

Trans-border Crime and Its Socio-economic Impact on Developing Economies

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ABSTRACT This article examines the implications of trans-border crime on the socio-economic development of developing societies. The phenomenal rise in money laundering and drug trafficking and other trans-border crimes within the West African sub region has generated much concerns to scholars and policy makers. The paper which is essentially library research argues that trans-border crime is growing in scale and momentum without a corresponding clear and coordinated strategy for dealing with this hydra-headed monster in the sub-region. These significantly affect the economies of developing societies and possess the capacity of undermining and fueling insecurity across the globe. Organized criminal activities affect our join security and the stability of the region and economies and core democratic values. We concluded that the extent and magnitude of the problem necessitate a definitive strategy within the broad frame of Economic Community of West African States (ECOWAS) a sub-regional body to deal with it. This may also involve public-private partnerships.

1. INTRODUCTION

The end of the cold war saw the emergence of a new phenomenon in the society – the phenomenon of transnational or trans-border crime with its dimensions and threat to global peace and security. The dimensions and momentum of trans-border crimes have increased with the emergence of globalization. The phenomenon of globalization encompasses the growing internationalization of financial, industrial and commercial capital, but it also makes threats transnational and heightens the feeling of insecurity of the planets inhabitation (Ortuno 2009).

Current global trends such as the growing interdependence between states and the opening of borders, which exist alongside socio-economic, cultural, legal and political inequalities, facilitate the activities of transnational criminal groups. The international economic crisis spawned by the financial crisis of 2008, has had a number of consequences some of which are unemployment, a drop in remittances, a fall in both the volume and price of exports, less direct foreign investment and a downward trend in tourism. As more people are working in the informal sector, others have joined organized crime networks.

Available literature on trans-border crime shows that no region of country of the world is spared of this phenomenon. For instance (Maetens 2007) argued that the problems of crime and violence – the drug trade and trafficking in weapons and others are factors that make the

Caribbean countries and their economics most vulnerable. The seriousness of these problems have necessitated governments of this region to explore innovative policy responses at both national and regional levels. The concern is to come out with approaches to address crime and violence in the region.

Ntuli (2000) in his study of Somopho region of South Africa, found out that the Somopho area is fraught with problems of high unemployment levels and lack of physical infrastructure. These have affected the level of criminality in this area and ahs affected also community development. The high level of unemployment and poverty provide the basis and excuse for the youth to take to drugs and other crimes in the society.

Ntuli (2000) point was echoed by Demombynes and Ozler 2002 both of whom maintained that the growing level of criminality in South Africa may in future likely discourage investment and stifle long term growth and economic development. The concern is that there are so many socio-economic problems such as poverty and inequality, corruption and high level of crimes in the society, these have the tendency of impacting negatively on South Africa's economy.

Similarly, Kalu (2010) contended that developing countries, especially in Africa, present a peculiar dimension in security demands as a result of poverty, unemployment, hunger, and increased belligerency among component entities that make up the continent. The activities of

rebel groups, trans-border criminals, kidnapers, arm-smugglers, cultists and other social misfits add up to the tension that has characterized life on the continent and specifically the West African sub-region. The situation has become more eerie when the issue of demented persons such as serial killers, rapists, drug-abusers, child-kidnappers, prostitutes, ritual killers and paradopiles are taken into consideration. These wide range of crimes constitute social nuisance to the West African sub-region and indeed Africa.

Arising from the argument above, issues of defence and security are salient to sustainable development and national survival. Creating national security awareness has been identified as a new policy initiative to address the diverse nature of instability and insecurity in Nigeria and the West African sub-region (Akinsanmi 2007).

Also, Jobe (2010) identified the youths as persons that are at the centre of criminality in the region. The ECOWAS stakeholders' forum on youth policy was seen as a step in the right direction. The forum was on building capacity of youth stakeholders, particularly youth organizations on the implementation of the ECOWAS youth policy. Young people have the potentials which should be channel or harnessed more appropriately toward productive ventures instead of engaging in criminality or criminal activities. The argument is that a well equipped, knowledgeable, disciplined and sophisticated crop of young people in our countries and the sub-region will not only guarantee sustained socio-economic development but will also assured us that the desires of the founders of ECOWAS on the ideals of sub-regional integration can be achieved with time.

