

## Transnational Crimes and Economic Development in Nigeria

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### **Abstract**

*This paper examines the phenomenon of transnational crimes, its nature and implications on economic development with a clear exposure of practical realities and experience of Nigeria. The paper answers questions of how transnational crimes occur in Nigeria, what are the apparent and latent effects on Nigeria's economic development, how has international bodies responded to this phenomenon, are there any action locally and nationally in combating the phenomenon, what are the shortcomings of both national and international approach and mechanisms, why has the national and international efforts seem very effete? Thus within the context of socio-legal exposition, the paper utilizes the methodology of descriptive approach using the primary materials sourced from national legislation, treaties and secondary data sourced from scholarly articles, journals, reports, periodical and books as well as internet sources. The findings revealed that the phenomenon has eaten deep into the fabric of Nigeria with attendant peculiar implications stonewalling the national economic development of the country while the less privileged and local communities are the most unfortunate. It is observed that there are legislation, locally and internationally, as well as law enforcement machinery, though the response nationally and internationally gathers momentum, there remains a high incidence of transnational crimes in Nigeria while the machinery remains largely ineffective due to internal management and external factors, as well as the high rate of poverty, harsh economic condition and lack of political will which all encouraged high level of impunity and poor enforcement. The paper concludes that for this phenomenon to be properly addressed and eliminated, there must be a robust international cooperation with clearly mapped out enforceable instrument of supranational nature in conjunction with a highly punitive national legislation.*

**Introduction**

The task of defining or conceptualising “transnational crimes” could be very difficult as the term covers a range of criminal activities and offences which may pretend to be local in some instances and other phrases like “trans-border crimes” are being used to describe the same phenomenon.

United Nations Convention against Transnational Organised Crime states that,

*“For the purpose of paragraph 1 of this article, an offence is transnational in nature if:*

- (a) It is committed in more than one State;*
- (b) It is committed in one State but a substantial part of its preparation, planning, direction or control takes place in another State;*
- (c) It is committed in one State but involves an organized criminal group that engages in criminal activities in more than one State; or*
- (d) It is committed in one State but has substantial effects in another State.”<sup>1</sup>*

The above definition is in respect of transnational organised crime. Though the convention itself does not define what organised crime is. However, while article 6 criminalised laundering of proceeds of crime, Article 5 criminalises participation in an organised criminal group which article 2 defines as “a structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences established in accordance with this Convention, in order to obtain, directly or indirectly, a financial or other material benefit”. “Structured group” shall mean a group that is not randomly formed for the immediate commission of an offence and that does not need to have formally defined roles for its members, continuity of its

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<sup>1</sup> Article 3 (2) United Nations Convention Against Transnational Organised Crime.

membership or a developed structure; while “Serious crime” shall mean conduct constituting an offence punishable by a maximum deprivation of liberty of at least four years or a more serious penalty.

It is however to be noted that not all transnational crimes are organised crimes<sup>2</sup>. In fact, further Protocols entering force under this Convention embraces more transnational crimes. These Protocols are: Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children; Protocol against the Smuggling of Migrants by Land, Sea and Air; and Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their parts and Components and Ammunition.

Simon Odey Ering (2011), states that “trans-border crime” represent a number of illegal and notorious activities carried out by individuals and groups across national and international borders, either for financial or economic benefits and also socio-political cum religious considerations. It is a set of criminal acts whose perpetrators and repercussions go beyond territorial borders<sup>3</sup>.

Okeke Vincent Onyekwelu Sunday et al (2014) citing (Boister 2003) Transnational crimes are crimes that have actual or potential effect across national borders and crimes which are intra-state but which offend fundamental values of the international community (Boister, 2003)<sup>4</sup>. The word “transnational” describes crimes that are not only international (that is, crimes that cross borders between countries), but crimes that by their nature involve cross-border transference as an essential part of the criminal activity.

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<sup>2</sup> Transnational organized crime (TOC) refers specifically to transnational crime carried out by organized crime organizations. Transnational crimes may also be crimes of customary international law or international crimes when committed in certain circumstances. For example they may in certain situations constitute crimes against humanity.

<sup>3</sup> Simon, O. E. 2011. Trans-border crime and its socio-economic impact on developing economies. *Journal of Sociology and Social Anthropology* 2(2): 73-80

<sup>4</sup> Boister, N. 2003. Transnational Criminal Law? *European Journal of International Law* 14: 953, 967–77. doi:10.1093/ejil/14.5.953

Transnational crimes also include crimes that take place in one country, but their consequences significantly affect another country and transit countries may also be involved<sup>5</sup>.

According to the UNODC, “Transnational crime by definition involves people in more than one country maintaining a system of operation and communication that is effective enough to perform criminal transactions, sometimes repeatedly”<sup>6</sup>. (UNODC Report 2005:14).

Examples of transnational crimes include: human trafficking, people smuggling, smuggling/trafficking of goods (such as arms trafficking or smuggling and drug trafficking and illegal animal and plant products and other goods prohibited on environmental grounds (e.g. banned ozone depleting substances), sex slavery, torture and apartheid, money laundering, cross-border terrorism, illegal oil bunkering, illicit trafficking in diamonds, corruption, business fraud, to mention but these notable few<sup>7</sup>. It also includes Advance-fee and Internet fraud, Advanced-fee fraud, including through the Internet, forgery, cigarette smuggling, illegal arms manufacture and arms trafficking and trafficking in stolen vehicles<sup>8</sup>.

#### **b) Factors Associated with Transnational Crimes:**

Various factors have been used to explain the increasing growth of transnational crimes and the threat it poses to global communities. Garuba (2010) tracing this to the phenomenon of globalisation, opined that emerging concerns in international studies points to the existence of a correlation between globalization and trans-border

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<sup>5</sup> Okeke, V. O., Sunday, O. & Richard, O. 2014. Cross border crimes in West African sub-region: Implications for Nigeria’s national security and external relations. *Global Journal of Human-Social Science: F Political Science* 14(3) 1.0. USA: Global Journals Inc.

<sup>6</sup> United Nations Office on Drug and Crime Report 2005, p14.

<sup>7</sup> Simon, O. E. 2011. Op cit

<sup>8</sup> Transnational Organised Crime in the West African Region, UNODC Report 2005

economic crimes<sup>9</sup>. Whilst many had contended that globalization is not an entirely new phenomenon, except that it has only recently gathered momentum<sup>10</sup>, several others are of the view that the phenomenon, in its contemporary sense, reflects a fundamental restructuring in the advanced capitalist West and the adjustment of the rest of the world to that restructuring (Amin 1990, Ould-Mey 1996, p. 1; Waters 1995, p. 4)<sup>11</sup>. Mustapha (2004) captures this relationship succinctly: “While the wave of economic globalization has given rise to increased internationalization of economic activities, it has equally opened the door for “global criminal economy” to flourish.”<sup>12</sup>

According to Awunah Donald NgorNgor (2000), these phenomena of globalization of crime could be traceable to some contending reasons: (i) Emergence of Regional Cooperation and removal of trade barriers; (ii) Huge profit can be made by meeting demand in one country for an illegal product which is only available from elsewhere, e.g. cocaine, heroin or prostitution; (iii) Criminals are making increasing use of the international system and are particularly attracted to jurisdictions which help to disguise their activities, such as countries which entrench banking and corporate security; (iv) Criminals exploit weakness in the provision of products or services in another country, for instance, the roving international banking frauds, which have emerged in recent years. (v) The forging of international letters of credit or bearer bonds,

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<sup>9</sup> Garuba, D. S. Oct. 2010. Trans-Border economic crimes, illegal oil bunkering and economic reforms in Nigeria, Policy Brief Series 15, Global Consortium on Security Transformation. Retrieved on 2 November, 2015 from [http://www.securitytransformation.org/gc\\_publications.php](http://www.securitytransformation.org/gc_publications.php)

<sup>10</sup> Toyo, E. (2000). Background to Globalization. Ibadan: Academic Staff Union of Universities (ASSU).

<sup>11</sup> Amin, S. (1990). Preface, in Mahjoub A. (Ed.) Adjustment or Delinking: The African Experience. Kokyo/London and New Jersey: United National University Press/Zed Books Ltd.; Ould-Mey, M. (1996). Global Restructuring and Peripheral States. Lanham: Littlefield Adams Books; Waters, M. (1995). Globalization. London and New York: Routledge.

<sup>12</sup> Mustapha, M. (2004). Globalization and Trans-border Crime: Nigeria's Security Dilemma. Retrieved from [www.gamji.com/NEWS2809.htm](http://www.gamji.com/NEWS2809.htm).

which can be presented at a series of financial institutions around the world in an effort to exploit the tax internal checking procedure<sup>13</sup>. The author further highlights major factors largely responsible for the preponderance of transnational crime, namely: (i) The development of global markets; (ii) Advancement in technology, efficient communication and transport which have accelerated the movement of people, products, money and of course criminals; (iii) The deregulation of the financial systems of many developed economies whereby many bottlenecks in international trade and commerce are removed; (iv) Political developments, especially the demise of old totalitarian regimes of East and Central Europe and the emergence of new markets oriented democracies, causing existing international criminal organisations to seek new frontiers; (v) The increased volume complexity of international transactions which help to disguise criminal activity; and (vi) The depressed economy of most developing countries which creates the conducive fertile ground for the gestation of crime networks and operation.

Okeke, V. O. Et al (2014) traced the rising trend of transnational crime to states' failure and official complicity. They argued that "while it may be true that the fragility of states in West Africa and the weakness of state institutions mandated to combat the drug menace has contributed to the upsurge of Transnational Organised Crime in recent times, the complicity, active or passive, of state officials in the region and outside, cannot be ruled out"<sup>14</sup>. For example, the January 2004 arrest of an international smuggling gang in Ghana that had imported 675 kilograms of cocaine, with a street value estimated at USD 140 million, led to the suspects

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<sup>13</sup> NgorNgor, Donald. 2000. Effective methods to combat transnational organized crime in criminal processes: The Nigerian perspective. 116th International Training Course Justice Participants' Papers. Resource Material Series, 58, 171-182.

<sup>14</sup> Okeke, V. O., Sunday, O. & Richard, O. 2014. Cross border crimes in West African sub-region: Implications for Nigeria's national security and external relations. *Global Journal of Human-Social Science: F Political Science* 14(3) 1.0. USA: Global Journals Inc.

being released on bail of just USD 200,000, causing a public outcry in the press<sup>15</sup>.

