

## CROSS BORDER CRIMINALITY: A THREAT TO NIGERIA'S SECURITY

By

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### Abstract

*Cross border criminality stems from the activities of structured criminal groups who gain wealth through violence, intimidation and corruption. These criminal groups transcend the borders of Nigeria, despite the efforts of Nigeria's security agencies and security agencies of the various West African Countries. The borders have been described as being porous, hence all sorts of cross border or trans-boarder criminal activities such as drug trafficking, armed robbery, car theft, money laundering, weapons trafficking, human trafficking among others flourish. This paper examines the impact of cross boarder criminality on the security of Nigeria. It concludes that cross border criminality is a threat to Nigeria's security, hence this paper recommends strict and proactive measures to curb the activities of cross border criminals and ensure that the security of Nigeria is guaranteed.*

**Keywords:** *Cross border crimes, Nigeria and security.*

### 1.0. Introduction

The porous nature of Nigeria's border has made it a safe haven for cross border criminals to carry out their criminal activities. An effective control of these Nigeria's borders against the activities of cross border criminals is essential for ensuring not only Nigeria's security but peace, stability and political/socio economic activities. Cross border crimes have incorporated many successful principles utilized by legitimate business ventures.<sup>1</sup> Such principles include, having a unit of command to whom one is directly responsible, a span of control wherein a limited number of persons are controlled by a superior, defined objectives by way of the business to be undertaken such as drug trafficking, murder for hire, human trafficking either for slavery or prostitution and so on.<sup>2</sup> Also among other characters are the principle of specialization and outright observation of the rules by means of vow of silence.<sup>3</sup> The coordination of these criminal gangs across borders has been encouraged by globalization and growing economic interdependence and such has transformed transnational criminality within

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<sup>1</sup> Mallory, S.L. *Understanding Organized Crime* 2<sup>nd</sup> edition Massachusset, Jones and Banlett, 2012, 2.

<sup>2</sup> *Ibid.*

<sup>3</sup> *Ibid.*

the borders<sup>4</sup> of Nigeria and beyond. Improved communication and information technology, increased blooming of national borders, greater mobility of people, goods and services and the emergence of globalization has moved crime further away from its domestic base.<sup>5</sup> Many international and cross border criminal organizations are continuing to expand their networks and works with other criminal organization throughout the world,<sup>6</sup> Nigeria is not left out. This situation has continued to threaten the security of Nigeria in very many ways including the influx of terrorists among others. This cross border criminal groups are also described as transnational organized criminal groups.

According to the United Nations Convention on Transnational Organized Crime.<sup>7</sup> An Offence is transnational if it is:

- (a) committed in more than one state;
- (b) committed in one state but a substantial part of its preparation, planning, direction or control takes place in another state;
- (c) committed in one state but involves an organized crime group that engages in criminal activities in more than one state; or
- (d) is committed in one state but has substantial effects in another state.

## 2.0. Cross Border Crimes in Nigeria

Cross border criminal activities in Nigeria have become more diverse than one could imagine.<sup>8</sup> It ranges from piracy in the gulf of Guinea to illegal extraction of national resources, cyber crime drug trade, small and light weapons supplies and human trafficking<sup>9</sup> among other. The magnitude with which this criminality has acquired a new order over the past decade is alarming.<sup>10</sup> Precise figures are by nature hard to come by, but the United Nations Office on Drugs and crime puts the estimate that since 2005, cocaine smuggling from South American to Europe through West Africa countries including Nigeria has expanded to such an extent that it has become a threat to the stability and development of West African countries including Nigeria.<sup>11</sup> Indeed, crises in Nigeria and other West African countries are both partly linked to most of this crimes such as drug trafficking, terrorism and arms trafficking.<sup>12</sup> For instance in Nigeria, the insecurity that has engulfed her, stems from these cross border criminality such as terrorisms, arms proliferation and drug trafficking, money laundering among others.<sup>13</sup> These

<sup>4</sup> Abadinsky, H. *Organized Crime 8<sup>th</sup> Edition* Belmont, CA, Thomson Wadsworth, 2007, 119.

