CHAPTER 37

TRANSNATIONAL CRIME

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Introduction

Transnational crime has been defined as criminal enterprises which aim to profit from illegitimate economic activities that are usually in great public demand.[1] The crime is transnational because it is perpetrated in more than one state and has substantial effects on others.[2] It threatens peace and security, leads to human rights violations and undermines the economic, social, cultural, and political fabrics of affected societies.[3] It is sustained through the use of violence, threats, monopoly, control, and the corruption of public officials.[4] Transnational crimes are usually carried out by individuals or organizations known as transnational criminals or transnational organized criminals (TOCs). These are individuals or organizations whose illicit activities span borders or regions and rely heavily on a series of extremely connected networks for the success of their illicit activities.[5] The activities of these groups affect almost every continent and country in the world. Transnational crime carried out by TOCs include human trafficking, drug trafficking, piracy, wildlife trafficking, money laundering, environmental crimes such as unregulated fishing and timber trafficking, and stolen car trafficking.[6] What has become obvious in the case of Africa is

[1] Jay S. Albanese and Philip Reichel, eds, *Transnational Organized Crime: An Overview from Six Continents* (Washington, DC: Sage, 2014), p. 1.

[2] Adewunmi J. Falode, 'Guns, Arms Trade and Transnational Crime in Africa', in *The Palgrave Handbook of Small Arms and Conflicts in Africa*, edited by Usman Tar and Charles Onwurah (Cham: Palgrave Macmillan, 2021), p. 411.

[3] United Nations Office on Drugs and Crime (UNODC), 'Transnational Organized Crime—The Globalized Illegal Economy', 2012, https://www.europarl.europa.eu/document/activities/cont/201207/20120717ATT49047/20120717ATT49047EN.pdf.

[4] Jay S. Albanese, *Organized Crime in our Times*, 6th edn (Burlington, MA: Elsevier, 2011).

[5] Jan M. Van-Dijk, Mark Shaw, and Edgaro Buscaglia, 'The TOC Convention and the Need for Comparative Research: Some Illustrations from the Work of the UN Centre for International Crime Prevention', in *The Containment of Transnational Organized Crime: Comments on the UN Convention of December 2000*, edited by Hans-Jȯrg Albrecht and Cyrille Fijnaut (Freiburg: Max Planck Institut, 2000), pp. 31–54.

[6] Adewunmi J. Falode, 'Small Arms and Light Weapons (SALWs) and Transnational Crime in Africa', *Vestnik RUDN International Relations* 20, no. 1 (2020): pp. 164–165.

that TOCs have carved the different regions into specialized domains based on the kind of criminal activities being conducted. This means, in essence, that specific criminal activities on the continent are region-specific. TOCs have engaged in various criminal activities such as drug trafficking (West Africa: Nigeria, Guinea and Guinea Bissau), piracy (East Africa: Somalia, Somaliland and Kenya), human, people and artefacts trafficking (North Africa: Morocco, Libya, Algeria), and wildlife trafficking and mineral resources trafficking (Southern Africa: Botswana and South Africa). Although these various transnational criminal activities tend to overlap and sometimes intertwine due to the interdependence and interconnected nature of the criminal groups involved, one can still identify the particular group and illicit activities that take place in a specific region.[7]

Transnational crime has negatively impacted the overall social, political, economic and infrastructural developments on the continent. Since it is by definition a phenomenon that transcends states' borders, globalization and regional integration efforts have aided its rapid spread and entrenchment in Africa in the twenty-first century.[8] Globalization made it easier for these malign actors to integrate their illicit gains into the global economy. Meanwhile, the integrative actions of regional organizations like the Economic Community of West African States (ECOWAS) and Southern African Development Community (SADC) have made it easier for TOCs to network and coordinate their activities seamlessly across borders on the continent. Africa relies on a mix of policing, institutional, legislative, and regional means to combat the spread of transnational crime on the continent at both individual and regional levels. For example, Nigeria relies on the Suppression of Piracy and other Maritime Offences Act of 2019 (SPOMOA)[9] and the Money Laundering and Prevention and Prohibition Act of 2022[10] to stem both piracy and money laundering.[11] South Africa created the Prevention of Organized Crime Act in 1998 and the Financial Intelligence Centre Act in 2003 to tackle transnational crime generally and financial crime specifically.[12] Kenya enacted the Prevention of Organized Crime Act No. 6 and the Counter-Trafficking in Persons Act in 2010 to counter the activities of TOCs generally and human trafficking specifically.[13] In North Africa, states like Morocco, Algeria, and Mauritania rely more on regional military and intelligence outfits like the Comité d'Etat Major Opérationnel Conjoint (CEMOC) (Joint Operational General Staff Committee) and Fusion and Liaison Centre (FLU), both formed in 2010 to combat and curb activities of non-state

[7] Falode, 'Small Arms and Light Weapons'.

[8] Ibid.

[9] Nigerian Maritime Administration and Safety Agency (NIMASA), *Suppression of Piracy and Other Maritime Offences Act 2019* (Abuja: NIMASA, 2019), https://nimasa.gov.ng/wp-content/uploads/2022/12/Suppression-of-Piracy-and-Other-Maritime-Offences-Act-2019-01.pdf.

[10] 'Money Laundering (Prevention and Prohibition) Act, 2022', Federal Republic of Nigeria, *Official Gazette* vol. 109, no. 90 (13 May 2022), https://placng.org/i/wp-content/uploads/2022/05/Money-Laundering-Prevention-and-Prohibition-Act-2022.pdf.

