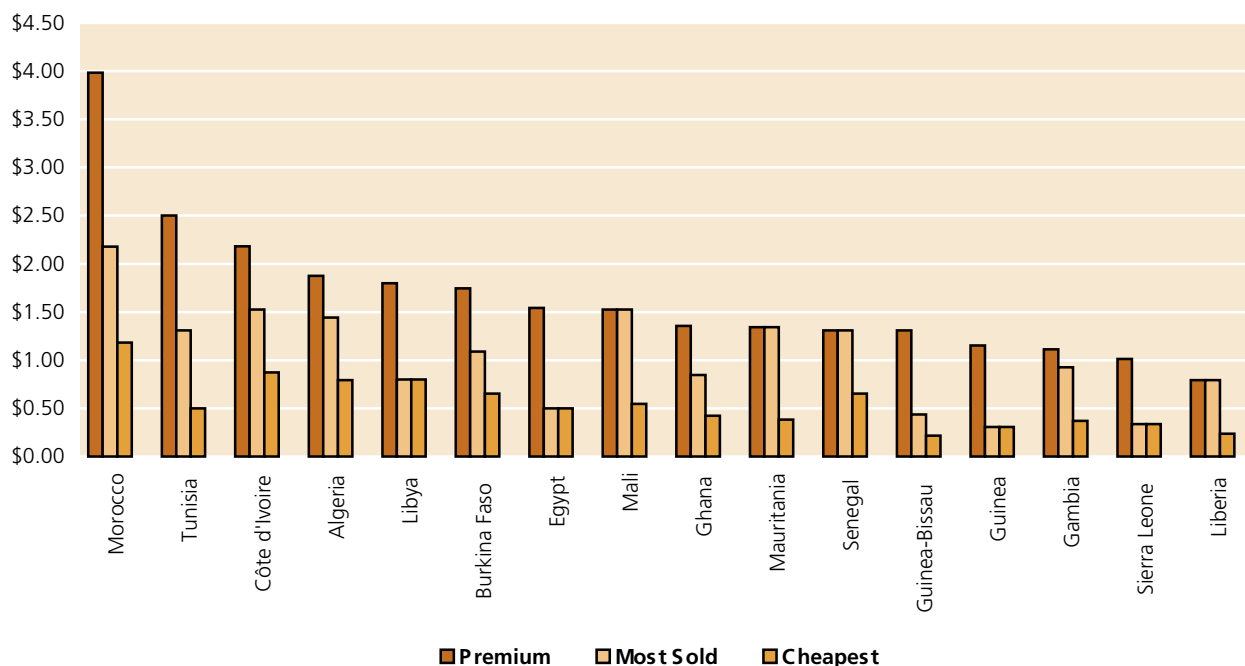
- Lome, Cotonou, and Tema ports
- Guinea
- Mauritania

**Lome, Cotonou, and Tema** container ports are the main entry point for illicit cigarettes into West Africa, while most of illicit cigarettes present in the North African market also make their landfall here. The imported cigarettes are declared “for transit”, with final destinations depicted as Mali, Niger and Burkina Faso, thus avoiding scrutiny and taxes on entry. In fact, most are destined for North Africa, particularly Libya.

In contrast, most of the cigarettes entering **Guinea** are marked as destined for Guinea, but the supply entering the country greatly exceeds estimated domestic demand. Kankan and Siguirri in Northern Guinea are the two principal smuggling hubs and stockpiling centres. The cigarettes are subsequently transported to Mali by road and on the Niger River. Five main land routes between Guinea and Mali have been identified, navigated using locally-owned commercial trucks, 4x4s, or motorcycles. Alternatively, the Niger River provides a way of moving merchandise with little possibility of detection, as traffic on the waterway is not adequately controlled. Once the illicit merchandise has arrived in Bamako, Mali’s capital, it is stockpiled and redistributed from a local market (Daba Nany) for national consumption or prepared for onward transportation on the Saharan route.



## Retail prices for a pack of cigarettes in December 2008 (in US\$)



Contraband arriving in *Mauritania* supplies markets in Senegal, Morocco and Algeria. For example, “American Legend”, legally holding a third of the Mauritanian market, also comprises the largest share of the illicit market in Senegal and Algeria. The Western Sahara, directly to the north of Mauritania, functions as a redistribution centre for the subregion.

From all of these hubs, cigarettes are smuggled across the Sahara to the large markets of North Africa. Despite the sophisticated technology available to traffickers (including satellite communication and the latest 4x4 vehicles), local guides continue to be necessary to navigate the desert. From a law enforcement perspective, it is virtually impossible to control the thousands of kilometres of borders between Mali, Niger, Algeria, Libya or Egypt.

In Libya, where an estimated 80% of cigarettes consumed are illegal, the Government is not dependent on cigarette tax revenue due to its oil income, so enforcement is lax. The “cheap whites” for the Libyan market are produced in Luxembourg and Bulgaria, subsequently imported through Dubai to Togo and Benin. In Algeria, the reliance on a small number of distributors without the capacity to meet demand has fuelled the illicit market. Few West African cigarettes make it beyond North Africa to Europe.

Some premium brands are produced within the region, and the diversion to illicit channels may be conducted by licensed distributors. Even when taxed, money can be made smuggling premium brands from low-tax to high-tax destinations. For example, Marlboro (red) cost an average US\$2.34 per pack in North Africa, compared to US\$1.44 in West Africa, due to differences in taxation regimes. While consumers of cigarettes pay an average of 55% of the retail price indirectly to the government in North African

countries, this figure only stands at 25% for West African coastal countries and at 19% for states of the Sahel.

### Who are the traffickers?

Most of the fraudulent importation seems to be conducted by a small group of local businessmen, who are often legal cigarette importers and distributors. There are only few individuals in the region that have the logistical, managerial and financial capacity to organize operations of this scale. They also manage the smuggling across porous borders within West Africa, often with the complicity of corrupt customs officials.

When the final destination is North Africa, the assistance and protection of local people may be required in order to cross the Sahara desert. Despite the availability of GPS technology and large all-terrain vehicles, any off-road movement though the desert requires considerable knowledge of desert conditions. Payment for driving a consignment across this expanse has recently been quoted at US\$450-680.<sup>76</sup>

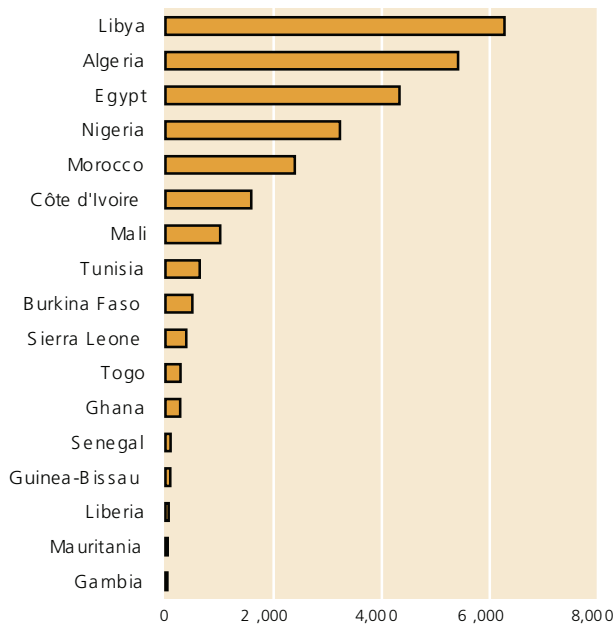
Retailers are believed to only profit modestly from the trade, mostly owed to the fact that demand for cigarettes increases as prices drop. They appear to be fully dependent on the distributors.

### How big is the flow?

Based on WHO figures, annual cigarette consumption can be estimated: about 21 billion illicit cigarettes were smoked in North Africa and 11 billion in West Africa in 2007.<sup>77</sup> Adjusting for national price differences, this could represent annual retail sales of US\$455 million in West Africa and US\$1.1 billion in North Africa.

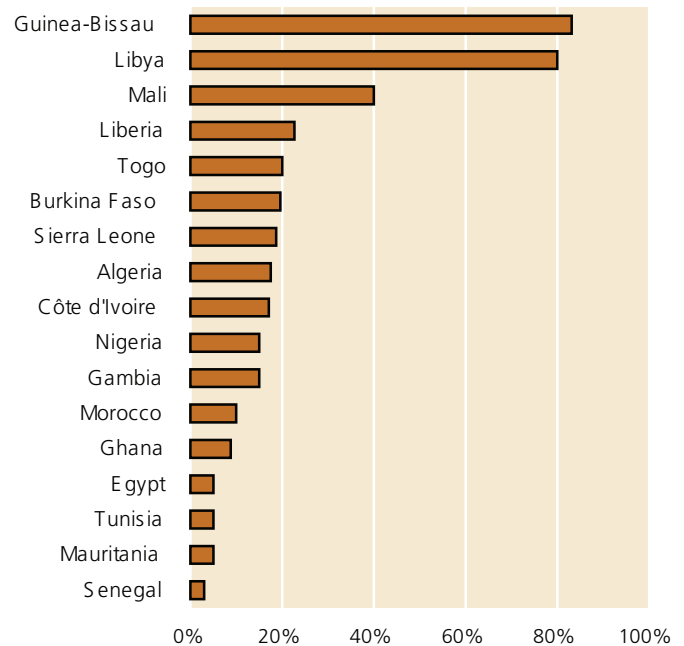
The illicit share of this market would amount to 11 billion

### Illicit cigarette consumption (in millions of sticks)



Source: WHO, UN Population Division, UNODC estimates

### Estimates of illicit market share



Source: UNODC estimates

illicit cigarettes in West Africa annually. A large share are smoked in Nigeria (35%), generating roughly US\$167 million in illegal proceeds at the retail level (37% of the West African market). The second largest market is Côte d'Ivoire (17% of illicit cigarettes generating US\$104 million or 23% of the regional total), where the trade is rife in the unstable north but almost non-existent in the south.

In relative terms, however, the illicit trade is most important in Guinea-Bissau, with more than 80% of the market being supplied with illicit cigarettes (US\$2.1 million). Mali comes in second, with an illicit market share of about 40%.

But West Africa's market is much smaller than that to the north. In 2007, an estimated 68 containers of contraband arrived at the hub Ghana-Togo-Benin on average every month, amounting to 8.2 billion illicit cigarettes per year. Around 80% of these containers are then transferred to Burkina Faso and Niger. Of these, three quarters are ultimately destined for Libya, accounting for 77% of the illicit market in the country, worth US\$240 million. Slightly less than one quarter is destined for Algeria (28% of the country's illicit market, or US\$71 million).

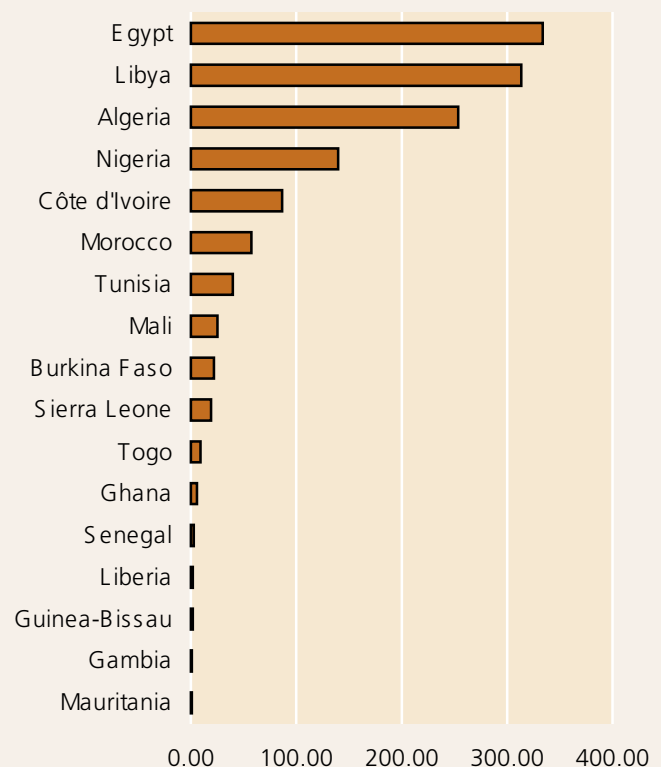
It is not known how much of illicit imports entering Guinea are destined for North Africa. Conservatively estimating that 10% of the North African market is supplied through the Guinea-Mali corridor, this would amount to US\$110 million annually.

The third hub, Mauritania, supplies the remainder of the illicit market in Algeria (US\$157 million) as well as the entirety of the Moroccan illicit market (US\$60 million).

Summing these individual figures, it can be estimated that

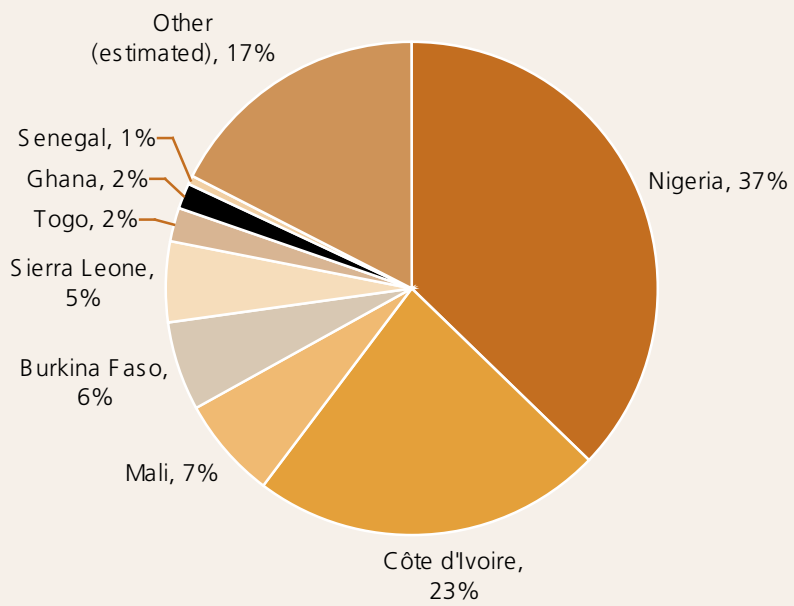
cigarettes worth at least US\$638 million at retail prices (or little less than 60% of the North African market) have been trafficked through West Africa. If roughly half of this is available to illicit importers and smugglers based in West Africa, this would amount to US\$319 million. Adding this to the money generated in illicit sales in West Africa (US\$455 million) gives the flow a value of US\$774 million annually. This total combines both local retail and international wholesale markets.

### Illicit revenue generated (in million US\$)



Source: WHO, UN Population Division, UNODC

West Africa's illicit cigarette market (in value at retail prices)

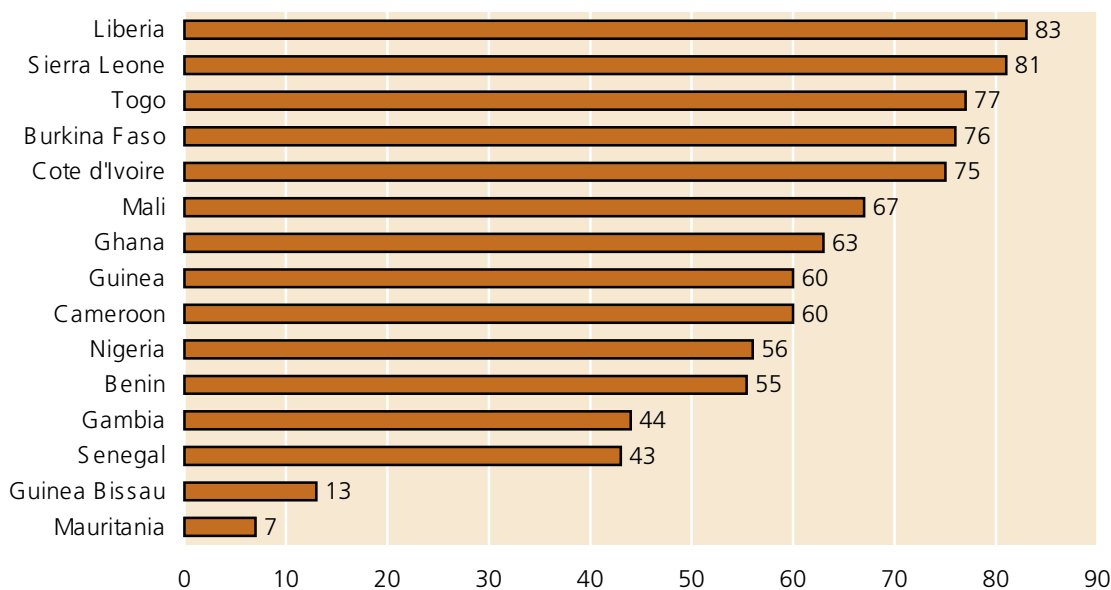


Source: WHO, UN Population Division, UNODC and others





## Share of the population with predicted malaria prevalence of over 30% by country in 2000



Source: Kleinschmidt et al<sup>82</sup>

### What is the nature of this market?

While there is considerable debate as to how to define “counterfeit medicine”,<sup>78</sup> it has been clear from the mid-1980s that profits are being made producing pharmaceutical products that appear to be genuine but contain little or no active ingredients. The groups producing these fake drugs particularly target markets in developing countries, where the regulatory capacity to detect defective products is low.

As much as 50% to 60% of anti-infective medications tested in Asia and Africa have been found to have active ingredients outside of pharmacopoeial limits.<sup>79</sup> Those with low levels of active ingredients actually pose a greater hazard than those with none, because substandard antibiotics and anti-malarial drugs can promote the development of drug-resistant strains, or “super bugs” that can spread beyond the region. There is no way of estimating how many people have died prematurely as a result of being administered counterfeit medication, or how many will die in the future due to the development of drug resistant strains.

West Africa has been the target of a range of counterfeit medication, including anti-malarial medicine, antibiotics, anti-tuberculosis drugs, and anti-retrovirals (ARVs).<sup>80</sup> Many of these products are imported, particularly from South and East Asia, but some come from the local pharmaceutical industry, which is seriously under-regulated. The medicines most emphasized for broad distribution by the international community and West African governments are also the most dangerous to public health when administered poorly, and the most frequently counterfeited.

The drive to make affordable treatment as widely available as possible has contributed to the development of an infor-

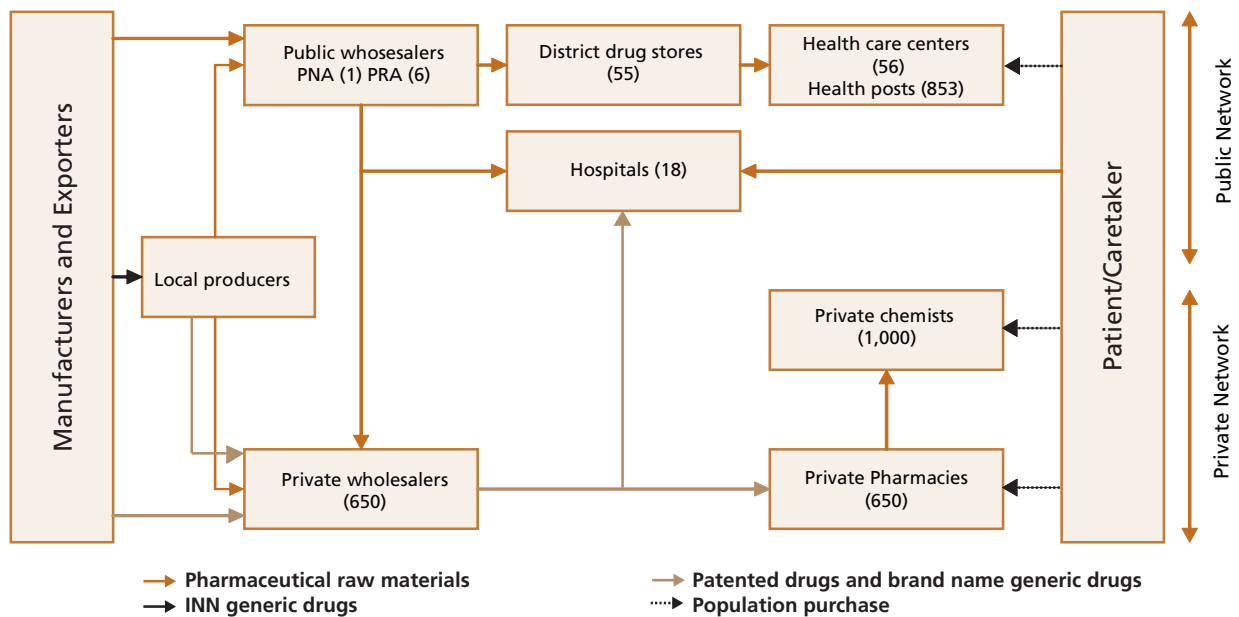
mal market in medicines in West Africa. Today, a large share of patients acquire their medication independently from small shops or street vendors. This has had the unintended consequence of creating a fertile ground for the introduction of counterfeit medications. The shopkeepers distributing these drugs have little capacity or economic incentive to screen for counterfeits. The cost-saving use of generics made in developing countries is also problematic, given the lack of regulatory capacity in poor countries.

The impact of counterfeit medications in West Africa is amplified by the very high demand for anti-infective and anti-malarial drugs. And despite their devastating effect, the crime of trafficking bogus medicine is not taken as seriously as other forms of smuggling. The head of corporate security for Novartis, the pharmaceutical company that manufactures the WHO’s recommended anti-malarial treatment, has been quoted as saying, “If you get caught with a pound of cocaine, you can expect to do serious time. But if you are found with counterfeit medicines, you might do only six months.”<sup>81</sup>

### How is the trafficking conducted?

Dora Akunyili, former Director General of National Agency for Food and Drug Administration and Control (NAFDAC) of Nigeria, summed up what the existing literature implies about the entire region: “Most of the fake drugs in Nigeria come from India and China.”<sup>83</sup> Counterfeiters replicate the packaging and even holograms of genuine products but often using the cheapest possible fillers with little or no active ingredients. In one scenario, the counterfeits are then trafficked over porous borders through South-East Asia,<sup>84</sup> where counterfeiting remains a civil offence.<sup>85</sup> A study of counterfeit artesunate (an anti-malarial) in South-East Asia

## Organization of distribution networks for anti-malarial drugs in Senegal



Source: Kenneth J. Arrow, Claire B. Panosian, and Hellen Gelband, Eds., *Saving Lives, Buying Time: Economics of Malaria Drugs in an Age of Resistance*. Washington DC: National Academies Press, 2004

found that though all samples collected were labelled as originating from Guilin Pharma, “the major producer of artesunate in Asia”, some 29% contained no artesunate at all.<sup>86</sup>

From Asia, as is the case with most pharmaceutical supply chains, the medicines may also be sold to one or more intermediaries for repackaging and resale.<sup>87</sup> Often, these intermediaries are based in free trade zones, and are sold from there to a variety of actors based in West Africa. The complex distribution flow in Senegal provides one example of the many possible market entry points for traffickers.

A 2003 study of counterfeit anti-malarial chloroquine showed not only the high percentage of the sample that failed to meet technical drug standards, but also how evenly and widely spread the counterfeits were, from district hospitals to local vendors to households (see figures on next page).

While not strictly “counterfeiting”, medicines are also stolen for resale at lower prices, leaving consumers with no guarantee that the medicine has been treated or stored properly. “Diversion” refers to the practice of stealing medicine en route to a specific destination and reselling it back into the wholesale market. Often, expiration dates are forged to lengthen the life of old medicines. Supply routes for this method are similar to those for manufactured counterfeits.<sup>88</sup>

### Who are the traffickers?

There is an extremely complex supply chain for counterfeit pharmaceuticals, from production in the source country through one or more intermediaries to the importing country. Misrepresentation and falsification can occur anywhere along this route. The WHO warns that “Activities in trad-

ing houses may sometimes involve repackaging and re-labelling which may be carried out without any controls under conditions that do not comply with good manufacturing practices’ requirements.”<sup>89</sup>

Manufacturers of substandard (rather than outright counterfeit) medicines in the developing world, such those located in India and China, produce some of the dangerous supply of anti-malarials and anti-infectives in West Africa.<sup>90</sup> The line between substandard and counterfeit tends to be blurred. The WHO IMPACT program, which is aimed at addressing the issue of counterfeiting, suggested expanding its definition in a way that would include substandard medicine, only to encounter opposition from developing countries, interested in protecting their budding pharmaceutical industries.