<sup>5</sup> *Ibid.*

<sup>6</sup> *Ibid.*

<sup>7</sup> See Article 3 (2) of the United Nations Convention against Transnational Organized Crime.

<sup>8</sup> Vorrath, J. "Transnational Organized Crime in West Africa" <https://www.fairobserver.com/r...> Accessed 12/9/2021.

<sup>9</sup> *Ibid.*

<sup>10</sup> *Ibid.*

<sup>11</sup> *Ibid.*

<sup>12</sup> *Ibid.*

<sup>13</sup> Ukwaiyi, J.K., and Anam, B.E., "Cross Border Crimes and Security Challenges in Nigeria" [www.internationalpolicybrief.org](http://www.internationalpolicybrief.org). Accessed 21/9/2021.

cross border crimes are planned and executed by Nigerians in connivance with illegal migrants.<sup>14</sup>

In some parts of North East Nigeria, illegal migrants move freely, hurling arms across borders unchallenged thereby fuelling terrorism and creating security problems for the country.<sup>15</sup> Gunmen from Niger Republic and Chad in recent times have shipped into Nigeria where they have constituted themselves into armed bandits, terrorizing innocent Nigerians, killing security agents at will.<sup>16</sup>

The South East axis of Nigeria and Cameroon borders located at Calabar has become notorious for child trafficking and human trafficking for prostitution and forced labour.<sup>17</sup> The same-Idioroko border with Benin Republic which is as old as the country itself has remained porous to the extent of making way for influx of aliens and illicit trade, notwithstanding the presence of legion of security agents.<sup>18</sup>

Apart from the crises ridden nature of this criminality in Nigeria, the effects of cross border crimes of corruption, drug trafficking, oil bunkering and money laundering among others remains noticeable in West African countries.<sup>19</sup> In Nigeria, its effects are noticeable and to a lesser extent in Ghana and Senegal where private jets, expensive houses, cars and commercial properties such as plazas and hotels are being acquired by either faceless entrepreneurs or persons without publicly verifiable commensurate sources of income,<sup>20</sup> flourishing this criminality.

These criminal gangs and their activities are flourishing in scope and severity in Nigeria, because a significant proportion of the budget allocation for fighting this malady through provision of relevant services and facilities are often stolen and laundered both within Nigeria and outside Nigeria.<sup>21</sup> This situation presents a formidable challenge to law enforcement agencies, because a disparity is created between organized crime and law enforcement, which has put it at a distinct disadvantage.<sup>22</sup> The enormous profits and power of organized crime allows members of the group to apply highly effective technology and methodology in carrying out its transactions,<sup>23</sup> in a more sophisticated manner, thereby weakening Nigeria security apparatuses.

## 2.1. Impact of Cross Border Crimes on Nigeria Security.

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<sup>14</sup> *Ibid.*

<sup>15</sup> *Ibid.*

<sup>16</sup> *Ibid.*

<sup>17</sup> *Ibid.*

<sup>18</sup> *Ibid.*

<sup>19</sup> Alemika, E.O. "The Impact of Organised Crime on Governance in West Africa", <https://library.fes.de/bueros/nigeria>. Accessed 13/9/2021.

<sup>20</sup> *Ibid.*

<sup>21</sup> *Ibid.*

<sup>22</sup> Mallory, S.L. *supra* 19.