**c) General effects of Transnational Crimes:**

According to Simon Erring (2011) most recently, transnational crime has grown in scope and is characterized by increasingly global reach, involved in multiple forms of criminal activity, expanding criminal markets to include large-scale financial fraud and cybercrime<sup>16</sup>. And the syndicates are willing to protect their activities through violent and ruthless means, linked to international terrorist groups and devising novel and notorious organizational strategies to deter capture<sup>17</sup>. As it stands, no region is immune from global reach of transnational crime groups. Since the end of the Cold war, we have seen international organized crime groups continue to branch out beyond their traditional parameters, take quick advantage of new opportunities, and move more readily into new geographic areas. The major international organized crime groups operate in the United States, Latin America, West Africa, Southeast Europe, Asia, Russia and all other regions.

According to Uche C. Nwogwugwu and Benedict I. Uzoechina (2015)<sup>18</sup>, theoretical scholars such as Ekundayo, Obasaju, Adedoyin Isola and Iseolorunkanmi (2013)<sup>19</sup>, Rotimi and

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<sup>15</sup> Aning, K. (2007) "Are there Emerging West African Criminal Networks? The Case of Ghana", *Global Crime*, 8 (3).

<sup>16</sup> Simon, O. E. 2011. Trans-border crime and its socio-economic impact on developing economies. *Journal of Sociology and Social Anthropology* 2(2): 73-80

<sup>17</sup> Luna DM 2008. Dismantling Illicit Networks and Corruption Nodes. From <[http://www.13iacc.org/IACC work shops/workshop 6.2.](http://www.13iacc.org/IACC_workshops/workshop_6.2.)> (Retrieved March 8, 2010).

<sup>18</sup> Uche C. Nwogwugwu and Benedict I. Uzoechina. August 22, 2015. Impact of Economic Crimes on Nigeria's Economic Prosperity under A Democratic Framework. *International Journal of Business and Management* 10(9). Canadian Center of Science and Education.

<sup>19</sup> Ekundayo, R. M., Obasaju, B., AdedoyinIsola, L., & Iseolorunkanmi, J. (2013). Analysis of corruption and economic growth in Nigeria. *Afro Asian Journal of Social Sciences*, 4(4), 2.

Obasaju (2013)<sup>20</sup>, Ezema and Ogujiuba (2012)<sup>21</sup> and OECD (2012)<sup>22</sup> have argued that economic crimes are detrimental to economic growth. They point out that economic crimes modify government goals and divert resources from public purposes to private ones, thereby resulting in deadweight loss to society. Furthermore, economic crimes may also discourage private investment by raising the cost of public administration or by generating social discontent and political unrest, which in turn, may slow economic growth. On the other hand, Colombatto (2003)<sup>23</sup>, Wedeman (1997) and Lui (1985)<sup>24</sup> theorize that it is possible for economic crimes to be beneficial to economic growth by circumventing pervasive and inefficient regulations at low cost as well as speed up the bureaucratic process. Specifically, Wedeman (1997) observe that many corrupt countries have rapid growth rates<sup>25</sup>. However, Ahmad, Ullah and Arfeen (2012)<sup>26</sup> and Powell, Manish and Nair (2010) find economic crimes to be growth-enhancing at low levels of incidence and growth-reducing at high levels of incidence<sup>27</sup>.

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<sup>20</sup> Rotimi, E. M., & Obasaju, B. L. (2013). Analysis of corruption and economic growth in Nigeria. *Afro Asian Journal of Social Sciences*, 4(4), 2.

<sup>21</sup> Ezema, B. I., & Ogujiuba, K. (2012). The developmental state debate: Where is Nigeria? *Journal of Sustainable Development*, 5(1), 22.

<sup>22</sup> OECD. (2012). *International drivers of corruption, tool for analysis*. OECD Publishing.

<sup>23</sup> Colombatto, E. (2003). Why is corruption tolerated? *Review of Austrian Economics*, 164, 367-379.

<sup>24</sup> Lui, F. T. (1985). An equilibrium queuing model of bribery. *Journal of Political Economy*, 93, 760-781

<sup>25</sup> Wedeman, A. (1997). Looters, rent-scrappers and dividend-collectors: Corruption and growth in Zaire, South Korea and the Philippines. *Journal of Development Areas*, 19, 19-42.

<sup>26</sup> Ahmad, E., Ullah, M. A., & Arfeen, I. (2012). Does corruption affect economic growth? *Latin American Journal of Economics*, 49(2), 1-20.

<sup>27</sup> Powell, B., Manish, G. P., & Nair, M. (2010). Corruption, crime and economic growth. *Handbook on economics of crime*. New York: Benson Print .Indd.



Empirical literature, for instance, the works of Mauro and Carmeci (2007)<sup>28</sup>, Nageri, Gunu and Falilat (2013)<sup>29</sup> and Ekundayo et al. (2013) have consistently reported a negative linear relationship between economic growth and economic crimes except the works of Ahmad et al. (2012) and Aidt, Dutta and Sena (2008)<sup>30</sup> who found non-linear relationship between economic growth and economics crimes in a panel of countries. UNECA and UAC, 2012 observe that economic crimes affect indigenous entrepreneurship, more so with trade liberalization. Proceeds of economic crimes are used to bring in and 'dump' goods in the market, which are sold at prices below cost price in the exporting country. The situation depresses domestic production due to the uncompetitive pricing of the imported products. Because the return on investment on domestic production and other legitimate business activity will almost inevitably be lower than the high returns made by money launderers, domestic production is depressed by their activities. This situation affects small and medium scale enterprises which are the growth targets the government is addressing. Consequent to this development, foreign investment will decline, because investors will be scared of an economic environment where illicit monies are allowed to play a significant role in the allocation of resources.

Thus, this paper will look at the various transnational crimes taking place in or from elsewhere to Nigeria and presents the various effect these have on the Nigerian economy. It will also look at the various national and international measures which Nigeria has evolved in response to transnational crime and among

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<sup>28</sup> Mauro, L., & Carmeci, G. (2007). A Poverty trap of crime and unemployment. *Review of Development Economics*, 11(6), 12-15.

<sup>29</sup> Nageri, K. I., Gunu U., & Abdul, F. A. (2013). Corruption and economic development: Evidence from Nigeria. *Kuwait Chapter of Arabian Journal of Business and Management Review*, 3(2), 25-28

<sup>30</sup> Aidt, T., Dutta, J., & Sena, V. (2008). Governance regimes, corruption and growth: Theory and evidence. *Journal of Comparative Economics*, 36, 195-220.

other things provides some recommendation for better legal regime for combating the phenomenon.

### **Transnational Crime in Nigeria Context**

Since the 1990s, cross-border criminal activities have become widespread and highly sophisticated. They have served as an industry for former combatants and transnational criminal syndicates who undertake illegal or criminal activities in the sub-region and in the process of undermining state security structures and abuse of human rights<sup>31</sup>. The neglect of these communities by various tiers of government over the years, which led to their underdevelopment has not only made them transcend international boundaries to boost what Chazan (1996:270)<sup>32</sup> dubbed as “second”, “parallel”, “informal”, “underground”, “black” or “irregular” economic centers; but it has also ‘transformed’ them into sites for global criminal economy smuggling routes<sup>33</sup>. There have also been marked features of those criminal routes in Nigeria waterways where up to half of pirate attacks around the world take place. Despite the global fall in the number of attacks in 2004, Nigeria’s figure doubled the number of casualties recorded in other hot spots around the world, including Vietnam, Bangladesh and the Philippines.<sup>34</sup> There have also been marked features of those criminal routes in Nigeria waterways where up to half of pirate attacks around the world take place. Despite the global fall in the number of attacks in 2004, Nigeria’s figure doubled the number of casualties recorded in other hot spots around the world, including Vietnam, Bangladesh and the Philippines.<sup>35</sup> For example, out of the 640 million small arms circulating globally, it is estimated that 100 million are found in Africa about 30 million in sub-Saharan

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<sup>31</sup> De Andrés, A.P. 2008. West Africa under Attack: Drugs, Organized Crime and Terrorism as the New Threats to Global Security”, UNISCI Discussion Papers, No. 16.

<sup>32</sup> Chazan, N. et al. 1992. Politics and society in contemporary Africa (2nd Ed.). Boulder: Lynne Rienner Publishers.

<sup>33</sup> Okeke, V. O., Sunday, O. & Richard, O. 2014.

<sup>34</sup> The Guardian [Lagos], Tuesday, July 27, 2004, P.96

<sup>35</sup> The Guardian, July 27, 2004.

Africa and 8 million in West Africa, alone. The majority of these SALW about 59% are in the hands of civilians, 38% are owned by government armed forces, 2.8 % by police and 0.2% by armed groups<sup>36</sup>. It is imperative to consider selected types of transnational and examine their nature in the context of Nigeria.

#### **A. Illicit Drug Trafficking:**

Nigeria is neither a producer nor consumer nation in the illicit drug trade. It serves as a transit route for heroin and cocaine. For example, it is being trafficked from Latin America to Nigeria and then to UK, Spain and US. Most persons with Nigerian International Passports that are arrested, prosecuted and convicted in connection with drug trafficking are couriers working for drug barons in other countries (NgorNgor Donald: 2000). Of all transnational criminal activities prevalent in Nigeria, the drug trade has brought the country much more woes and international pariah status than any other has. Drug trafficking came to official prominence between 1983 - 1984 in Nigeria following public execution of some convicted drug traffickers. The violence associated with illicit drug trade in some parts of the world is yet to be witnessed in Nigeria due to the fact that Nigeria is a stopover routes between the producers on one hand and consumers on the other<sup>37</sup>.

According to UNODC West African Report 2005, Africa seizure of cannabis is quarter of global seizures and Nigeria claimed 32% of this in 2000 to 2003. West African nations, such as Nigeria and Cote d'Ivoire, are also used to trans-ship heroin and, increasingly, cocaine. Simon Erring (2011) cited UN Report on Drug Trafficking in West Africa in November 2008 which

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<sup>36</sup> Stohl, R. and Tuttle, D. 2009. The challenges of small arms and light weapons in Africa. Conflict trends 1. Nte, N.D. 2011. The Changing patterns of small and light weapons (SALW) proliferation and the challenges of national security in Nigeria. *Global Journal of Africa Studies* 1 (1): 5-23.