In the global market, there is evidence of the presence of organized criminal networks in counterfeit pharmaceutical trafficking. Demand is high and prices are high, especially for evolving anti-malarial drugs. As with other sectors that are not heavily regulated, good profits can be made with a minimal risk of serious criminal prosecution; laws are not harmonised or heavily enforced either in supplier countries in Asia or recipient countries in Africa. A study of how legislation in certain market sectors affects crime concluded that “Several organized crime groups have shifted their attention from smuggling of narcotics and weapons to counterfeiting medicines. INTERPOL has found emerging evidence that counterfeiting was linked to organized crime and terrorist organizations, including Al-Qaeda.”<sup>91</sup>

### How big is the flow?

Data on the size of the market are difficult to come by, in

## Overview of reported counterfeit anti-malarial drugs in West Africa

Country of collection	Generic name	Stated trade name	Manufacturer as stated on drug	Form	Notes
Côte d'Ivoire	Chloroquine	Nirupquin	Syncom Formulations (India)	Tablets	113.2% of stated active ingredient in half of the samples. Three-quarters contained the correct chloroquine content. A copy of Aventis Nivaquine
	Sulphadoxine-pyrimethamine	Maloxine	Encore Pharmaceuticals (India)	Tablets	Contains 102.5% stated dose of sulphadoxine and 85.9% stated dose of pyrimethamine. Copy and false information on origin
		--	Brown & Burk Pharmaceutical Ltd (India)	Tablets	Copy and false information on origin, contains correct amount of active ingredient.
		--	Sarvodaya Laboratories (India)	Tablets	Copy and false information on origin, contains correct amount of active ingredient.
		--	India		Copy and false information on origin, contains correct amount of active ingredient
		Melaxime	Syncom Formulations (India)	Tablets	Copy, contains correct amount of active ingredient.
Ghana, Guinea, Sierra Leone	Halofantrine	Halfan	GlaxoSmithKline	Syrup	No active ingredient, contains sulfamethazine or sulfisomidine
Guinea	Chloroquine	--	--	Oral	Made of aspirin
		--	Rhone Poulenc	Syrup	No active ingredient, syrup more viscous than the genuine product
Nigeria	Chloroquine	--	--	Oral	2/32 (6%) contained no active ingredient
	Sulphadoxine-pyrimethamine	Fansidar	Roche	Tablets	Paracetamol tablets substituted for sulphadoxine-pyrimethamine
		--	Roche	Tablets	No active ingredient, contained chloramphenicol 5mg
Sierra Leone	Chloroquine	--	--	Tablets	Made of aspirin
	Sulphadoxine-pyrimethamine	--	Roche	Tablets	--

-- = No available information

Oral = tablet or capsule

Source: Information from literature review in Newton, Paul et al, "Counterfeit anti-infective drugs", The Lancet Infectious Diseases, Vol. 6 Issue 9, Sept. 2006

## Overview of reported counterfeit antibiotic drugs in West Africa

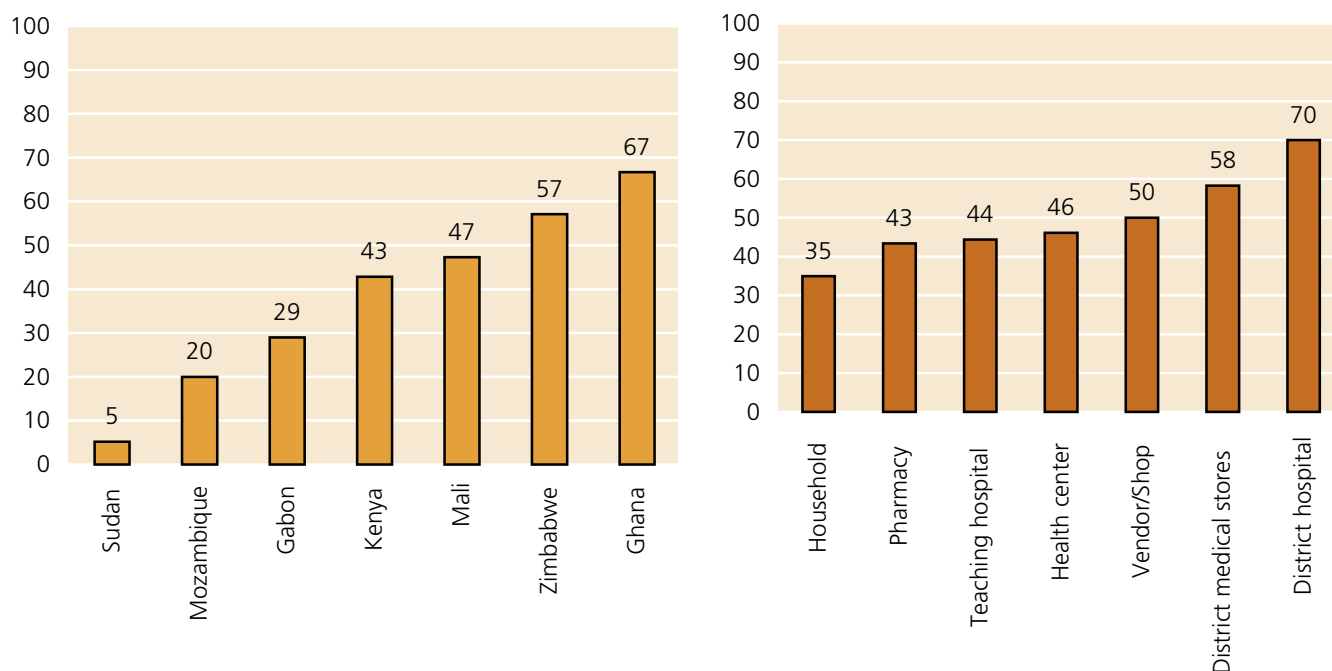
Country of collection	Generic name	Stated trade name	Manufacturer as stated on drug	Form	Notes
Côte d'Ivoire	Co-trimoxazole	Elek's Cotrim forte 960	Manufactured for Elke Holdings, UK	Oral	False information on origin. Contained 94.4% stated dose of sulphamethoxazole and 90.7% stated dose of trimethoprim
Guinea	Amoxicillin	Hecocil	Bristol-Myers Squibb (Pty) Ltd	Oral	The genuine trade name is Hiconcil
Nigeria	Ampicillin	--	--	Capsules	No active ingredients, made of starch and talc
	Amoxicillin	Amoxy	--	Capsules	--
		--	--	Oral	1/9 (11%) contained no active ingredients
	Choramphenicol	--	--	Eye drops	Two different fakes identified
	Ciprofloxacin	Ciproxin	India	--	--
	Co-trimoxazole	Septrin	Wellcome Foundation	Tablets	--
		Bactrim	--	Syrup	Contains diazepam
	Erythromycin	--	--	Tablets	--
	Gentamicin	--	--	Injection	Re-labelled expired drug
	Metronidazole	--	--	Tablets	Made of chloroquine
	Neomycin sulphate	Neosporin	Wellcome; Made in England	Eye drops	No active ingredients, made of water
Tetracycline	--	--	--	Re-labelled expired drugs	
Sierra Leone	Ampicillin	--	--	Capsules	Three different fakes, one made of flour
	Amoxicillin	Amoxil	Beecham	Oral	--
	Cefalexin	Ceporex	Glaxo	--	--
	Co-trimoxazole	Septrin	Wellcome	Tablets	--
	Griseofulvin	Grisovin	Glaxo	Tablets	--
	Lincomycin	--	Upjohn	--	--
	Oxytetracyclin	Terramycin	Pfizer	Tablets	--
Senegal	Ampicillin	--	--	Capsules	21/22 (95%) contained flour, no active ingredients
		--	--	Oral	(9/10 (90%) contained no active ingredients

-- = No available information

Oral = tablet or capsule

Source: Information from literature review in Newton, Paul et al, "Counterfeit anti-infective drugs", The Lancet Infectious Diseases, Vol. 6 Issue 9, Sept. 2006

## Percentage failure of chloroquine tablets



Source: Maponga and Ondari<sup>92</sup>

part because large pharmaceutical manufacturers try to avoid publicity when their products are copied, in order to avoid damage to their brand reputation. Given the wide variety of counterfeit and substandard medication available, only comprehensive product testing could give a sense of the size of the total market. The following discussion focuses on the size of the market for counterfeit anti-malarial drugs.

### Percentage counterfeit

Some studies have examined the quality of medicines in Asia and Africa without regard to deliberate falsification of contents, origin and import status. The results reveal that in both South-East Asia and West Africa (often at the end of an Asian supply chain), a very large share of anti-malarial and anti-infective medicine has an amount of active ingredient outside recognized limits of effectiveness. One of the only studies involving random sampling in West Africa tested medicines from 581 Nigerian pharmacies and found that 48% of anti-infectives contained active ingredients outside acceptable limits.<sup>93</sup> The Nigerian pharmacy study authors did not make any attempt to determine authenticity of origin or labelling. Other published articles focused on counterfeits in Africa and Asia have ranged from estimates of 23% to 53%. Claims of recent progress in Nigeria notwithstanding,<sup>94</sup> a figure close to 50% is defensible after a review of available literature that, though often more anecdotally than scientifically, tends towards this fraction. Using the figure from the only randomized study (48%), the volume and costs of treatment can be examined for the counterfeit anti-malarial market.<sup>95</sup>

### Pricing

The majority of anti-malarial consumers in West Africa

“have virtually no purchasing power, do not constitute a market, have no voice and thus are rarely at the receiving end of effective health interventions.”<sup>96</sup> Funding for malaria eradication flows through governments via donors like the Global Fund to Fight HIV/AIDS, Tuberculosis, and Malaria. The Global Fund provides 60% to 70% of all externally funded demand worldwide for WHO-approved Artemisinin-based combination therapy (ACT).<sup>97</sup> As worldwide funding to fight malaria is projected to nearly double from 2006 to 2010, the parallel gray and black markets for counterfeit ACT will also become more lucrative.

In Ghana, the most recently available data from the Global Fund to Fight HIV/AIDS, Tuberculosis, and Malaria shows that over a two-year period, some 1,560,000 patients with severe, uncomplicated malaria were correctly diagnosed and treated at a total cost for medicine of US\$11,320,426, or approximately US\$7.25 per patient. This is on par with several other studies' estimates of cost per case when dealt with through health facilities.<sup>98</sup> The private cost has been estimated at up to US\$15 per patient, and often much more.<sup>99</sup>

### Volume

Africa accounts for most of the world's malaria incidence. The total number of malaria cases on the continent varies depending on estimation techniques, but the WHO puts the figure at 212 million. West Africa has large zones of the highest incidence rate on the continent, with nearly 98 million cases per year estimated.

In all of these countries, the amount of outside and government financing for ACT treatment falls well short of reaching all estimated cases. In Nigeria, outside programmes

Country	Estimated malaria cases	% Africa cases
Benin	3,239,000	2
Burkina Faso	6,227,000	3
Cape Verde	54	0
Côte d'Ivoire	7,029,000	3
Equatorial Guinea	193,000	0.1
Gambia	266,188	0.1
Ghana	7,282,000	3
Guinea	3,766,000	2
Guinea-Bissau	603,000	0.3
Liberia	1,460,000	1
Mali	4,317,000	2
Mauritania	559,484	0.3
Nigeria	57,506,000	25
Senegal	1,456,000	1
Sierra Leone	1,456,000	1
Togo	2,086,000	1
<b>TOTAL</b>	<b>97,445,726</b>	<b>45</b>

Source: WHO World Malaria Report 2008<sup>100</sup>

delivered nine million courses of ACT in 2007 for more than 57 million estimated cases of malaria, or 15%. In most countries, including Nigeria, ACT therapy in the public sector is free or highly subsidized. In the private sector, prices for treatment will range from US\$7-15.

If 85% of estimated cases, or about 83 million cases, are treated in the private sector at an average cost of US\$11 per treatment course, the cost to patients in the region is on the order of US\$913 million.

The 48% share of the private market that comes from illicit sources is then estimated at about US\$438 million.







## VICTIMS OF TRAFFICKING FOR SEXUAL EXPLOITATION FROM WEST AFRICA TO EUROPE

### Route

Source: *West Africa (mainly Nigeria, to a lesser extent Sierra Leone, Ghana, Guinea)*

Destination: *West Europe (mainly Italy, Spain, the Netherlands, Belgium and the United Kingdom)*

Vector to destination: *Air*

### Value

Volume: *3,800-5,700 per year inflow, 11,400-17,100 stock any given time*

Value at destination: *US\$152 million to US\$228 million*

### Traffickers

Groups involved: *Nigerians (mainly Edo), Sierra Leonean, Guinean*

Residence of traffickers: *Nigeria (mainly Edo State), other origin countries, destinations countries (Italy, the Netherlands, et cetera)*

### Threat

Estimated trend: *Decreasing from 1990s to 2005; (Netherlands and others registered an increase after 2006)*

Potential effects in region: *Human rights violations*

Likelihood of effects being realised: *Very high*

Potential effects outside region: *Human rights violations and turf wars*

Likelihood of effects being realised: *Medium*

### What is the nature of this market?

It appears that the modern European market for trafficked women from West Africa began in Italy in the 1980s and in The Netherlands in the early 1990s. Women of the Edo ethnic group from Benin City in Nigeria (colloquially known as “Binis”) began to migrate to Europe in search of work, and found a market for sexual services.<sup>101</sup> They began to recruit other women from their region, fronting the money for travel and creating a system of debt bondage that evolved into human trafficking. Remarkably, it appears that this market has remained in the control of Edo traffickers,<sup>102</sup> and Nigerians remain the predominant African nationality in prostitution across Europe.

Most women trafficked from Nigeria to Europe are brought to Italy, followed by the Netherlands, Spain, Belgium and other countries.<sup>104</sup> In none of these markets do they constitute more than 20% of the victims detected, however. In Norway, the first Nigerian women working in prostitution

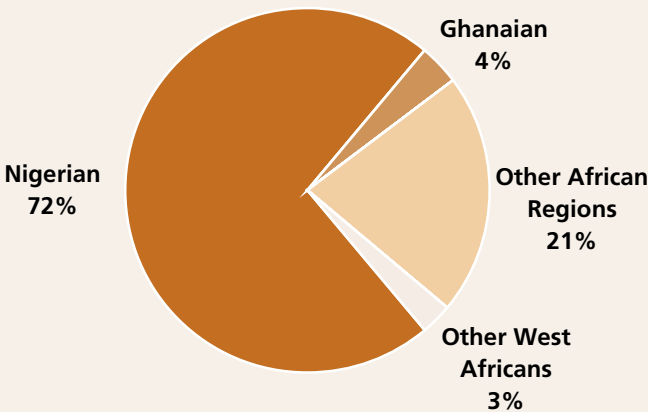
were detected around 2004-2005, and the number of victims has grown quickly in the last few years, comprising a third of the trafficking victims detected in 2007.<sup>105</sup>

According to an INTERPOL report from 2000, about 90% of the Nigerian prostitutes trafficked to Europe were from Benin City and the countryside around it.<sup>106</sup> Similarly, Italian repatriation data indicate that mainly Edo victims were trafficked at that time. More recently, traffickers have tried to widen the area of recruitment, and victims of trafficking now include Nigerians from other states (Akwa-Ibom, Cross River, and Delta). Nevertheless, the most recent Nigerian data show that while Edo victims are over-represented among the total victims registered by the authorities in Nigeria, they comprise the great majority of the detected victims who were trafficked outside the country.

It is unclear why Edo women have so long been the most trafficked group. Some anthropological studies point to the structure of the Edo society or culture, while others suggest

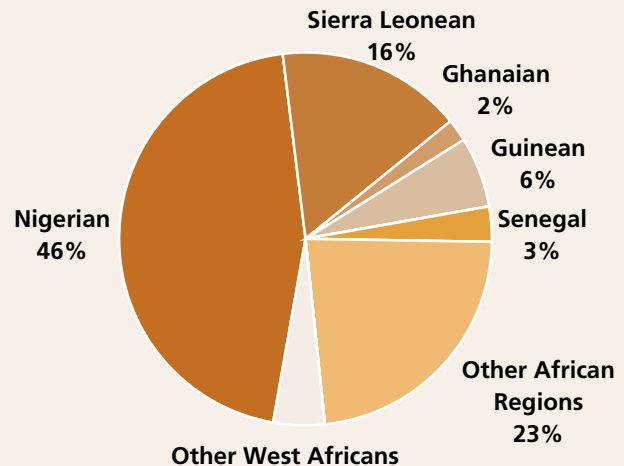
### Nationality of African victims detected in selected European countries<sup>103</sup>

Italy, African victims detected by law enforcement, (2003-2007)



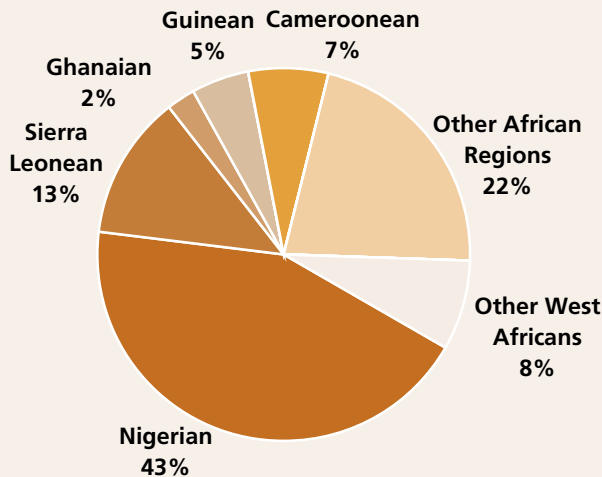
Source: National Antimafia Bureau

Spain, African victims of sexual exploitation detected by law enforcement, (2002-2005)



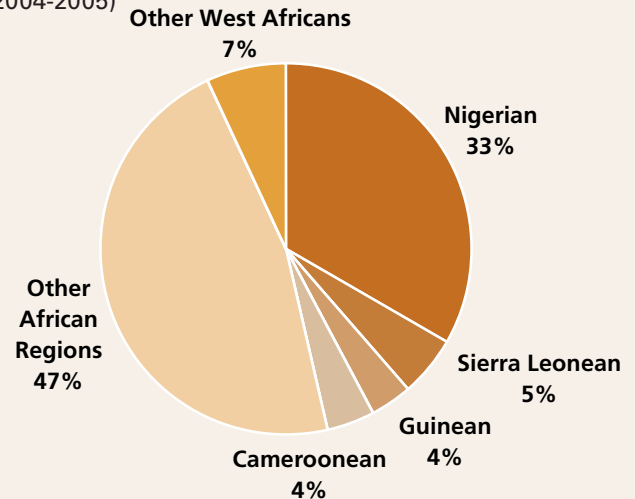
Source: Guardia Civil

The Netherlands, African victims detected, (2002-2006)



Source: Dutch National Rapporteur

United Kingdom, African child victims sheltered, (2004-2005)



Source: CEOP Project/Home Office

economic factors, despite the fact that Benin City is not poorer than other parts of West Africa. As the chart above shows, Benins are far from being the only victims trafficked for sexual exploitation in Nigeria, but they are dominant among victims exploited abroad. The most plausible explanation is that they simply accessed the European market first, and have accrued an “advantage” in a very competitive market over time. Ethnic networks are frequently used as a basis for organized crime, and they are particularly relevant in human trafficking, where issues of trust and coercion are key.

### How is the trafficking conducted?

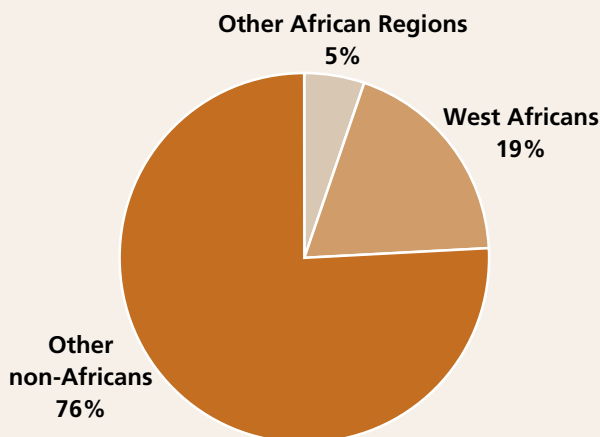
There have been several studies of the particularities of West African human trafficking. Many emphasize a unique aspect of West African trade: the use of traditional religious rituals and charms to secure and maintain the submission of the victims. Evidence of this practice has been found in Italy, the Netherlands, Norway and the United Kingdom.<sup>108</sup> While the exotic nature of these practices has attracted a lot

of attention, this “voodoo” essentially replaces violence and threats as a means of control. This should result in less violent markets, and so is not necessarily a bad thing.<sup>109</sup>

On a more mundane level, West African human trafficking appears to be rooted in debt-bondage,<sup>110</sup> a characteristic it shares with other ethnically-based trafficking schemes, such as those seen among the Chinese or in the Balkans. Although the victims typically intend to migrate for work, the nature and conditions of work are rarely understood, and victims may even be deceived about the final destination.<sup>111</sup> The recruiter provides a loan of perhaps US\$40,000 to US\$55,000 to the victim to cover the costs of the illegal immigration, and creates a contract to repay in a specified period of time. Victims are accompanied by a male handler during their travel, known as the “trolley”. At the destination, the victim is handed over to the local branch of the same organization (recruiters and exploiters are often from the same family). The victims are forced into prostitution until the debt is

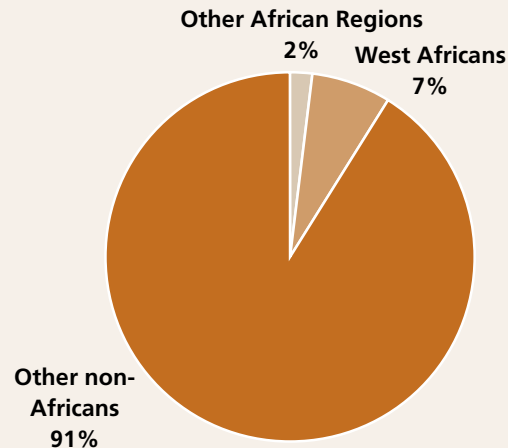
### Share of West Africans among victims of trafficking in selected European countries

The Netherlands, victims of trafficking in persons identified by authorities, (2002-2006)



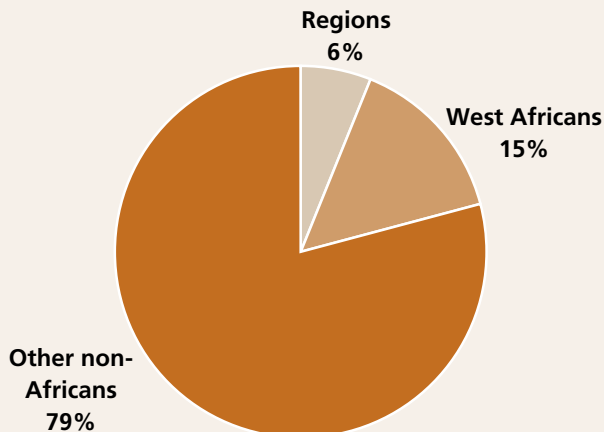
Source: Dutch National Rapporteur

Spain, victims of sexual exploitation detected by law enforcement, (2002-2005)



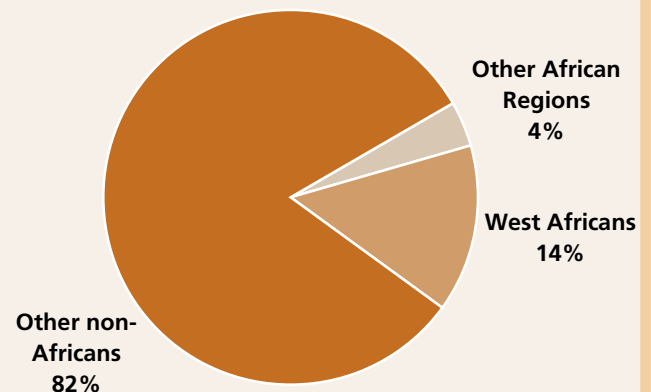
Source: Guardia Civil

Belgium, victims of trafficking in persons sheltered by national authorities, (2005-2006)



Source: Immigration Office – Federal Public Service of Home Affairs

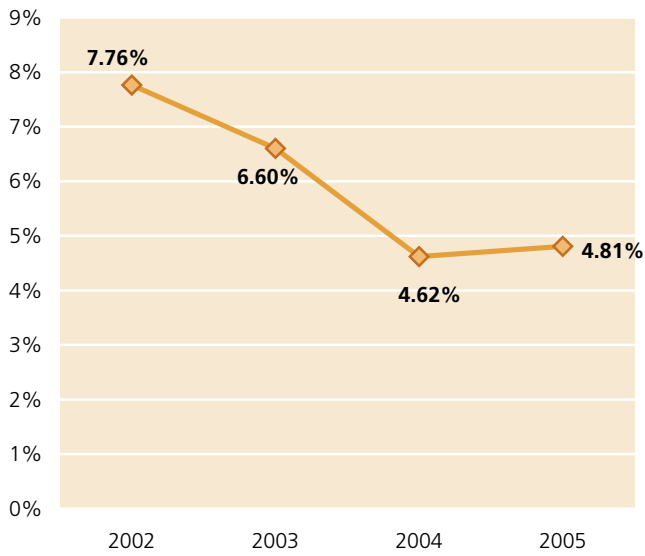
Italy, victims of trafficking in persons identified by law enforcement authorities, (2003-2007)



Source: National Antimafia Bureau

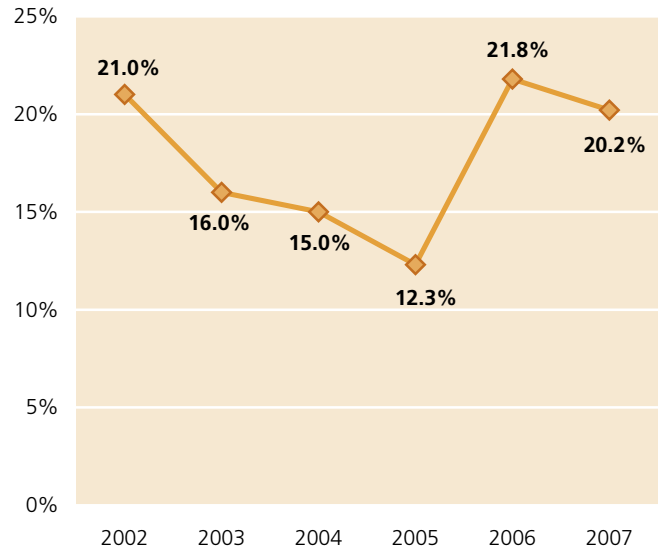
Trends in the share of West African victims detected in Spain and the Netherlands

Total West Africans in Spain



Source: Guardia Civil

Total West Africans in the Netherlands



Source: Dutch National Rapporteur

repaid. The principal owed may be magnified by interest, inflated charges for support services, and fines for misbehaviour. Once the debt is repaid, the victim is free to go. It can take two to three years to repay the debt.<sup>112</sup>

Thus, the trafficked women are not generally victims of kidnapping; they are indebted labourers. The debt is the basis for their exploitation. Consequently, it is not uncommon for NGOs (or even a client) to repay the debt for the release of a victim.<sup>113</sup> But while victims are theoretically able to leave the profession and move on to other things once the debt is settled, they frequently remain in prostitution, either working on their own account or working for the trafficking organization, handling new arrivals.<sup>114</sup> In effect, the victims become perpetrators, locked psychologically into a market that many did not enter willingly.