<sup>23</sup> *Ibid.*

Nigeria faces specific challenges in proactively responding to criminal activities,<sup>24</sup> hence it exposes the nations to security threats. The inability of the Nigerian government to manage its borders effectively has affected not only the security situation in the country, but is a threat to the sovereignty of the country.<sup>25</sup> The security threat in the West African sub region did not help matters in this regard.<sup>26</sup> This is so because the activities of illegal migrants, smugglers, drug traffickers, human traffickers, small and light weapons traders and recently the Jihadist movements have worsened the security situation in Nigeria.<sup>27</sup> The failure of the member states of ECOWAS to respond to these threats resulting from lapses in their national security apparatuses, weak criminal justice system, uncoordinated state security agencies and weak collaborative efforts and legal regulatory framework among others has contributed heavily to the surge in cross border criminality.<sup>28</sup>

There is an urgent need for specific national approaches to these security threats culminating from the activities of these criminal groups within the West African region, with a view to reducing its threatening impact on the security of Nigeria. Hence, it has become absolutely important for the ECOWAS member states to adopt a more coherent and co-ordinated regional approach towards addressing the challenges of cross border criminality. It must be noted that despite the regional and sub-regional conventions put in place towards fighting different categories of crime, nothing much has been achieved.

It is therefore suggested that emphasis be laid on the adopted Declaration of the Moratorium on the importation, exportation and manufacture of light weapon in Abuja on 31<sup>st</sup> October 1998 to control the flow of small and light weapon arms.<sup>29</sup> This will assist greatly in weakening cases of cross border robbery and other violent crimes because that has become a significant development within the West African region and Nigeria in particular.

Cross border crimes have become the most significant development in the organized crime environment<sup>30</sup> of West African region. The number of alliances that have allowed those criminal groups to collaborate and cooperate to deliver illicit goods and services on a global scale are unprecedented.<sup>31</sup> These enterprises have incorporated technological advancements and exploited changes in the economic and political environments in their fluid schemes of operation.<sup>32</sup> These advancements and changes have affected the security and development of Nigeria and the West African region in very many facets. For instance, arms trafficking, corruption and money laundering are among the major channels through which cross border

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<sup>24</sup> Ado, P., Cross-Border Criminal Activities in West Africa: Options for Effective Responses, [www.africaportal.org>docu...](http://www.africaportal.org>docu...) Accessed 15/9/2021.

<sup>25</sup> Mukhta, Y., Trans Border Crimes and Lingering Security Challenges in Nigeria” [www.premiumtimesng.com](http://www.premiumtimesng.com). Accessed 21/9/2021.

<sup>26</sup> *Ibid.*

<sup>27</sup> *Ibid.*

<sup>28</sup> *Ibid.*

<sup>29</sup> *Ibid.*

<sup>30</sup> Mallory, S.L. *op.*, *cit*, 283.

<sup>31</sup> *Ibid.*

<sup>32</sup> *Ibid.*

criminal groups operate, infiltrate and criminalize the West African region and supply arms illegally to terrorist groups with which countries of the region are endangered.

Another bedeviling aspect of cross border criminality within the West Africa region is money laundering. This is the bedrock upon which other transnational criminalities are carried out. Money laundering is to knowingly engage in a financial transaction with the proceeds of some unlawful activity with the intent of promoting or carrying on that unlawful activity, or to conceal or disguise the nature, location, source, ownership or control of these proceeds.<sup>33</sup> The United States Treasury Department posits that money laundering is the process by which criminals or criminal organizations seek to disguise the illicit nature of their proceeds by introducing them into the stream of legitimate commerce and finance.<sup>34</sup> It goes through a wide variety of methods before entering into the legitimate stream. First, cash is introduced into the financial system by some means (placement),<sup>35</sup> secondly, there is an involvement in carrying out a complex financial transaction in order to camouflage the illegal sources (layering)<sup>36</sup> and then, the final stage entails acquiring wealth generated from the transaction with illicit funds (integration).<sup>37</sup>

In West African region and Nigeria in particular, money laundering has contributed to undermining governance, social and economic development, security and stability.<sup>38</sup> This is so because it facilitates corruption, human and arms trafficking among other forms of organized crimes. Hence, the United Nations Convention against Transnational Organized Crimes structured to combat illicit activities that take place across the border of nations including money laundering<sup>39</sup> provided for the confiscation and seizure of proceeds derived from offences related to money laundering.