<sup>37</sup> NgorNgor, Donald . 2000. Effective methods to combat transnational organized crime in criminal processes: The Nigerian perspective. 116th International Training Course Justice Participants' Papers. Resource Material Series, 58, 171-182.

reported that declining US cocaine and a rising European one appear to have prompted South American cocaine traffickers to make use of low-governance areas in West Africa as transit zones. This gave rise to at least 46 tons of cocaine seizures to Europe via West Africa since 2005. Report in *This Day Newspaper* of 29th November, 2010 shows that in the last three months of 2010, officials of the National Drug Law Enforcement Agency (NDLEA) have impounded hard drugs valued at N5 billion. Within the same period, 130 kilogramme of heroin shipped into the country from Iran were impounded at the Tin Can Island Port, Apapa, Lagos. The substance is valued at \$10 million. All of these are indications of the increasing profile of Nigerian route for Drug Trafficking. Also, United Nation office on Drugs and Crime (UNODC 2010), reported that there is a rapid rise in the consumption of hard drugs in the country. And according to its statistics, the increase in drug use in Nigeria is directly linked to the high level of corruption in the country<sup>38</sup>.

### **B. Illegal Firearms Manufacturing and Trafficking:**

Proliferation of firearms is a threat to international security. Illegal firearms trafficking constituted a major component of transnational organized crime. The ever increasing armed conflicts in many regions of the world account for huge trafficking in firearms. Similarly, constant political instability and internal power tussle amongst third world countries including Nigeria precipitate arms trafficking. The Nigerian fratricidal civil war between 1967 - 1970 exposed the country to influx of firearms. Also, the participation of Nigeria in Peace Keeping Operations all over the world and particularly Nigeria's dominant role in Economic Commission of West African States Monitoring Group (ECOMOG) Operations in the sub-region serves as a likely source of illegal firearms into the

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<sup>38</sup> Simon, O. E. 2011. Trans-border crime and its socio-economic impact on developing economies. *Journal of Sociology and Social Anthropology* 2(2): 73-80

country<sup>39</sup>. Apparently, the major route of illegal firearms being brought into Nigeria is through the seemingly porous borders of neighbouring countries in the sub-region. Fire arms are being trafficked to Nigeria from Ivory Coast and Sierra Leone<sup>40</sup>.

According to UNODC, the art of firearms trafficking in Nigeria has now included illegally manufactured weapons. It was reported that in one seizure of illegal weapons in Nigeria in April 2004, the goods confiscated included not only foreign-made guns and ammunition, but also a locally assembled AK-47 assault rifle as well as 13 locally-made revolvers, four double-barreled shotguns, one single-barreled shotgun, and other pieces as well. Police arrested 19 illegal manufacturers. On 1<sup>st</sup> April 2004, Nigerian police arrested a man coming from Benin with 16 firearms purchased in Accra, Ghana. His intention had been to sell them in the market at Onitsha, the largest market in West Africa. The police considered they were definitely destined to be used by criminals in Nigeria. Illegal firearms trafficking have undisputedly fuelled ethnic/religious armed conflicts and armed robbery in Nigeria which has resulted to monumental negative consequences. Armed robbery remains one of the major crimes in Nigeria which is perpetrated by holders of illicit arms.

Under the relevant Nigerian laws, arms trade generally is under control by the Government of Nigeria. It is controlled by the issuance of relevant licenses which indicate the types and categories of arms and ammunition that can be traded upon by individuals and corporate organisations. The general control and acquisition of personal firearms in Nigeria is the prerogative of the Inspector-General of Police in the exercise of his function as the Chief Security Officer. Any arms procured through any illegal way is a crime. The illicit trade in arms is being carried out nefariously by dubious businessmen whose identities remained masked. It is

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<sup>39</sup> NgorNgor, Donald . 2000. Effective methods to combat transnational organized crime in criminal processes: The Nigerian perspective. 116th International Training Course Justice Participants' Papers. Resource Material Series, 58, 171-182.

<sup>40</sup> West African Report 2005, UNODC

extremely difficult to determine the quantity of arms and ammunition illegally possessed in Nigeria (NgorNgor Donald: 2000). This poses a great danger to internal security. For example, the Nigerian Customs Service reported that it had intercepted small arms and ammunition worth more than US\$30 million at border posts in a six-month period in 2003. In a single haul in November 2003, it took in a consignment of 170,000 rounds of ammunition. These weapons are used in ethnic, religious, and political violence, as well as in criminal activity, such as that surrounding the illicit oil trade in Niger Delta(de Andrés, 2008).

### **C. Terrorism**

Aliens, mainly from countries in the Sahel and Western Sahara, have been linked with religious uprising in Nigeria. The exportation of religious extremism into Nigeria adds another dimension to the challenge of insecurity in the country. Imported religious values and orientations have, at different times, challenged the secular status of the Nigerian state. Similarly, it was recently reported in the media that some members of the Boko Haram sect and other jihadist groups in the Sahel and North Africa received both Islamic and military training from Mauritania, including how to make bombs and improvised explosive devices (IEDs). With the demise of the regime of Muammar Gaddafi of Libya and the dispersion of fighters loyal to him across Africa and Middle East, it is possible that some of Gaddafi's men have come into Nigeria either as mercenaries and joined the militant Islamic groups already operating in the country.

Notwithstanding, the extent of the links between Boko Haram and other international terrorist groups is not quite clear. Around February/March 2015 when the Nigeria's military offensive started in earnest, Boko Haram hastily pledged allegiance to ISIS and the latter subsequently acknowledged that. The inclusion of international targets for attack and the extension of its operations to other locations in West and Central Africa notably Cameroon, Chad, and Niger marked out the insurgents as a threat to national and international security. Although it is very difficult to draw

strong similarities between the Boko Haram group and other international terrorist groups such as Al Qaeda and Al-Shabaab in terms of tactics, targets and rationale the claim and declaration by the Boko Haram that it is on a mission to enthrone strict Sharia legal code first in Nigeria and later to expand to other countries through holy war puts the group in the same category as other Islamic Jihadist groups in the world. It was recently reported that the Boko Haram movement is now formally affiliated with the Islamic State of Iraq and Levant (ISIL) rebels on the former's request. This affiliation will – when operational – most likely strengthen links between the jihadists in West Africa and those in the North and Middle East with enormous implications for the expansion of Islamic Caliphate across North and West Africa<sup>41</sup>.

#### **D. Human (Woman and Child) Trafficking<sup>42</sup>:**

Nigeria is a leading nation in human trafficking in Africa. Victims are trafficked for three main purposes: forced labour, commercial sexual exploitation, and forced enlistment in militaries and rebel groups. Nigeria is a source, transit and destination country for trafficked children and serves predominantly as a source country for trafficked women. Victims of child trafficking originating in Nigeria are usually between 13 and 15 years of age. Foreign children trafficked to Nigeria come mainly from Benin and Togo, Côte d'Ivoire and Niger. Children as young as five and six trafficked from Benin have been found working in exploitive

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<sup>41</sup> Victor, A.O Adetula. May 2015. Nigeria's Response to Transnational Organised Crime and Jihadist Activities in West Africa. Friedrich Ebert Stiftung West Africa Office Abuja, Nigeria. ISBN: 978 - 978 - 949 - 002 – 8.

<sup>42</sup> Human trafficking is defined in the international protocol as the: "... recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

conditions in Nigerian mines in the Western part of the country. Estimates are that 40% of the street children and hawkers in Nigeria were trafficking victims. With respect to women trafficked for commercial sexual exploitation in Europe, a large share are from Edo State in Nigeria while the rest are from Delta, Kano and Borno States. Nigerian women trafficked abroad are sent to different destinations, including Europe (Italy, Spain, France); within West Africa (Benin, Cote d'Ivoire,); Central Africa (Gabon, Cameroon) and the Middle East (Saudi Arabia). It was also reported that during the religious pilgrimage, the Hajj, young Nigerian children and older Nigerian women travel to Saudi Arabia and are forced into street begging, domestic service and prostitution.

In terms of flows going the opposite direction, foreign women are reported to have been trafficked to Nigeria from as far away as Moldova, Belarus, Ukraine and the Philippines. Young Nigerian girls of the average age of 14 years are lured into this illegal business by syndicates operating within and outside Nigeria. The entire business is shrouded in secrecy and some of the victims are transported outside Nigeria in the guise to pursue education and gainful employment. The traffickers employ subtle force, coercion, fraud and outright deceit to accomplish their objectives. Generally, the trafficking gravitates towards Central Europe especially Italy through various detected and undetected routes where they are initiated into prostitution or engage in child labour. Despite existing laws against trafficking in human beings and related crimes, the illegal business has continued unabated.

Essentially, trafficking in humans, particularly in women and children, is to serve the international prostitution ring. In 2003, a Nigerian citizen was arrested in Sierra Leone in the company of six Chinese nationals whom he was helping to travel to the United Kingdom. The organizer was working in partnership with a Chinese entrepreneur based in Nigeria. Both Nigerian and other international groups are said to use Sierra Leone as a place of transit for labour migrants under the guise of refugees. Many of the girls or young women involved are from Edo state, and the main



destinations are Europe, especially Italy, and the Middle East. Nigeria's international trade in prostitutes is believed by analysts to have grown in the 1990s as prospects for employment in Nigeria deteriorated. The organizers of the trade are often women, sometimes former prostitutes themselves, who have succeeded in making money and graduating to the status of madams, although they depend on men for forging travel documents and escorting the girls to their destination. The networks through which girls and young women are recruited are reported to be well organized and to be relatively solid and durable, rather than merely ad hoc.

#### **D. Internet Fraud, Cybercrime and Advance Fee Fraud**

The concept of Advance Fee Fraud is predicated on payment of some sort of fees, tax, kick-back or brokerage on the pretence that such is required as part of official transaction in existing business deals. The Nigerian Criminal Code section 419 describes it as obtaining by false pretences. It is an organized syndicated criminal venture between dubious, unscrupulous Nigerians on one hand and unsuspecting foreigners to illegally transfer abroad non existing funds belonging to the government of Nigeria or a corporate organisation in Nigeria to an account of such gullible/ greedy foreign collaborator. Scam letters and forged documents are mostly used in perpetuating this crime. The trans-global dimension this crime has assumed is a source of concern to Nigeria because of its negative consequences on the country's economy, credibility, and image. The Nigerian international image has so much being battered that most business proposals from Nigeria are seen as deceptive and fraudulent. Between 1998 - July 2000, Nigeria received 24, 5, 16, 5, 5, 2, 6, 5, 2, 2, 2, 1, 1, 1, 1, 1, 1, 1, 113 complaints of advance fee fraud each from Germany, Italy, USA, Canada, India, South Africa, Japan, Iran, Australia, Egypt, New Zealand, Syria, Philippines, Portugal, Saudi Arabia, Israel, Korea, Taiwan, and Nigeria respectively<sup>43</sup>. This clearly shows the international dimension of the crime.