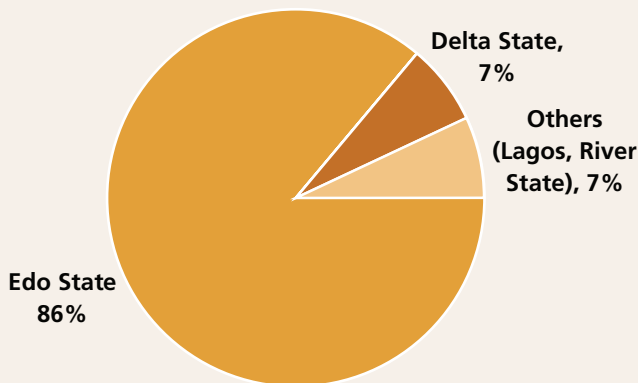
The means of entering Europe vary over time and depend on the destination. To access the United Kingdom, for

example, underage girls are often flown in and instructed by the traffickers to ask for asylum upon arrival. Once settled in British territory, the victims voluntarily get in contact with the organization that brought them into the country, leading to their exploitation.<sup>115</sup> Similar patterns have been found in the Netherlands, where in the late 1990s a rising number of Nigerian girls, ranging in age from 10 to 20, started to apply for asylum status. Once placed in juvenile homes, they soon disappeared from their shelters, later to be found as prostitutes in the red-light districts in the country. They were prepared to work for rates that undercut those of the adult prostitutes. Some of these girls, when interviewed, said they had been instructed on what to do and say once they arrived in Europe. Both the British and the Dutch examples demonstrate that the women have a deep knowledge of the asylum procedures of the countries of destination.<sup>116</sup>

Air routes include direct flights from Lagos to the final destination, or to a transit country within Europe. Ghana is another popular embarkation point. Some victims are diverted to transit points farther afield, including Ethiopia and South Africa. Victims may be even be flown to Moscow or Istanbul, and trafficked by land through East or South-East Europe.<sup>117</sup> Victims may be exploited en route at several points before reaching their final destination. Victims trafficked to the United Kingdom generally fly direct, whereas those trafficked to Norway have generally spent time in Spain or Italy.<sup>118</sup>

Land and sea transport clearly follow the same routes adopted for the irregular migrants; from West Africa through the Sahara desert to North Africa, and to the Canary Islands, south Spain or Italy.

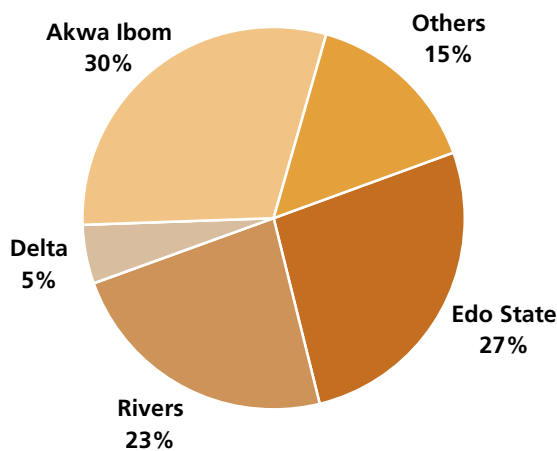
Victims of TIP repatriated to Nigeria; (from Italy 1999-2001)



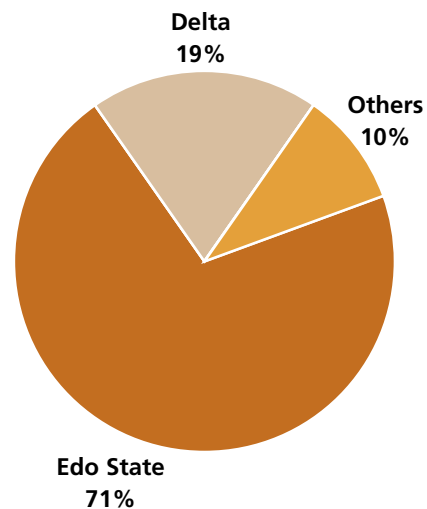
Source: Ministero degli Interni-Italia

State of origin of Nigerian victims registered by NAPITIP (Jan 2006-May 2007)<sup>107</sup>

Sexual exploitation/prostitution



External trafficking



Source: National Agency for Prohibition of Traffic in Persons (NAPTIP)

Italy is frequently mentioned as the primary destination for these victims. Italy has the second largest Nigerian population in Europe (after the United Kingdom), and it is the only country where female Nigerians outnumber the males. In Italy, Nigerian victims may travel to Turin (in the north), normally coming from Spain and France, or to Castelvolturno (in the south). In Turin, about 80% of the Nigerian nationals identified are women. From Turin, they may then be moved to other Italian or European cities.<sup>119</sup>

Rotation is a common practice in trafficking for prostitution everywhere. Victims are rotated between cities as a means of disorienting them.<sup>120</sup> This is also true for Nigerian and other West African victims. In Switzerland, the federal police have noted that Cameroonian victims are often moved back and forth across the Swiss-French border.<sup>121</sup>

### Who are the traffickers?

As reported above, many of the Nigerian victims of trafficking in Europe are Edo and, based on interviews with the victims, so are the traffickers. Recruiters in West Africa, as elsewhere, tend to be of the same nationality as the victims. West African, and particularly Nigerian, criminal networks are adept at migrant smuggling by means of visa overstay, including the forgery/falsification of documentation to acquire visas. It is also claimed that those managing the business of prostitution in Europe are Edo,<sup>122</sup> often working with the permission and cooperation of local organized crime groups.<sup>123</sup> While local organized crime groups are often involved in facilitating the trade in transit countries, the consensus appears to be that both ends of the market chain are managed by Nigerians.

While great numbers of Nigerian victims have been

detected, however, only a small number of Nigerian traffickers have been arrested, in Europe or in Africa. For example, only five Nigerians were convicted for human trafficking in the Netherlands between 2002-2006, while at the same time, 220 Nigerian victims were detected.<sup>124</sup>

Both in Europe and in Africa, the traffickers are more likely to be women than men. Men are often involved in supervising the travel,<sup>125</sup> but, increasingly, also as exploiters or recruiters. The growing involvement of men appears to be associated with growing levels of violence in the business.<sup>126</sup>

The women involved in managing prostitution in Europe are referred to as “madams”, and are often former victims, though they may not be much older than the women they manage. The personal relationship between the madam and the victim is very important to the smooth operation of the business. Madams may assume a benevolent role, taking victims shopping or helping them send money to their relatives. It is the madam who manages the settlement of the debt, and is thus in control of how long the victim is bound. Many madams in Europe are highly mobile and maintain contact with madams elsewhere in Europe, facilitating rotation of the victims.<sup>127</sup>

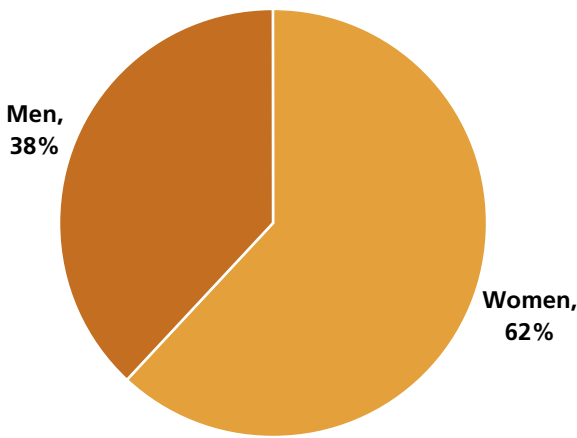
### How big is the flow?

West Africans comprise an important segment of the victims identified in many European countries. The data available from the last few years show that the share of West African victims has fluctuated between 5% and 15% of the total victims detected in a number of key destinations.

Less precise statistics for Austria, France, Switzerland and the United Kingdom show the same patterns, while in Norway the share is much higher (35% in 2007) and

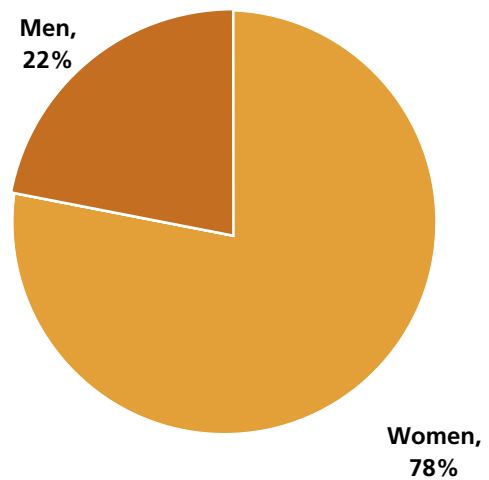
Gender ratio for trafficking in persons offenders in Nigeria and the Netherlands

Prosecuted in Nigeria, (2004-2006)



Source: NAPTIP

Suspects in The Netherlands, (2002-2005)



Source: Dutch National Rapporteur

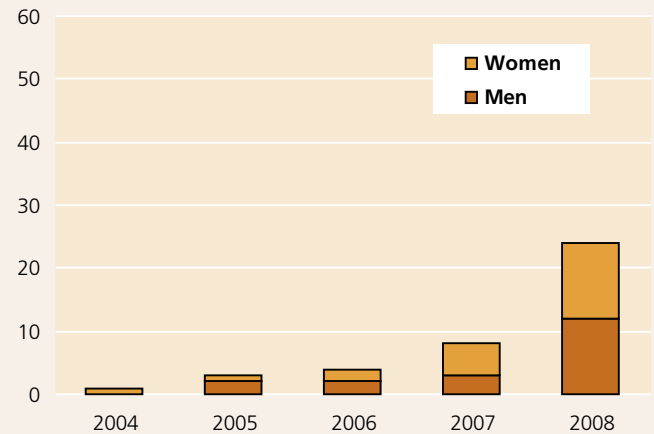
increasing.<sup>128</sup> Aside from these 11 countries, very few Nigerian trafficking victims were found in the other European countries for which data are available. Some 570-600 West African victims are detected each year in these countries (Austria, Belgium, France, Germany, Greece, Italy, the Netherlands, Norway, Spain, Switzerland and the United Kingdom).<sup>129</sup> Since these countries make up the vast bulk of the population of Western Europe, it is probably safe to say that West African trafficking victims comprise about 10% of the forced sexual labour pool in that region.

Assuming a rate of about one victim detected for every 30 trafficked,<sup>130</sup> the estimated number of West African victims present in Europe would be around 17,100 at any given time. Given that the reported period of exploitation is two to three years, some 5,700 victims would have to be trafficked into Europe every year.

In monetary terms, the value of the victim to those exploiting her is equivalent to the debt the victim has to repay, which, as noted above, starts at about US\$50,000. If another trafficker wants to buy the victim, he/she will have to pay this debt. If each of the 17,100 or so West African sex workers in Europe were priced at this rate, the value of the market could be estimated at around US\$850 million. About twice this could be extracted if debts are inflated. The flow would be worth about US\$285 million.

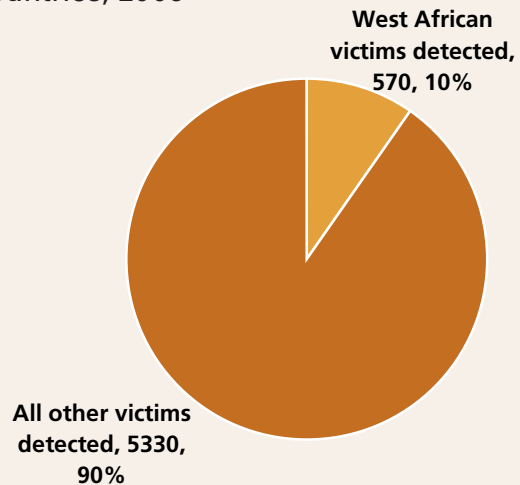
In terms of trends, the overall market appears remarkably stable, although individual countries may show increases or decreases. Amalgamated data from seven key destination countries show between 150 and 200 victims detected every year between 2004 and 2007. These figures do not include important destinations like Spain, France, and the United Kingdom, however.

Persons convicted for trafficking in persons in Nigeria, (2004-2008), by gender



Source: NAPTIP

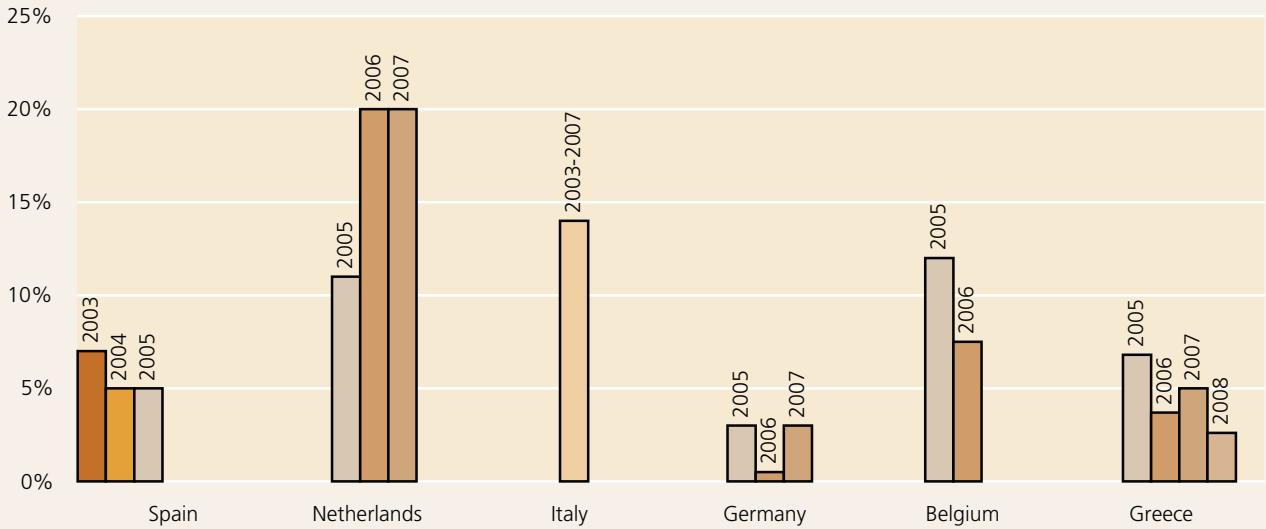
Share of West African victims for 11 European countries, 2006



Source: UNODC estimates based on UNODC/UN.GIFT statistics

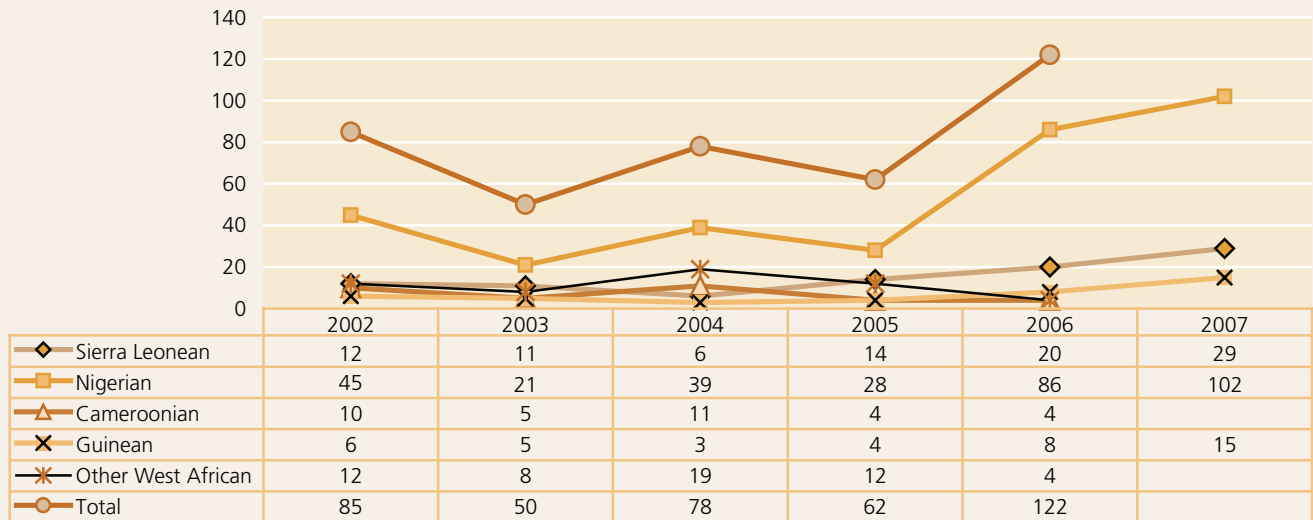


### Share of West Africans among total detected victims in selected European countries



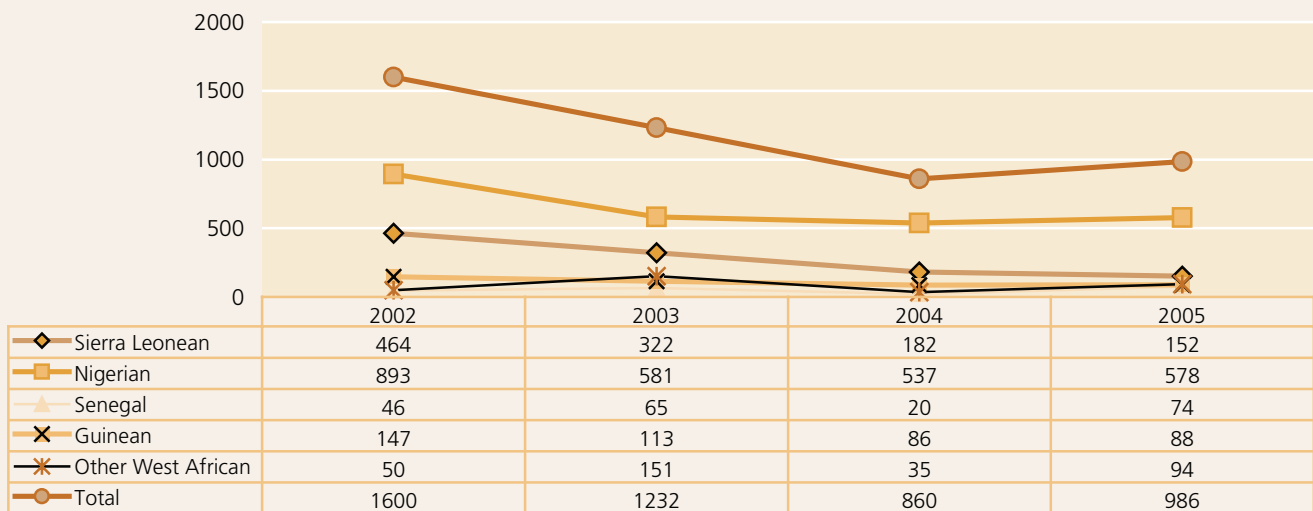
Source: UNODC/UN.GIFT statistics

### Percentage of selected West African nationalities among total detected victims in the Netherlands, (2002-2007)



Source: Dutch National Rapporteur

### Percentage of selected West African nationalities among total detected victims in Spain, (2002-2005)



Source: Guardia Civil

Total West African detected victims in selected European countries (2004-2007)



Source: UNODC estimates based on national statistics



## SMALL ARMS AND AMMUNITION FROM THE WORLD TO WEST AFRICA

### Route

Source: *West Africa, other Africa, China, Ukraine, Russian Federation, Middle East (Israel, the Islamic Republic of Iran)*

Vector to West Africa: *Air, land, sea*

Vector within West Africa: *Land, air*

Destination: *West Africa (Nigeria, Guinea and Guinea-Bissau, among others)*

### Value

Volume: *2 million arms in circulation in the region*

Value at destination: *US\$167 million*

### Traffickers

Groups involved: *West African, other African, Russian*

Residence of traffickers: *West Africa, other Africa, Europe*

### Threat

Estimated trend: *Falling*

Potential effects in region: *Death and destabilisation*

Likelihood of effects being realised: *High*

Potential effects outside region: *Rising number of refugees*

Likelihood of effects being realised: *High*

## What is the nature of this market?

The links between trafficked firearms and instability are clear. The chief client for illicit military-grade weapons are groups seeking to overthrow or challenge the state. If these groups were unable to access weaponry, their ability to mount an insurrection would be limited. It would be easy to conclude that firearms represent the greatest trafficking threat to stability in West Africa, and that all available counter-trafficking resources should be directed to stemming these flows.

But there are a number of reasons to question this reading of the facts. First, it is unclear whether West Africa needs to import more guns, since many of those used in recent conflicts are still in circulation. Second, aside from trafficking, there exist a number of alternative sources of weapons, which may involve lower costs and risk. There are indications that militant groups and criminals are presently favoring these alternative sources, rather than transnational trafficking.

Unlike drugs or oil, firearms are durable goods, so once a market has become saturated, there is no need for a sustained trafficking flow. In the recent past, quite a few arms have been moved into West Africa; every country in the region has experienced political conflict. Many combatants were recipients of Cold War military aid, while in more recent years, former-Soviet arms were purchased with revenues from plundered natural resources. In some instances, militias were armed by the government to prop up unpopular regimes, and many of these weapons were never recovered. There are also examples of rebel groups being armed by the governments of neighboring states using official stocks.

Aside from these older weapons, rebels and criminal groups can steal, purchase or rent firearms from the security forces. As strange as this may sound, this activity is commonly reported in troubled parts of Africa. In other parts of the world, criminals are more likely to target civilian gun owners. Based on household surveys, however, firearms ownership rates have traditionally been low in West Africa compared to other regions. In Nigeria, for example, less than 2% of households polled reported owning a firearm, a level close to that in England and Wales and one tenth that reported in countries in Southern Africa.<sup>135</sup>

A final alternative to trafficked weapons and ammunition is locally manufactured products. Only 3% of an estimated 1,200 global companies manufacturing arms or ammunition are in Africa, but one third of African states produce small arms or ammunition, or have done so in the recent past. This industry is shrouded in government secrecy and generally poorly monitored and controlled.<sup>136</sup>

In addition to formal manufacture, those looking for inexpensive weaponry can turn to 'craft weapons'. The blacksmiths of Ghana are particularly well-known for their skill in manufacturing cheap firearms, including single-shot pistols, multi-shot revolvers, and shotguns. An estimated 75,000 of these weapons are circulating in Ghana, and they are said to be exported to other parts of the region. Craft weapons comprise about 80% of the firearms confiscated by the police in Ghana, and they are said to be used in one quarter to one third of the violent crimes committed in the country.<sup>137</sup> Craft arms are also being manufactured in Nigeria, perhaps with the assistance of Ghanaian blacksmiths. Mali and Guinea are said to be additional sources of craft

## Arms in the Niger Delta

The Niger Delta provides an interesting case study of the way gun markets operate in the region. Given that it represents both one of the most conflict-ridden and best-resourced regions, it might be expected to attract the bulk of trafficked weapon flows. But it appears that many of the illicit weapons used in the Delta violence were legally imported before being diverted in militant hands, as appears to be the case in other parts of the region.<sup>131</sup>

In particular, a large share of the weaponry used by the militants appears to be bought or rented from the security forces. According to former president Obasanjo, speaking during his administration in 2002, most of the illicit ammunition circulating in Nigeria at the time came from the military and the police.<sup>132</sup> The recent conviction of eight soldiers charged with stealing some 7,000 arms and selling these to MEND as recently as December 2006 suggests this activity has continued.<sup>133</sup> In addition to active-duty soldiers, returning peacekeepers and the police have often been identified as purveyors of weapons, in Nigeria and elsewhere. There are also reports of government officials sympathetic to the Delta cause, or in need of armed community support, diverting guns from government stocks to the rebels. As a result, there appear to be abundant alternative sources of supply to trafficked weapons in Nigeria, and, as a result, the demand for imported weapons is low. A 2007 analysis of the Delta violence conducted by the Geneva-based Small Arms Survey concludes:

*...while arms are flowing into the country, they do not appear to be coming in large quantities ... the primary product coming in is ammunition. ... Members of armed groups [interviewed] stated that they had already purchased what they needed, and that government efforts to crack down came too late.*<sup>134</sup>

## African manufactures of small arms, light weapons and their ammunition, 1997-2006

Country	Production		
	SA	LW	AMMO
01 Algeria	○		
02 Burkina-Faso			●
03 Cameroon			●
04 Congo			●
05 Egypt	●	●	●
06 Ethiopia			●
07 Guinea			●
08 Kenya			●
09 Libya	●		
10 Morocco	●		
11 Namibia			○
12 Nigeria	●		●
13 South Africa	●	●	●
14 Sudan	○		●
15 Tanzania			●
16 Uganda			●
17 Zimbabwe	●		●

Note: Production may not have been going on in 2006.

Key: ● = Confirmed active  
● = Unconfirmed  
○ = Confirmed, status unclear

Source: Berman, Eric, "Illicit Trafficking of Small Arms in Africa: Increasingly a Home-Grown Problem", Presentation at GTZ-OECD-UNECA Expert Consultation of the Africa Partnership Forum Support Unit, 14 March 2007

weapons. While these untraceable and inexpensive guns have obvious application in street crime and violence, they would be of limited utility when confronted with superior firepower. They could be used in spontaneous uprisings or to terrorize civilians, but most serious organized criminals and insurgents would still prefer imported weaponry. In other words, it is unlikely that the presence of craft weapons would greatly reduce demand for trafficked firearms.

On balance, it appears that would-be arms traffickers from outside the region face a tough market in West Africa. There do remain a few niches that could be exploited, however. The chief of these is ammunition. While ammunition is also diverted from official sources, this leaves the rebels continuously dependent on the corruption of the officials charged with combating them in a way that the sale of a firearm does not. In the end, more prudent insurgents may look to outside sources for bullets:

*For non-state armed groups that cannot rely on normal military procurement, sources of ammunition are very much the same as those for weapons: they include capture of material from enemy combatants, seizures and leakages from enemy or government stockpiles, transfers from supportive states, small-scale transfers (the so-called 'ant trade', e.g. from diasporas), and in-conflict trade.<sup>138</sup>*

African-manufactured ammunition for automatic weapons

sells in the USA for as little as US\$138 for 1,000 rounds.<sup>139</sup>

A second niche is modern weapons systems. Demand for these may be limited, but if resources are available for their purchase, the well-heeled rebel might be tempted. In addition, many of the governments of the region recently became eligible for enhanced US military aid under the US\$500 million programme known as the Trans Saharan Counter-terrorism Initiative. This could mean an upgrading of the hardware used to fight insurgents, which in turn could trigger demand for trafficked weapons.

### How is the trafficking conducted?

Shipments from outside the region arrive by air. They come with false end-user certificates or move immediately on to a secondary or tertiary destination once they reach the region. Cargo shipment companies, often based in the Russian Federation, Ukraine, or eastern European countries, either collude in the deals or turn a blind eye. For example, Amnesty International documented a case of an Ivorian broker and a Belarusian supplier colluding to ship arms to Côte d'Ivoire in violation of the arms embargo, via Guinea-Bissau. This particular shipment may have never been delivered, but is emblematic of the type of transactions that take place frequently in the region. Note that there are no small arms on this list, but plenty of ammunition.