[11] Victor A. O. Adetula, 'Nigeria's Response to Transnational Organized Crime and Jihadist Activities in West Africa', discussion paper, Friedrich Ebert Stiftung, Abuja, May 2015, https://www.diva-portal.org/smash/get/diva2:946690/FULLTEXT01.pdf.

[12] Susan D. Albert-Makyur and Gani J. Yoroms, 'Africa and the Emerging Non-State Actors in Transnational Organized Crime: Challenges and Prospects', *International Journal of Management Studies and Social Science Research (IJMSSR)* 2, no. 6 (2020): pp. 1–12.

[13] Mohamed Daghar, 'Crime–Terror Nexus: Assessing East Africa's Responses', *International Journal of Criminal Justice* 3, no. 2 (2021): pp. 83–102.

actors.[14] Other countries on the continent like Nigeria, Ghana, and Benin rely on institutional mechanisms like the ECOWAS Convention on Small Arms and Light Weapons, their Ammunition and Other Related Materials of 2006 to tackle transnational crime in the region.[15]

The overall picture one gets from the foregoing is that armed forces had not featured prominently in the prevention of transnational crime on the continent. In the event that they are used at all, as is obtained among states in North Africa, their purpose is to prevent the exploitation of transnational criminality by malign non-state actors like Al-Qaeda in the Islamic Maghreb (AQIM).[16] Although works of authors like Jay Albanese and Philip L. Reichel[17], Jan M. Van-Dijk, Mark Shaw, and Edgaro Buscaglia,[18] and Susan D. Albert-Makyur and Gani J. Yoroms,[19] among others, dealt with various aspects of TOCs on the continent. However, none specifically addressed the role (or lack) of armed forces' response to transnational criminality on the continent. The reasons why armed forces had not been made an integral part of Africa's fight against TOCs are varied and many, and it is part of what will be addressed by this chapter. Other areas that the chapter will touch on include the nature and overview of transnational crime in Africa, the role of armed forces in its prevention, and the possible ways through which the military can be made an integral part of the mechanism to curb the activities of TOCs on the continent.

Typology of Transnational Criminals Networks in Africa

A distinct feature of transnational crime, and by extension its criminals, is its extreme interconnectivity or what has been termed 'networks'.[20] The extensive networks established by transnational criminals across continents have been a major factor for its resilience and survival despite the considerable efforts sponsored by individual states, interregional, regional, and international organizations. The transnational networks promote specialization and compartmentalization of the criminal activities and make it possible for the illicit processes to go through different countries. Take drug trafficking, especially of cocaine, for example. It is produced in Latin America but usually destined for Western Europe where it has its biggest market. To bypass the stringent and tough anti-trafficking institutions and policies in Europe and the United States, the drug is first shipped to West Africa and then finds its

[14] Anouar Boukhars, 'Reassessing the Power of Regional Security Providers: The Case of Algeria and Morocco', *Middle Eastern Studies* 55, no. 2 (2019): pp. 242–260.

[15] UNREC, *Guide for the Harmonization of National SALW Legislations in West Africa* (Lome: United Nations Regional Centre for Peace and Disarmament in Africa, 2006), https://unrec.org/ged/uploads/aprojectexecutedfortheecowascommissionbyunrecandfu/en_GB_aprojectexecutedfortheecowascommissionbyunrecandfu.pdf

[16] Boukhars, 'Reassessing the Power of Regional Security Providers'.

[17] Albanese and Reichel, *Transnational Organized Crime*.

[18] Van-Dijk, Shaw, and Buscaglia, 'The TOC Convention'.

[19] Albert-Makyur and Yoroms, 'Africa and the Emerging Non-State Actors'.

[20] Van-Dijk, Shaw, and Buscaglia, 'The TOC Convention'.

way through different porous routes to Europe and the United States. The point here is that the transnational criminal networks facilitate the easier transportation and evasion from authorities of the trafficked drug from Latin America through Africa to Western Europe. Six types of criminal networks have been identified and each of these exist in Africa: the criminal network, the standard rigid hierarchy, the regional hierarchy, the clustered hierarchy, the core group, and the hybrid group.[21] The hybrid group was not part of the initial five identified by earlier scholars in 2002, but we have added it to account for the fluid and dynamic nature of TOCs in Africa.

The *Standard Criminal Group* has a vertical leadership structure with clearly defined hierarchy systems of internal discipline, social identities, internal code of conduct, clear allocation of tasks, and a distinct name brand.[22] The numbers are usually between ten and fifty and its members are recruited from the criminal underworld and corrupt government officials and civil servants. The Akasha brothers of Kenya, Baktash and Ibrahim, are good examples of this type of criminal group. Until they were caught in 2014 by Kenyan authorities and extradited to the United States in 2017, the brothers presided over narcotic trafficking operations that had succeeded in exporting tons of shipments of cocaine and heroin all over the world in over twenty years.[23] The brothers made extensive use of violence and corruption and bribery of public officials in Kenya in their over twenty-years reign.