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<sup>43</sup> Sourced from Special Fraud Unit Section, Nigeria Police Force

According to one of Nigeria's leading financial regulators, at an Interpol meeting in 2003, 122 out of 138 countries represented complained about Nigerian involvement in financial fraud in their countries. Frauds of this type have increased in Côte d'Ivoire since 2000, said to be organized by Nigerians. In one such case, a Nigerian fraud gang working in Côte d'Ivoire succeeded in cheating an Iranian businessman of some CFA 40 million (approximately US\$80,000).<sup>88</sup> In the United States the Internet Fraud Complaint Center (IFCC), which receives information on Internet crime, calculates in its 2001 Internet Fraud Report that Nigerian letter fraud cases amount to some 15.5 per cent of all complaints. The consultant who reports this statistic notes that "while the median loss in all manner of Internet fraud was US\$435, in the Nigerian scams it was US\$5,575". In its report for 2002, the same organization noted that of some 16,000 complaints regarding Nigerian fraud communications, 74 people had lost between them some US\$1.6 million. The very impermanence of e-mail communications makes it hard for police forces to apprehend "419"-fraudsters, but there is some information about them that is fairly well-established. Most obviously, "419" operators have to be well enough educated to perform e-mail transactions in such a way as to be untraceable, and to have sufficient knowledge of international government and business practices as to trap the greedy and the gullible. Internet fraudsters are known to work with lawyers, accountants and even members of the security agencies whom they may pay for their services. One of the most notorious cases which netted US\$240-245 million, involved several people<sup>44</sup>.

### **E. Trafficking in Artifacts**

Works of Arts are rare and expensive commodities in the international market. Trafficking in stolen works of arts constitute one of the major illicit trade that has international connection. International syndicates in collaboration with their local

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<sup>44</sup> Ebo, A. 2003. Small arms control in West Africa. International Alert, MISAC West Africa Series, No. 1.; Aning, K. 2007. Are there emerging West African criminal networks? The Case of Ghana. *Global Crime*, 8 (3).

counterparts gradually plunder the nation's cultural heritage. Nigerian cherished work of arts are found in international art galleries through illegal routes which remain shrouded in secrecy. This unwholesome act of international pillage deny Nigeria the expected foreign earnings. The Nigerian government views this illicit trade with a lot of concerns. It needs some combined efforts of Nigeria and international security agencies to effectively control trafficking in works of arts.

In his discussion of cultural antiquity trafficking in Nigeria, Eluyemi (2002)<sup>45</sup> traced the origin of the problem to the 1897 sacking of Benin Monarch, which led to an unprecedented scale in the transfer of Nigerian artefacts to Europe. Though, the actual number of works stolen is unknown, an estimated 4000 pieces may have been removed (Layiwola, 2010)<sup>46</sup>; these Benin arts and crafts now adorn the museums in Britain and other Western European countries<sup>47</sup>. This particular incident brings about the continuous demand for the Nigerian cultural property by treasure dealers in the west, which consequently lead to a sustained assault on the Nigerian cultural heritage (Eluyemi, 2002). The period between 1986 and 1996 alone witnessed the looting of 24 museums and communities in Nigeria, with a total loss of 382 artefacts recorded<sup>48</sup>.

NgorNgor (2000) notes that valuable Nigerian works of art found their ways into international galleries of the world through illegal routes which remained shrouded in secrecy as international syndicates in collaboration with their local counterparts gradually

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<sup>45</sup> Eluyemi, O. 2002. The Preservation of Nigerian Cultural and Natural Heritage: Challenges and Prospects. Bassey Wai Andah Fourth Memorial Lecture. Textflow Limited, Ibadan, Nigeria.

<sup>46</sup> Layiwola, P. (2010). Resurrecting the Disappeared: A Recontextualization of 1897. Benin 1897.com: Art and the Restitution Question. P. Layiwola, Ed. WY Arts Foundation. 1- 14.

<sup>47</sup> Edo, V.O. 2010. The 1897 British Expedition in Historical Perspective. Benin 1897.com: Art and the Restitution Question. P. Layiwola, Ed. WY Arts Foundation. 51-57.

<sup>48</sup> Akinade, A.O. 1999. Illicit Traffic in Cultural Property in Nigeria: Aftermaths and Antidotes, Africa Study Monograph, 20 (2), 99-107.

plunder the nation's cultural heritage. Filane (2003) similarly submits that various syndicated thieves, who usually gained access to museum galleries, have stolen priceless objects from virtually all important museums in Nigeria<sup>49</sup>. Filane (2003) further points out that most of the local shrines, royal palaces, as well as many universities' museums have been completely depleted. There are also reported cases of the destruction of monuments, city walls, gates, parks, community shrine and forest reserves in abandoned archaeological sites and ancient cities (Akinade, 1999; Ajekigbe, 1997)<sup>50</sup>.

In 1995, a terracotta pot from the Igbo-Ukwu culture kept in the museum of the Department of Archaeology at the University of Ibadan was stolen. Also, in 1999, three Nok and Sokoto terracotta from Nigeria, which were initially on The International Council of Museum (ICOM)'s Red List of African Cultural Objects at Risk, surfaced in France, but the French government after much pressure later acknowledged the Nigerian ownership of these antiquities. In his report of this particular theft, an author claims the stolen terracotta, valued between US\$25,000 and US\$30,000, comprised two monoliths stone that have been traced to the Bakar people of Cross Rivers State<sup>51</sup>.

#### **F. Trafficking in Stolen Vehicles**

In Nigeria, like most West African countries, sale of second-hand cars is lucrative business. Due to general global economic recession and harsh economic conditions prevalent in Nigeria, hardly could individuals affords brand new vehicles because of the prohibitive cost. Hence, fairly used vehicles are smuggled into the country from the western world. Businessmen involved in this

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<sup>49</sup> Filane, K. 2003. Museums in Nigeria: Historical Antecedents and Current practice. The international Press of the Association of Art critics. Aica Press.

<sup>50</sup> Ajekigbe, P. 1997. Abas-Edem: Another Archaeological Site in Calabar, The National Commission for Museums and Monuments, Nigeria, 2 (1), Jan.-Jun.

<sup>51</sup> Usman A. O. Nov. 2012. Trafficking in Nigerian cultural antiquities: A criminological perspective. *African Journal of Criminology and Justice Studies* 6(1&2).

trafficking employ all forms of intrigues to circumvent payment of customs duties and tariff. In fact, most of the cars are stolen from US and other European countries. These cars find their ways to Nigeria through the international borders of neighbouring West African countries with the connivance and conspiracy of international con businessmen. In most cases, accompanying documents to the vehicles are expertly forged. This transnational organized trafficking is a disturbing trend not only to Nigeria but most countries of the world. International initiative must be put in place to track stolen vehicles all over the world and punish perpetrators accordingly.

### **G. Money Laundering**

Money laundering has a linkage to attempts by organized and unorganised criminal syndicates to legitimise the proceeds of their criminal activities by concealing their true origin and ownership in order to enable them employ such fund for further activities. These organized criminal groups, for example, drug trafficking, repatriate money from abroad by direct purchase and re-sale of luxury items like cars and jewellery. Similarly, dirty monies are equally passed through complex international system of legitimate business. Professional launderers employ various methods and techniques to accomplish their unwholesome activity. These include over invoicing of goods, usage of high value and using laundered money to capitalize a public quoted company. However, money laundering is an area of transnational crime which survives with the cooperation of the Western financial institutions.

In 2005, Nigeria was the only African country deemed to be seriously affected by money laundering. The response of Africa's sub-regional economic communities and individual states to the money laundering threat has been dynamic. Only one African country is presently on the Financial Action Task Force (FATF) of the OECD as non-cooperating: Nigeria. The proceeds of crime committed in Nigeria are also laundered abroad, most notably the monies stolen by some public office holders such as Sani Abacha, Ibori's family etc. With the help of the German, Swiss and British

Governments, Nigeria was able to recover US\$240 million from the late Abacha's family in 2004. A report from the Commission of the European Communities estimates that stolen African assets held in foreign bank accounts are equivalent to more than half of the continent's external debt. Foreign banks have responsibility to ensure the legitimacy of monies deposited in overseas accounts and the importance of repatriating these funds.

#### **H. Intellectual Property Theft/Music/video piracy**

The UNODC office in Senegal notes the following facts about music/video piracy in West Africa, including Nigeria. Organized piracy and counterfeiting networks based in Asia (i.e. Pakistan, Malaysia, and PR of China) use the market for both laundering revenues from other criminal operations and facilitating the logistic of other activities such as trafficking in human being or terrorist activities. Intelligence gained from Interpol investigations has also uncovered connections between organized crime gangs involved in music/video piracy in Nigeria and suspected Middle Eastern terrorist organizations. Examples of CDs and CDRs carrying propaganda messages from extremist groups have been found in Nigeria.

Piracy activities in the Gulf of Guinea concern mostly on theft of crude oil, which is produced mainly in the Niger Delta. Also, there has been instances of attacks and robbery of fishing trawlers. Most of the attacks take place within Nigerian waters, with Benin and Togo also severely affected and other attacks throughout the region. International Marine Bureau (IMB) Piracy Reporting Centre lists 30 reported incidents during 2013 related to Nigeria (up until 22 October). This challenge expectedly is attracting international concerns. The EU currently gets 13% of its oil and 6% of its gas through resources from the Gulf of Guinea. The Gulf is also an important transit area for shipping, as well as an important fishing ground.

## **I. Resource smuggling, wildlife poaching, and environmental crime**

The smuggling of natural resources is an activity involving both local and international crime groups. Nigeria is rich in natural resources, including oil, diamonds, other precious and strategic minerals, and timber. Ironically, it has been theorised that this wealth may be behind the political instability and poor economic performance of several nations. The theft and smuggling of these resources is a major organized crime activity. In Nigeria, criminal gangs steal large amounts of crude oil from pipelines and ship it on river barges to larger craft offshore in a practice referred to as 'oil bunkering'. It is a massive industry, with high end estimates of its value ranging from US\$4 billion to US\$6 billion a year, or over 10% of Nigeria's oil production. Violence occurs between rival gangs fighting for 'bunkering turf', known locally as 'cults', with names like the KKK, the Germans, and the Mafia Lords. These groups trade oil for guns, and also claim to have received weaponry from local political leaders.