**Arms “shopping list” for Guinea-Bissau seizures (suspected destination Côte d’Ivoire), 2006-2009**

Quantity	Description
4	Mi-24 attack helicopters
1	Mi-8 transport helicopter
10	BTR-80 armoured vehicles
20	AGS-17 rocket launchers
5,000	RPG-7 ammunition rounds
6,000	122mm BM-21 rockets
80,000	23mm ZU-23 ammunition rounds
100,000	12.7mm DshK ammunition rounds
1,000,000	7.62x39mm ammunition rounds
1,000,000	7.62x54mm ammunition rounds
10,000	Grenades
10,000	30mm VOG-17 grenades

Source: Blood at the Crossroads, “Côte d’Ivoire: A belated UN arms embargo”, Amnesty International 2008

Shipments by sea enter ports where corrupt officials’ cooperation can be bought. Shipments by land are carried on foot via a well-travelled network of paths on porous and

under-policed borders. Arms caches are buried or stashed when one conflict ends until the need for them arises again – a practice that mirrors the availability of mercenary soldiers-for-hire that migrate to follow conflict.

Traffickers have long experience in moving weapons between West African countries, gained though years of avoiding international embargoes. Today, there remain several well-known hubs and routes for weapons trafficking between the states of the region. The Tudu market in Accra is often mentioned as an open market for regional buyers.<sup>140</sup> Several borders are targeted by traffickers, including Benin/Nigeria, Burkina Faso/Côte d’Ivoire, Liberia/Côte d’Ivoire, Guinea-Bissau/Senegal, Gambia/Senegal, Liberia and Sierra Leone/Guinea, Algeria/Mali, Chad/Niger and Nigeria/Niger, among others.

**Who are the traffickers?**

The tables below lay out some of the groups that may be involved in trafficking and the armed groups recently active in the region. They highlight the fact that a very wide range of actors are involved in moving a variety of weapons around, but the volumes coming into the region do not appear to be large.

Country	Trafficker profile	Risk of destabilization from trafficking in weapons
Côte d’Ivoire	<ul style="list-style-type: none"> <li>- Togolese company Darkwood and its foreign national contractors</li> <li>- A Belarusian/Belgian/Dutch-registered company suspected of shipping arms to Guinea-Bissau for eventual delivery to Côte d’Ivoire</li> <li>- Ivorian and European brokers</li> </ul>	High: Illicit arms deals underway during fragile peace according to Amnesty International
Ghana	<ul style="list-style-type: none"> <li>- Returning peacekeepers, refugees and mercenaries</li> <li>- Leakage from official armouries</li> <li>- Ethnic groups established across Ghana and Côte d’Ivoire provide conduits</li> </ul>	Low: 80% of police seizures are locally manufactured
Mali	<ul style="list-style-type: none"> <li>- Brokers via Mano River Union, destination northern Mali, criminal clients, and transit to Chad and Niger</li> </ul>	Moderate: Officials have collected over 1,300 illegal weapons in five years but estimate at least 5,500 still circulating. Surrounding conflicts increase flow, risk
Nigeria	<ul style="list-style-type: none"> <li>- Armed groups in the Niger Delta</li> <li>- Criminal networks</li> <li>- Corrupt officials</li> </ul>	High: Oil bunkering provides funding for arming of Niger Delta rebel groups and corruption in the police and judicial systems is endemic. Religious dimension to conflict between Christian and Muslim can be exploited
Senegal	<ul style="list-style-type: none"> <li>- Refugees and mercenaries from neighboring conflicts</li> <li>- Casamance rebels</li> </ul>	Low: 90% of weapons seized are craft weapons
Mano River Union* (MRU)	<ul style="list-style-type: none"> <li>- Eastern European brokers</li> <li>- Syrian and Lebanese brokers</li> <li>- Corrupt security forces</li> <li>- Neighbouring governments</li> <li>- Mercenaries</li> </ul>	Moderate: Instability in neighbouring countries, history of spillover conflict, and the presence of natural resources that have fueled previous wars. Citizen burnout and some disarmament success mitigate risk

\*Sierra Leone, Liberia, Guinea

Sources: Agboton-Johnson, Christiane et al, Small Arms Control in Ghana, Nigeria and Senegal, International Alert 2004. Amnesty International, “Blood at the Crossroads”, September 2008. Keili, Francis, “Small arms and light weapons transfer in West Africa: a stock-taking”, Disarmament Forum, 2008.



## Overview: Armed groups in ECOWAS active 2000 to 2005

No.	Country	Armed Group	Year formed	Type at creation	Subsequent type
1	Côte d'Ivoire	Forces Nouvelles	2003	REB-N	REB-N
2	Côte d'Ivoire	Groupement des patriotes pour la paix (GPP/CPP/FLN)	2002	MPG-N	MPG-N
3	Côte d'Ivoire	Front pour la securite du Centre-Ouest (FSCO)	2002	MPG-SN	MPG-SN
4	Côte d'Ivoire	Front pour la liberation du Grand Ouest (FLGO)	2002	MPG-SN	MPG-SN
5	Côte d'Ivoire	Jeune patriotes	2000s	MPG-N	MPG-N
6	Gambia	Green Boys	1999	MPG-SN	MPG-SN
7	Guinea	Jeunes volontaires	2000	MPG-N	VG-N*
8	Guinea	Rassemblement des forces democratique de Guinee (RFDG)	1996	REB-N	REB-N
9	Liberia	Liberians United for Reconciliation and Democracy (LURD)	2000	REB-N	VGN-SN*
10	Liberia	Movement for Democracy in Liberia (MODEL)	2003	REB-N	VGN-SN*
11	Liberia	Militia of ex-government of Liberia	1997	MPG-N	MPG-N*
12	Nigeria	Bakassi Boys	1999	VG-SN	MPG-SN/VG-SN*
13	Nigeria	O'odua People's Congress (OPC)	1994	VG-N	VG-N
14	Nigeria	Arewa People's Congress (APC)	1999	VG-N	VG-N
15	Nigeria	Egbesu Boys of Africa (EBA)	1998	VG-SN	VG-SN
16	Nigeria	Niger Delta Volunteer Force (NDVF)	1998	VG-SN	VG-SN
17	Nigeria	Niger Delta Vigilante (NDV)	2000	VG-SN	MPG-SN*
18	Nigeria	Niger Delta People's Volunteer Force (NDPVF)	2003	VG-SN	REB-SN/ VG-SN*
19	Nigeria	Hisbah Groups	1990s	VG-SN	VG-SN / MPG-SN*
20	Nigeria	Federated Niger Delta Ijaw Communities (FNDIC)	1997	VG-SN	VG-SN
21	Nigeria	Al-Sunna Wal Jamma	2002	REB-N	REB-N
22	Nigeria	Zamfara State Vigilante Service (ZSVS)	1999	MPG-SN/ VG-SN	MPG-SN/ VG-SN
23	Senegal	Mouvement des forces democratiques de Casamance (MFDC)	1982	REB-SN	REB-SN
24	Sierra Leone	Revolutionary United Front (RUF)	1991	REB-N	REB-N
25	Sierra Leone	Armed Forces Revolutionary Council (AFRC)	1997	REB-N	MPG-N*
26	Sierra Leone	Civil Defense Force (CDF)	1990s	MPG-N	VG-SN*
27	Sierra Leone	West Side Boys (WSB)	2000	VG-SN	VG-SN

**Legend:** **MPG-N:** pro-government militia with national ambitions; **MPG-SN:** pro-government militia with sub-national ambitions; **REB-N:** rebel group with national ambitions; **REB-SN:** rebel group with sub-national ambitions; **VG-N:** vigilante group with national ambitions; **VG-SN:** vigilante group with sub-national ambitions. An asterisk (\*) indicates a change in type.

Source: Small Arms Survey 2006, p. 249. Translated from French.

## Weapons sales to Nigeria 2007

	Weapons type	Units	Value (US\$)	Weight (kg)
Belgium	Shotgun cartridges		4,443	25
	Sporting and hunting shotguns	10	18,251	
France	Bombs, grenades, ammunition, mines, and others		198,969	6,000
Germany	Bombs, grenades, ammunition, mines, and others		3,000	29
Indonesia	Shotgun cartridges		120,000	750
Republic of Korea	Military rifles, machine guns and other	105	121,422	
Singapore	Shotgun cartridges		21,445,481	4,427,028
Switzerland	Pistols and revolvers	2	476	
United Kingdom	Sporting and hunting shotguns	3	1,428	
USA	Bombs, grenades, ammunition, mines and others		79,227	
	Small arms ammunition		13,336	537
	Shotgun barrels		18,663	
	Parts and accessories for small arms and light weapons		10,000	93
<b>TOTAL</b>		<b>120</b>	<b>22,034,696</b>	<b>4,434,462</b>

Source: Norwegian Initiative on Small Arms Transfers (NISAT) database and Comtrade.

### How big is the flow?

Between 1998 and 2004, more than 200,000 small arms were seized or collected in the region, at least 70,000 of which were subsequently destroyed.<sup>141</sup> While impressive, these numbers are small in proportion to the estimated number of small arms present in West Africa (estimated at between 7 to 10 million),<sup>142</sup> and only a fraction of these need fall into the wrong hands to pose a security threat. In Côte d'Ivoire there are said to be at least "tens of thousands" of weapons circulating while a peace deal stalls, exacerbating crime and threatening upcoming elections.<sup>143</sup>

A United Nations Disarmament Research Institute (UNIDIR) report assessing Sierra Leone's weapons collection programs points out that, "The extent of the reduction...is largely unknown as there were no estimates of weapons in circulation immediately after the war. Only testimonies about the hardship of finding weapons now, compared to the war years, provide the evidence of notable reductions."<sup>144</sup> It is just as likely that this "hardship" is due not to weapons' destruction or disappearance, but to the fact that they are being cached or sold in a busier market.

Recently reported prices range widely according to product and location: from US\$100 for a single-barrel craft weapon in Ghana to US\$6,000 for an automatic rifle in Niger Delta. Reported profits likewise range from US\$75 to US\$5,000 per weapon.<sup>145</sup> Despite the porosity of the borders and the relative ease of movement for traffickers, markets remain quite segmented due to conflict, highly uneven presence of customs officials, and wide geographical differences in supply and demand.

Data on legal arms transfers to Guinea, Nigeria, Senegal and Ghana all bear out a shift away from actual arms acquisition, with shotgun cartridges and other ammunition the biggest-ticket item.

Because of the absence of available seizure data (particularly in Nigeria, which has the highest population and one of the most actively funded customs programmes), it is more reliable to extrapolate from the available data about legitimate arms transfers. In recent years, Guinea, Nigeria and Ghana together spent around US\$ 32,241,463 on ammunition.<sup>146</sup> If we extrapolate out to the 15 countries in the region using an average figure per country, and assume that criminal networks and rebels are at least matching government spending, then the conservative estimate of flow into West Africa of ammunition would be worth close to US\$160 million. Doing the same for weapons yields a figure of about US\$7 million for the 15 countries.



## TOXIC WASTE FROM INDUSTRIALIZED COUNTRIES TO NIGERIA AND GHANA

### Route

Source: *Europe (exit points: Rotterdam, Hamburg, Antwerp, London) and USA; sometimes transit in Gibraltar and/or Malta*

Vector to West Africa: *Ships*

Destination: *Mainly Nigeria and Ghana*

### Value

Volume: *An estimated 94,900 tons of e-waste annually*

Value at destination: *US\$95 million*

### Traffickers

Groups involved: *Private persons and small groups (usually with ethnic links to destination countries) or companies also having legal activities*

Residence of traffickers: *In industrialized countries (mainly European States and USA)*

### Threat

Estimated trend: *Falling/stopped (chemicals land dumping); increasing (e-waste)*

Potential effects in region: *Death, severe long-term environmental and health problems, public disorder*

Likelihood of effects being realised: *High*

Potential effects outside region: *Few*

## What is the nature of this market?

As the world grows wealthier, it generates more waste, and the question of how to dispose of this waste poses one of the major challenges of the twenty-first century. Left to an unregulated global market, noxious and toxic industrial by-products follow a predictable trajectory – emitted from well-developed countries, they accumulate in nations too poor to reject them.<sup>147</sup> These countries are also too poor to store or process this waste properly, resulting in serious health and environmental problems. Poisoned water and soil are especially devastating in areas where much of the population is dependent on agriculture and fishing, and where medical care is sparse. African countries run the risk of becoming the rubbish dumps of the planet, and West Africa is arguably the most vulnerable region, due to its proximity to more developed countries.

In the 1980s, as environmental regulations tightened in the developed world, a series of scandals broke out over toxic waste in West Africa, peaking around 1988, when the following incidents occurred:

- A farmer in the village of Koko, Nigeria, contracted with an Italian company to store 18,000 barrels of industrial waste, including PCBs,<sup>148</sup> on his plot;
- Expatriate Europeans and local officials were implicated in a scheme in which 15,000 tons of toxic incinerator ash from Philadelphia in the United States were imported and dumped in a quarry on the island of Kassa near Conakry;
- A deal to dump 15 million tons of toxic waste on land owned by the President's brother for US\$600 million (twice the GDP) was aborted in Guinea-Bissau;
- A contract between a European waste management company and the government of Benin to import between one and 10 tons of toxic waste per year for 10 years was cancelled.<sup>149</sup>

At the time, many of these transactions were not illegal at all, but rather licit transactions involving local officials more concerned with immediate gains than long-term impact.

This problem was addressed in 1989 by the international community in the *Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal*.<sup>150</sup> The Basel Convention established a global system for tracking and regulating the movement of hazardous waste. It requires the sender to notify exporting, transit and destination countries of any hazardous waste shipments involving their territory. It requires the written consent of receiving countries to be obtained. The Convention criminalizes trafficking in hazardous waste, although, as is the case with similar violations in other international conventions, prosecution must still take place under some body of national legislation.

Although the Basel Convention provided the ability to monitor the movement of toxic wastes from rich to poor countries, it did not prevent this flow from continuing. Shortsighted African leaders could still contract with unscrupulous Western companies to import waste they were incapable of safely storing. Responding to this concern, a group of African States within the framework of the OAU signed in 1991 the *Bamako Convention on the Ban on the Import into Africa and the Control of Transboundary Movement and Management of Hazardous Wastes within Africa*.<sup>151</sup> This convention prohibits outright the importation of waste into State Parties, and many West African countries are signatories. Notably, Nigeria and Ghana are not. Other relevant agreements include a 1989 ban on the waste trade between the European Union and many developing countries (Lomé IV) and the so-called Basel Ban, an amendment to the original Basel Convention, adopted in 1995 and prohibiting the export of toxic waste from OECD to non-OECD countries. Today, almost all movements of hazardous waste into West Africa, including those allegedly intended for “recycling”, would be regarded as trafficking.

It appears that these efforts have been successful. Since about 1992, there have been very few reported incidents of toxic waste dumping in West Africa. One notable exception was the 2006 Probo Koala affair, in which 500 tons of chemical waste was dumped in various sites around Abidjan, resulting in the death of at least 17 people. This sludge was diverted to West Africa after a European bid for its processing (€ 500,000) was deemed unaffordable by the company chartering the ship. The West African firm that did the dumping charged only US\$18,500.<sup>152</sup> Although some have expressed concern that this case may just be the tip of the iceberg, the consensus seems to be that trafficking in chemicals on the scale seen in the late 1980s no longer takes place. The number of documented incidents has certainly declined, at a time when vigilance has increased. Experts believe that land dumping has now been replaced to a certain extent by dumping in the high seas, which is harder to document.

The latest toxic scare in West Africa is linked to the import of non-functioning electrical and electronic equipment, so-called WEEE or e-waste.<sup>153</sup> Items such as cell phones and computer components are now rapidly becoming obsolete due to technological improvements. For example, the shift from cathode ray tube monitors (CRT) to TFT or LCD screens has generated huge amounts of hazardous e-waste; each obsolete CRT contains a large amount of lead. In the USA alone, an estimated 98 million cell phones were discarded in 2005, and some 500 million computers, monitors and peripherals were trashed in 2007.<sup>154</sup> In the European Union, some 3.6 million colour TV sets were phased out in 2005,<sup>155</sup> and it is estimated that the EU generates an average of 8.7 million tons of e-waste per year.<sup>156</sup>

There is a demand for used electrical and electronic equipment in West Africa. Many Africans cannot afford to access

## Signatories to the Bamako Convention



the latest products, so functional northern castoffs could have a useful second life in countries to the south. For reasons that might be linked to the Bamako Convention, the primary importers appear to be Nigeria and Ghana.

Concern has been raised, however, that this trade is simply a smokescreen for another wave of toxic waste dumping. This concern has been underscored by videos showing how e-waste processing in developing countries can, in practice, be little more than the extraction of metal scraps, often by children, using unsafe practices.

Concerned groups estimate that between 30% and 75% of the electrical and electronic goods imported are actually waste, accepted as a cost of accessing the valuable components. A single computer contains about two kilograms of lead, as well as other metals (cadmium and mercury) and inorganic chemicals that can be harmful if released into the environment or ingested. Many of these chemicals persist (do not break down) and bioaccumulate (accumulate in the body). Copper wiring is frequently liberated from coated cables by burning, releasing toxic smoke. To generate fires, foam packing may be used as kindling, another source of toxins. Once the valuable metals have been recovered, the remaining material is often burned in open air or simply left to accumulate. A 2008 Greenpeace study in Ghana took soil samples from e-waste processing sites and found lead concentrations at 100 times normal background levels.<sup>157</sup>

### How is the traffic conducted?

As mentioned above, it is believed that trafficking in industrial waste no longer takes place on a large scale. Even in 1988, much of the flow was the result of contracts between officials and industrial companies, and so would not be

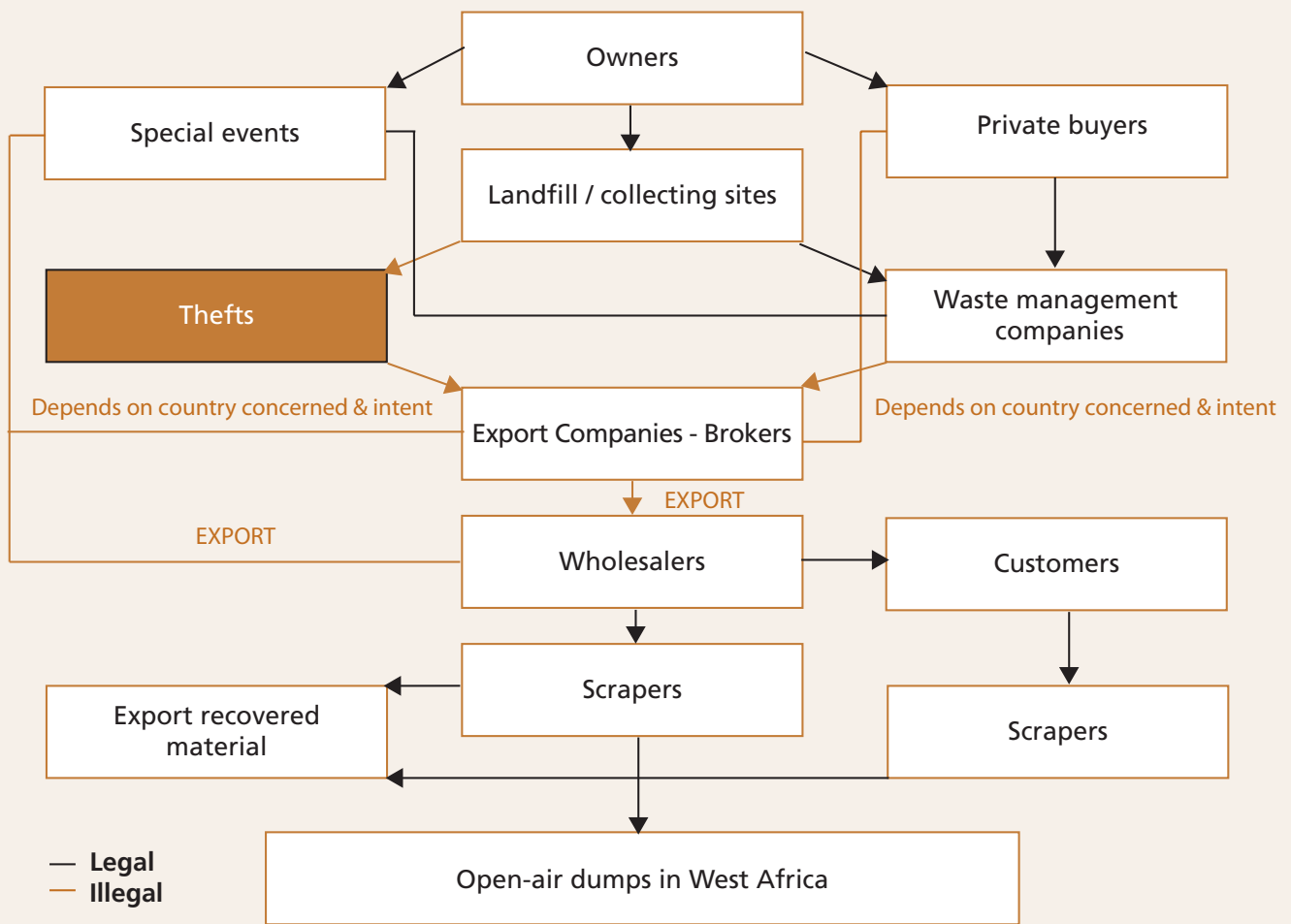
regarded as trafficking at all. Today, most of these contracts would be illegal, and this illegality seems to have provided a genuine deterrent to large industries concerned.

E-waste is another matter, since its export is generally considered legal if the shipment is creatively described. US legislation authorizes the export of second-hand goods for reuse or recycling operations. EC law only allows the export of functioning electronic equipment to non-OECD countries,<sup>158</sup> but e-waste export continues under the heading of “second-hand goods” because there is no mechanism to verify that the exported items are actually functioning.<sup>159</sup>

Of course, some of this material is genuinely intended for re-use, and it is certainly sold as such, but it may be cost-ineffective for some exporters to distinguish between useable and inoperative equipment. If the price is right, West African second-hand dealers seem willing to do the sorting themselves, dumping the residue in an environment where waste controls are not stringently enforced. It has been alleged that traffickers will go to considerable lengths to access e-waste for export, even stealing it, but is it hard to see how such an operation would be attractive to organized crime, given that profits are limited by the amount West African second-hand dealers are willing to pay for a container of partially-functioning merchandise.

Once in possession of sufficient material, the traffickers conceal the nature of the shipment in a variety of ways.<sup>160</sup> The easiest is simply to fail to provide the statutory notice of intent to export, or to ignore the decision of the regulatory authorities. For example, in 2003, 1,597 applications were received concerning the export of 87,900 tons of waste (not just electronic waste) from the Netherlands to develop-





ing countries. The Dutch International Waste Notification Bureau only approved 111 of them, but many non-approved shipments were sent anyway, involving 24,400 tons of waste.<sup>161</sup>

Failure to notify may raise the suspicions of European customs, however, so other techniques are often employed. E-waste is frequently mixed with functioning second-hand electronic goods. According to the Basel Action Network (BAN), the ratio employed is generally 25% functioning products to 75% e-waste.<sup>162</sup> E-waste may also be stuffed into exported vehicles and described as “luggage” for import purposes.

E-waste traffickers often make money on both ends. They may be paid to remove used electronic equipment and then additionally profit by selling this material in West Africa. Traffickers may also acquire used equipment in a variety of ways, including the use of sham waste disposal organizations and theft from landfill or collection sites. Such a scenario raises questions about the viability of a business built on selling rubbish to Africans, however.

A full container load of electronic goods will cost several thousand dollars to ship from north to south. These costs, as well as the costs of gathering the material, will have to be included in the purchase price, even if the material itself were stolen. But buyers will not purchase a shipment for

more than the value they can extract from it. While the resale market for used refrigerators, televisions, and computers is large, the buyers are relatively poor.

### Who are the traffickers?

For the reasons described above, it appears that most professional e-waste traffickers would have to be waste disposal companies, or contractors serving waste disposal companies. E-waste traffickers are certainly unscrupulous, but the question of whether they are best described as organized criminals has raised some controversy.<sup>163</sup> Looking at what is known about the groups involved, some might well fit the Convention definition, if the predicate offences were deemed “serious” (punishable by at least four years in prison) in the countries in question.

Law enforcement sources say the groups are generally small, composed of five or six persons. In the majority of cases, at least one member has ethnic ties with the destination country.<sup>164</sup> The degree of professionalism varies and it seems that groups involved in e-waste trafficking to West Africa are less professional than, for example, those for trafficking to China. But legitimate companies may also be involved in toxic waste or e-waste trafficking, in order to avoid disposal costs, which can be high in developed countries.

Based on Greenpeace fieldwork in Ghana, it appears that the main European suppliers of e-waste to West Africa are



Denmark, Germany, the Netherlands, Norway and the United Kingdom.<sup>165</sup>

### How big is the flow?

While efforts to estimate the amount of e-waste exported are underway,<sup>166</sup> coming up with a figure today involves quite a bit of extrapolation based on data from both the supplier countries and the receiving ones.

For example, it is known that the EU generates more waste than it can account for. In 2006, the 27 Member States produced some 88.6 million tons of hazardous waste, of which 65.8 million tons were documented as treated, leaving 22.8 million tons unaccounted for.<sup>167</sup> The share of e-waste in this total is, unfortunately, not known. A 2007 report of the UN University estimates the average annual volume of e-waste for the EU at 8.7 million tons, of which 6.6 million tons is not treated by the EU waste system.<sup>168</sup>

Figures can also be derived from enforcement operations. Between 2006 and 2008, out of 14,000 inspections conducted on outgoing shipments, 34 were found to contain toxic waste and were aimed for non-OECD countries. This represents 1.58% of the 2,142 waste shipments inspected over that period.<sup>169</sup> Between 2001 and 2005, less than 10,000 tons of hazardous waste destined for non-EU countries were intercepted per year, but this figure may be low due to lack of enforcement. An operation targeting e-waste by the UK Environment Agency led to the seizure of 33 containers of e-waste between September 2007 and February 2009. This is about the same number of shipments detected over two years Europe-wide.<sup>170</sup>

Looking at the receiving countries, one recent study suggests that 35 tons of used TVs arrive every day in Ghana, Nigeria and Egypt, with a declared value of \$35 per set, for a total of \$1.3 million per month (about US\$1000 per ton).<sup>171</sup> According to the Basel Action Network and Greenpeace, who conducted studies on e-waste in Nigeria and Ghana, between 10 and 15 containers of used electrical and electronic goods arrive every day in Lagos.<sup>172</sup> This figure was based on containers destined for the capital's main scrap market only, and may represent just one third of the daily flow to the country.<sup>173</sup> Depending on the size of containers and taking the lower estimate at 30% e-waste per shipment, this suggests between 66 and 130 tons of e-waste arrive every day in Nigeria.<sup>174</sup> Taking similar amounts (per capita) for imports into Ghana, this would suggest about 95,000 tons of e-waste arriving in West Africa annually. If the UN University study cited above is accurate, this would represent about 1.43% of the unaccounted e-waste from the EU.