Today, and as seen in the brief literature presented above, organized crime has diversified and extended beyond borders, undermining the credibility and effectiveness of institutions, jeopardizing criminal justice systems, violating human rights and corrupting political leaders. This paper examines trans-border crime but with specific focus on money laundering and drug trafficking.

Objective of the Paper

The main concern of this paper is to examine trans-border crime and its impact on devel-

oping economies of the West African sub-region. Specifically, the paper is concerned with the following objectives:

- a) Analyse the nature and scale of trans-border crime in the West African sub-region.
- b) Assess the social and economic effects of drug trafficking and money laundering on developing economies.
- c) Recommend appropriate strategies for dealing with issues of trans-border crime and enhanced socio-economic development of the sub-region.

2. TRANSBORDER CRIME: CONCEPTUAL CLARIFICATION

The task of defining or describing "trans-border crime" would not be an easy one, because many elements have been recognized as constituting it. However, "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. These would include human trafficking, money laundering, drug trafficking, arms smuggling or trafficking of weapons, cross-border terrorism, illegal oil bunkering, illicit trafficking in diamonds, corruption, business fraud, to mention but these notable few.

Organized criminal groups or individuals carry out their illicit activities using major technological tools such as information networks, the financial system and other sophisticated means. They also take advantage of differences in legislation, legal systems and traditions, which often seriously hamper state efforts to respond adequately to the threat of organized or trans-border crimes.

Ortuno and Wiriyachai (2009) have maintained that the past few years have been characterized by a significant increase in global criminal activities such as money laundering, trafficking in human and nuclear technology and material, the trade in human organs and migrant smuggling. At the same time, emerging crimes such as modern piracy, and trafficking in toxic waste, counterfeit medicines, precious metals or natural resources have been added to the list of traditional illegal activities such as

prostitution, drug trafficking and arms trafficking.

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 cyber-crime. 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 (Luna 2008).

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.

3. TRANS-BORDER CRIME: MONEY LAUNDERING AND DRUG TRAFFICKING

Money laundering is the practice of engaging in financial transactions to conceal the identity, source, or destination of illegally gained money. It could also be defined as the process of taking any action with property of any form which is either wholly or in part the proceeds of a crime that will disguise the fact that that property is the proceeds of a crime or obscure the beneficial ownership of said property.

In the past, the term money laundering was applied only to financial transactions related to organized crime. Today, its definition has been expanded by government and international regulators such as the "US office of the controller of the Currency" to mean "any financial transaction which generates an asset or a value as the result of an illegal act", which may involve actions such as "tax evasion" or "false accounting". In some countries, the concept is broader than the involvement of money to include "any economic good" and other transactions. Money laundering is ipso facto illegal, the acts generating the money almost are themselves criminal in some way (for if not, the money would not need to be laundered).

Historically, money laundering evolved in 1931 when many methods were devised to disguise the origins of money generated by the sale of illegal alcohol. During this period Al Capone's was convicted for tax evasion, mobster Meyer Lansky transferred funds from Florida "Carpet Joints" to accounts overseas. After the 1934 Swiss Banking Act, which created the principle of bank secrecy, Lansky bought a Swiss Bank into which he could transfer his illegal funds through a complex system of "Shell Companies", holding companies, and "offshore bank" accounts.

In the post-world war II era, legislators found themselves in a quandary as they were confronted with a growing list of commercial, fiscal, and environmental offenses that did not actually cause direct harm to any one identifiable victim, there was no stinking corpse. They decided that confiscating the proceeds of crime would adequately deter potential criminals. Anxious to avoid confiscation, organized criminals now needed to give these huge sums of money – not easily consumed or invested in the legal economy without raising eyebrows a patina of legitimacy they needed to "Launder" it. Money laundering has been dubbed the "Achilles heel of organized crime", for it compels mobsters to seek out and co-opt established businessmen and women with highly technical know-how and access to legal institutions like banks to launder their plunder.