The *Regional Hierarchy Group* has a single leadership structure, a strict line of command from the centre, and a wide geographic focus, as opposed to a national one.[24] The more powerful ones usually farm out their names, in the form of a franchise, to less powerful regional criminal groups for a fee. The numbers are usually larger and they engage in multiple criminal activities. A good example of this group is the Moroccan mafia, the umbrella term for a series of criminal organizations established by people of Moroccan descent.[25] Members of this group operate in both North Africa and Europe, especially in Spain, the Netherlands, Belgium, and Portugal. Organized criminal groups in North Africa, Europe, and the Middle East including Moroccan hash kingpins, the Abergil crime family, Abutbul and Domrani clans have allied with the Moroccan mafia.[26]

The *Clustered Hierarchy Group* is an association of organized crime groups with a governing or oversight body.[27] The governing arrangement for the group ranges from a flexible umbrella-type structure to a more rigid control body. The cluster is usually created when different individual criminal groups come together to divide up markets or to minimize conflict between them as a result of competition in a particular environment. A good

[21] Ibid.

[22] UNODC, 'Transnational Organized Crime'.

[23] UNODC, 'The Akasha Brothers' International Drug Trafficking Network', United Nations Office on Drugs and Crime (UNODC), n.d., https://www.unodc.org/unodc/en/untoc20/truecrimestories/akasha-brothers.html.

[24] UNODC, 'Results of a Pilot Study of Forty Selected Organized Criminal Groups in Sixteen Countries', United Nations Office on Drugs and Crime (UNODC), September 2002, https://www.unodc.org/pdf/crime/publications/Pilot_survey.pdf.

[25] Global Initiative Against Transnational Organized Crime, 'Global Organized Crime Index: Morocco', 2021, https://ocindex.net/assets/downloads/english/ocindex_profile_morocco.pdf.

[26] Bret Windhauser, 'Pushing Boundaries: Smuggling Against Policy in Israel/Palestine', MA thesis, University of Washington, 2020.

[27] UNODC, 'Results of a Pilot Study'.

example is the Mai-Mai Yakutumba criminal group in the Democratic Republic of the Congo.[28] The group consists of several ethnic militia groups that engage in various illicit businesses such as wildlife trafficking, timber trafficking, and mineral resources trafficking.

The *Core Criminal Group* consists of a limited number of individuals who come together to form a relatively tight-knit and structured group to conduct different criminal enterprises.[29] They are generally small and are more likely to engage in a single or limited number of criminal activities. The core group has no social or ethnic identity and usually has others working for it. The illicit business is usually carried out for the benefit of the individual 'core' or key members. This kind of group can be found in West Africa, especially in Nigeria and Guinea–Bissau, among transnational organized criminals who engage in drug trafficking, arms trafficking and currency trafficking. The corruptive influence of such groups usually extends to every public and private sector within society.

The *Hybrid Criminal Group* is a recent phenomenon in transnational criminality in Africa. This group usually starts out as a terrorist outfit but later incorporates transnational organized criminal activities, such as arms trafficking, heritage trafficking, and currency trafficking, to fund its operations. The primary focus of the group is usually some clearly stated political objective, but it will then move into various illicit trades to generate funds needed to sustain its operations. Several such groups exist in North (Al-Qaeda in the Maghrib) and West Africa (Boko Haram and Islamic State of West African Province).

The analysis so far has shown that there are different criminal groups and networks in Africa. Some have established rigid transborder criminal enterprise networks that traverse Africa (al-Shabaab in the East with its piracy networks in Kenya and Mauritania). While others have transnational organized criminal networks that extend from Nigeria and Guinea–Bissau into Latin America and Europe, and from Morocco and Libya into Spain, Portugal, and the Netherlands.

Now that this has been established and analysed, the subsequent section will look at the extent to which the military or armed forces have been involved in combating transnational organized crime in Africa, and at possible ways by which their intervention can be made more effective. Emphasis will be placed on West Africa since this is a region where little or no scholarly literature exists on the role of the armed forces in combating TOCs.

The Armed Forces and Transnational Organized Crimes in West Africa

West Africa is rife with TOCs that fit one or another of the typologies we have identified. For instance, human trafficking of different kinds is common in the subregion: in particular, child trafficking is prevalent in at least eleven countries including Nigeria, Niger, Côte

[28] Global Initiative Against Transnational Organized Crime, 'Global Organized Crime Index: Morocco'.
[29] UNODC, 'Results of a Pilot Study'.

d'Ivoire, Ghana, Togo, Benin, Burkina Faso, Guinea, Sierra Leone, Gambia, and Mali.[30] At the turn of the twenty-first century, about 200,000 children were victims of this crime in both West Africa and the neighbouring region of Central Africa.[31] There have been a series of arrests of perpetrators including, in August 2021, that of a high profile trans-border trafficking suspect based in Kano, Nigeria.[32] Some of these transactions were undertaken through fictitious employment and placement agencies both in Africa and other continents including Europe and the Americas.[33] In other instances, substantive companies were used to facilitate this illicit enterprise; such channels also served as a conduit for money laundering and other forms of financial fraud.[34]

The smuggling and sale of narcotics is another plague troubling the sub-continent. Seashores and harbours are hubs of transatlantic cocaine trafficking. In particular, Cape Verde, Guinea, Benin, Mauritania, Senegal and Guinea–Bissau have been notorious as hotbeds for cocaine exports in the last few decades. The 1.5 tons of cocaine recently seized in Guinea on 6 April 2023[35] coupled with the 800kg of cocaine confiscated in Senegal on 24 January 2023[36] are examples of how susceptible these nations are to cocaine trafficking. Other forms of narcotics are also in wide circulation in the subregion. Heroin enters West Africa from Afghanistan, Burma, and Laos mainly through air couriers before it is re-exported to Europe and the United States.[37] Although less profitable and less commonly trafficked, hashish also finds its way into the region, mainly from North Africa (particularly Morocco),[38] and there is evidence of its circulation in Senegal and Niger.[39]