Placing a value on this flow is difficult, given the variety of products offered and the different types of buyers in the market. If all 94,900 tons of e-waste entering West Africa each year were comprised of television sets, using the US\$1,000 per ton figure cited above, the value would be

US\$94.9 million dollars per year. Most of this would be accruing to traffickers residing outside the region. But until more definite figures can be obtained on the amount paid for a container of partially defective used goods in West Africa, this figure must remain tentative. The profit for exporters would be much greater if companies were contracted to recycle the e-waste. Recyclers are paid as much as US\$100 for processing a single television set.<sup>175</sup> If the groups exporting the e-waste had been paid to recycle the entire 94,900 tons and, instead, sold it in West Africa, it could mean a profit of as much as US\$458 million for those companies.<sup>176</sup>





## WORKERS FROM WEST AFRICA TO EUROPE

### Route

Source: *West Africa*  
 Destination: *Western Europe*  
 Vector to destination: *Sea and land*

### Value

Volume: *At least 20,000 West African migrants in 2008*  
 Value at destination: *US\$75 million in 2008*

### Traffickers

Groups involved: *North African and West African*  
 Residence of traffickers: *Departing point (Libya, Morocco, Senegal, Mauritania, Gulf of Guinea) and destination (Italy, Spain)*

### Threat

Estimated trend: *Mixed (increasing in Italy and Malta; decreasing in Spain)*  
 Potential effects in region: *Large number of migrants' deaths*  
 Likelihood of effects being realised: *High*  
 Potential effects outside region: *Large numbers of irregular migrants in Europe and related effects, Victimization and exploitation of irregular migrants in Europe*

## What is the nature of this market?

There are essentially two categories of migrants smuggled between West Africa and Europe:

- Those who can afford to purchase a “full packet solution” from West African organized crime groups;
- Those who can't.

The “full packet solution” option generally involves travel to Europe (often by air), forged or fraudulent documentation sufficient to acquire a visa, and connections to job prospects or networks within Europe. Since very few visas are issued to West Africans,<sup>177</sup> this option can cost US\$10,000 or more.<sup>178</sup> As discussed in the following chapter, female migrants using this method to enter the EU may find themselves in debt bondage and exploited until their debt is paid. The technique is simple enough, though: migrants enter on a tourist or business visa and simply disappear.<sup>179</sup>

For the vast majority of migrants without the resources to fly, some combination of land and sea travel is required. Migrants may attempt this voyage with no assistance, but they are unlikely to get far. While comprehensive packages may also be purchased for land or sea travel, many migrants pay for clandestine transport piecemeal for each leg of their journey. These services are offered by both West African and North African groups.

## How is the trafficking conducted?

For those who brave the land and sea, the main routes used by West African migrants to reach Europe are three:

- From the Western African coasts to the Spanish Canary Islands.
- From West Africa through Libya or Tunisia to the southern coasts of Italy or Malta.
- From northern Morocco to Spain (Ceuta and Melilla, or across the Strait of Gibraltar or the Alboran Sea).<sup>180</sup>

Given the sheer geographic distance between the embarkation points involved, it is highly likely that the groups involved in each route operate independently from each other.

If detected by the European authorities, the migrants are detained and moved to mainland Spain and Italy. They are registered as arrivals and sheltered in detention centres. If there is a repatriation agreement with the sending country (such as is the case with Morocco and Spain), they will be deported. But there are few functioning repatriation agreements with West African countries,<sup>181</sup> so, after a brief period of detention, migrants are usually released with an order to leave the country. As might be expected, these orders are routinely ignored, with the result that, if the migrant makes it to European soil, they have effectively immigrated. Consequently, West African illegal migrants have little incentive to evade detection once they have arrived, and they actually depend on the authorities to transport them from locations

like the Canary Islands to the European mainland.

For most migrants, the first leg of the journey takes place on land. This migration experience may last for months or years with working experiences on their way to the coasts of North or West Africa. Migrants may link up with organized smugglers in their home country or later in their journey. Organized migration may start with a trip across the Sahara Desert, generally conducted in open or closed trucks. Lorries carrying between 150 and 300 people are commonly used to transport migrants through southern Algeria or Niger to Libya or Morocco/Western Sahara. Travel can involve a convoy of two or three vehicles, and generally lasts for about 10 days.<sup>182</sup> Agadez (Niger) and Gao (Mali) are both transit nodes. Having arrived in one of these two cities, migrants may access different services, including counterfeited/forged documents, transport, or simply information.

## Via the Canaries

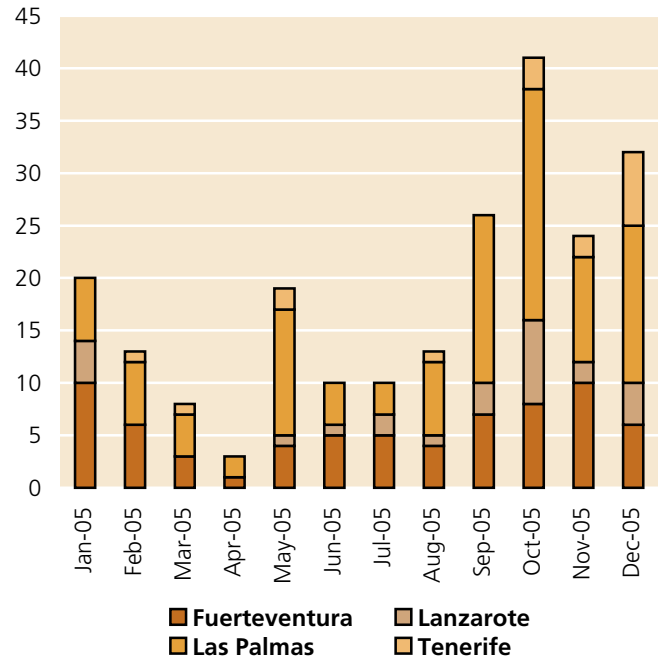
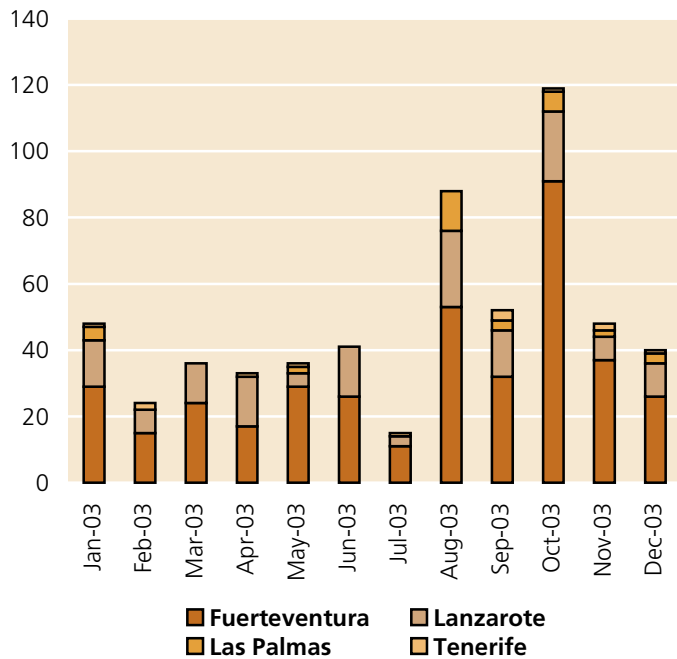
The Canary Islands have been a traditional route of entry for North Africans, but its use has increased among West Africans in recent years.<sup>183</sup> Migrants typically embark in wooden craft from Morocco, the Western Sahara, Mauritania and Senegal, or in larger boats as far south as the countries of the Gulf of Guinea.

*Cayucos* and *pateras* are fishing boats, and are mainly used for voyages departing from the Maghreb.<sup>184</sup> More recently, *pateras* have been replaced by much faster inflatable rubber boats able to carry 70 passengers at time. Larger boats, with 100 or more migrants at time, are used when the travel starts from the south.<sup>185</sup> FRONTEX indicates that organized smuggling rings operate along this route. The large numbers of arrivals registered in 2005 and 2006, and the use of speed boats suggest the presence of organized smuggling rings.

The months from August to October are the most favourable for the Canary Islands route. The landing locations appear to shift over time, possibly in response to enforcement action. For instance, the number of vessels arriving in Fuerteventura and Lanzarote (the islands closest to Africa) dropped between 2003 and 2005, with a corresponding increase in landings detected in the more remote locations of Las Palmas and Tenerife.<sup>186</sup> In 2008, the number of arrivals at the island of La Gomera suddenly quadrupled.<sup>187</sup>

Points of departure are also very flexible. In 2006, the increase in the control along the coastline of Mauritania and Senegal displaced the departure point southwards to the Gulf of Guinea.<sup>189</sup> Departure points used on the Atlantic routes for *pateras* and *cayucos* include Cape Bojador, El-aalun, Tarfaya, Dakhla and Lagouira in Morocco / Western Sahara; Cape Blanco, Nouadhibou and Nouakchott in Mauritania; Mbour, Dakar, Kayar, Joal, Saint-Louis and the southern area of Casamance in Senegal; and Gunjur, Tanji and Barra in Gambia. Since 2007, the Cape Verde archi-

### Boats containing illegal migrants detected



Source: Ministerio de educacion, politica social y deporte<sup>188</sup>

pelago has also served as departure point for the Canary Islands. As far as larger vessels are concerned, the Guineas are frequently indicated as departure points.<sup>190</sup>

#### Via Libya

The Libyan route appears to be better organized than the others, based on the number of migrants transported and the diversity of their origins, including both West and East Africans, as well as Iraqis and South Asians.<sup>191</sup> It is unclear whether the groups working along this route are operating cooperatively or in competition with each other.<sup>192</sup>

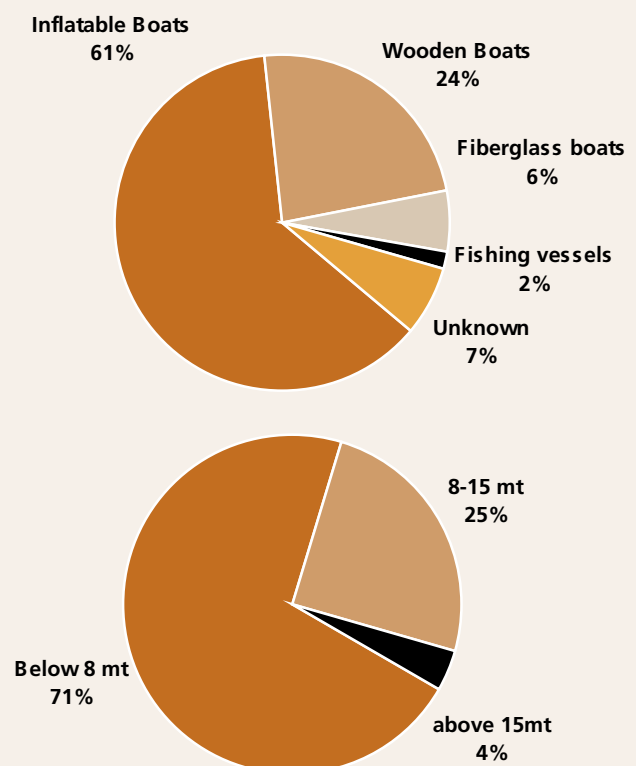
Departure points for the southern Italian islands or Malta are the north-western coast of Libya (Al Zwarha), or Tripoli and its surrounds (Tajura). There are also embarkation points to the east (Misurata, Zliten and Benghazi). The departure from Al Zwarha is the most common, since it is only 10-12 hours from Lampedusa.<sup>193</sup> If this island is missed, then the journey is extended for a couple of days before arriving in Sicily. The summer months present the most favourable conditions, although in 2008 new arrivals were detected year-round.<sup>194</sup>

After having paid for passage, the migrants can wait days or even months in Libya for favourable weather conditions, all the while hiding from the Libyan authorities. According to Libyan criminal justice statistics, about 50 Libyan officers were prosecuted in 2006 for facilitating the clandestine migration.<sup>195</sup>

The sea passage is organized with different types of vessels. Since 2003, few of the smugglers are actually present on board, entrusting the navigation to sailors in their hire or, in many cases, the migrants themselves.<sup>196</sup> Vessels used to arrive in Lampedusa are frequently inflatable boats, con-

taining up to 50 migrants. On longer trips, such as those targeting Sardinia, larger “mother” craft may be used, with smaller boats dispatched once close to shore.<sup>197</sup> Migrants are given instructions on how to behave if detected by the Italian authorities, and possibly the location of receiving agents in Italy.

#### Type of vessels seized in Lampedusa in 2006



Source: Guardia Costa Italiana

Investigations conducted in Italy suggest that cells of the same organizations operate in Africa and in Italy.<sup>198</sup> Europol noticed that “the existence of OC [organized crime] groups, involved in the facilitation of illegal migration and present in a destination country, tends to act as pull factor itself”.<sup>199</sup>

### Direct to Spain

Via Morocco, migrants can enter Spain while still on the African continent through the enclaves of Ceuta and Melilla, or cross the short expanse of sea between Morocco and Spain. Either choice means crossing the Sahara Desert, and both are heavily monitored. Given the high likelihood of detection while still in Africa, this route is avoided by better-resourced migrants, and has less profit potential for organized crime. The European Commission found little evidence of organization in their 2005 mission to Ceuta and Melilla, the Spanish enclaves on the Moroccan mainland.<sup>200</sup>

A greater level of organization is required for the smuggling activity across the Strait of Gibraltar, the Balearic Islands and the Alboran Sea from Morocco. About 7,000 migrants entered the Spanish territory across the Mediterranean in 2007.<sup>201</sup> The increased surveillance in the Strait has pushed the crossing to the open sea. In 2004, the provinces of Grenada and Almeria (the most eastern part of Andalusia) received three quarters of all the boat migrants intercepted along the south coast.<sup>202</sup>

### Who are the traffickers?

The traditional organizational centre of human smuggling to the Canary Islands is Laayoune. Initially the smuggling business was in the hands of a few large local organizations, but enforcement action against these groups opened the doors to a larger number of small players. There are reportedly around 20 smuggling rings in this area today.<sup>203</sup> Much of the small-scale trade requires little organization, and is more a matter of brokering deals between groups of migrants and the owners of boats. The merchant vessels used for larger groups require a more sophisticated criminal network, and even greater sophistication is needed for trans-continental smuggling activities, such as those bringing Asian migrants to the Canaries (3-5% of the arrivals in 2003).<sup>204</sup>

North African traffickers are involved in the Libyan smuggling route to Lampedusa or Malta. They do not appear to be structurally related to smuggling rings outside Libya, but they do provide services to them. According to the Italian police, at least five Libyan smuggling groups are operating in the city of Al Zwarha alone. Libyan groups may use Egyptian or Tunisian sailors, if sailors are used at all.<sup>205</sup>

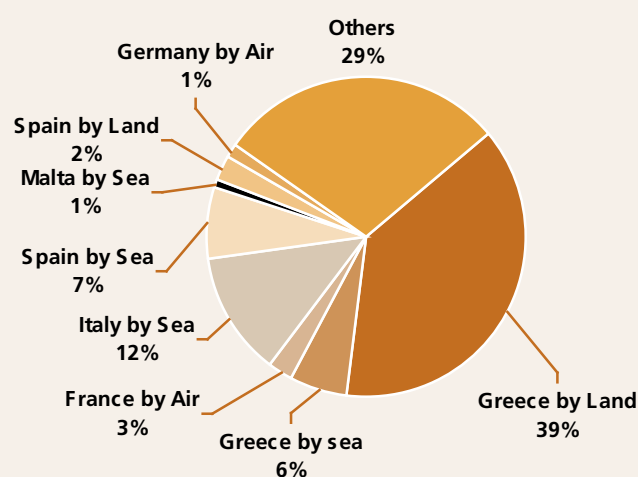
The smuggling across the Strait of Gibraltar and the Mediterranean to Spain appears to be in the hands of Moroccan organized crime groups. Northern Morocco is home to a

variety of groups, ranging from professional criminals to individual fishermen-turned-smugglers. The bulk of smuggling, however, is usually not organized by rigid organizations, but by flexible networks of individuals which usually include recruiters, middlemen, skippers and assistants. Unlike the other routes, where most boats arrive at ports manned by the authorities, the organizations working from Morocco have teams to meet the arrivals in Spain, transporting them away from the beaches.

### How big is the flow?

In 2006, about 65,000 illegal migrants reportedly landed in Italy, Spain and Malta.<sup>206</sup> In 2007, about 40,000 illegal migrants arrived these three countries on the routes described above.<sup>207</sup> This represents about 23% of all the illegal border crossings detected by the EU that year.

### Irregular migrants to the EU by means and country of entrance (2007)



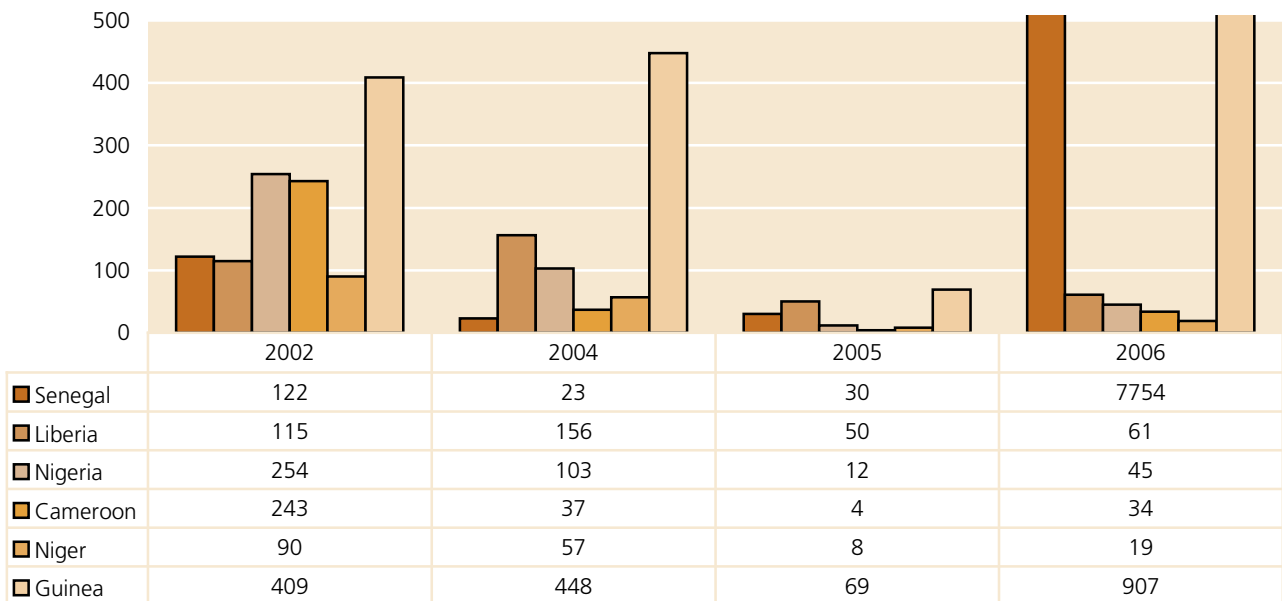
Source: FRONTEX

A total of about 53,000 illegal migrants arrived by sea in these three countries in 2008, with an increase in Italy and Malta and a decrease in Spanish detections. Some 37,000 migrants arrived by sea in Italy, an 85% increase over 2007.<sup>208</sup> The number arriving in Malta almost doubled, to about 2,500.<sup>209</sup> In contrast, the number of migrants arriving in Spain has been in decline for the last two years. New arrivals in 2007 were less than half what they were in 2006, mostly due a 60% decline in the Canary Islands.<sup>210</sup> This downward trend continued in 2008, with only 13,500 irregular migrants arriving by sea, 26% less than in 2007, due to a 30% decline in arrivals in Andalusia and a 26% decline in the Canary Islands.

After a peak in 2006, the flow into the Canary Islands has declined to the levels seen in the early years of this decade. Some two thirds of this number were from sub-Saharan Africa, mostly West Africa. The rest were North Africans



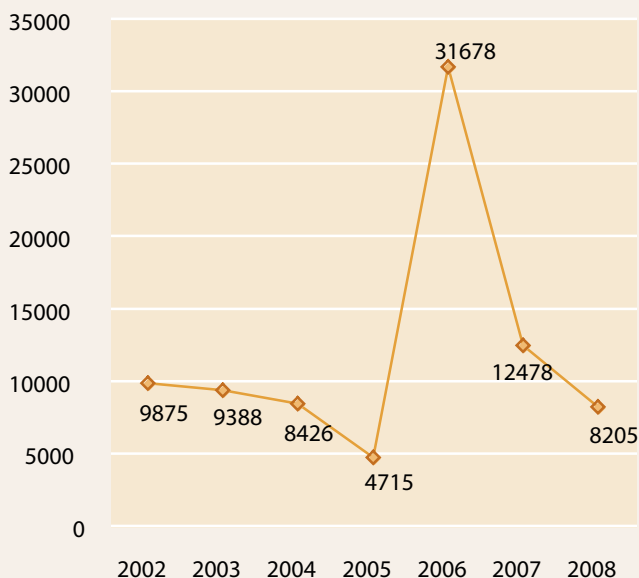
## Number of irregular migrants arriving into the Canary Islands, selected West African countries (2002-2006)



Source: Ministerio de Trabajo y Asuntos Sociales

and Asians (3-5%).<sup>211</sup> Senegalese, Gambian, Malian, Guinean (both Bissau and Conakry) as well as Nigerians and Liberians are among the most numerous groups of migrants arriving in the Canary Islands.<sup>212</sup> The number of Senegalese was particularly high in the year 2006.

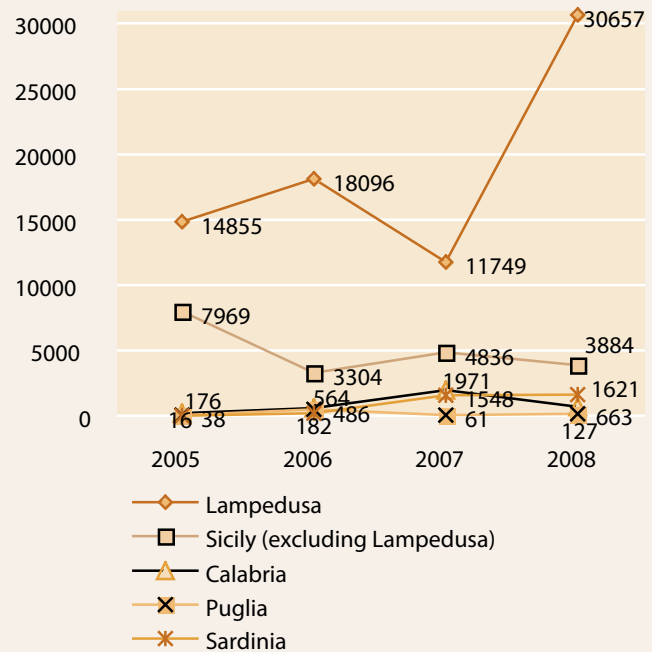
### Number of irregular migrants arriving in the Canary Islands



Source: Ministerio de Trabajo y Asuntos Sociales

In past years, about 20,000 illegal migrants have arrived in Italy by sea annually, until the 85% increase in 2008. The latest surge may be due to increased enforcement in the Canary Islands. Most of the arrivals have been recorded on the island of Lampedusa or along the southern coast of Sicily.

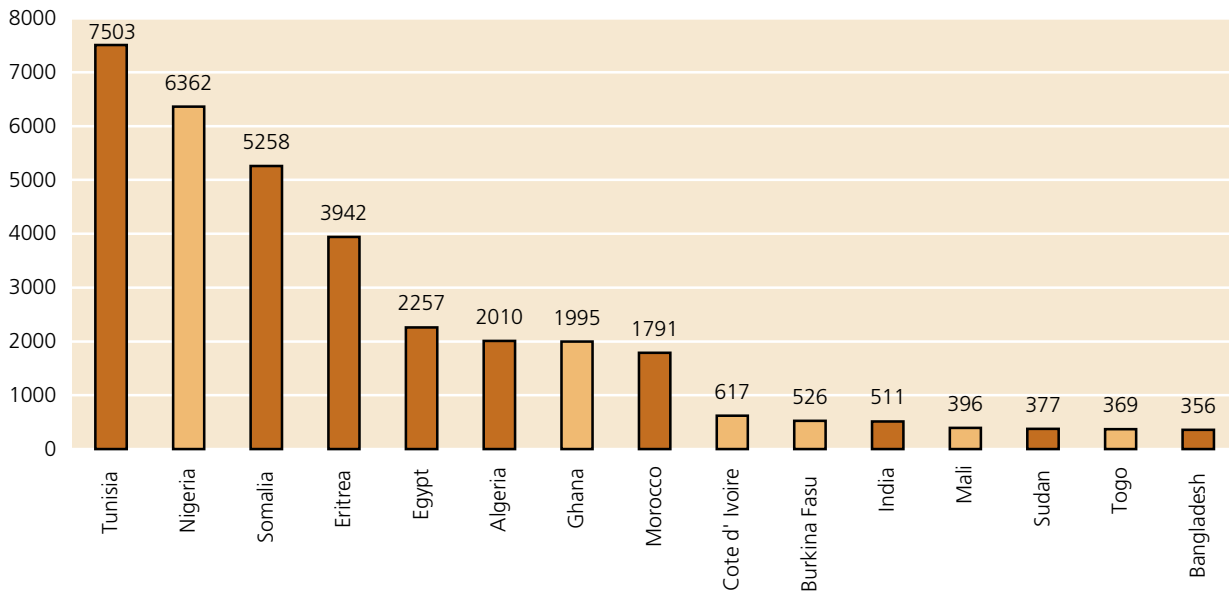
### Number of irregular migrants arriving in Italy by sea



Source: Ministero Interni

Traditionally, Northern and Eastern Africans represented the largest group of illegal migrants arriving in Italy,<sup>213</sup> but, since 2002, the number of West Africans arriving by sea has steadily increased.<sup>214</sup> In particular, a large number of Liberians were recorded in 2002 (2,129 migrants) and 2003 (1,159). Ivorian, Ghanaian and Nigerian nationals were increasingly detected from 2005.<sup>215</sup> In 2008, Nigerians were the second largest group of migrants arriving in Italy illegally by sea, most of whom travelled from Libya to Lampedusa.