The term "money laundering" does not derive, as is often said from Al Capone having used Laundromats to hide ill-gotten gains. It is more likely to mean that dirty money is made clean. The first reference to the term "money laundering" itself actually appeared during the "watergate scandal" in United States of America. This was when the then US president Richard Nixon's "Committee to Re-elect the president" moved dirty campaign contribution to Mexico, then brought the money back through a company in Miami. It was Britain's "The Guardian" newspaper that coined the term, referring to the process as "Laundering".

Money may be laundered through a complex business network of Shell Companies and trusts based in tax haven example cashing up-moving large amount of small change each week into banks in order to avoid suspicion; captive business – involve starting up a business whose cash inflow cannot be monitored, and funnel the

small change into it and pay taxes on it. Money laundering has attendant effects on the socio-economic development of societies.

Drug trafficking on the other hand, typically refers to the possession of an illegal drug in a predetermined quantity that constitutes the drug that is going to be sold. Legally, the US defines drug trafficking as “an offense under federal, state, or local law that prohibits the manufacture, import, export, distribution or dispensing of a controlled substance (or a counterfeit substance) or the possession of a controlled substance (or a counterfeit substance) with intent to manufacture, import, export, distribute or dispense. However, drug trafficking involves selling drugs and drug paraphernalia, whether it is a local exchange between a user and a dealer or a major international operation. Drug trafficking is a problem that affects every nation in the world and exist on many levels. It has also been described as the commercial exchange of drugs and drug paraphernalia which may include any equipment used to manufacture illegal drugs or use of them.

In November 2008, UN report on Drug Trafficking in West Africa shows 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. Prior to this time, the entire continent combined rarely seized a ton annually. There appear to be two parallel one, mainly involving large maritime and private air shipments, owned and managed by South Americans. In exchange for logistics assistance with these shipments, West Africans are paid in cocaine. This has created a second flow, as West Africans also traffic these drugs to Europe, usually via commercial air flights.

Senegal and Nigeria were the source of the greatest volumes of cocaine seized on commercial air flights, but they also have the largest international air traffic volumes. Guinea (Conakry) and Mali are disproportionally represented in terms of the number of air couriers detected relative to their air traffic volumes.

Figure 1 shows that a total of 3161 kilograms of cocaine were seized in 2006 and rose to 6,468 kilogram in 2007. These data were made available as of 31st September 2007 from data collected by UNODC between January- Septem-

ber, 2007. This is an indication of the popularity of the route. The growing use of West Africa as a large cocaine stockpiling location is further confirmed by recent seizures made by European and Latin American countries of cocaine shipments bound to Africa.

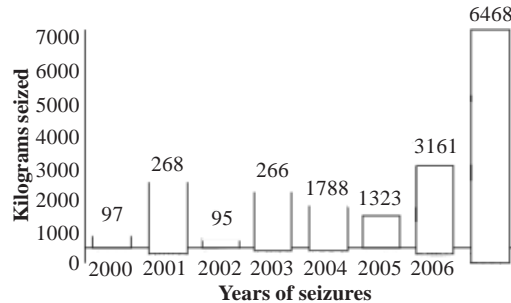


Fig. 1. Annual cocaine seizures in West Africa 2000 – 2007
Source: UNODC: World Drug Report, 2007 and UNODC Data for Africa 2006 – 2007 Statistics

Data in Figure 2 shows the number of maritime seizure made by European Navies off the West African coast between 2005 and 2006, a clear indication of increasing number of drug-trafficking in the region.

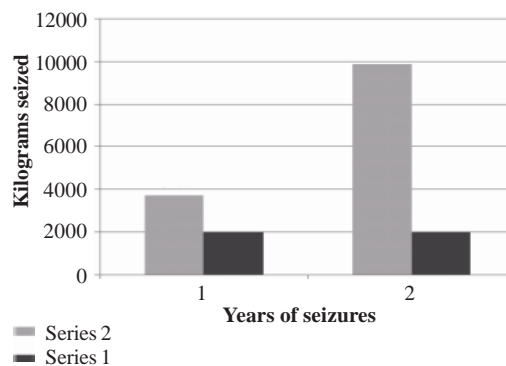


Fig. 2. Maritime seizures made by European Navies off the African Coast in 2005 and 2006

Source: UNODC individual drug seizures Database and Data for Africa.