Other impacts of cross border criminality in West Africa include increasing effort to hijack state institutions, especially the legislature.<sup>40</sup> Many former Governors in Nigeria, for instance who were indicted for corruption and money laundering have won elections and are currently members of the national parliament while their trials in court suffer delay and unending adjournments.<sup>41</sup> Some who are also serving jail sentences in Nigeria are also members of the National Parliament and still receiving salaries and emoluments.<sup>42</sup>

Cross border criminality emergence in West Africa with other threats destabilizes national security within the Nigeria.<sup>43</sup> Crime syndicates working with terrorist network deny the various regional governments their legitimate monopoly on the use of force and limit their control of

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<sup>33</sup> Abadinsky, H. *supra*, 325.

<sup>34</sup> *Ibid.*

<sup>35</sup> Alemika, E.D. *op.*, *cit.*

<sup>36</sup> *Ibid.*

<sup>37</sup> *Ibid.*

<sup>38</sup> *Ibid.*

<sup>39</sup> See *articles 6-7* of the Palermo Convention 2000.

<sup>40</sup> *Article 8* of the Palermo Convention 2000.

<sup>41</sup> Alemika E.O. *op.*, *cit.*

<sup>42</sup> ICYMI "Dariye's pay rises in Prison" <https://punch.ng.com>dariyes-pay-rises-t...> Accessed 4/7/2019.

<sup>43</sup> African Centre for Strategic Studies Illicit Superhighway: Transnational Organized Crime in Africa, <https://africancenter/spotlight>. Accessed 15/9/2021.

its territory.<sup>44</sup> The effect of this is that the political system is indirectly compromised, economic development hindered, foreign direct investment obstructed and rule of law weakened.<sup>45</sup> The resultant effect in totality is that foreign relationship with the western world is estranged.

Again, cross border criminality in Nigeria and West African region generally has advanced terrorism. The most recent development on this front is the increased cooperation and networking between organized crime groups and terrorist groups.<sup>46</sup> Some criminal organizations are conducting both criminal acts and acts of terrorism, causing them to be labeled “hybrid” organizations.<sup>47</sup> This phenomenon has created a major challenge for law enforcement agencies due to the tremendous impact of alliances between organized crime and terrorist groups.<sup>48</sup> The connection between terrorism and organized crime include a variety of criminal activities such as drug trafficking, arms trafficking, human trafficking, money laundering *et cetera*.<sup>49</sup>

Organization such as Boko Haram, which is a terrorist group in Nigeria and extends its criminal activities to other West African states make the region a ready candidate for any consideration of <sup>50</sup> these varieties of criminal activities. These cross border criminal activities provide funding for these terrorist groups. The increasing defiant and seemingly intractable terror attacks of Boko Haram in the Northern and central Nigeria and other West African states persistently, for instance are undeniable testimonies to the existence of some funding mechanisms for the extremist organization,<sup>51</sup> through these cross border criminal activities of drug trafficking and other forms of criminal activities. No doubt, cross border criminality aids terrorism in Nigeria and within the West African region and such is capable of posing a threat to Nigeria security, stability and development.

## 2.2. Countering Cross Border Criminality in Nigeria.

Deviant behaviors and criminalities are sad facts of our human existence. Cross border criminality in Nigeria and within West African region has taken a complicated dimension for which there is need to use modern technological devices to counter and nip them in the bud. ‘Modern technology’ as a term denotes an application of scientific knowledge in use in an industry.<sup>52</sup> Given the forays of science in virtually all spheres of human endeavor, its content

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<sup>44</sup> *Ibid.*

<sup>45</sup> *Ibid.*

<sup>46</sup> Mallory, S.L. *op.*, *cit*, 257.