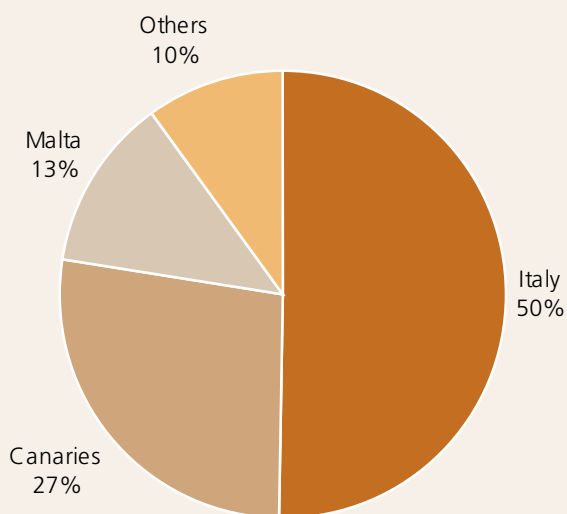
Number of irregular migrants arriving in Italy by sea by nationality in 2008



Source: Ministero Interni

Data on the exact national breakdown of illegal migrants was not available for all receiving countries. About 10,000 West Africans arrived in Italy illegally by sea in 2008, a quarter of the total arrivals. Since those arriving in Malta depart from the same ports in Libya, it is probably fair to assume they are also one quarter West African, which would give a total of 2,500 in 2008. On the Spanish side, two-thirds of those arriving in the Canaries are West African, as are one third of those arriving in Andalusia. In sum, the number of West Africans detected arriving in Europe by sea in 2008 should be between 18,000-20,000.

Estimated shares of illegal migrants entering Europe from West Africa in 2008



Source: UNODC estimates

There is good reason to believe that the number of detected migrants is close to the total actually entering Europe. Nearly all those entering the Canary Islands, Malta or Lampedusa would be detected, and most want to be, since they need to be transported by the authorities to the mainland. This leaves only the Spanish mainland, where surveillance is intense<sup>216</sup> and West Africans under-represented.

Of course, most smuggled migrants pay upfront, and not all make it to their destinations. An estimated 1,000 died in 2008 trying to reach Europe by sea,<sup>217</sup> and many times this number died or were apprehended by authorities in Africa.<sup>218</sup> Libya has, in the past, claimed to be detaining upward of 100,000 illegal immigrants, most of whom were on their way to Europe (though North Africa remains a destination in its own right). The exact number of migrants attempting the journey, and perhaps paying the smugglers, remains unknown.

The amount earned per head varies considerably depending on the route. The boat trip from the West African coast to the Canaries cost between US\$600 and US\$1,200 in 2006. The land leg from West Africa to North Africa is said to cost about US\$2,500, and the boat to Lampedusa another US\$2,500 or so. Morocco to Spain has been priced at about US\$1,200. Based on these prices and the estimated shares taking each route, the total intake in 2008 for successful migrants would be about US\$75 million. If only half of those paying to be smuggled actually arrived, this figure could be as high as US\$150 million.



## The threat to the rule of law

The previous sections have laid out some of the primary organized crime threats to the region. What they have not done is show how these trafficking flows constitute threats to regional governance. The following section looks at the symbiotic relationship between these flows and the weak rule of law in West Africa.

Despite its widespread use in development circles over the past 20 years, there is very little consensus on what the term “rule of law” actually means.<sup>220</sup> It is used in contrast to both lawless situations, where anyone can act as they like, and authoritarian situations, where only those in power may do so. It seems to posit a situation where a set of stable public rules are established and most people, both in and out of government, are happy to obey them. According to the Secretary-General of the United Nations:

*“The ‘rule of law’ ... refers to a principle of governance in which all persons, institutions and entities, public and private, including the State itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards. It requires, as well, measures to ensure adherence to the principles of supremacy of law, equality before the law, accountability to the law, fairness in the application of the law, separation of powers, participation in decision-making, legal certainty, avoidance of arbitrariness and procedural and legal transparency.”<sup>221</sup>*

### Lawlessness and authoritarianism

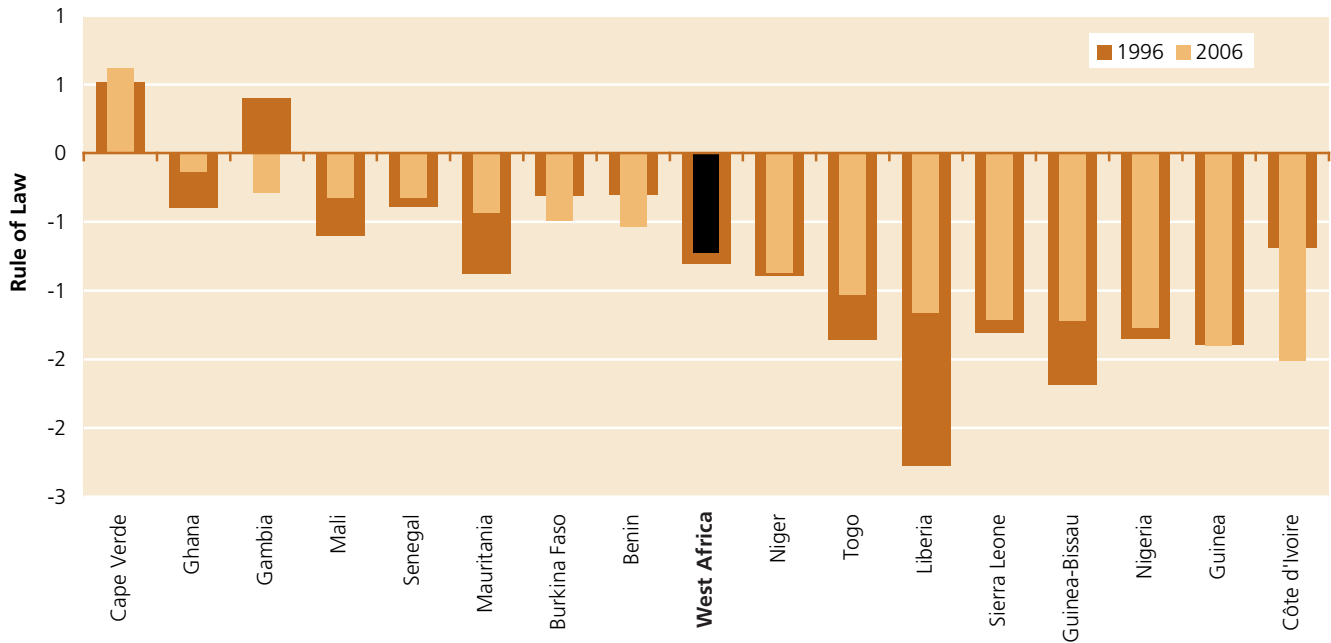
Though there is considerable diversity in conditions between states, by most definitions the rule of law is weak throughout West Africa. Due to poverty, most states in West Africa lack the capacity to effectively enforce the law throughout their territories. This state of affairs can gener-

ate two distinct sorts of outcomes, both of which are favourable to organized crime. On the one hand, some political leaders may feel compelled to project an image of strength through authoritarian governance. Populations periodically exposed to the horrors of civil war may even lend their support to this state of affairs, ceding rights in exchange for some measure of security. Alternatively, more democratic states may experience high levels of corruption, or simply lack the capacity to enforce the law. Under these circumstances, non-state actors, local versions of the national despot, can emerge to fill the authority vacuum.

Authoritarian regimes give disproportionate power to the military, which becomes untouchable as a result. With both political elites and law enforcement operating above the law, corruption is inevitable, as are violations of human rights. The state can become a predatory vehicle for personal enrichment. This situation is inherently unstable, as disputes over spoils quickly devolve into violent changes of government. But while power may change hands, the underlying dynamics remain the same.

Even when the government is less heavy-handed, some states cannot provide even basic services to their people, and receive little revenue or loyalty in return. The excluded, often distinguished by ethnicity or geography, try to get on with life without the state, but if sufficiently provoked, can break away in insurgency. Some areas are perpetually insecure, and there remain zones where no accountable national government maintains control. Borders are routinely violated, and many individuals seem to identify most strongly with their ethnic or regional group, with little sense of national identity. Surveys show that a significant share of the population of some countries do not feel the police have the unquestioned right to enforce the law.

Rule of law in West African countries (0 = world average)



Source: World Bank, Governance Indicators 2007

In either context, organized crime flourishes. Groups from the outside need only establish contacts with a few key officials in authoritarian states in order to operate with impunity. In these cases, the authoritarian government itself operates as an organized crime racket. In more democratic but equally poor countries, outsiders can negotiate with “strong men” in uncontrolled areas. Left to their own devices, neglected or insurgent areas develop similarly authoritarian governance structures, protection rackets run by the most fearsome, who rise to their positions of prominence through violence and intimidation. The local thugs, be they within or without the government, can integrate into the global criminal economy by offering some degree of predictability, under the smoke screen of domestic chaos.

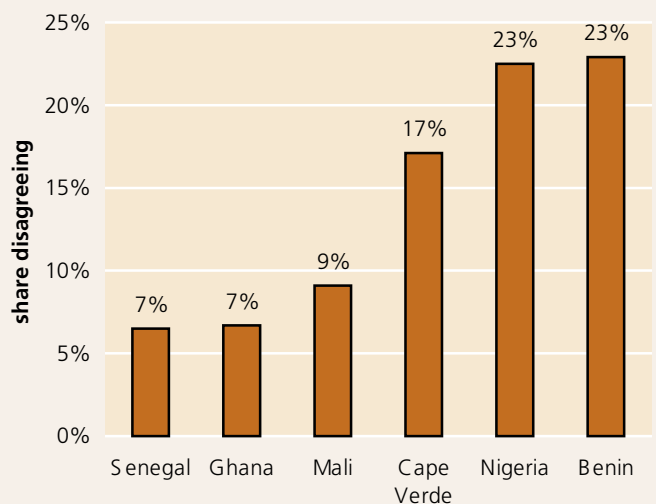
Although the risks of contracting with despots and warlords are high, the advantages to organized crime of having its own state, or aspiring statelet, are manifold. Operations normally laboured by the need to remain underground can be conducted openly. Stockpiles can be maintained, guarded with the full weight of an official or a breakaway military. Where a recognized state is involved, intelligence gathered through channels of international cooperation can be fed back to the subjects themselves. All the trappings of sovereignty – territorial waters, diplomatic passports, diplomatic pouches, immunity from prosecution, military facilities, even the state financial apparatus – can be exploited.

Fear that law enforcement counterparts cannot be trusted limits the amount of assistance the international community can give to afflicted states. There is no use giving tip-offs to local authorities if the contraband subsequently disappears, as it often does in West Africa. It is counterproductive to supply equipment and training to putative civil

servants who will only use it to commit further crime. But as a result, it becomes very difficult in any given instance to discern whether the failure to stop trafficking is due to collusion or incapacity or (as is often the case) a combination of the two.

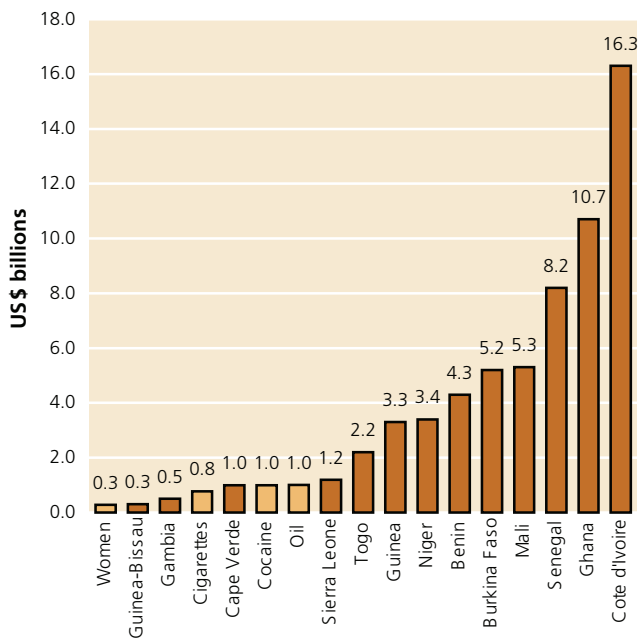
Of course, some states in West Africa have far more capacity than others, and the governance situation is not uniformly dire. But the entire region remains, to a greater or lesser degree, subject to a set of structural vulnerabilities that render it vulnerable to the development of organized crime.

Share disagreeing with the statement “The police always have the right to make people obey the law” in 2005



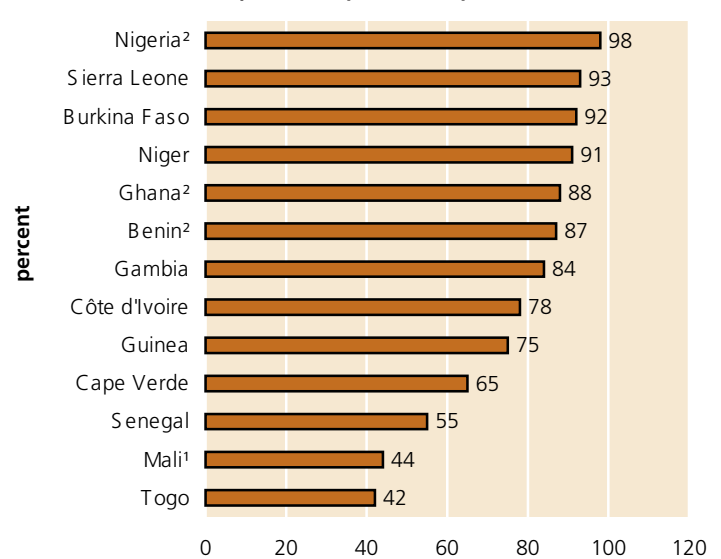
Source: Afrobarometer<sup>222</sup>

### Selected regional GDPs versus annual contraband flows



Source: Human Development Report 2008 and UNODC

### Primary commodity exports as a share of all merchandise exports, by country



Notes:

- 1 - One or more of the components of primary exports are missing
- 2 - Data refer to the closest available year between 1988 and 1992.

Source: Human Development Report 2008

### Structural vulnerabilities

The absence of the rule of law is strongly associated with poverty. As noted above, all but three West African states are on the United Nations list of Least Developed Countries. One that is not is Nigeria, a country containing half the population of the region, largely due to its oil wealth. Even with these natural riches, over 70% of Nigerians live on less than one dollar per day, and over half do not have access to an improved water source.<sup>223</sup>

West African economies are fragile because, with the exception of Nigeria, they are generally very small. Several of the contraband flows described in this report rival the GDPs of some of the smaller countries.

They also tend to be dependent on imported manufactured goods, which they pay for through the export of primary commodities. Countries blessed with natural abundance may fail to diversify their economies. The commodities vary from country to country, as does the extent of dependence, but most West African economies are focused on a limited number of exports, leaving them subject to shocks based on global market prices or weather conditions. Unfortunately, both are very volatile with regard to West Africa. Prices for most of the raw materials exported from West Africa are volatile, and can be manipulated by speculators. And nature is no kinder than the market – much of the region is subject to alternating bouts of drought and flooding.

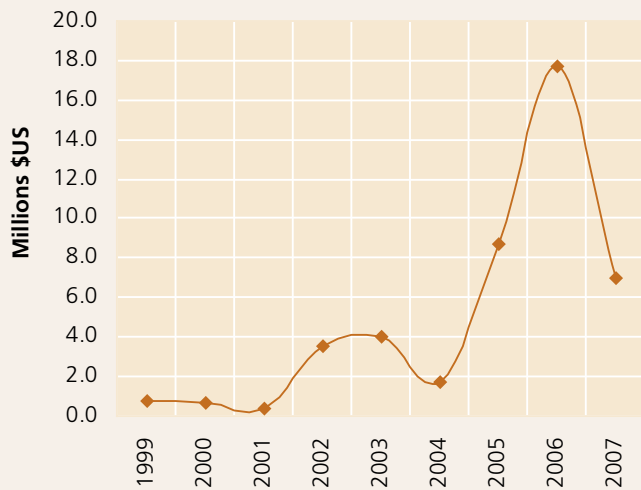
Economic monoculture can also feed bad governance, a problem often described as “the resource curse”. Paul Collier and others have noted that dependence on primary commodity exports increases the risk of civil war.<sup>224</sup>

Typically, mineral resources and even agricultural exports are controlled by agencies of the national government. In extreme cases, controlling these agencies can become the only path to wealth in otherwise small and weak economies, and so politics can become a vehicle for personal enrichment. Since most national revenue derives from these sources, there can be little pressure to develop a broader tax base. In effect, the government is not reliant on the public for its income, and does little for it as a result. The political class is chiefly concerned with public opinion at election time, and even then, the results can be bought with selective patronage, manipulated or ignored. The net result is few incentives to govern well.

The presence of wealth from criminal sources produces a similar phenomenon. Suddenly, colluding with criminals becomes the biggest game in town. There has been a rapid increase in foreign direct investment in countries like Guinea-Bissau which is difficult to explain in terms of the licit economy. Remittances from abroad, a common method for laundering money, have also shot upwards. Competition for a piece of the action can be fierce, even violent. A coup may be the only alternative for military officers who have somehow been excluded. Throughout this drama, affairs of state take a back seat to milking a flow every bit as volatile as the international commodities markets.

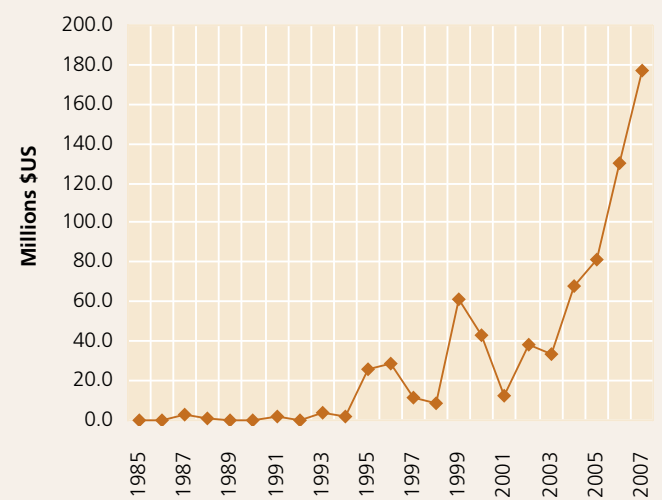
Because the ruling classes may be more interested in exploiting their positions than in building the country, capacity remains low across governmental sectors, including law enforcement. In terms of the ratio of police to population, most West African countries are under-policed, even by African standards, and these figures only tell half the story. These scanty forces tend to be paid very poorly, and often only periodically. They may feel compelled to moonlight to

Foreign direct investment inflows into Guinea Bissau (US\$ millions)



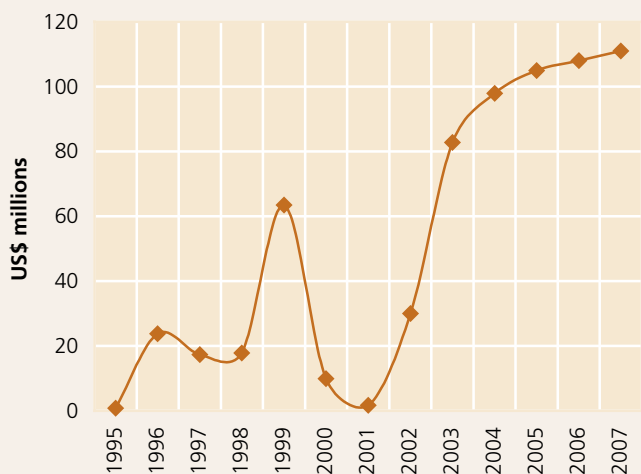
Source: UNCTAD

Foreign direct investment inflows into Cape Verde (US\$ millions)



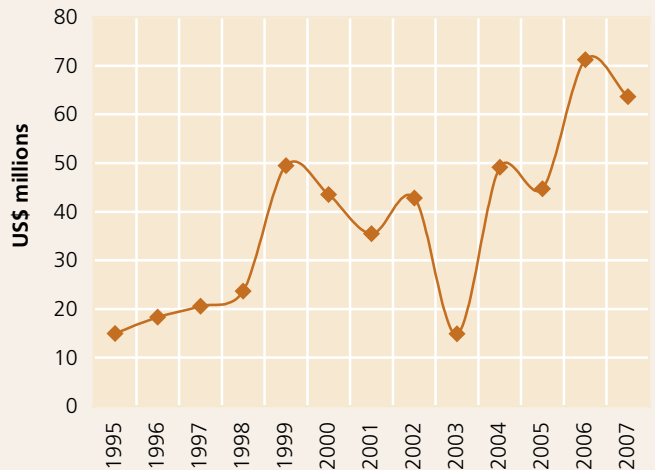
Source: UNCTAD

Foreign direct investment inflows into Guinea (US\$ millions)



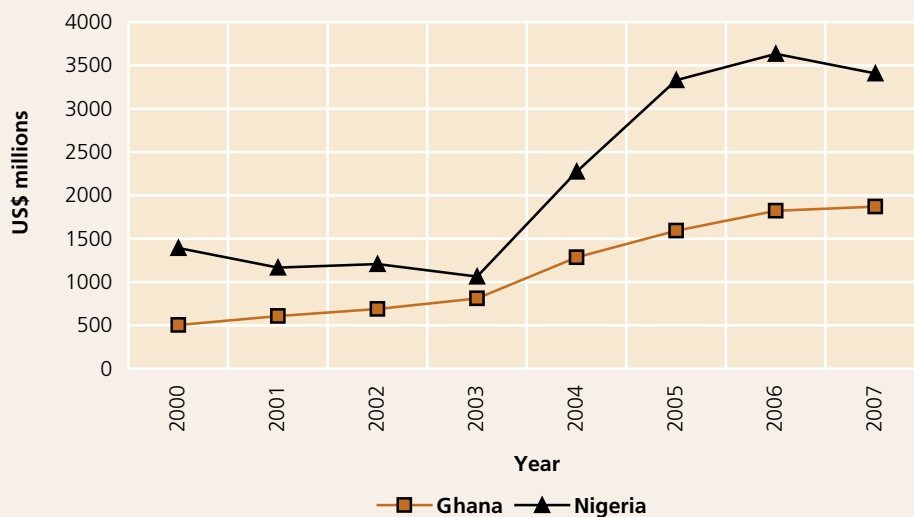
Source: UNCTAD

Foreign direct investment into the Gambia (US\$ millions)



Source: UNCTAD

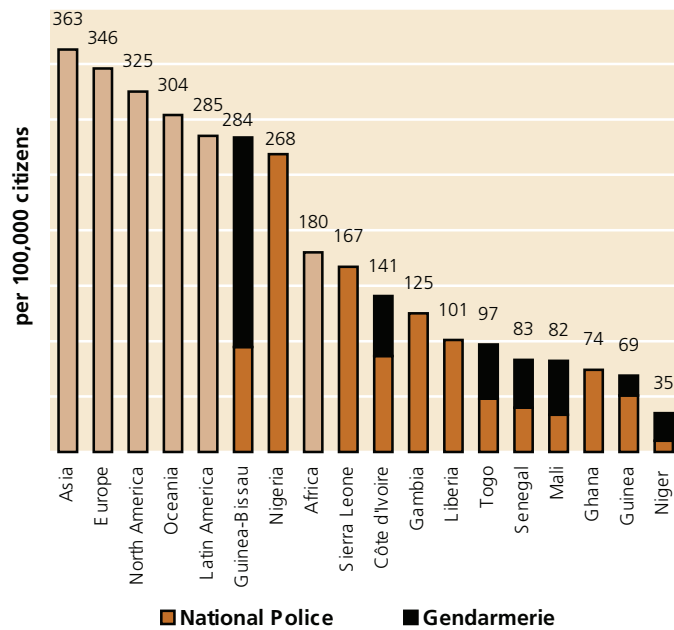
Foreign direct investment inflows into Ghana and Nigeria (US\$ millions)



Source: National authorities and Jane's Sentinel Security Assessment

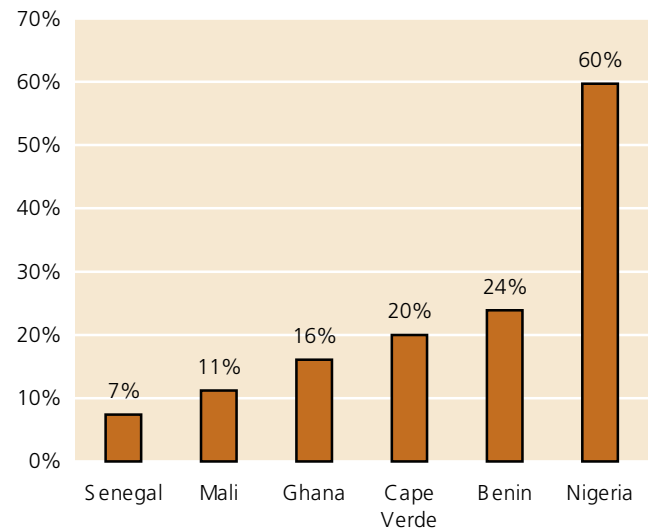


### Police per 100,000 inhabitants



Source: National authorities and Jane's Sentinel Security Assessment

### Share reporting trusting the police "not at all"



Source: Afrobarometer<sup>226</sup>

get by, or to extract a livelihood through corruption. They are poorly equipped, lacking the most basic tools to perform their jobs. Vehicles lack fuel, firearms lack ammunition, buildings lack electricity, court time is scarce, and prison space is nonexistent. Although a principled few bravely soldier on, many more make the expedient choice and cooperate with, rather than combat, organized crime groups. Once this deal is struck, there may be no going back.