Whereas the military has been heavily involved in addressing many of the transnational terrorist threats both nationally and collaboratively, it has hardly played a role in combating TOCs. This is because conventional TOCs in these states are seen as a civil matter best handled by the police or customs, not the armed forces.[40] Unfortunately, while the military have not been involved in fighting these TOCs, they have at times aided their crimes. For instance, in 2007 the United Nations Office on Drugs and Crime (UNODC) issued a press release expressing concerns about the involvement of military personnel in cocaine

[30] Prosper Addo, 'Cross-Border Criminal Activities in West Africa: Options for Effective Responses', Kofi Annan International Peacekeeping Training Centre, Paper No. 12, May 2006, p. 8, https://au.int/sites/default/files/documents/39057-doc-47._cross_border_crime_wa_kaiptc_article.pdf.

[31] Jonathan Cohen, 'Borderline Slavery: Child Trafficking in Togo', *Human Rights Watch* 15, no. 8, 2003, https://www.hrw.org/sites/default/files/reports/togo0403.pdf.

[32] National Agency for Prohibition of Trafficking in Persons, 'Notorious Trans-Border Human Trafficker Arrested; 13 Libyan Bound Victims Rescue', 3 August 2021, https://naptip.gov.ng/notorious-trans-border-human-trafficker-arrested-13-libyan-bound-victims-rescue/.

[33] Addo, 'Cross-Border Criminal Activities', p. 8.

[34] Ibid., p. 8.

[35] Rédaction Africanews, 'Guinea: more than 1.5 tons of cocaine seized by the navy', *Africanews.com*, 6 April 2023, https://www.africanews.com/2023/04/06/guinea-more-than-15-tons-of-cocaine-seized-by-the-navy//.

[36] Rédaction Africanews, 'Senegal seizes over 800 kg of cocaine off coast of Dakar', *Africanews.com*, 24 April 2023, https://www.africanews.com/2023/01/24/senegal-seizes-over-800-kg-of-cocaine-off-coast-of-dakar//.

[37] Antonio L. Mazzitelli, 'Transnational Organized Crime in West Africa: The Additional Challenge', *International Affairs* 83, no. 6 (2007): pp. 1071–1090.

[38] Ibid., p. 1077.

[39] Ibid., p. 1077.

[40] Judith Vorrath, 'Organized Crime and Development: Challenges and Policy Options in West Africa's Fragile States', SWP Research Paper, German Institute for International and Security Affairs, December 2015, https://www.swp-berlin.org/publications/products/research_papers/2015RP09_vrr.pdf.

trafficking in Guinea–Bissau.[41] This was not an isolated case in West Africa, as there was sufficient evidence that senior members of the military in both Guinea and Liberia were involved in international drug trafficking.[42] It is worth remarking, however, that the participation of members of the armed forces in these nefarious acts has progressively waned in recent years.[43] Instead, armed forces personnel in West Africa have been positively engaged in combating the threat of the many transnational terrorist groups—also facilitators of TOCs—that keep springing up within the subregion, particularly in Nigeria and Mali.

Comparative Analysis of Armed Forces Response to TOCs in West Africa

African armed forces vary widely both in size and budget, with a country such as Cape Verde having as little as $12 million as a defence budget and a little over one thousand army personnel, while Egypt, the continent's largest army, has about a million personnel and a budget of about $5 billion.[44] In West Africa, Nigeria has the strongest army, and the fifth biggest on the entire continent, with a military personnel strength of about half a million and a budget exceeding $5 billion.[45] This variance explains the disposition of the various military forces to national and regional threats in West Africa. As mentioned earlier, most TOCs are civil crimes handled by the police and customs services, while the armed forces have concentrated on matters pertaining to defence. However, because of the interconnectivity between TOCs and transnational terrorism on the continent, and since countering terrorism is traditionally in the realm of the army, the military is now gradually playing an important role in states' responses to organized crime. Indeed, the UN recognizes that terrorism and transnational organized crime are interconnected. This is because conventional TOCs such as money laundering, corruption, and drug and human trafficking are some of the means through which terrorists fund their activities. This interconnectedness has made the involvement of armed forces in quelling these threats inevitable. For the purpose of emphasis, this section compares how the armed forces of two separate countries, Nigeria and Mali, have responded to these threats.

Nigeria

The Nigerian Armed Forces (NAF) comprises the Nigerian Army, Nigerian Navy and Nigerian Air Force; they together form the combined military forces of Nigeria. Being the

[41] Mazzitelli, 'Transnational Organized Crime', p. 1087.
[42] Vorrath, 'Organized Crime and Development', pp. 24–26.
[43] Vorrath, 'Organized Crime and Development', p. 27.
[44] International Institute of Strategic Studies (IISS), *The Military Balance 2022* (London: Routledge, 2022).
[45] Victor Oluwole, 'Ranked: Top 10 African countries with the largest military personnel', *Business Insider Africa*, 17 March 2022, https://africa.businessinsider.com/local/lifestyle/ranked-top-10-african-countries-with-the-largest-military-personnel/b4xvcxq.