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 substa-

nance is valued at \$10 million. All of these are indications of the increasing profile of West African route for Drug Trafficking. Also, United Nations 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.

4. MONEY LAUNDERING AND DRUG TRAFFICKING: ITS CONSEQUENCES ON SOCIO-ECONOMIC DEVELOPMENT OF DEVELOPING ECONOMIES

Money laundry has a few identifiable economic consequences which impinge negatively on the socio-economic development of societies, particularly developing economies. Crime generally, and money laundering in particular, is not only a crime in society – it is just another business activity. 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 (Ortuno and Wiriyachai 2009). 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. Organised criminal groups are able to launder the proceeds of drug trafficking and commodity smuggling and other serious crimes. Worst still terrorist groups use money-laundering channels to support their terrorist's acts and activities and these further affect investments to developing economies.

Furthermore, 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. 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.

Similarly, the social consequences of allowing these groups to launder money can be very disastrous and damaging to a nation. It can 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.

Ortuno and Wiriyachai (2009) argued that the estimated amount of money laundered globally in one year is 25 per cent of global GDP, or 800 billion to 2 trillion is current US dollars. Though the margin between those figures is huge, even the lower estimate underlines the seriousness of the problem various governments have pledged to tackle. The fact is that the rapid developments in final information, technology and communication allow money to move anywhere in the world with speed and ease. Also, money laundering facilitates crime and corruption within developing economies which is antithetical to sustainable economic growth.

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. The dimensions of heroin smuggling through Nigeria are best illustrated by seizures, which in 2007 amounted to more than five tons of heroin and have been on the increase in succeeding years.

In addition, the Colombian cartels are now setting up shops, Colombian traffickers are corrupting law enforcement authorities and buying protection against prosecution. This act apart from worsening the rate of corruption in these West African States, fragile states such as Guinea-Bissau are becoming increasingly vulnerable and are in danger of spiralling down into ungoverned narco-states. Others in the region, including Cape Verde, Guinea, Togo, Benin, Nigeria, Ghana, Senegal and Mauritania are hanging at the precipice of a similar fate of instability and insecurity. This pattern of corruption and crime is repeating in many parts of the world (Luna 2008; UNODC 2010).

Transnational criminals are not only expanding into multiple criminal activities, which tran-

scends trafficking in drugs, and humans, but are also pioneering new more sophisticated types of criminal operations. Among the hottest today included cyber crime, financial crimes are becoming more prevalent throughout the world as criminals have become more computer-savvy and continue to coordinate many sophisticated illicit operations including through modern and innovative channels such as e-currency or digital funds and through mobile payments technologies. The point here is that trans-border crimes are increasingly becoming sophisticated by each passing day with devastating consequences on the economies of countries, particularly, Third World countries. The tendency is that, these crimes affect monies available to government to provide basic amenities for the poor. These basic amenities may include medical or health facilities, education, housing, income and the provision of other infrastructural facilities like roads, electricity, water and others.

More so, the activities of these criminal gangs have become more violent and ruthless. Though this might not necessarily be a "new" trend, recent events have highlighted the continued willingness of organised crime syndicate members to use violently ruthless means to protect and expand their criminal domains. In the past few months, between January and July, 2011, Mexico has experienced violent, of immense proportion owing to the activities of cartels. These competing cartels have been engaging in their own war over trafficking routes, territorial influence and with the authorities in the country. It is estimated that more than 15,000 persons have died in 2010 as a result of Mexico's drug war and clashes for control of distribution and smuggling operations into the United States; numerous high-level or profile assassinations have been orchestrated by the drug cartels against the Mexican government. These have tended to create insecurity in the society.

Also, in the city of Juarez, Mexico, alone, hundreds of murdered victims have littered the streets as casualties of the brutal drug war that has intensified between competing cartels. The carnage is gruesome: charred bodies, beheadings, and tortured and dismembered bodies are frequently found with warnings intended to serve as intimidation to government officials and citizens alike. Criminal gangs have also started brutalizing communities and creating an environment of insecurity and violence.