Corruption in law enforcement agencies is widely recognized and, as a result, these agencies are not well respected. In every West African country included in Transparency International's 2007 Global Corruption Barometer, the police were rated as the most corrupt sector of society (except Senegal, where they were narrowly eclipsed by political parties), and police in West Africa received lower ratings than anywhere else in the world.<sup>225</sup> The police have difficulty recruiting and retaining quality staff as a result. They also have difficulty enlisting the cooperation of the public in prosecuting criminals. Witnesses are easily dissuaded by bribes or threats, since well-known criminals operate with tacit or overt cooperation elements in the police. Even if the police were adequately resourced, very little progress can be made against organized crime without cooperative witnesses.

### Instability from above

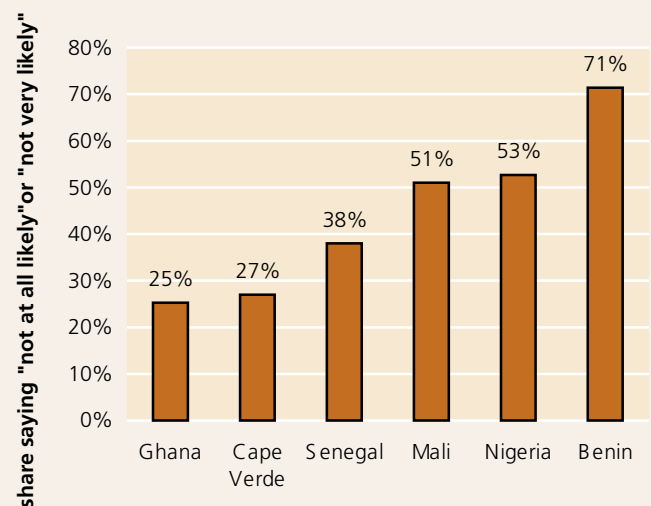
While the police are weak, the armed forces generally are not. Since many governments took power by force and retain control by force, they often fall by force. Since independence, West Africa has experienced at least 58 coups and attempted coups, mostly at the hands of the military.<sup>227</sup> Whatever the quality of the regime under attack, the mere fact that government has violently changed hands so many

times has undermined democratic progress. And the fact that many leaders assumed power through the barrel of a gun reinforces the view that, in much of West Africa, might continues to make right.

Authoritarian rulers and their militaries operate with impunity. Those who question them are regarded as subversive and silenced. The presence of genuine dissident or insurgent groups is used to justify secrecy and repressive action. A large share of West African populations feel that there is little chance that criminally-involved political leaders would ever face justice.

Since it is generally the military that controls borders, airports and coastlines, they are generally among the first to

### Share saying it would be unlikely that authorities would enforce the law if a top government official committed a serious crime



Source: Afrobarometer<sup>228</sup>

be corrupted by traffickers. High ranking military officers have been removed from office due to criminal activity in many parts of the region. If they receive any resistance from the executive, the executive can be removed, as has happened so many times in the past.

Those sceptical of the possibility that criminal trafficking could reach the highest ranks of the military and government need only look at a few recent examples from the region:

- In December 2008, Guinean President Lansana Conté died, having ruled the country since he gained power in a coup in 1984. During his reign, his son, Ousmane Conté, commander of the Presidential Guard, was widely believed to be involved in drug trafficking, and was implicated in court testimony in Sierra Leone.<sup>229</sup> In February 2009, Ousmane Conté was arrested for this activity, and confessed to his involvement on national television.<sup>230</sup> He detailed using the Presidential Guard and military facilities to receive and store cocaine. Similar confessions came from the former President's brother-in-law, the head of national intelligence, and the head of the national anti-drug squad. According to these sources, presidential residences were used to conduct drug deals, seized drugs were "recycled" by narcotics agents, and diplomatic pouches were used to move the drugs to Europe.<sup>231</sup>
- Nine containers of "Supermatch" brand cigarettes were seized as contraband in Ghana in January 2009. Supermatch is produced by "Mastermind", a company that has a long history of being involved in contraband scandals in East Africa, including the financing of rebel groups.<sup>232</sup> "Mastermind" is controlled by Tribert Rujugiro Ayabatwa, a business man and advisor to the Rwandan president. In December 2008, the UN Group of Experts on the Democratic Republic of Congo (DRC) recommended a travel ban and asset freeze on Rujugiro, suggesting, among other things, that Supermatch sales are providing support for eastern DRC rebel Laurent Nkunda.<sup>233</sup>
- On 6 August 2008, Rear Admiral Jose Americo Bubo Na Tchute, head of the navy of Guinea-Bissau, allegedly attempted a coup d'état. He escaped police custody and fled to the Gambia. The Admiral has been repeatedly accused of involvement in cocaine trafficking. This alleged attempt was followed by another in November and the double assassination in March 2009 of the President and his armed forces chief of staff, General Batiste Tagme na Waie. While it has not been alleged that these killings were drug-linked, the General, like the Admiral, had allegedly threatened journalists who wrote about military involvement in the drug trade in the country.<sup>234</sup>
- Several former governors of the Niger Delta states have been charged with embezzling money derived from the oil trade. Diepreye Alamieyeseigha was governor of Bayelsa State when he was detained in London on charges of money-laundering. He was said to have been in possession of vast amounts of cash and several expensive London properties. He pled guilty before a Nigerian court in 2007 to six corruption-related

charges but was sentenced to the time he had already served in jail awaiting trial. The British courts also froze some US\$35 million worth of assets of former Delta State governor James Ibori, and he was arrested in Nigeria at the end of 2007 on corruption charges. Peter Odili, former governor of Rivers State, was granted a perpetual injunction against prosecution for crimes committed while in office, stalling the actions of the Economic and Financial Crimes Commission against him. The EFCC claims Odili was involved in the "systematic looting of the treasury of the Rivers State..."<sup>235</sup>

### Instability from below

Aside from corrupting the military and other public officials, organized crime could become a source of funding for insurgent groups, as it has been in Colombia, Afghanistan, Peru, and elsewhere. And the domestic conflicts that plagued the region in the past are far from over. There remain many active non-state armed groups, who make use of the arms stockpiles that have accumulated in the regional conflicts over the years. According to one count, between 1998 and 2005, at least 35 armed groups had been active in ten West African countries: Côte d'Ivoire, the Gambia, Guinea, Guinea-Bissau, Liberia, Mali, Niger, Nigeria, Senegal and Sierra Leone. While many of these groups have demobilized, many could re-emerge if conditions were favorable.<sup>236</sup>

Speaking at the G8 summit in Japan in 2008, Nigeria's President Umaru Yar'Adua compared illegal oil bunkering to the trade in "blood diamonds" that fuelled the conflicts in Sierra Leone and Liberia and called for international action to arrest the flow of "blood oil". His analogy is apt in the sense that whatever the original cause of the unrest, the profiteering related to the conflict has created strong disincentives for the combatants to negotiate. It has brought arms into the region and placed them in the hands of both criminals and dissidents with an interest in undermining the Nigerian state. While there are no accurate counts of the number of deaths attributable to the conflict, it is clear that the violence and the threat of violence constitute some of the greatest barriers to the economic and political development of this region.

While the most obvious harm of cigarette smuggling is loss of tax revenues, even this activity can contribute to destabilization when the profits accrue to groups opposed to the state. It has also been consistently alleged that insurgencies in northern Mali and Niger fund themselves through trans-Saharan trafficking, in particular cigarette smuggling. It has also been alleged that Al-Qaeda in the Islamic Maghreb, an Algerian-based armed group, profits from the cigarette trade.<sup>237</sup>

Instability from below can also be inflamed by popular outrage at criminal activity which undermines quality of life or degrades West Africans. For example, the militant activity in the Niger Delta is rooted in public discontent

over under-development and environmental damage, both of which are linked to the corruption and the trafficking of oil. According to a joint assessment conducted by the Nigerian government with international partners in 2006, “An estimated 9 million-13 million barrels (1.5 million tons) of oil has spilled in the Niger Delta ecosystem over the past 50 years.”<sup>238</sup> There are many causes of this damage, including crumbling infrastructure and human error, but bunkering-related sabotage and spillage are key contributors. By depriving local people of their livelihood and poisoning their environment, this environmental damage fuels the political instability in the Delta.

Similarly, toxic waste is an emotional issue, and one that can bring crowds to the street. In Côte d’Ivoire in 2006, high ranking members of the government were forced to resign over the Probo Koala affair, a highly unusual step in that country. While issues like counterfeit medication and human trafficking have yet to spur political protest, they feed discontent and cynicism about governments unable or unwilling to protect their people.

This combination of coups from the top and insurgencies from below render West Africa the least politically stable region in the world. According to one assessment, of the 20 least stable countries in the world, seven are in West Africa – no other sub-region comes close in terms of overall risk. Niger is given a rating just under that of Iraq, remarkable given that overt hostilities are considerably less.<sup>239</sup> While many of these ratings might be challenged, there are also countries which are not in the top twenty, which arguably ought to be, such as Guinea (Conakry) and Guinea-Bissau.

In short, organized crime is both a cause and a consequence of the poverty and political instability of West Africa. Parts of the region are locked in a downward spiral, where lawlessness allows crime and crime reinforces lawlessness. But the ability of any particular flow to generate instability is dependent on the characteristics of that flow. The following section compares the flows discussed above, to answer the question “which form of trafficking poses the greatest threat to the rule of law in West Africa?”

### Top 20 countries with the highest risks of instability

Rank	Country	Risk Ratio
1	Afghanistan	39.3
2	Iraq	29.9
3	Niger	29.7
4	Ethiopia	25.7
5	Liberia	21.1
6	Sierra Leone	20.9
7	Mali	20.7
8	United Republic of Tanzania	18.9
9	Central African Republic	18.4
10	Djibouti	17.1
11	Côte d’Ivoire	17.0
12	Zambia	14.8
13	Somalia	13.7
14	Nigeria	13.4
15	Bangladesh	13.1
16	Malawi	13.1
17	Benin	13.0
18	Kenya	12.9
19	Mozambique	12.7
20	Lebanon	12.1

Source: Peace and Conflict 2008<sup>240</sup>





## Comparing the flows

Despite many notable attempts, it appears impossible to reduce the rule of law to a single indicator, because the concept encompasses too many disparate values. For example, tightly controlled authoritarian societies may have little street crime or disorder but many human rights abuses. Democracy does not guarantee peace, and popularly elected governments may or may not represent all the people. Well intentioned regimes may nonetheless be administratively incompetent. Countries with very little government at all may be chaotic or relatively pacific.<sup>240</sup>

As a result, no single indicator can capture the threat posed by trafficking flows to the rule of law. As is discussed below, contraband flows that generate relatively small financial gains may nonetheless have serious human rights implications. Some forms of trafficking may require large numbers of officials to be corrupt, while others can largely be conducted under the carpet. Some markets seem prone to more violence than others. Consequently, assessing the threat requires discussion of several aspects of the rule of law.

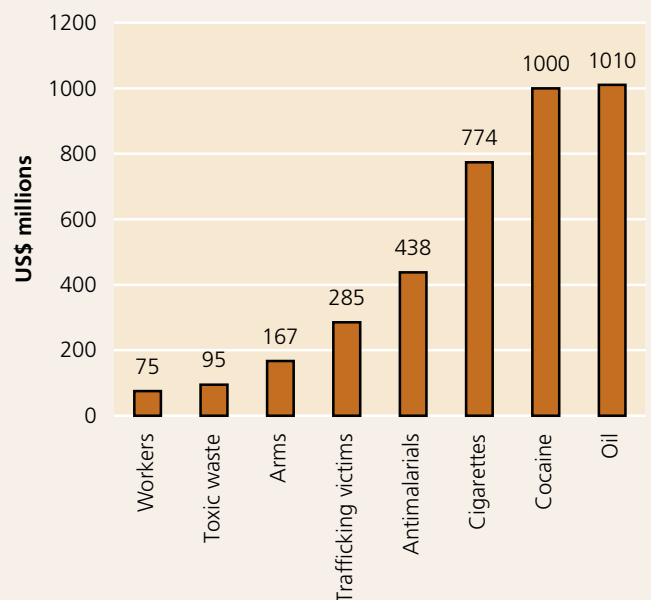
### Valuation

One way of assessing the threat is to place a value on the contraband flow. Criminal activity puts money in the hands of criminals. It provides leverage to corrupt officials. In some cases, it buys weaponry and ammunition. In these respects, the more money involved, the greater the threat to the rule of law. The highest value flows are cocaine and oil, each worth about a billion dollars at the wholesale level. Both would have been worth even more in the recent past: oil because prices tripled in mid-2008, and cocaine because volumes were twice as high in 2006.

Cigarettes and counterfeit medicine pose markets of comparable scale, however, particularly given that the estimate

for counterfeit medicine is based only on anti-malarial medication. More precise estimation techniques could place either above oil or cocaine. The other flows are almost certainly of lower value.

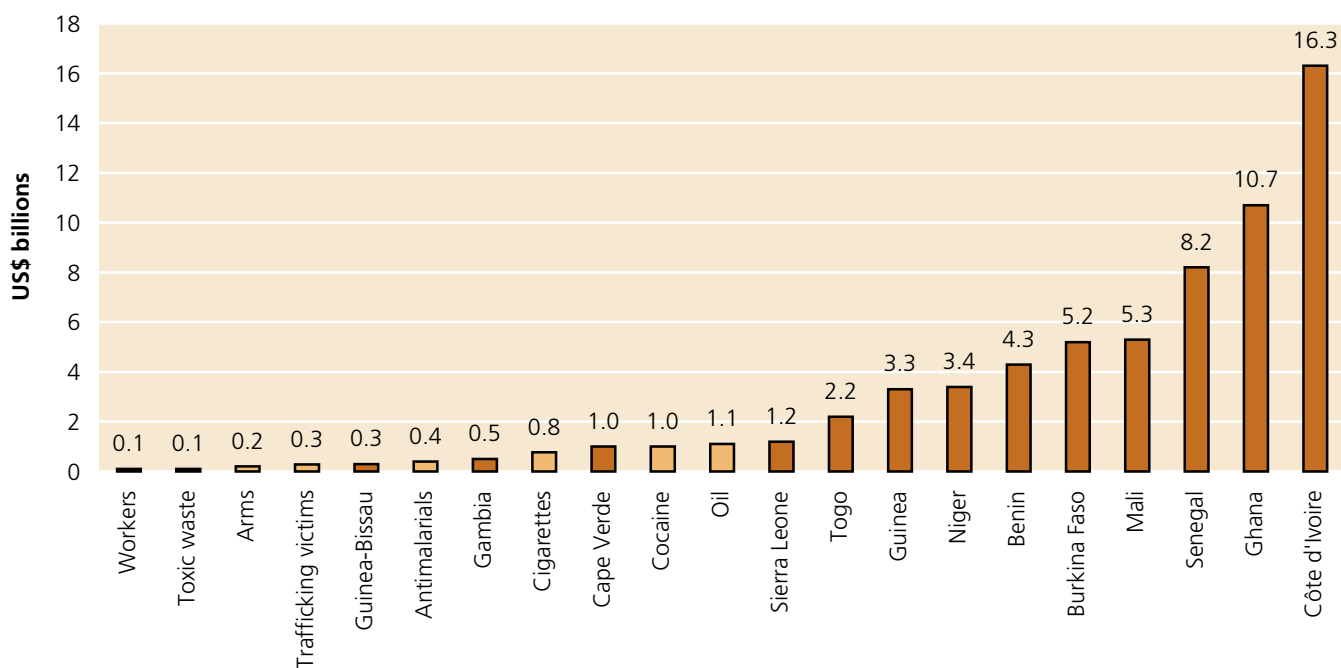
Comparative values of trafficking flows (US\$ millions)



But the absolute value of a flow cannot suffice to represent the threat it poses. The value of some flows, such as cocaine, is largely realized outside the region, while in other markets, such as those for stolen oil and counterfeit cigarettes, a large share of the money remains in West African hands. In terms of regional instability, oil and cigarettes have the potential to bring more resources to locally-based “strong men”, who may use this leverage to undermine the rule of law in West Africa.



## Trafficking flows (2008) compared to GDP (2005)



Source: UNDP Human Development Report 2007/2008 and UNODC estimates.

In this respect, the role of the region as either an origin, transit area, or destination of the contraband is important. Local actors surely make money off the trade in counterfeit medicine, but the product is largely manufactured in South and East Asia, and much of the value is realized there. Cocaine transits the region, and needs only to leave a fairly small amount of money behind to ensure its smooth passage. Oil is sourced in West Africa, and so the money flow is inwards.

A related issue is the profitability of the commodity. Some high value flows may also involve high costs, due to the price of the contraband itself as well as expenses related to realizing its full value. Oil again emerges as a commodity that is acquired at relatively low cost to the trafficker. Most of the wholesale value remains in criminal hands in the region.

The concentration of money in the flow is also significant. Highly diffuse flows can involve a very large number of small-scale criminal actors, without placing enough money in any given spot to cause serious disruption. For example, the money made off smuggling migrants is spread among a large number of actors across a huge territory. In contrast, if a small group of players were to control any one of these operations, they would wield immense influence locally. For example, oil bunkering mostly occurs in the Niger Delta, an area of 70,000 square kilometres, just over 1% of the region. Similarly, cocaine is trafficked from every country in the region, but the number of individuals involved in any given country need not be large, and they are often prominently placed.

The identity of the traffickers is also highly significant. While some of the profits may benefit insurgent groups, it

appears that most of the large scale trafficking of cigarettes is conducted by the licit regional cigarette distributors, businessmen with an interest in the status quo. In contrast, oil bunkering is largely conducted by militant young men, nominally, at least, at odds with the state.

In sum, the value, location, and control of the money flow suggest that oil may provide the greatest regional threat from a valuation perspective, despite the fact that the flow is not worth more than cocaine. The value of the oil flow – about one billion dollars – is also much less than its impact. About 150,000 barrels per day are stolen, but the violence and disorder associated with this theft robs Nigeria of one million barrels per day in potential production. The oil is also sold at about half its market value. As a result, about one billion dollars are stolen each year, but close to 15 billion dollars are lost to the Nigerian public, not counting the environmental damage or the loss of life.

Cigarettes and counterfeit medication are both more widespread throughout the region and more likely to be managed by non-violent groups, though cigarettes are more likely to fund insurgency than medication. The other flows are significantly smaller.

### Human rights

Not all threats to the rule of law boil down to dollars and cents. While more difficult to quantify, threats to human rights are every bit as invidious to the rule of law as those that threaten political stability, and many of the lower value flows represent serious abuses of human rights.

While market-related violence attends cocaine and oil markets, some of the smaller flows are lethal in themselves. For example, counterfeit medication effectively prevents the



sick from receiving treatment, and untold numbers of West Africans are dying as a result. Close to 400,000 West Africans die of malaria every year, and a good share of these were victims of bogus medicine. This racket devalues human life, cultivates popular cynicism, and generates an environment of lawlessness and distrust.

Similarly, crimes that impact the environment pose health risks and degrade quality of life. The plundering of the environment provides an apt metaphor for national self-cannibalisation – regions are literally being looted, scrapped, and broken down for their constituent parts. Unregulated waste conveys the message of neglect and disorder more succinctly than any formal analysis. West Africa has enough stigma to overcome without the appellation of being the rubbish dump of the planet.

Human trafficking is likely to have very little financial impact on the region. Most of the profits are realized in Europe, and it is likely that a large share remains there. Benin City is not regarded as an unstable area, and there is no evidence that the traffickers support campaigns to overthrow the Nigerian government. But the sexual exploitation of a West African woman is a violation of human rights, wherever the crime occurs.

### *Assessing trends and interventions*

In addition to assessing the present damage, the concept of threat analysis encompasses some degree of forecasting. For this, identifying the trend – whether the situation is getting better or worse and how quickly it is moving – is key. But also important is understanding whether outside intervention could improve the situation. A threat that is unavoidable is not a threat – it is a condition.

Cocaine has shown a remarkable ability to penetrate the very top of West African states in a very short period of time. UNODC had been alerting the world to the risk of cocaine trafficking through West Africa for some time when, around 2007, the international community took decisive action. The growth was very rapid, but so has been the decline. By early 2009, the flow of drugs through the region had at least halved. While it remains unclear whether this state of affairs will persist, the current trend for cocaine trafficking is decidedly downward. To maintain this performance, outside intervention remains critical, but due to relatively rapid response, the prognosis is positive.

Oil, in contrast, is a longstanding problem, with the conflict stretching back decades. While law enforcement efforts appear to have made some progress, the trend in recent years has been upward off a high base. This trend is much slower than with cocaine, but less volatile, since even sharp price increases did not seem to precipitate a marked increase in supply. The potential for intervention is great, as is discussed below.

The trend for trafficked cigarettes is less clear, but with the

opening of North African markets, it may be increasing rapidly. As with oil, the potential for intervention is great. The trend for counterfeit medication is also unclear, but it is unlikely that it could get much worse than it is presently – when the chances of any given medication being bogus surpass 50%, the market will eventually suffer. This is also a market ripe for regulation.

The demand for African sex workers in Europe appears to be picking up again in a number of countries after a long decline. Since there are no rapid social changes accompanying this trend, it is likely to be mild. Since the locus for the primary offence is in Europe, the potential for intervention is great.

The demand for trafficked arms is directly related to the political stability of the region, since local criminal markets can be supplied by craft weapons and existing stocks. The modernization of local militaries might have the perverse effect of creating an arms race with militant groups, fuelling demand for trafficked weapons. The removal of three presidents in the last year highlights the constant potential for civil war, but the overall trend is towards lower intensity conflict. Given that many standing caches are likely hidden throughout the region in areas where state presence is low or unpopular, the potential for intervention is low.

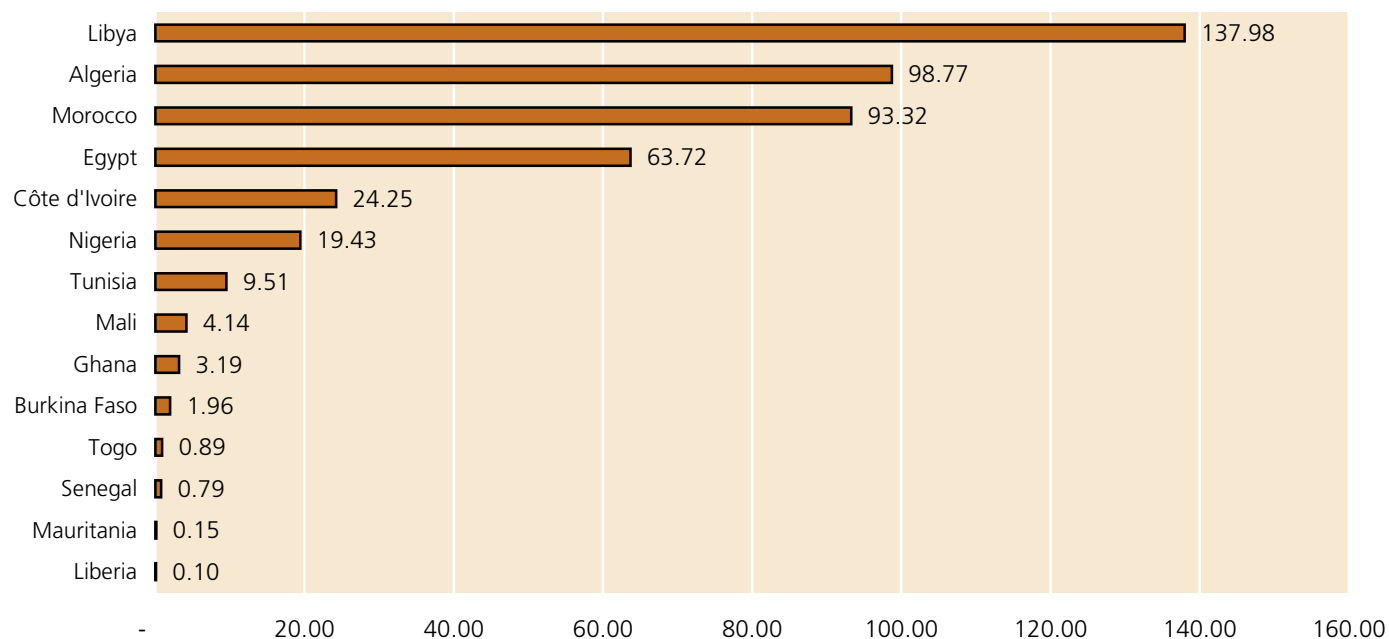
Migrant smuggling is also an activity that will be difficult to address in the current policy environment. Like arms, the trend is subject to the vagaries of political and economic conditions, and the routes have proven highly adaptable to enforcement efforts.

### *Towards prioritization*

It is very difficult to weigh human rights violations against corruption and political instability. All result in widespread misery and contribute to the demoralization of the region. But the human rights violations described above are not the systematic work of a lawless state. Rather, they occur due to the fact that the state itself is incapacitated from preventing them. As a result, efforts to improve political stability by removing high-value corrupting and destabilizing flows should result in a decline in human rights violations. But no amount of, for example, anti-human trafficking work will bring the stability the region so desperately needs.

This leaves the large value flows: oil, cocaine, cigarettes, and counterfeit medications. The latter two do not appear to have great destabilizing impact. While some cigarette flows may be funding insurgent groups, efforts targeting this connection would be more efficient than attempting to comprehensively regulate the distribution of such a commonly consumed product. The loss in tax revenues is not extensive, so the costs of regulation would probably exceed the monies gained. If tax regimes within ECOWAS were harmonized, however, criminal incomes could be undercut with the stroke of a pen.

## Loss in tax revenue due to cigarette smuggling (in million US\$)



Source: WHO, UN Population Division, UNODC and others.

The loss of life involved in the proliferation of counterfeit medications is not so easily set aside. Health aid to Africa totals billions of dollars, but very little of this goes to addressing the clear and present hazard of substandard medicine. Since much of this medication comes from outside the region, this is clearly an instance of transnational trafficking, and thus suitable for international law enforcement action. Further, unlike illicit drugs, the purveyors are licit businesses, even if often small-scale, with a great deal to lose if found to be non-compliant with regulatory codes. The public could also benefit from education that if medicine is sold at a price too good to be true, it is probably not worth taking. In the end, counterfeit medication is more a symptom than a cause of the lawlessness in West Africa, but it remains such a hazard in itself that addressing the problem must remain toward the top of the international agenda.