Weak controls and local corruption teamed with international corporate greed leave Nigeria vulnerable to other forms of crime against the environment. One of the foremost of this is dumping of hazardous waste and substandard electronic goods in Nigeria. Unregulated logging, for example, feeds erosion and can deplete a resource that should, if managed, be renewable. Equipment that does not meet the environmental or safety standards in developed countries are exported to Nigeria, and transnational corporations allow their Nigerian workforce to be exposed to conditions prohibited in their own countries. Example was Shell B. P and gas flaring operation. The illegal dumping of toxic wastes by foreign countries also endangers the health of Nigeria.

### **1. Effect of Transnational Crimes on Nigeria's Economic Development**

According to UNODC Crime and Development in West Africa Report 2005, there are three possible impacts of crime. First, crime destroys social and human capital by degrading quality of life and

forcing skilled workers overseas; causing victimisation. Fear of crime interferes with the development of those who remain. Crime impedes access to possible employment and educational opportunities, and it discourages the accumulation of assets. Second, crime drives business away from Africa. Investors see crime as sign of social instability, driving up the cost of doing business. Corruption is even more damaging, perhaps the single greatest obstacle to development. Further, tourism, of large and growing importance for Africa, is an industry especially sensitive to crime. And lastly, crime undermines the state. Crime and corruption destroy the trust relationship between the people and the state, undermining democracy.

The pathetic consequences of transnational economic and financial crimes in Nigeria is well captured by Nuhu Ribadu, the former Executive Chairman of the Economic and Financial Crimes Commission (EFCC) Nigeria, when he disclosed thus;

*“£ 20 Billion Pounds (about \$500 Billion) of development assistance that has been stolen from this country since independence to date by past leaders of our country ...the money could create the beauty and glory of Western Europe six times all over Nigeria. Nigerians line at the gate of Western Embassies daily in search of visas to flee the country, but the best way to appreciate this figure is to recall that it represents six times the value in money that went into rebuilding Europe via the famous Marshal at the end of the 2nd World War”<sup>52</sup>.*

#### **a) Loss of needed revenue for development**

Transnational crimes generally deny the people and the government the benefits of channeling the nation's resources towards the common good of the society. Smuggling is one of the worst forms of transnational economic and financial crimes in

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<sup>52</sup> Yusuf, I. A. The devastating impact of money laundering and other economic and financial crimes on the economy of developing countries: Nigeria as a case study. Ahmad Ibrahim Kulliyah of Laws. International Islamic University Malaysia.



Nigeria today. The act amounts to defrauding Nigeria of the revenue most needed for national security, social and economic development as it involves tax evasion. Tax evasion has the tendency to defeat the fiscal policy of a country which is to transfer part of excess resources from private hands to government. Revenue from tax can be used to provide better security, social amenities and better welfare packages for the generality of the people. In Nigeria, it has not been possible to give an estimate of the amount lost to tax evasion or avoidance. Moreover, the proceeds of transnational crime, black money, normally hidden somewhere and idle, is one of the causes of galloping inflation in Nigeria<sup>53</sup>.

According to Nigeria lost US\$114.4 billion to oil theft and oil shut-in from year 2000 to 2008. What this loss meant, indirectly, is reduction in the financial ability of the government to meet people-oriented programmes, including funding of peace initiatives in the crisis-prone Niger Delta region<sup>54</sup>. GFI, 2012 estimates that IFFs from Nigeria is \$217,738.1 billion respectively. Recently, African Union Reports that N6.2 trillion is stolen from Nigeria yearly (Vanguard, 3<sup>rd</sup> January 2015) just as UK Government decided to return £6.8 million of the confiscated loot of former Delta Governor, James Ibori to Nigeria after returning £1.2 million (Guardian, 23<sup>rd</sup> November, 2014). Furthermore Late Diepreye Solomon Peters Alamiyeseigha pleaded guilty and was jailed for two years for money laundering of about N6 billion and bought about 172 houses across the globe. It would be recalled also that the findings of Justice Nwazota Pane which were accepted by the government were scandalous and shocking as it revealed that a whooping total of \$254,257.65 million; £1,792.2 million and N548,380,248.00 billion were looted from the Nigerian Airways Limited through tax fraud, contract inflation, ticket scam, fake

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<sup>53</sup> Ibid

<sup>54</sup> Judith, B. A. 2009. Blood oil in the Niger Delta. *Special Report 229*, United States Institute for Peace, Washington, D.C., 6.

projects, misappropriation and outright stealing<sup>55</sup>. The illegal arm dealing of President Goodluck Jonathan's regime is currently being investigated. The amount involved in this scandal inclusive of the one seized by South African Government is far above Nigeria 2015 Budget put together.

**b) Undermining the integrity of financial institutions and markets**

According to Simon Erring (2011) these criminal activities damage the financial sector institutions that are critical to economic growth, reduces productivity in the economy's real sector by diverting resources and encouraging crime and corruption which slows economic growth and can distort the economies external trade, internal trade, and capital flows or economic development<sup>56</sup>. The amount involved in various forms of transnational economic and financial crimes especially corruption, are often so large that it affect both the integrity of domestic economies (Nigeria inclusive) and the international financial systems. He disclosed further that an estimated amount of \$100 billion was corruptly exported from Nigeria between mid-1980s and 1999 while more than \$ 1 trillion illicit funds flowed into the United States annually through the international financial systems and this includes the proceeds from drug trafficking and other forms of economic and financial crimes.<sup>57</sup>

Expectedly, institutions involved could not at long run withstand the test of market competition. The consequence of this was mass collapsed of many financial institutions and dangerous negative indicator that Nigerian financial system and institutions

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<sup>55</sup> Uche C. Nwogwugwu and Benedict I. Uzoechina. August 22, 2015. Impact of Economic Crimes on Nigeria's Economic Prosperity under A Democratic Framework. *International Journal of Business and Management* 10(9). Canadian Center of Science and Education

<sup>56</sup> Simon Odey Ering. 2011. Trans-border Crime and Its Socio-economic Impact on Developing Economies. *J Sociology Soc Anth*, 2(2): 73-80

<sup>57</sup> See Daily Independent Nigerian Daily Newspaper, Thursday May 11th , 2006. The same is available at [www.efccnigeria.org](http://www.efccnigeria.org) viewed on 22nd February, 2007

under it were not investment friendly. Some apparently flourishing financial institutions in Nigeria especially commercial banks collapsed midstream and were officially liquidated as a result of diversion of funds.<sup>58</sup> In fact, the Federal Government had to bail out some banks after the discovery of the criminal activities of their CEOs like Cecelia Ibru of the defunct Oceanic Bank.

**c) Undermines the growth and development of local industries**

Also it undermines the growth and development of local manufacturing industries and other industries in the private sector of the economy. The deliberate reduction in the price of products in order to legitimise the illicit proceeds of economic crime undermines the genuine entrepreneurship efforts of local manufacturing industries. Thus most local industries collapsed and thousands of workers were laid off or rendered redundant.

**d) Loss of control of the national economic policy**

Nigeria stand the risk of losing control of their domestic economic policy as these illicit proceeds from laundering and other economic and financial crime activities have the capacity to dwarf government budgets and as well corner the domestic markets.<sup>59</sup> Financial crimes can adversely undermine currencies and interest rates particularly in developing economy like Nigeria with no convertible currency of its own. The economic implication here is that such “irrational” movement of funds creates inexplicable changes in monetary demand and increase volatility of international flows, interest and exchange rates. A situation of this nature will no doubt militate against sound national economic policy and implementation. One of the common reason why SAP

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<sup>58</sup> Nigeria Deposit Insurance Corporation (NDIC) 2003 Annual Report & Statement of Accounts for the end of the year December 31, 2003.

<sup>59</sup> John Mc Dowell. 2001. Senior Policy Adviser, and Gary Novis, Programme Analysis, Bureau of International Narcotics and Law Enforcement Affairs, US Department of State “The consequences of Money Laundering and Financial Crimes” in Money Laundry : Economic Perspectives

did not work in Nigeria was due to poor implementation and rise in economic crimes especially money laundering, advance fee fraud, and corruption. Money laundering cause's monies appropriated for specific development projects to be diverted to individual bank accounts. This is the situation involving many individuals specifically members of the political class in Nigeria who are privileged to occupy governmental positions to siphon people's money to foreign banks to the detriment of the Nigerian public. These monies would have been used in providing needed infrastructure, and social benefits for the poor in the society<sup>60</sup>.

**e) Economic distortion and investment instability**

Diversion and redirection of funds from sound to low quality investments or from one economic activity to another without rational economic reasons are common practices in transnational crime. This is a conscious and continuous attempt to disguise and hide the true source of the illicit proceeds from their criminal activities. The movement of funds or investments "may be in direction contrary to those that would be predicted on the basis of economic logic. Money may move from countries with good economic policies and higher rates of return to countries with poorer economic policies and low rates of return, thus seeming to defy the law of economics"<sup>61</sup> The inherent economic implication of these criminal practices is that it creates unnecessary confusion for the economic policy makers of affected countries. Transnational economic crimes erode a nation's economy by changing the demand for cash, making interest and exchange rates more volatile and causing high inflation in countries where criminals are doing business.<sup>62</sup>

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<sup>60</sup> Simon Odey Ering. 2011. Trans-border Crime and Its Socio-economic Impact on Developing Economies. *J Sociology Soc Anth*, 2(2): 73-80

<sup>61</sup> Vito Tanzi, 1997. "Macroeconomic Implications of Money Laundering" in *Responding to Money Laundering, International Perspectives*, edited by Erenest U. Savona, (Malaysia: Harwood Academic Publisher, 96.

<sup>62</sup> Simon Odey Ering. 2011. Trans-border Crime and Its Socio-economic Impact on Developing Economies. *J Sociology Soc Anth*, 2(2): 73-80

**f) Risks to government privatisation efforts**

Privatisation is one of the major economic policies of the past and the present administration. Privatisation policy is designed to engender better public services delivery, viability in commerce and industrial sector. The policy allows the private sector to participate in the key sectors of the economy such as the midstream and downstream sectors in the oil and gas industry, communication, and energy sector. However, the above effort and reform are being threatened by transnational criminal practices. It is common knowledge that the on-going privatisation exercised has been hijacked by individuals and corrupt public office holders with financial wherewithal to outbid legitimate and prospective purchasers of formerly state owned enterprises. Relevance however to this discussion is the alleged acquisition by the former President of 200 million majority shares in Transcorp Telecommunication, a formerly state owned telecom industry.<sup>63</sup> Transnational crime in no doubt, have the tendency to distort and truncate the on -going economic policy of deregulation and privatisation in Nigeria.