strongest force in West Africa, NAF has the capability of engaging in foreign military operations, to which they have grown accustomed from the Congo Crisis in the 1960s to the more recent peacekeeping operations in Guinea–Bissau in August 2022.[46] The primary responsibility of NAF is to defend the country against internal and external threats. Today, NAF's greatest challenges are the threat of Boko Haram and its splinter groups in the north-eastern part of the country, with militancy, banditry as well as anti-piracy campaigns in the South-South (the Niger Delta). Of these challenges, Boko Haram perhaps represents the greatest to Nigeria's security. This is not only because of the scores of people the terrorists have killed, or the damages to properties they have caused, but also because the group's operations extend to trans-border criminality. Like other terrorists and non-state groups in general, Boko Haram is adept in tapping into multiple sources of revenue such as extortion, financial crimes, and drug trafficking.[47] Members of the group have, for instance, helped drug traffickers smuggle cocaine and heroin across Nigerian borders into other parts of the subregion.[48] A court case in Chad in August 2015 confirmed the links between the terrorists and drug trade when ten members of Boko Haram were found to have had considerable quantities of psychotropic substances.[49] The court further established that members of this group were regularly involved in the trafficking of these substances.[50] Similarly, these terrorists also engage in human trafficking, abducting women and girls in the northern region of Nigeria for domestic servitude, forced labour, and sex slavery through forced marriages to Boko Haram terrorists both within and across Nigeria's borders, as well as to merchants within and outside the continent.[51] In the same manner, the terrorist group has been connected to money laundering and other international financial crimes. For example, in November 2020 a court in the United Arab Emirates sentenced to jail six Nigerians for transferring $782,000 from Dubai to Boko Haram in Nigeria.[52] One of the convicted felons was a Nigerian government official who also siphoned 'government money' to Boko Haram agents.[53]

Different agencies are saddled with the responsibility of curbing these TOCs. For example, the Economic and Financial Crimes Commission (EFCC) and the Nigerian Financial Intelligence Unit (NFIU) deal with financial related crimes; while the National Drug Law Enforcement Agency (NDLEA) tries to check drug trafficking. Such agencies are further assisted by other government apparatus such as the Nigerian Police Force (NPF) and Customs Service. The NAF, however, are concerned with non-civil matters such as territorial defence, though their interventions have knock-on effects on criminal activities

[46] 'Nigeria ships hardware, contingent to Guinea Bissau on peace-keeping', *The Guardian*, 24 April 2023, https://guardian.ng/news/nigeria-ships-hardware-contingent-to-guinea-bissau-on-peace-keeping/.

[47] John Campbell, 'Financing Boko Haram', Council on Foreign Relations, blog post, 18 November 2020, https://www.cfr.org/blog/financing-boko-haram.

[48] UNODC, 'The Drug Problem and Organized Crime, Illicit Financial Flows, Corruption and Terrorism', UNODC, May 2017, p. 36, https://www.unodc.org/wdr2017/en/drug-problem.html.

[49] UNODC, 'The Drug Problem', p. 36.

[50] Ibid., p. 36.

[51] Human Rights Watch, '"You Pray for Death": Trafficking of Women and Girls in Nigeria', Human Rights Watch, 27 August 2019, https://www.hrw.org/report/2019/08/27/you-pray-death/trafficking-women-and-girls-nigeria.

[52] Campbell, 'Financing Boko Haram'.

[53] Ibid.

of malign non-state actors in the country. While the Nigerian military was dealing with terrorism in the North-East, it also contended with militancy in the South-South. These militants, such as the Movement for the Emancipation of the Niger Delta (MEND) have been perpetrators of a major kind of TOC in West Africa, namely piracy and oil bunkering. It is on record that between 2006 and 2009, militancy group attacks on oil infrastructure reduced Nigeria's oil output by one-third.[54] Starting in May 2009, therefore, a team of air force, army, and navy staff was stationed to provide security in the Niger Delta, with their focus on oil bunkering, piracy, and offshore attacks.[55] Although there are no reliable data stating the number of culprits apprehended by the NAF, the evidence suggests that the Nigerian military has been effective in tackling piracy and related crimes. For instance, the Gulf of Guinea Declaration on Suppression of Piracy has confirmed that there was no case of seafarers' kidnap between 2021 and 2022.[56] This is considered commendable progress in comparison to the 2020 statistics when 130 seafarers were kidnapped.[57] It is clear, therefore, that the NAF has only been involved in tackling TOCs when they have been associated with other security threats. As a result, it is safe to say that combating TOCs is, at best, only a secondary objective of NAF. Nigeria continues to struggle with TOCs perpetrated by non-terrorists or non-militants, but the NAF has not been involved in curbing these threats since they are civil matters left to be addressed by other agencies such as the Nigerian Police, Customs Service, Immigration, and the Economic and Financial Crimes Commission (EFCC).

Mali

The Malian Armed Forces (MAF) are made up of the Army, Mali Air Force, and the National Guard. Unlike the Nigerian Armed Forces, MAF is weak in terms of personnel, funds, and tactics. It has a military strength of only about 40,000 persons and an annual budget (as of 2021) of less than $500 million.[58] Owing to its limited power, therefore, MAF has relied largely on foreign military assistance, particularly from France, in defending its country against internal and external threats.[59] Such threats have been multifaceted in recent years, with terrorist activities commingling with transnational crimes. Perhaps, more than in any other part of the subregion, transnational terrorism is so fused with TOC in Mali that both reinforce each other to a greater extent than anywhere else

[54] Katja Lindskov Jacobsen and Giuseppe Sernia, 'Pirates of the Niger Delta: Between Brown and Blue Waters', UNODC Global Maritime Crime Programme, 2021, p. 20, https://www.unodc.org/res/piracy/index_html/UNODC_GMCP_Pirates_of_the_Niger_Delta_between_brown_and_blue_waters.pdf.