In many ways, cocaine represents a case study of the way international attention can affect transnational trafficking. While the flow of cocaine to Europe continues, its flow appears to have been adjusted away from the vulnerable region of West Africa to areas better able to bear the burden. Simply bringing the eyes of the world to focus on a new trafficking route can tip the scales in the delicate balancing of risks and rewards that determines where trafficking occurs. A few large seizures, a few key contacts lost, and more tried and true paths may regain their attraction.

It remains important that this attention, and related interventions, will not be allowed to wander. Conditions in West Africa have not fundamentally changed, and the area will remain vulnerable to cocaine trafficking for all the reasons it was vulnerable in the first place. The region has simply been granted a partial reprieve, and the international

community must remain focused on shoring up support in preparation for the time when the flow of cocaine again returns to West African shores.

In the end, it is stolen oil that represents the greatest regional threat, for several reasons:

- The flow is large and, unlike cocaine, almost all of the proceeds remain in the hands of West African criminals and corrupt officials, including law enforcement, military, and local government leaders.
- Oil bunkering is directly associated with armed violence and anti-state movements, and brings weapons into the region.
- The flow undermines stability in the largest economy in West Africa, home of half the regional population.
- While presently contained in Nigeria, similar activity could emerge in a number of countries in the region as further exploration and development continues.

The prospects for intervention are dimmed by the fact that this is such a longstanding flow. The market has become somewhat entrenched, and will be difficult to dislodge as a result. On the other hand, there are several reasons to be optimistic about the prospects for change.

Unlike street drugs or many other criminal commodities, there are a limited number of buyers for tankers full of stolen oil. These buyers must have access to infrastructure that is both expensive and difficult to conceal, including large marine vessels and refineries. The threat of loss of these assets through civil or criminal forfeiture would represent a significant disincentive to buyers. This makes this market vulnerable on the demand side.

Further, there is a very large and lucrative licit side to the

oil trade, similar to the situation posed in the past with conflict diamonds. The main problem is primarily a matter of trade regulation. There is a need for transparency and accountability in the Nigerian oil industry. Meters should be placed on well heads to measure the amount pumped out of the ground, and this should be reconciled with exports. Spills and losses should be measured and addressed.

President Yar'Adua has spoken of "blood oil" and called for a Kimberley Process for the oil trade. His request should not go unheeded. It should become a criminal matter to be found in possession of undocumented Delta oil. The substance itself can be profiled, and chemical markers added if necessary to ensure accountability.

There will likely be resistance to the President's request. The present situation clearly suits a range of powerful actors. But the victims of this crime are the people of West Africa, who, despite tremendous natural wealth, remain the poorest in the world. In their interest, and in the interest of the stability of the region, action should be taken against the trade in stolen oil.





## Conclusion

A range of factors combine to make West Africa especially vulnerable to the destabilizing influences of organized crime, but it is by no means unique in this respect. Around the world, organized crime emerges where the state is weak, offering services that the government is unwilling or unable to provide. Once established in an area, organized crime does not cede power willingly. Left untreated, it can hollow out the bones of governance until only a shell remains. In places where the bones were thin to begin with, this process can be remarkably fast. Whether organized criminals take formal control or not is ultimately of little consequence. The end result is the same: democracy is subverted and a small group of ruthless people make all the decisions that matter.

West Africa has become afflicted with organized crime because its immunity is low, but the pathogens themselves are mostly foreign in origin. The region is caught up in illicit commercial flows facilitated by locally-based criminals. In each case, at least one component of the supply chain lies outside West Africa. The problems are transnational problems, and this means there are at least two broad ways of coming up with solutions.

The first is to address those aspects of the problem that lie outside the region. In many cases, this is the easier path, since law enforcement capacity in West Africa is among the lowest in the world. Curbing the demand for stolen oil, limiting the supply of substandard medication, curtailing the processing of illicit goods in free trade zones, regulating the global second-hand electronics market, regularizing the status of migrant labour, enhancing transparency in financial transfers: bringing order to these global commercial flows would go a long way toward relieving West Africa's pain. In some cases, the battle could be won relatively

quickly, as it was with diamonds and toxic waste, by calling to account those legitimate industries that profit through shady practices.

The second is the long-term project of improving West Africa's immunity through building the rule of law. This is not necessarily as daunting as it might sound. Removing the profitability of intraregional cigarette smuggling can be accomplished through the harmonization of licensing and taxation regimes, for example. The regulation of waste and medical supplies are essentially technocratic issues. The building of healthy states is the aspirational goal, but there are many incremental steps along the way that could pay immediate dividends in reducing the environment of lawlessness.

In both approaches – transnational and local – the involvement of the international community is key. Unilateral remedial action by any West African state will surely be undermined by less progressive practices in its neighbours, particularly given the weakness of borders in the region. West Africa is caught in a morass from which it cannot reasonably be expected to extract itself. It is in the self-interest of those standing on more solid ground to lend a hand.







## Legislative annex: parties to United Nations drugs and crime conventions

Country	Single Convention on Narcotic Drugs, 1961 <sup>a</sup>	Convention on Psychotropic Substances, 1971	Convention against the Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988	Convention against Corruption	Convention against Transnational Organized Crime
Benin	*	*	*	*	*
Burkina Faso	*	*	*	*	*
Cape Verde	*	*	*	*	*
Côte d'Ivoire	*	*	*		
Gambia	*	*	*		*
Ghana	*	*	*	*	
Guinea	*	*	*		*
Guinea-Bissau	*	*	*	*	*
Liberia	*		*	*	*
Mali	*	*	*	*	*
Mauritania	*	*	*	*	*
Niger	*	*	*	*	*
Nigeria	*	*	*	*	*
Senegal	*	*	*	*	*
Sierra Leone	*	*	*	*	
Togo	*	*	*	*	*

<sup>a</sup> States parties to the Single Convention on Narcotic Drugs of 1961 or as amended by the 1972 Protocol.





## References

- 1 This database is made up primarily of seizures recorded in Belgium, France, Germany and Switzerland, but reports indicate a great reduction in West African courier activity to key countries like Spain and the United Kingdom as well.
- 2 <http://www.un.org/special-rep/ohrlls/ldc/list.htm>
- 3 Mali, Niger, Guinea-Bissau, Burkina Faso and Sierra Leone, according to the UNDP Human Development Report 2008. Liberia is not included because of lack of data, but would likely feature in the bottom five. This is all the more remarkable given that HIV rates are relatively low by African standards. Life expectancy is one of the three indicators combined to create the HDI, and life expectancies in Southern Africa are dramatically decreased due to the HIV epidemic. Still, West African countries lag behind their counterparts to the south in so many other respects that the remain at the bottom of the UNDP rankings.
- 4 During the first session of the Convention negotiations, held from 19-29 January 1999, various definitions of “organized crime” were discussed, most of which related to participation in a group. In the negotiation text submitted by France, for example, organized crime was defined as “the activities pursued [the acts committed] within the framework of [in relation to] a criminal organization.” UNODC, *Travaux préparatoires de the negotiations for the elaboration of the United Nations Convention against Transnational Organized Crime and the Protocols thereto*. Vienna: UNODC, 2006, p. 7.
- 5 This point is further made clear in the protocol’s definition of human trafficking, which requires no cross-border movement.
- 6 On 15 November 2008, Interpol led Operation Baba, in which 50 ivory markets were raided in five African countries (Congo [The Republic of], Ghana, Kenya, Uganda and Zambia). Thousands of carved ivory items were recovered from the artisan shops of Accra, clearly aimed at the Far Eastern market, weighing some 400 kilograms in total. A steady stream of Chinese businessmen and technicians visiting the area typically purchase a few hundred dollars worth of the these items apiece. It remains possible that these items are consolidated by organized groups operating in the destination countries. Since there are very few elephants remaining in the region, there are clearly criminal networks operating within Africa to acquire and traffic the ivory.
- 7 Further, recent forensic evidence from workplace testing indicates a sharp downward turn in use levels. See Office of National Drug Control Policy (ONDCP), USA, Cocaine Use Declines Among U.S. Workforce, press release 9 August 2007.
- 8 World Drug Report 2007 (United Nations publication, Sales No. E.07.XI.5).
- 9 ICAO numbers are from 2003, the most recent year for which comparable data are available. While these numbers are likely to have increased in recent years, they likely continue to reflect the relative capacities of the national airports.
- 10 According to the Togolese authorities reporting in 2007, cocaine entering their country comes from Benin, Guinea and Ghana, with traffickers mainly coming from Nigeria (11 out of 24 traffickers arrested in 2007), Benin (4), and Ghana (3). The cocaine allegedly goes out to Spain (45%), the Netherlands (30%) and France (25%). Togo reports receiving no cocaine by sea.
- 11 The Gambian authorities say all the cocaine entering their country in 2007 came from Guinea-Bissau. They say only 5% of this traffic comes by sea, with 55% coming by air and 40% by land. They report a strong increase in cocaine traffic in 2007. Of the 31 people arrested for cocaine trafficking in 2007, 21 were Nigerian and five were European.
- 12 Since Nigerian passports raise suspicions in most European airports, it is highly unlikely that any other national group would want to pass itself off as Nigerian, or preferentially employ Nigerian couriers. Thus most Nigerian couriers were probably employed by Nigerian traffickers, and some Nigerian nationals may have acquired, legitimately or through fraud, the passports of less stigmatized nations.
- 13 Europol, ‘Project COLA: European Union Cocaine Situation Report 2007’, Europol: The Hague, 5 September 2007, p 4.
- 14 Information on the origin of the consignment is missing for two large maritime seizures, one of 2 tons and another one of 3 tons
- 15 For example, in 2007, the Belgian government said it got 30% of its cocaine from West Africa, and 70% directly from South America, which exactly corresponds to the share they said they received by air (30%) and sea (70%).
- 16 This database is made up primarily of seizures recorded in Belgium, France, Germany and Switzerland, but reports indicate a great reduction in West African courier activity to key countries like Spain and the United Kingdom as well.
- 17 One large shipment was intercepted in Peru, allegedly destined for Benin, in May 2009. The exact amount has not yet been determined, but may have been as much as one ton.
- 18 At present, Côte d’Ivoire produces about 20,000 b/d, Mauritanian offshore fields came on stream in 2006 and recent Ghanaian discoveries will yield more than 200,000 b/d within three years.

- 19 Commonwealth Secretariat, *Nigeria Country Profile*. London, 2006. <http://www.thecommonwealth.org/YearbookInternal/138926/economy/>
- The Nigerian government benefits from oil and gas production through a variety of means: the share in each joint venture awarded to the Nigerian National Petroleum Corporation, the signature bonuses, royalties and taxes. The federal Nigerian government in Abuja and the oil companies do not publish full details of their revenue sharing formula. However, some sources suggest that at an oil price of \$50 a barrel, the government receives \$44.13 (88%) and the oil company \$1.87 (3.7%), with \$4 (8.3%) to cover technical costs. The government therefore loses a lot more from its budget than the oil companies from the theft of oil.
- See Von Kemedi, *Fuelling the Violence: Non-State Armed Actors (Militia, Cults, and Gangs) in the Niger Delta*. 2006 p.22. All state revenues from the oil industry are taken by Abuja, which then distributes a proportion to state governments. The oil producing states' share of this income has varied over the past 40 years but currently stands at 13% of official income. Many Niger Delta politicians (as well as the Movement for the Emancipation of the Niger Delta) demand a 50% share.
- 20 Nigeria had a production capacity of 2-2.5 million b/d and reserves of 22 billion barrels (bbl) when President Olusegun Obasanjo came to power in 1999. Obasanjo set targets of increasing proven reserves of crude oil to 30 billion barrels by 2007 and 40 bbl by 2010, with production capacity targeted to rise to 3 million b/d by 2007 and 4 million b/d by 2010. These ambitious targets looked likely to be achieved until 2005, when militant activity in the Niger Delta intensified. Nigeria's proven oil reserves currently stand at 36 billion bbl, mainly as a result of new deepwater discoveries. However, actual production has fallen to about 2 million b/d, despite the fact that production capacity is roughly 3 million b/d, the highest level in Nigeria's history. This shortfall of 1 million b/d is the result of militant activity in the Niger Delta. The majors hope that many of the fields currently scheduled for development over the next four years will be somewhat protected from militant attacks because of their location many kilometres offshore, although on June 19 2008, the largest of the Niger Delta militant groups, the Movement for the Emancipation of the Niger Delta (MEND), attacked SPDC's deepwater Bonga Field, which lies 120 kilometres offshore. According to *Oil and Gas Journal* projections, about 1.25 million b/d of deepwater production is scheduled to come on stream by 2013, about ten times the increase expected in the Niger Delta over the same period.
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- 22 Most oil is produced by joint ventures between Nigeria's state owned oil company, the Nigerian National Petroleum Corporation (NNPC), and the oil majors. The majors are the largest private sector oil companies in the world: ExxonMobil, Shell, BP, Chevron, ConocoPhillips and Total, in that order. Although they collectively account for just 5% of total global oil production, almost all of the remainder is controlled by state-owned companies.
- The biggest oil producer in Nigeria is one of these joint ventures, namely Shell Petroleum Development Cooperation (SPDC) which is owned by the NNPC (55%), Shell (30%), Total (10%) and Agip (5%). In 2007, Shell-operated ventures yielded an average of almost 934,000 barrels of oil equivalent per day, half of the country's total oil and gas production. The second biggest is Chevron Nigeria Limited (CNL) and despite the licensing of large areas of prospective acreage to smaller oil companies over the past ten years, the majors continue to dominate the Nigerian oil industry through their partnerships with the NNPC.
- All onshore and offshore territory is divided up into blocks of thousands of square kilometres, which are allocated to companies on the basis of their development plans and the size of the fee, or signature bonus, that they offer to pay the government for the licence to operate the block. The licence allows the successful bidder to firstly explore for hydrocarbons – crude oil, natural gas and other associated natural resources – on each block, and then to produce and market any output.
- 23 The term 'bunkering' is widely used in Nigeria to indicate oil theft. However, the word is more widely used internationally to refer to filling a ship with oil or coal. The crime is more accurately described as 'illegal bunkering'.
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- 31 Interview with General Rintip, 13 December 2008.
- 32 Von Kemedi, op cit, p. 20.
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- 152 The Dutch company that chartered the vessel paid a \$200 million compensation to the government of Côte d'Ivoire in 2008.
- 153 WEEE are defined by the EC as: Waste: "object [...] which the holder discards or intends or is required to discard" (Council Directive 75/442/EEC of 15 July 1975 on Waste, available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31975L0442:EN:HTML>) . EEE: "electrical and electronic equipment" or 'EEE' means equipment which is dependent on electric currents or electromagnetic fields in order to work properly and equipment for the generation, transfer and measurement of such currents and fields falling under the categories set out in Annex IA and designed for use with a voltage rating not exceeding 1 000 Volt for alternating current and 1 500 Volt for direct current" (Directive 2002/96/EC of the European Parliament and of the Council of 27 January 2003 on waste electrical and electronic equipment (WEEE), Article 3, available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2003:037:0024:0038:EN:PDF>
- The US legislation is more complex. At federal level, current legislation does not include the notion of "e-waste". Only general rules apply to such equipment (that is, the distinctions between waste and non-waste, and between hazardous and non-hazardous waste). For more information see US Environment Protection Agency's website: <http://www.epa.gov/epawaste/conserv/materials/cycling/rules.htm>
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- 160 For more detail on some of these techniques, see IMPEL-TFS Threat Assessment Project: *The Illegal Shipment of Waste among IMPEL Member States*, May 2005, p. 39. See [http://ec.europa.eu/environment/impel/pdf/tfs\\_threat\\_assess\\_report.pdf](http://ec.europa.eu/environment/impel/pdf/tfs_threat_assess_report.pdf)
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- 162 Interview with Basel Action Network on 10 March 2009.
- 163 Notably within INTERPOL and the European Union Network for the Implementation and Enforcement of Environmental Law (IMPEL).
- 164 For instance, beginning 2009 the Dutch police arrested seven persons in connection to e-waste trafficking to Ghana. Five were Ghanaian, the last two were Dutch.
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- 218 Spanish authorities estimate that about 8,000 were intercepted in Africa attempting to emigrate illegally between August 2006 and November 2007. See Francisco Javier Velez Alcalde "Pateras, Cayucos and cross-border Mafias in Africa: Profiting from the Atlantic routes to the Canary Islands" Real Instituto Elcano, 2008. Morocco and Libya detain large numbers of irregular migrants, particularly West Africans. See Frontex-Led EU illegal Migration Technical Mission to Libya; European Commission Technical mission to Morocco, Visit to Ceuta and Melilla on illegal migration.
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This statement is actually a quote of a definition formulated in 2004: <http://daccessdds.un.org/doc/UNDOC/GEN/N04/395/29/PDF/N0439529.pdf?OpenElement>
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- 226 **Timeline of violent government transitions and related conflict in West Africa**
- 1847: Liberian independence.
- 1957: Ghanaian independence.
- 1958: Guinean independence.
- 1960: Nigerian independence, as well as independence for much of Francophone West Africa, including Benin, Burkina Faso, Côte d'Ivoire, Mali, Mauritania, Niger, Senegal, and Togo.
- 1961: Sierra Leonean independence.
- 1962: The African Party for the Independence of Guinea and Cape Verde (PAIGC) begins a revolutionary war of independence in Portuguese Guinea which lasts until 1974. The first prime minister of independent Senegal, Mamadou Dia, is accused of attempting a coup d'état and is imprisoned.
- 1963: Togo's first president, Sylvanus Olympio, is assassinated. Benin's first president, Hubert Maga, is deposed in a military coup.
- 1965: Gambian independence. Two military coups in Benin.
- 1966: Kwame Nkrumah, the first president of Ghana, is removed from power by coup d'état, and the country suffers a military dictatorship until 1969. In Burkina Faso, first president Maurice Yaméogo is forced to abdicate and is jailed. In Nigeria, Major-General Aguiyi-Ironsi assumes power in a coup before being killed later in the year, resulting in military dictatorships until 1979.
- 1967: Another coup in Benin. In Sierra Leone, a military coup briefly deposes Prime Minister Siaka Stevens' government within days of taking power. Attempted military coup in Ghana. Military coup in Nigeria, bringing Yakubu Gowon to power. Biafran war starts in Nigeria when the peoples of the south-east of the country try to secede, and lasts until 1970. Coup in Togo brings Gnassingbe Eyadema to power, which he holds until his death in 2005.
- 1968: In Sierra Leone, Stevens returns to power following another coup. The first Malian president, Modibo Keita, is overthrown by military coup, and Moussa Traore assumes power until 1991.
- 1969: Another coup in Benin.
- 1970: Gnagnbé Niabé leads a small rebellion in Côte d'Ivoire.
- 1972: Military coup in Benin. In Ghana, military coup ousts president Kofi Busia, resulting in military dictatorships until 1979.
- 1974: Independence for Guinea-Bissau. Territorial conflict between Burkina Faso and Mali over the Agacher Strip. In Niger, Diori Herman is overthrown in a military coup, resulting in military dictatorships until 1991.
- 1975: Military coup in Nigeria overthrows Yakubu Gowon and brings Murtala Mohammed to power. Independence for Cape Verde.
- 1976: Conflict erupts between Mauritania and the Polisario Front (Western Sahara), which continues until 1979. Failed coup attempt in Nigeria, in which Murtala Mohammed is killed but Olusegun Obasanjo escapes and becomes head of state.
- 1978: Mauritania's first president, Moktar Ould Daddah, is deposed in a coup, resulting in military dictatorships until 1992.
- 1979: In Ghana, Jerry Rawlings leads an attempted coup and is imprisoned, but is installed in power after a second coup is successful.
- 1980: Military coup in Liberia, led by Samuel Doe, overthrows government led by President William Tolbert, ending over a century of continuous rule by the True Whig Party and installing a military dictatorship until 1984. In Guinea-Bissau, Luis Cabral is ousted in a military coup led by Joao Vieira, resulting in a dictatorship until 1994. In Burkina Faso, president General Sangoulé Lamizana is deposed by coup, resulting in military dictatorship until 1991.
- 1981: An attempted coup in the Gambia results in hundreds being killed. An attempted coup fails in Mauritania. Slavery is unsuccessfully banned in Mauritania; it has to be outlawed again in 2007. Jerry Rawlings stages a second successful military coup in Ghana, resulting in a military dictatorship until 1993.
- 1982: Coup in Burkina Faso. Ndogboyosoi conflict in Sierra Leone.
- 1982: Separatists in the Senegalese southern province of Casamance form the Casamance Movement of Democratic Forces (MFDC), which engages in low intensity conflict with the state to the present day.
- 1983: Another coup in Burkina Faso. Another military coup in Nigeria, in which elected president Shehu Shagari is overthrown and Muhammadu Buhari takes power, resulting in military dictatorship until 1999. Over one million foreigners, mostly Ghanaians, are expelled from Nigeria.
- 1984: Maaouya Ould Sid'Ahmed Taya seizes power in Mauritania when military dictator Mohamed Khouna Ould Haidalla is out of the country. In Guinea, Lansana Conté assumes power in a coup d'état and rules until his death in 2008.
- 1985: Attempted coup in Guinea. Attempted coup in Togo, in which the governments of Burkina Faso and Ghana were allegedly



- involved. Another military coup in Nigeria, in which General Ibrahim Babangida replaces General Muhammadu Buhari. Renewed conflict between Burkina Faso and Mali over the Agacher Strip
- 1987: In Burkina Faso, Blaise Compaoré assumes power in a coup d'état and rules until the present day
- 1988: Two coup attempts in Benin.
- 1989: Civil war in Liberia until 1996. Ethnic conflict within Mauritania. Border conflict between Mauritania and Senegal until 1991, in which thousands of black Mauritians driven into Senegal.
- 1990: Failed military coup attempt in Nigeria. First Tuareg Rebellion in Niger and Mali, which lasts until 1995.
- 1991: Civil war in Sierra Leone until 2002. Malian president Moussa Traore deposed by coup by General Amadou Toumani Touré, the present president of the republic.
- 1992: In Sierra Leone, military coup ousts president Joseph Momoh and installs 25-year-old Captain Valentine Strasser.
- 1993: Elections annulled in Nigeria by military. General Sani Abacha seizes power, deposing the civilian caretaker Ernest Shonekan, and rules until his death in 1998, embezzling billions of dollars.
- 1994: Yahya Jammeh assumes power in the Gambia in a coup d'état and rules until the present day. Ethnic clashes in Ghana.
- 1995: Disputed election in Côte d'Ivoire.
- 1996: In Sierra Leone, coup by General Julius Maada Bio deposes Valentine Strasser and rules for three months. Military mutiny in Guinea. Disputed elections in the Gambia. Disputed elections in Benin. In Niger, president Mahamane Ousmane is overthrown in a military coup, with a military dictatorship until 1999.
- 1997: In Sierra Leone, elected president Ahmad Tejan Kabbah is deposed in a military coup which installs Johnny Paul Koroma for less than a year. He is later indicted by the Special Court for Sierra Leone for war crimes.
- 1998: Civil war in Guinea-Bissau until 1999.
- 1999: Military coup in Guinea-Bissau. Military coup in Côte d'Ivoire resulting in civil war until 2000. Ethnic conflict in Mali. Coup in Niger restores civilian government. Civil war in Liberia until 2003.
- 2000: Wars in Liberia and Sierra Leone spill over into Guinea, killing hundreds over the years. Alleged coup attempt in the Gambia. Clashes over imposition of sharia law in northern Nigeria result in hundreds of deaths.
- 2001: Ethnic violence in Nigeria through 2002. Attempted coup in Côte d'Ivoire.
- 2002: Civil war resurges in Côte d'Ivoire, and is ongoing to the present day. A state of emergency is declared in Ghana in response to clan violence. Mauritanian opposition party Action for Change, which campaigns for greater rights for blacks and descendants of slaves, is banned.
- 2003: Attempted coup in Mauritania, but Ould Taya retains power after two days of fighting in the capitol. Disputed elections in Nigeria. Violence in Warri, Nigeria. Kumba Yala deposed by military coup in Guinea-Bissau. Intra-Muslim conflict in Mali. Twenty-three European tourists kidnapped in Mali, allegedly by Algerian insurgent group.
- 2004: Yelwa Massacre and Delta violence in Nigeria. Another attempted coup in Mauritania, with alleged sponsorship of Libya and Burkina Faso.
- 2005: Military in Togo appoints Faure Gnassingbe president after the death of his father. Later elections confirming this result are disputed. Attack on military base in Mauritania, allegedly by Algerian insurgents. A popular military coup in Mauritania overthrows President Maaouya Ould Sid'Ahmed Taya, and in stalls the Military Council for Justice and Democracy until 2007.
- 2006: Conflict between army of Guinea-Bissau and Casamance rebels.
- Alleged coup attempt in Côte d'Ivoire. Clashes between rioting soldiers and the police in Ouagadougou, Burkina Faso. Alleged coup attempt in the Gambia. Religious violence in Nigeria.
- 2007: State of emergency declared in Guinea due to widespread political protests. Tuareg uprising in Niger and Mali, which is ongoing to the present day. Attempted murder of Prime Minister Soro of Côte d'Ivoire.
- 2008: Paris-Dakar rally cancelled due to attacks on French tourists in Mauritania.
- 2008: Mauritanian President Abdallahi overthrown in a military coup.
- 2009: President Vieira of Guinea-Bissau is assassinated by members of the army.
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- 234 Interim Report of the EFCC on Governor Peter Odili: <http://nigeriacalabash.com/index.php/nigeriana/43-general-info/71-interim-report-of-the-efcc-on-governor-peter-odili?format=pdf>
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- 236 Roberts, Hugh, "Examination of Witness (Questions 140-159)", testimony before The United Kingdom Parliament, Select Committee on Foreign Affairs, Minutes of Evidence, February 1, 2005.
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- 239 <http://www.cidcm.umd.edu/pc/>
- 240 For example, Haiti is often held up as an example of a failed state, but by all accounts the country outside Port-au-Prince is relatively peaceful. National murder rates are consistently reported as being lower than many other states in the Caribbean, such as Jamaica, which have well established and technically competent democracies.



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