**g) Negative national image**

Nigeria's development is jeopardised because available evidences show that the country is used as a transit for drug smuggling, particularly for the West African route. This paints a bad picture for Nigeria's image and could deter investors from investing in the economy<sup>64</sup>. Many Nigerians suffer humiliation abroad and encounter unnecessary difficulties in conducting international businesses for lack of trust and integrity. Aside from the humiliation suffered abroad, there are reported cases of brutal "retaliatory actions" taken by victims of economic and financial crimes.

Between 1999-2004, Nigeria was competing with Bangladesh for the first and second position as the most corruption nation in

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<sup>63</sup> Champion Newspaper, Tuesday 30th ,January,2007 titled "Atiku faults OBJ"

<sup>64</sup> Simon Erring. 2011. Op cit

the world based on the Transparency International Annual Corruption Index<sup>65</sup>. Nigeria today is faced with the enormous task of creating an investor-friendly economic environment devoid of market manipulation, insider trading, money laundering, advance fee fraud, insecurity and other forms of corruption and financial abuse practices. Thus the preponderance of transnational economic and financial crimes in Nigeria is partly responsible for the decrease in foreign inflow of investments and the continuous denting image of Nigeria as a nation. The cumulative effect of the above development has been attributed as one of the reasons why the Financial Action Task Force (FATF), until recently, has continued to retain Nigeria in the list of Non-Cooperative Countries and Territories (NCCTs). In the month of June 2006, Nigeria finally got a clean bill with its name expunged from the list of non-cooperative countries and territories.

#### **h) Socio-political consequences of transnational crimes in Nigeria**

Transnational crime like drug trafficking places increasing demands on the public health services and the society at large. These will include serious epidemic like HIV/AIDS. The United Nation Office on Drugs and Crime (UNODC) reports that along the cocaine trafficking route, numbers of users and cases of HIV/AIDS is distinctly higher. It is also noted that a number of youths are involved in Drug trafficking and the implication is that these youths stay out of school. Education, especially education being made available to the poor, is key to development in the way that it empowers people. It allows for people to raise their individual awareness and in some situations take social action. Narcotics or drug trafficking could fuel crime rate in the society

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<sup>65</sup> Transparency International Corruption Index 2002: [http://www.transparency.md/Docs/TI\\_CPI2002\\_en.pdf](http://www.transparency.md/Docs/TI_CPI2002_en.pdf), Transparency International Corruption Index 2004 < [http://www.investinestonia.com/pdf/CPI\\_2004.pdf](http://www.investinestonia.com/pdf/CPI_2004.pdf)>, Accessed on May 28,2008.

and consequently impact on public security. There cannot be tangible economic development where there is no peace.

The social and political consequence of the above problems is that running government transparently in Nigeria is becoming a real problem or almost impossible. As of today, many federal and state government projects are plagued by corruption and the menace has become well ingrained in the national psyche. The aftermath effects on the socio-economic wellbeing of the generality of Nigerian population could be well imagined. For the past twenty six years or more, regular power supply (electricity) has become elusive with several companies, big and small, closed down or crippled in production capacity. Oil scarcity for several years now has become a norm brewing illegal oil black markets and dumping of substandard generator sets.

Corruption is summarised as the bane of political instability and development in Nigeria. The unfortunate corrupt practices by shameless and unbridled state plunderers which is so prevalent in the country today, represents the greatest human tragedy that has shackled on Nigeria's progress as a nation since independence. This situation is at the very heart of the rule of law crisis and political quagmire in Nigeria today.

#### **i) Aggravates internal culture of corruption**

No matter the short run benefits of transnational crime, the dire general and long term consequence is debilitating to the economy. Transnational crime is not only a crime but mixes with business. It employs people, skills, technological know-how and capital resources just as any other industry but, to the extent that these inputs are measured, they are not differentiated from similar legitimate activities. However, it fuels corruption and organised crime in the society. The point is, corrupt public officials are able to use their positions to launder bribes, kick-backs, public funds and on many occasions launder development loans from international financial institutions and agencies. This also serves as source of finance for terrorism which further impede investment. Traffickers are corrupting law enforcement authorities and buying

protection against prosecution. Criminal elements contribute to the erosion of the rule of law when they harness public institutions to facilitate their illicit activities. Today, many of these criminals and illicit actors have strong ties to public institutions, creating a culture of impunity. This is particularly problematic in the military, police, border control, and in the justice system. In many instances, the police aid and abet drug traffickers, gangs and criminal insurgencies. This situation is scaring to foreign and local investors and impinges seriously on the socioeconomic development of society.

**j) Aggravation of internal Insecurity**

Apart from its economic loss, negation of investment onshore exploration and production, security risks and damage to equipment, illegal oil bunkering fuels conflict and militancy through increased armed proliferations and drug abuse which have destabilized the Niger Delta region. Militancy has been aggravated in Nigeria by transnational invasion from neighbouring countries. Boko Haram and other militant groups survive on these crimes. These crimes have thus cost Nigeria colossal destruction of lives and property in the regions affected. Human capital depletion and social displacement replicating Internal Displaced Persons (IDP) camps all over Nigeria is an evidence of this effect of transnational crimes.

**k) Implications of Antiquities Trafficking for Nigeria**

Trafficking in the Nigeria cultural properties has long-term negative impacts on the Nigerian nation, socially, culturally and economically. This criminal act is capable of impairing the nations' strategic development plans, both in socio-cultural and economic terms. A sustained trafficking in valuable Nigerian cultural antiquities will inevitably lead to the total loss of objects of historical and cultural identity of the Nigerian people in no distant future. Antiquity trafficking would continue to increase the number of lacunae in our knowledge of the African past, thereby, making sustainable development actions posterity-unfriendly.



In addition, Nigeria continues to lose huge sum of revenue to the activities of traffickers. Nigerian cultural antiquities, like other cultural patrimony around the world, are exotic man-made objects created by the past population, and are foreign exchange driven, in the form of tourism. For instance, Layiwola (2010) observes that countries with holdings of Benin works of art continue to attract huge revenues from tourists who visit their museums. These museums, according to Layiwola (2010), receive revenue on copyright for photographs of these works and also make publications on them in form of catalogue and postcards.

### **International Intervention**

The United Nations has long been involved in raising international awareness of, and consensus on, crime and corruption, perhaps most notably through its promotion of global conventions on these issues: There have been three major international drug control treaties since 1961. In addition to including general provisions on illicit trafficking and drug abuse, they seek to ensure the availability of narcotic drugs and psychotropic substances for medical and scientific purposes and to prevent their diversion into illicit channels. Nigeria is a signatory to Single Convention on Narcotic Drugs, 1961(as amended by Protocol 1972), 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.

The Convention against Transnational organized Crime (2000) is a legally binding instrument committing State parties to taking a series of measures. These include the creation of domestic justice systems to combat the problem, and the adoption of new, sweeping frameworks for mutual legal assistance, extradition, law enforcement cooperation, technical assistance and training. It also includes specific protocols on trafficking in human beings, migrants and firearms.

The adoption by the UN General Assembly of the UN Convention against Corruption (Resolution 58/4 of 31 October

2003) represented another major step to promote transparency and high standards, particularly in the public service. The chapter of the treaty dealing with the recovery of assets was specifically designed to address a problem faced by many African nations – recovering the money misappropriated by past dictators and hidden in bank accounts in developed countries. The ratification of these conventions by African countries is very good in many instances. Indeed, it was Zambia's recent ratification of the Firearms Control Protocol that allowed it to enter into force globally in April 2005. Thirty-three nations have ratified the Convention on Transnational Organised Crime, and significant numbers have ratified the Protocols on Human Trafficking (26), Human Smuggling (22) and Firearms (14). Thirteen have ratified the Convention against Corruption. Thus, there remain areas for improvement, and efforts should be renewed to bring every African nation on board with the full range of conventions and protocols.

In addition to participating in these accords, there have been many conventions passed, as well as other cooperative ventures, by African nations at the continental and sub-regional level: The Organization of African Unity (OAU) issued the African Charter on Human and Peoples' Rights (1981), which includes basic protections in terms of the criminal law; a Convention on Terrorism (1999); and the Bamako Declaration on an African Common Position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons (2000). The African Union (AU) has passed a Convention on Corruption (2003) and a Protocol on the OAU Convention on Terrorism (2004). The Declaration on Control of Illicit Drug Trafficking and Abuse in Africa was issued in December 2004 by the Heads of State and Government of the OAU/AU at their 38th Ordinary Assembly in Durban, South Africa. The African Peer Review Mechanism (APRM), an initiative of the New Partnership for African Development (NEPAD), has among its aims an assessment of corruption control mechanisms.

The Economic Community of West African States (ECOWAS) is a dynamic organization that has played an active

role in addressing violence in the region. It has passed a Convention on Extradition (1994), a Declaration and a Plan of Action on Trafficking in Persons (2001), and numerous instruments relating to small arms and collective security. West Africa is also the only region of the world to have voluntarily banned in the import of small arms. In connection with this moratorium and other matters, ECOWAS launched the Programme for Coordination and Assistance for Security and Development in Africa (PCASED), which involves training for the police and military, enhanced border control, a regional firearms registry, and legislative reform. There are also plans, with UNODC support, to transform the Nigerian National Drug Law Enforcement Agency Academy into a regional drug training centre.

At the sub-regional level, there seems to be a gradual recognition of the point that effective control of cross-border crime must necessarily consider the harmonization of criminal justice laws and policies, and strengthening of capabilities and institutions. ECOWAS' comparative advantage lies in efforts at combating transnational organised crime, cybercrime and money laundering, human and drug trafficking, the smuggling of illicit goods, the flow of small arms and light weapons, and other threats which cannot be sufficiently addressed by one country acting alone. Sad enough, even with the existence of the ECOWAS Convention on Mutual Administrative Assistance in Customs Matters of 1982, the Convention on Mutual Assistance in Criminal Matters of 1992 and the Convention on Extradition of 1994, cooperation in criminal and law enforcement matters is still at a very low level among West African countries. This may partly stem from the fact that Anglophone West African countries are of the common law tradition while the Francophone countries are of the civil law tradition. The structure, organization and management of the armed forces and security services also differ in several respects between the two traditions<sup>66</sup>.

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<sup>66</sup> Victor A.O Adetula. May 2015. Nigeria's Response to Transnational Organised Crime and Jihadist Activities in West Africa. Friedrich Ebert Stiftung West Africa Office Abuja, Nigeria. ISBN: 978 - 978 - 949 - 002 – 8.