In Italy, and in Central and North America, gangs such as Mara Salvatrucha (MS-13) are similarly becoming more dangerous as they expand their illicit activities to include drug trafficking, prostitution, kidnapping, extortion and murder. Criminal gangs are in control of parts of Rio-de Janeiro, Brazil. Death squads are more prevalent in many communities and have knitted a veil of fear across the region especially in the murder for hire business.

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. In Nigeria, the dimension of these criminal activities has increased. The emergence of militancy in the Niger Delta, and the spade of kidnappings have created serious problems of insecurity. This is however done in connivance with security agencies. This situation is scaring to foreign and local investors and impinges seriously on the socioeconomic development of society.

Drug trafficking like its twin sister, money laundering, has economic effect on developing economies also. It places increasing demands on the public health services and the society at large. These increasing demands and strains come in different forms. These will include serious epidemic like HIV/AIDS. The United Nations 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 and consequently impact on public security. The experience of Mexico is a clear example of the increasing number of drug related crimes (Adenekan 2010).

Money laundering and drug trafficking are twin evil activities with devastating effect on

the economy. Specifically, money laundering damages the financial sector institutions that are critical to economic growth, it reduces productivity in the economy's real sector by diverting resources. It also encourages crime and corruption which slow economic growth, and can distort the economy's which is detrimental to long-term economic development. Money laundering and drug trafficking facilitate crime and corruption within developing economies, with dire consequences on sustainable economic growth of societies.

5. CONCLUSION

Trans-border criminal organisations and enterprising kleptocratic regimes operating throughout the world pose increasing concerns for the international community. The activities of these criminal elements affect our joint security, stability of entire regions and economies, and the future progress against the erosions of public trust and core democratic values. There is need for countries of the West African sub-region and indeed the world to employ coordinated and comprehensive strategies to fight these crimes wherever they manifest themselves. These entail developing strong law enforcement approaches, and enhancing our cooperation through public-private partnerships.

6. RECOMMENDATIONS

The findings of the paper have provided us the basis to make the following recommendations.

- a) Governments of the West African sub-region must be able to build up governance capacity, support committed reformers, and strengthen the ability of citizens to monitor public functions and hold leaders accountable for providing safety, effective public services, and efficient use of public resources. These goals can be achieved through; the practical implementation of new and ground breaking conventions and protocols that define and promote international standards and create roadmaps for domestic implementation. And also, through the use of a broad range of bilateral, regional and global training and technical assistance programmes aimed at strengthening the law enforcement and prosecutorial capacity of our foreign partners, and their capacity to implement those shared standards and best practices.
- b) The regional governments of West Africa should adopt and implement the United Nations Conventions against Transnational Organised Crime and Corruption (and its Protocols). These international instruments create a broad framework for mutual legal assistance, extradition and law enforcement cooperation and the Convention Against Corruption contains an innovative chapter that promotes international cooperation for asset recovery cases.
- c) There is need to strengthen public private partnerships in the fight against organised crime and corruption in the society. In a globalized world, where illicit criminal activities and their actors, threaten both our international security and private sector interests, public and private non-governmental entities can be crucial allies. Greater cooperation and co-ordination with non-governmental groups can serve as a force multiplier in the war against international crime. A number of international NGOs and private firms have already been helpful in terms of bringing to light important issues such as corruption in the extractive industries and illegal logging, the production and trafficking of counterfeit goods, and trafficking in persons, and others. NGOs may also transform themselves into engines of capacity building in the developing world.
- d) Regional governments must strengthen their national criminal justice systems. This could be done through a co-ordinated and comprehensive response systems based on a number of measures. One is, measures that address the conditions conducive to the spread of terrorism, and through measures that prevent and combats terrorism.
- e) The legislatures of the different sub-regional states should work to put in place an Act that will deal with the increasing activities of terrorism. This could be done within the broad framework of the Economic Community of West African States (ECOWAS). The mere existent of the ECOWAS body and ECOWAS parliament in the sub-region have made this easier.

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