[55] Jacobsen and Sernia, 'Pirates of the Niger Delta', p. 20.

[56] Anozie Egole, 'Nigeria committed to fight against piracy—NIMASA', *Punch*, 21 July 2022 https://punchng.com/nigeria-committed-to-fight-against-piracy-nimasa/.

[57] Egole, 'Nigeria committed to fight against piracy'.

[58] Knoema World Data Atlas, 'Mali—Military expenditure in current prices', knoema.com, 2021, https://knoema.com/atlas/Mali/Military-expenditure.

[59] Stéphane Spet, 'Operation Serval: Analyzing the French Strategy against Jihadists in Mali', *ASPJ Africa & Francophonie* 3rd Quarter (2015): pp. 66–79, https://www.airuniversity.af.edu/Portals/10/ASPJ_French/journals_E/Volume-06_Issue-3/spet_e.pdf.

on the subcontinent. Starting in 2012, terrorist groups such as AQIM, Ansar Dine, and Movement for Oneness and Jihad in West Africa (MOJWA) have all besieged the northern part of Mali, killing scores of people. The presence of these groups has also expanded trade in illicit goods such as narcotics and arms.[60] Both the MAF and terrorist groups are reported to struggle for control of trafficking routes, with many of the armed clashes being directly linked to the control of these routes and drug cargoes.[61] For instance, in late 2012 and early 2013, some Idnane Tuaregs in Mali affiliated to the National Movement for the Liberation of Azawad (MNLA), which had links with AQIM, were accused of seizing drug convoys protected by the Arab Movement of Azawad (MAA), thereby spurring long-lasting inter-ethnic tensions.[62] One reason why narco-terrorism is rife in this country is because Malian legislation does not recognize organized crime as such, but only the offence of participating in an association of wrongdoers or in a terrorist group.[63] This weak legal framework has therefore created an easy link between organized crime and terrorism. For example, in the past two decades, Mali's Kidal was a centre of illicit trans-Saharan trade and the trafficking of drugs, people, vehicles, and arms.[64] Similarly, the border with Algeria in Khalil became a regional hub for cocaine and hashish trafficking across the Sahara.[65]

Initially when Mali was beset by terrorism and ethnic conflict in January 2012, MAF lacked both the willpower and the capacity to repel the terrorists.[66] It was not until the insurgents were close to attacking the seat of government in the capital, Bamako, that the Malian President, Dioncounda Traoré, formally requested assistance from France, which obliged by sending its army personnel in January 2013.[67] One of the highlights of their engagement came on 11 January 2013, when they destroyed Jihadist hideouts in Konna where drug trafficking was rife.[68] Paradoxically, however, the offensive launched by the military against the jihadists only encouraged them to seek support from the traffickers.[69] Some traffickers who shared a tribal affiliation with AQIM and Ansar Dine fighters reportedly offered logistical support to help them escape the French strikes.[70] Thus, Operation Serval—as the French operation was called—did not reduce drug trafficking or any other TOC; neither did it make terrorism in Mali abate. Instead, drug trafficking

[60] Luca Raineri and Chiara Galletti, 'Organised crime in Mali: Why it matters for a peaceful transition from conflict', *International Alert*, policy brief, September 2016, p. 2, https://www.international-alert.org/wp-content/uploads/2021/08/Mali-Organised-Crime-EN-2016.pdf.

[61] Raineri and Galletti, 'Organised crime in Mali'.

[62] Ibid., p. 5n.

[63] Ibid.

[64] Peter Albrecht, Signe M. Cold-Ravnkilde, and Rikke Haugegaard, 'African Peacekeepers in Mali', *DIIS Report* (Copenhagen: Danish Institute for International Studies, 2017), p. 21.

[65] Ivan Briscoe, 'Crime after Jihad: Armed Groups, the State and Illicit Business in Post-conflict Mali', Netherlands Institute of International Relations Clingendael, May 2014, https://globalinitiative.net/wp-content/uploads/2018/01/Clingendael_Crime-after-Jihad.pdf.

[66] Spet, 'Operation Serval', p. 69.

[67] Ibid., p. 69.

[68] Ibid., p. 72.

[69] International Crisis Group, 'Drug Trafficking, Violence and Politics in Northern Mali', Africa Report no. 267, 13 December 2018, https://www.crisisgroup.org/africa/sahel/mali/267-narcotrafic-violence-et-politique-au-nord-du-mali.

[70] International Crisis Group, 'Drug Trafficking'.

and terrorism went transnational, spreading into the neighbouring countries of Niger, Burkina Faso, and Mauritania. It has been suggested that it was France's 'leading from behind strategy' without committing many fighting forces that prevented the definitive defeat of the jihadists and, by extension, drug trafficking.[71] Thus, in August 2014 Operation Serval was replaced by Operation Barkhane. This new operation saw France deploy a stronger military force of about 3,000 personnel as well as aiding MAF with more sophisticated weapons.[72] The new operation also expanded the French military's operations over a vast area of the Sahel region to include affected countries outside Mali. Like Operation Serval, Operation Barkhane did not have the mandate to combat drug trafficking or other forms of TOCs. However, it had some impact as a by-product of its wider engagement in combating the terrorists. For example, in targeting the logistic flows of jihadist groups, Barkhane operations have incidentally intercepted drug shipments and other contraband intended for smuggling.[73] Such interventions have, however, had a limited impact in addressing drug trafficking and other TOCs in the country. In fact, counterterrorism against armed groups known to be linked to criminal networks has proven to be tricky. For instance, French soldiers have admitted turning a blind eye to their allies engaging in drug trafficking and other TOCs.[74] Diplomats and other political stakeholders believe that if these trafficking flows cannot be successfully stamped out, it is better they are directed to their allies rather than to groups linked to jihadists or to other countries in the subregion.[75]