Also, the prospect of applying unilateral law enforcement measures beyond national borders is not bright, given the attachment to sovereignty and the principle of non-interference in the internal affairs of states by African countries generally. ECOWAS continues to promote efforts to combat cross-border criminal activities. Such commitment is demonstrated by the Heads of State and Government of West Africa in adopting the ECOWAS Political Declaration on the Prevention of Drug Abuse, Illicit Drug Trafficking and Organized Crime in West Africa of 2008 and its five-year action plan. Through statutory bodies such as the West African Police Chiefs Committee (WAPCCO), the Committee of Chiefs of Intelligence and Security Services (CCISS), and the Committee of Chiefs of Defence Services (CCDS), ECOWAS member states use common platforms to share experience and information, and to organize joint trainings and joint operations to combat transnational organised crime and jihadist activities.

Further, the Protocol to Establish an ECOWAS Criminal Intelligence and Investigations Bureau seeks to facilitate the centralization and sharing of information among the security services of the sub-region in the prevention, investigation and punishment of those engaged in common law crimes, subject to the national laws of each country. Also, the West African Police Information System (WAPIS) which was set up by INTERPOL and supported by the European Union seeks to fight transnational organised crime and terrorism. WAPIS establishes an electronic police information-sharing platform to enable West African countries share police data, and contribute to the analysis of criminal trends affecting the region.

To combat terrorism, the Authority of Heads of State and Government adopted the ECOWAS Counterterrorism Strategy and its Implementation Plan in 2013. The strategic approach of the Counter-terrorism Strategy is based on three pillars: Prevent, Pursue and Reconstruct. Priority areas of support and intervention by ECOWAS and its member states are enumerated under each pillar. The Implementation Plan goes a step further to set targets

and list stakeholders in meeting the targets. An important institution of ECOWAS in the fight against transnational organised crime and terrorism is the Inter-Governmental Action Group against Money Laundering in West Africa (GIABA) which was established in 2000. GIABA is responsible for strengthening the capacity of member states towards the prevention and control of money laundering and terrorist financing. It also strengthens cooperation among member states and promoted harmonized and concerted measures to combat money laundering and financing of terrorism. There is no doubt that adequate structures and policies exist at the sub-regional level for West African countries to take advantage of in the fight against TOC and terrorism. How much will be achieved depends a lot on the capacity and political will of the countries to implement commitments and common standards that have already been agreed to.

Notably, Nigeria and some of her neighbours are signatories to international agreements that touch on the problem of cross border crime. Nigeria is a party to the ECOWAS Convention on Small Arms and Light Weapons, their Ammunition and Other Related Materials of 2006. The objective is to stem the prevalence of crime and violent conflict within member states. In line with the Memorandum, which preceded the ECOWAS SLAW Convention, on 7 May 2001, the Nigerian government inaugurated a National Committee on Small Arms and Conflicts, composed of representatives of various ministries and agencies. The Committee's functions are aimed at reducing arms related crimes and conflicts in the country. In addition the Nigerian government has set up a National Committee on the Proliferation and Illicit Trafficking in Small Arms and Light Weapons. Its members include representatives of the Army, the Navy, the State Security Services, the Nigerian Immigration Service, the National Drug Law Enforcement Agency and the Ministry of Defense. The committee is charged with collating a report on the proliferation and illicit trafficking in SALW within the country and around the national borders. There is open show of commitment by the Nigerian government which is likely to receive the support of the

international community in promoting global awareness against all forms of cross-border crime.

As part of her own response to the challenges of insecurity in Nigeria and in West Africa generally, France has scaled up her military presence in the Sahel as the activities of the Boko Haram insurgents spread to Cameroon, Chad and Niger. France also convened a Regional Summit on Security in Paris in May 2014 where Nigeria participated fully. Also, in June 2014, the UK hosted a follow up meeting to the Regional Summit in Paris. The London Ministerial Meeting on Security in Northern Nigeria brought together Nigeria, Benin, Chad, Cameroon and Niger with the UK, the US, France, Canada and the EU to advance the coordination necessary to defeat Boko Haram. China and Germany have also pledged support to Nigeria in her fight against terrorism and have indicated willingness to join the US and other European powers to fight terrorism in Nigeria and neighbouring countries.

Nigeria has been receiving support from Niger and Chad within the framework of the Multinational Joint Task Force (MNJTF) that was formed in 1998 to combat international crime. The mandate of MNJTF was recently expanded to include counter-terrorism. With this mandate the MNJTF was able to conduct a number of military operations within Nigeria. Support for Nigeria is overwhelming both within the African Union (AU) and ECOWAS as concerns have been regularly expressed and resolution passed on Boko Haram insurgency and the implications for regional security.

Interestingly, many African leaders have alluded to Nigeria's claim that her security is directly related to African stability. At the level of the AU, the Peace and Security Council and the Summit of Heads of States and Government, at its meeting in Addis Ababa in February 2015, took a decision to send a regional intervention force to fight Boko Haram. However, there were no details of the command and control of the MNJTF, the scope and flexibility of contingents (apart from the general information that the AU was to send 7,500 troops to fight Boko Haram, building on the already existing support from Chad, Cameroon and Niger (and Benin)

under the MNJTF. Nigeria had already committed about 25,000 of its own troops to fighting the insurgency in the northeast with the military success known to the outside world) to undertake cross-border operations and the timelines for its mobilisation.

The Southern African Development Community (SADC) has passed several crime-related protocols. In fact, of 21 protocols passed by the sub-regional organization, at least a half a dozen are crime related, including the Protocol on Combating Illicit Drugs (1996), the Protocol On Wildlife Conservation And Law Enforcement (1999), the Protocol on Legal Affairs (2000), the Protocol on Corruption (2001), the Protocol on the Control of Firearms, Ammunition and Other Related Materials (2001), the Protocol on Mutual Legal Assistance in Criminal Matters (2002), and the Protocol on Extradition (2002). A number of collective enforcement activities have been undertaken, including joint operations on stolen vehicles (Operations Voyager 4, Mangochi, and Atlantic), cannabis (Operation Matokwane), diamonds (Operation Stone), and small arms, notably the successful destruction of weapons in Mozambique, Operation Rachel. SADC also maintains a Drug Control Committee, and the Southern African Forum against Corruption, founded in 1999, involves many of the countries of the sub-region.

The Intergovernmental Authority on Development (IGAD) in Eastern Africa has held two conferences on terrorism, in 2003 and 2004, which is of particular concern for the sub region. The International Conference on the Great Lakes Region issued the November 2004 Dar-Es-Salaam Declaration, which clearly places crime among broader human security issues and calls on the nations of the sub-region to cooperate in finding collective solutions.

There are three regional anti-money laundering groups that have been granted observer status to the Financial Action Task Force: the Eastern and Southern Africa Anti-Money Laundering Group (ESAAMALG), the Intergovernmental Action Group against Money Laundering in West Africa (GIABA), and the Middle-East and North Africa Anti-Money Laundering Group

(MENAFATF). There is also a fourth group attached to CEMAC (GABAC), but it has not yet been granted observer status. Many of these international accords call upon signatory nations to pass relevant domestic legislation, and, in some instances, the quality and quantity of this work have been astounding.

### **B) National Intervention Measures**

The Nigeria government has over the years enacted far-reaching laws aimed at checkmating transnational crime and punishing the perpetrators of these crimes and has put in place policies to checkmate transnational crime.<sup>67</sup>

#### **Legislative Measures**

##### **a) Penal Code, Criminal Code Acts and Cybercrime Act.**

The substantive criminal codes that cover criminal offences in the Northern and Southern Nigeria respectively. In relation to prostitution and trafficking in women, the Penal Code, codified laws of Northern Nigeria provides:

(a) Procuration of Minor Girls (section 275) “whoever, by any means whatsoever, induces any girl under the age of eighteen years to go from place or to do any act with infant that such girls may be, or knowing that it is likely that she will be, forced or seduced to illicit intercourse with another person shall be punished with imprisonment which may extend to ten years and shall also be liable to fine”.

(b) Importation of Girls from Foreign Country (section 276) “whoever imports into Northern Nigeria from any country outside Nigeria any girl under the age of twenty-one years with intent that she may be, or knowing it to be likely that she will be forced or seduced to illicit intercourse with another person shall be punished with

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<sup>67</sup> See Awunah Donald NgorNgor. Effective methods to combat transnational organized crime in criminal justice processes: the Nigerian perspective



imprisonment which may extend to ten years and shall also be liable to fine”.

(c) Traffic in Women (section 281) whoever, in order to gratify the passions of another person, procures, entices or leads away, even with her consent, a woman or girl for immoral purpose shall be punished with imprisonment which may extend to seven years and shall also be liable to fine”.

The Criminal Code, the codified laws for Southern Nigeria, provides in section 419, regarding Advance Fee Fraud thus:

“Any person who by any false pretence and with intent to defraud, obtains from any other person anything capable of being, or induces any other person to deliver to any person anything capable of being stolen is guilty of a felony, and is liable to imprisonment for three years”. If the thing is of the value of one thousand naira upwards, he is liable to imprisonment for seven years.”

#### **(ii) National Drug Law Enforcement Agency**

This was established to enforce laws against drug trafficking. As a deterrent to drug trafficking, NDLEA Act in Part II, Section 10 stipulates: “Any person who without lawful authority -

(a) Imports, manufactures, produces, processes, plants or grows the drugs popularly known as cocaine, LSD, heroine or any other similar drug shall be guilty of an offence and liable on conviction to be sentenced to imprisonment for life; or

(b) Exports, transports or otherwise traffics in the drugs popularly known as cocaine, LSD, heroine or any other similar drugs shall be guilty of an offence and liable on conviction to be sentenced to imprisonment for life; or

(c) Sells, buys, exposes or offers for sale or otherwise deals in or with the drugs popularly known as cocaine, LSD,

heroin or any other similar drugs shall be guilty of an offence and liable on conviction to be sentenced to imprisonment for life; or

(d) Knowingly possesses or use the drugs popularly known as cocaine, LSD, heroin or any other similar drugs by smoking, inhaling or injecting the said drugs shall be guilty of an offence and liable on conviction to imprisonment for a term not less than fifteen years but not exceeding twenty-five years:

**(iii) Advance Fee Fraud and other related offences Decree 1999**

The Law promulgated to check sharp practices of unscrupulous local and international businessmen:

“Besides, penalties under this Decree, section 11 of the Decree moreover, provides for restitution for the victims of false pretence. Section 11(I) provides, in addition to any other penalty prescribed under this Decree, the Tribunal shall order a person convicted of an offence under this Decree to make restitution to the victim of the false pretence or fraud by directing that person to do the following

- a. Where the property involved is money, to pay to the victim, an amount equivalent to the loss sustained by the victim, and
- b. In any other case;
  - i. To return the property to the victim or to a person designated by him or
  - ii. To pay an amount equal to the value of the property, where the return of the property is impossible or impracticable.”

**(iv) Money Laundering Prohibition Act**

The Law enacted for prevention of Money Laundering.

“Section 14 of the Decree stipulates what constituted offences under the Decree. It provides thus: a person who:

- a. Converts or transfers resources or property derived directly or indirectly from illicit traffic in narcotic drugs or psychotropic substances, with the aim of either concealing or disguising the illicit origin of the resources or property, or aiding any person involved in the illicit traffic of narcotic drugs or psychotropic substances to evade the legal consequences of his action or
- b. Collaborates in concealing or disguising the genuine nature, origin, location, disposition, movement or ownership of the resources, property or rights thereto derived directly or indirectly from illicit traffic in narcotic drugs or psychotropic substances
- c. Is guilty of an offence under the section and liable on conviction to imprisonment for a term of not less than 15 years or not more than 25 years.”

**(v) Special Tribunal (Miscellaneous Offences) Act** - An Act in respect of miscellaneous offences with stiff penalties and to establish a Special Tribunal for the trial of such offender.

**(vi) Firearms Act** - An Act to make provision for regulating the possession of and dealing in firearms and ammunition including muzzle loading in firearms, and for matters ancillary thereto

**(vii) Anti-Corruption Act** - A law enacted to fight corruption in all its ramifications.

**(viii) Mutual Assistance in Criminal Matters within the Commonwealth Enactment and Enforcement Act** - An Act to make legislative provision to give the Force of law to the scheme for mutual assistance in criminal Matters within the Commonwealth.

**(ix) Extradition Act** - A law to enable extradition of fugitive offenders within the Commonwealth. The aforementioned laws and many administrative instructions are bold and articulated

legislative steps to make the commission of transnational and related crimes unattractive.

**(x) The National Agency for the Prohibition of Traffic in Persons and Other Related Matters (NAPTIP)**

**This** was launched in 2003, following the passage of specialised legislation in that area. Nigeria has also been involved with international agencies in programmes aimed at strengthening the criminal justice system. But efforts in many areas, both in Nigeria and in the rest of Africa, are being hampered by basic resource and capacity shortages. The United Nations and the donor community can assist African countries in enforcing the international norms by building capacity in local criminal justice and law enforcement through training, technical assistance, and support to national governments and sub-regional organizations.

**xi) Economic and Financial Crimes Commission (Establishment) Act of 2002 (EFCC Act) and Independent Corrupt Practices and other Related Offences Act.**

The EFCC Act was amended by Economic and Financial Crimes Commission (Establishment Act of 2004. Section 46 of the EFCC Act 2004 defines the crime as follows; Economic and Financial Crimes means the non-violent criminal and illicit activity committed with the objectives of earning wealth illegally either individually or in a group or organised manner thereby violating existing legislation governing the economic activities of government and its administration and includes any form of fraud, narcotic drug trafficking, money laundering, embezzlements, bribery, looting and any form of corrupt malpractices, illegal arms deal, smuggling, human trafficking and child labour, illegal oil bunkering and illegal mining, tax evasion, foreign exchange malpractices including counterfeiting of currency , theft of intellectual property and piracy, open market abuse, dumping of toxic wastes and prohibited goods, etc.

**Law Enforcement and Military measures**

Amongst the law enforcement effort is the Nigerian Police, establishment of NDLEA, ICPC, EFCC, NAPTIP, and others like Nigeria Custom Service. Probably the most visible measures that have been taken by the Nigerian government in the case of transnational terrorism include deployment of joint task force and special Forces to northeast Nigeria, advanced weapons procurement, training of military personnel in counterterrorism operations, and recently, rescue of over 700 persons, mostly women and girls, from Sambisa Forest. Budgetary implications of the military measures have been significant and may also be examined here. For instance, defence and security took almost 25% of Nigeria's 2014 budget; in addition a supplementary budget of \$1billion was approved to support the fight against Boko Haram in the northeast; shadow transactions and procurement of several military equipment and weapons were also reported in the media. How much difference in outcome was noticed/recorded after the significant spending on military equipment, etc? Why did military success against Boko Haram take so long? How was the perception of the military by the affected communities managed initially and in the latter part of the operations?

**Socio- economic measures**

Such measures that have been taken in Nigeria include infrastructural development of border areas and engagement with border communities to help in combating transnational organized crime and illicit trafficking, establishment of and support to *Almajiri* schools in northeastern Nigeria, Safe Schools Initiative, provision of irrigation and agricultural development to provide alternative livelihoods for the unemployed, sensitization to prevent radicalization of youth, etc.

**C) Limitations of Responses and Challenges**

While the collective efforts of Nigeria and other West and Central African states at combating transnational organised crime and the spread of terrorism are yielding some gains, lack of political will,

bad governance, and poorly equipped and motivated military and security agencies, coupled with others problems such as the porosity of borders and non-involvement of the people continue to inhibit real progress. For example, some of the regional initiatives towards curbing transnational criminality and addressing security threats are lacking the required financial resources. Some within the Nigerian foreign policy community feel that Nigeria has not been duly acknowledged for its role in restoring peace and stability in war-torn Liberia and Sierra Leone in the 1990s, and in Togo, São Tomé and Príncipe, and Guinea Bissau more recently. They argue that despite Nigeria's laudable investment in international relations, especially with African countries, its external image continues to suffer greatly. The recently Nigeria-led ECOWAS intervention in Mali was not favourably received by many Nigerians who felt that President Goodluck Jonathan had no business sending troops abroad to fight, while Nigeria was facing a national security threat from Boko Haram, militants in the Niger Delta and sectarian violence on Jos Plateau. The drastic reduction in Nigeria's forces in Mali may be connected with domestic pressures on the government.

There are many questions about the technical capacity of the Nigerian armed forces including their combat readiness to carry out military operations against insurgents. This is worrisome since the Nigerian armed forces are not usually ranked among the armed forces in Africa that lack combat-readiness, armaments, mobilisation and rapid deployment capability, which are required for so complex peace operations. Aside from inadequate technical capabilities, Nigerian armed forces are also faced with the challenges of inadequate funding, low motivation, poor conditions of service and corruption. The complicity of state and non-state actors in security threatening activities is a serious challenge, especially where such actors are inclined towards parochial nationalism or are interested parties in the conflict. In some instances, the problem is how to contain unhealthy rivalry among states within West Africa, or how to manage any possible changes in the regional balance of power.

There is also the challenge of how to check the expansionist aspirations of some regional powers that may want to exploit security-threatening situations to their own advantage. Some illustrations are useful here: The reactions of some countries to the possible use of drones in the Sahel to combat insurgency and terrorism. There were media reports that the United States had reached agreement with the Republic of Niger to set up a drone base in the West African state, and that there were concerns about the location of the drones. Some persons in Nigeria were concerned about the possibility of violating Nigeria's territorial integrity and internal security. There was concern in Nigeria's security and intelligence communities about implications of having such equipment that can gather sensitive information about the country. Also, some francophone neighbours of Nigeria notably Chad and Cameroon were claimed to be indifferent to Nigeria's ordeal with the Boko Haram insurgency especially in the early period. Chad and Cameroon were said to be having links with the insurgents.

Closely related to the above is the difficulties created as a result of lack of consensus among states in the West African sub-region. For example, Nigeria initially was not open to external assistance and did not want the involvement of foreign troops in the fight against Boko Haram insurgency. This possibly explains why the concerns of ECOWAS about the Boko Haram insurgency in Nigeria were limited to rhetoric declarations. Even with the establishment of the multinational force to fight the insurgents, there are concerns that the contributing countries were not as committed as the public was made to believe.<sup>68</sup> On the other hand, the involvement of foreign troops in addressing internal conflict in

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<sup>68</sup> For example, in January 2015 it was widely reported in the media that Chad and Niger withdrew from participating in the multinational force. However, later the leadership of the Nigerian armed forces admitted that the two countries did not pull out from participating in the multinational force but that they seemed not to be cooperating because "they have not contributed troops to the point of Baga".

parts of Africa and in other regions calls for caution. Many foreign-supported counter-insurgency operations have not resulted in much peace and stability. The defeat of the US-backed Somalian forces by insurgents after the military overthrew the elected government is one such case. Similarly, in Central African Republic, US-supported forces were unable to prevent a rebel group from ousting the president. Also, the Western-backed transitional government in Libya has not been able to check the militias. The influence and interests of actors outside West Africa have serious consequences for the national security and stability of the entire sub-region, especially where those actors do not enjoy the confidence of all the parties to the conflict. A case in point is the growing interest of ECOWAS and some Western countries, notably the UK, France and the US in the fight against the insurgency in northern Nigeria. The Nigerian government has sought assistance notably from the US and France to quash the Boko Haram insurgency.

Through the US-sponsored Pan-Sahel Initiative and the Trans-Saharan Counterterrorism Partnership, the US has been building the capacity of certain West African countries, including Nigeria, to combat terrorism. France, on its own, is scaling up its military presence in the Sahel. However, it is feared that the perception among the insurgents of France and other Western countries as 'enemy nations' may encourage them to extend their activities to Benin, Cameroon, Niger and other francophone countries thereby causing further instability in West and Central Africa. Dominant international relations discourse in the post-Cold War era acknowledges "complex interdependence" as one of the defining characteristics of the global system and tends to favour a regionalist approach towards ensuring peace and security. However, there are still challenges at various levels – national, regional and global..

### **Conclusion**

Despite the efforts of cross-border security agencies like the Nigeria police, customs service, Immigration services, and



Nigerian civil Defense etc, Nigeria borders have been described as porous allowing all sorts of cross border or trans-border criminal activities such as human trafficking, smuggling, drug trafficking, arm robbery, money laundry and illicit arms trafficking resulting to proliferation of arms. Thus, West Africa's regional superpower, Nigeria, continues to face serious security challenges due to cross border or trans-border criminal activities. We argue that; one, the spate of cross border criminal activities in West Africa undermines Nigeria's national security; and two, frequent trans-border crimes in West African sub-region impede Nigeria's external relations.