The situation remained the same until the French took the decision to pull out their forces from Mali following the May 2021 coup and France's inability to work with the new military government in Bamako. This evacuation was successfully completed in November 2022, leaving MAF hollow and the threat of terrorism and TOCs very much present within Mali. The prognosis is also bleak, given that Malian institutions are relatively weak in tackling TOCs. For example, the Central Narcotics Office (*Office central des stupéfiants*, OCS), established in 2010, suffers from a lack of resources that prevents it from carrying out large-scale operations, while the activities of the police narcotics brigade are limited to Bamako.[76]

From the foregoing, one could see that the armed forces in the various states never actually see TOCs as existential threats to their states' survival. Rather, militaries in the region tend to concentrate more on curbing the activities of terrorist groups that pose more existential threats to the survival of states in the region. However, the noticeable trend is that in the process of combating these terrorist threats, armed forces do sometimes confront TOCs. The next section highlights specific ways armed forces in West Africa have cooperated to tackle the menace of TOCs in the region.

[71] The Economist, 'François Hollande's African adventures: The French are reorganising security in an increasingly troubled region', *The Economist*, 21 July, 2014, https://www.economist.com/europe/2014/07/21/francois-hollandes-african-adventures.

[72] Ibid.

[73] International Crisis Group, 'Drug Trafficking'.

[74] Ibid.

[75] Ibid.

[76] Ibid.

Transnational Cooperation of West African Armed Forces against TOCs

It is worth repeating here that armed forces in West Africa are generally uninvolved in combating TOCs largely because their crimes are perceived as civil matters handled by other government agencies. Even so, they have been actively involved in addressing transnational terrorism, which manifests many features of TOCs while also reinforcing them. In territories where terrorism is active across West Africa, countries like Nigeria, Benin, Cameroon, Chad, and Niger have combined armed forces to form the Multinational Joint Security Force (MNJSF). The MNJSF was formed in 1994 to tackle the incessant cross-border banditry within the Chad Basin.[77] It was not until 2002 that the body shifted focus to addressing transnational terrorism. However, the MNJSF was not effective and member states remained non-committal, thereby rendering the architecture inoperative.[78] The implication was that the area remained fertile for the cultivation of criminal elements that would radicalize over time to become formidable threats to the region. The MNJSF was renamed Multinational Joint Task Force (MNJTF) in 2012. Nevertheless, it was not until 2014, after the Paris Summit for Peace in Nigeria of 17 May, that member nations pledged a committed active military alliance through the MNJTF against transnational terrorism in the area, a pledge they fulfilled in 2016 when the MNJTF flagged off their offensive against Boko Haram and its splinter groups.[79]

Similarly, the African Union (AU) and ECOWAS organized the African-led International Support Mission to Mali (AFISMA) in January 2013 to combat Islamist terrorism in the region. By July 2013, both ECOWAS and the AU collaborated with the UN and other major partners to mobilize and deploy the Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) which replaced AFISMA.[80] Both AFISMA and MINUSMA employed armed forces from a diverse range of countries; twenty-one African countries contributed to AFISMA with a total of 7,500 personnel deployed. MINUSMA, on the other hand, had contingents from fifty-five countries within and outside Africa, contributing over 12,500 personnel.[81] The robust nature of MINUSMA allowed it in 2018 to pay greater attention to the financial sources for conflicts in Mali, particularly drug trafficking.[82] The Group of Five Sahel States (the G5 Sahel), however, represents the most enduring symbol of armed forces cooperation against transnational terrorism. It is a regional intergovernmental organization formed in 2014 to provide a framework to promote development and security

[77] Babatunde F. Obamamoye, 'Counter-terrorism, Multinational Joint Task Force and the Missing Components', *African Identities* 15, no. 4 (2017): p. 432.

[78] Ifeanyichukwu Micheal Abada et al., 'National Interests and Regional Security in the Lake Chad: Assessing the Multinational Joint Task Force', *Journal of Social Sciences Research* 6, no. 1 (2020): pp. 40–49.

[79] Abada et al. 'National Interests and Regional Security', p. 43.

[80] Olajide O. Akanji, 'Sub-regional Security Challenge: ECOWAS and the War on Terrorism in West Africa', *Insight on Africa* 11, no. 1 (2019): pp. 94–112.

[81] United Nations, 'United Nations Multidimensional Integrated Stabilization Mission in Mali', United Nations Peacekeeping, 30 June 2023, https://minusma.unmissions.org/en/personnel#:~:text=12%2C388 military personnel, including 179 United Nations Volunteers.

[82] International Crisis Group, 'Drug Trafficking'.

among its member countries. The G5 Sahel comprises Burkina Faso, Chad, Mali, Mauritania, and Niger, all of which are victims of transnational terrorism and concomitant TOCs that accompany it, such as drug trafficking and money laundering.

Conclusion

The analysis so far shows that Africa had not made its military or armed forces an integral part of its fight against TOC. With the exception of a few North African states like Libya and Algeria, most countries on the continent rely on a mix of policing and institutional mechanisms at both national and regional levels to tackle transnational criminality.[83] The rate at which TOC and groups have proliferated and become emboldened in the twenty-first century has shown that these approaches have not been effective in combating illicit criminal activities on the continent. The position of these authors is that states on the continent will have to make the military an integral and important plank of their countermeasures against transnational organized crime on the continent. This is the approach that some states in Latin America (Columbia and Mexico) and South-East Asia (Philippines) have adopted to combat TOC in their countries.[84] This is the way to go for Africa since most transnational organized criminal groups on the continent are heavily militarized, and some are insurgents and terrorists. This means that the traditional policing and institutional tools cannot and will not be very effective to curb and eradicate TOC. Despite the fact that armed forces in Africa suffer from major defects such as unprofessionalism, corruption, and low morale, they could when effectively reorganized and mobilized be deployed to the front line of the battle against TOC. To make the military an integral part of Africa's fight against TOC, states must adopt Defence Institutional Building (DIB) for their armed forces. Although conceptualized by the United States as a means of external intervention to inject professionalism, accountability, and respect for the rule of law into African defence establishments, DIB can be adopted and domesticated by armed forces on the continent to improve their efficiency.[85]

Africa's borders are highly porous, so security challenges in one state easily spill into those of its neighbours. The transnational nature of TOC means that if the fight against it is to be effective, countries on the continent will have to cooperate extensively, share relevant actionable intelligence, and pool their resources. DIB, in the African context, will emphasize and at its core adopt professionalism, collaborative security, and intelligence pooling. For professionalism, DIB will be used to inject and amplify civic education programmes into defence sector education, training, and development programmes. The intervention

[83] Falode, 'Guns, Arms Trade'.

[84] United States Congress, 'WHEM Subcommittee Hearing: "Combatting Transnational Criminal Threats in the Western Hemisphere"', Committee of Foreign Affairs, House of Representatives, 23 May 2018, https://www.congress.gov/115/meeting/house/108360/documents/HHRG-115-FA07-20180523-SD001.pdf.

[85] Michael J. McNerney et al., 'Defense Institution Building in Africa: An Assessment', Rand Corporation, 2016, https://www.rand.org/content/dam/rand/pubs/research_reports/RR1200/RR1232/RAND_RR1232.pdf.

will include developing and acceptance of international humanitarian law, respect for constitutional provisions, enumeration of the rule of law and principles of civil–military relations. DIB will also inject modern leadership and management practices in defence establishments to ensure effectiveness, efficiency, high morale, and good discipline.[86] The collaborative security aspect of DIB will expose the military on the continent to the benefit of moving away from national or self-dependent approaches in tackling TOC to a regional or subregional and pan-African approach. This will lead to regional confidence and security building measures that will promote intelligence sharing à la INTERPOL, and then make it easier to apprehend transnational organized criminals across borders.[87] Moreover, intelligence pooling will encourage the creation of an intelligence database that will contain information such as the nature, modus operandi, types, and specific activities of transnational organized criminals on the continent. This will be created by the directorate of joint military intelligence, and it will be responsible for gathering, sieving and collating intelligence, and then dissemination of actionable information to armed forces on the continent. Through capacity-building endeavours, DIB will impart behavioural, attitudinal, structural, managerial, and systems skillsets on selected officers,[88] who will in turn take it to their home bases and spread it to their rank and file. This is what happens in the North Atlantic Treaty Organization.[89]

From the foregoing, one could see that armed forces on the continent have never been an integral part of Africa's response to TOC. On the few occasions that the armed forces had responded to tackle transnational criminals and their networks, it was in response to their deployment to tackle terrorists and other violent malign non-state actors. A major factor responsible for the exclusion of the military from tackling TOC is the believe that trans-national criminality is an internal civil policing matter and is best left to the police and other paramilitary agencies to tackle. This is the norm across much of Africa except in northern Africa where the military plays a prominent role in tackling both terrorism and transnational criminality. Thus, it is the contention of this chapter that for the continent to be able to effectively tackle trans-organized criminals and their networks, the army must be made an important part of their strategy. Since the army will have to work in both civil and combat zones (due to the peculiar nature and interconnectedness of both terrorism and TOCs), if their intervention is to be effective then DIB will have to form an integral and important part of their training. It will not only promote interoperability and sharing of crucial intelligence, which is crucial if the diverse armies are to work holistically and cohesively, but it will also promote and enhance effectiveness.

86 Hari Bucur-Marcu, Philipp Fluri, and Todor Tagarev, eds, *Defence Management: An Introduction* (Geneva: Geneva Centre for the Democratic Control of Armed Forces, 2009).

87 INTERPOL, 'Transnational Crime Threats Faced by Africa Focus of INTERPOL Meeting', 28 June 2022, https://www.interpol.int/en/News-and-Events/News/2022/Transnational-crime-threats-faced-by-Africa-focus-of-INTERPOL-meeting.

88 Eric Scheye, 'Regional Organized Crime Observatories: Foundation Workshop', ENACT: Enhancing Africa's Response to Transnational Organized Crime, 3-6 July 2017, Cape Town, South Africa, https://globalinitiative.net/wp-content/uploads/2018/01/2017-11-15_CapeTown_Report.pdf.

89 Alberto Bin, 'NATO's Defense Institutional Building and Projecting Stability: Current Priorities and Activities', *Connections* 17, no. 3 (2018): pp. 8–22.

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