<sup>47</sup> *Ibid.*

<sup>48</sup> *Ibid.*

<sup>49</sup> *Ibid.*

<sup>50</sup> Shehu, A. Overview of Predicate Offences of Money Laundering in Nigeria: The Challenges of implementation of International Standards in Combating MJ/TF Seminar Paper Presented at Workshop for Criminal Justice Officials in Nigeria at Abuja on 15-18 January, 2013.

<sup>51</sup> *Ibid.*

<sup>52</sup> Chukwumaeze, U.U., Okorie, C.K and Alisigwe, H. “The use of Modern Technology in Crime Investigation” proceedings of the 50<sup>th</sup> Golden Jubilee Conference of the Nigerian Association of Law Teachers Held 11-16 June, 2017 at Nnamdi Azikiwe University, Awka Anambra State.



will encapsulate both the use of information communication technology, forensic investigations in crime investigation and detection.<sup>53</sup>

The use of audio surveillance or electronic eavesdropping which is practical for obtaining and investigating information on crime<sup>54</sup> could go a long way in detecting the activities of drug cartel and arms smuggling networks among many other forms of cross border criminality.<sup>55</sup>

Similarly, the application of technology in intelligence gathering is a crucial proactive measure to curb<sup>56</sup> cross border criminality within the West Africa region.

Technological driven intelligence gathering tools like the remotely piloted reaper drones, global hawk for aerial intelligence- gathering, surveillance and Reconnaissance air crafts,<sup>57</sup> just to mention a few will be useful in nipping these cross border criminality in the bud as well as counter their activities. Using Close Circuit Terrorism Camera (CCTV) mounted at strategic points within the borders of the realm will also go a long way in curtailing the activities.

Reactive legal enforcement focusing on interdiction, arrest and harsh punishment of offenders<sup>58</sup> can also be another way of countering cross border criminality in Nigeria and within West African region. This has been the preferred response recommended by foreign governments and international organization and which has been adopted and implemented by national governments in West Africa.<sup>59</sup> However, the problem has not abated due to the inherent problems associated with the approach and partly due to ineffective capacity to ensure high rates of interdiction, arrest, prosecuting and conviction – which penology has demonstrated is a necessary condition for achieving specific and general deterrence.<sup>60</sup>

It must be noted that organized crime in Nigeria and within West African region is rooted in economic systems that are dysfunctional and unproductive, faulty political structures and weak state institution which do not guarantee democracy, good government and rule of laws.<sup>61</sup> Such situation is incapable of encouraging the provision or required social welfare services, employment and public goods;<sup>62</sup> hence the regional stability and development are undermined.

To be able to counter cross border criminality in Nigeria and within the region a pragmatic approach to the understanding of the dynamics, variety, actions and links of organized crime in each of the countries within the region, as well as other African countries and the world at large is very important. Furthermore, the impact of organized crime on the stability and

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<sup>53</sup> *Ibid.*

<sup>54</sup> *Ibid.*

<sup>55</sup> *Ibid.*

<sup>56</sup> Itany, N. "Role of Technology and Intelligence Gathering in Effective National Security: The Nigeria Experience" Proceedings of the 50<sup>th</sup> Golden Jubilee Conference of the Nigerian Association of Law Teachers Held at 11-16 June, 2017 at Nnamdi Azikiwe University, Akwa Anambra State.

<sup>57</sup> *Ibid.*

<sup>58</sup> Alemika, E.O. *op. cit.*, 27.

<sup>59</sup> *Ibid.*

<sup>60</sup> *Ibid.*

<sup>61</sup> *Ibid.*

<sup>62</sup> *Ibid.*

development of the region must be given a sacred attention by drumming up support from the international community. Such approach would engender robust and mutual beneficial International collaboration capable of addressing<sup>63</sup> the impact of cross border crimes in the social, political and economic sphere of Nigeria and West African region.

### **3.0 Conclusion/Recommendation**

Summarily, for this criminality to be addressed in Nigeria and within the region of West African, law enforcement agencies of the various countries must respond positively towards the dismantling of the organization's structure within their respective countries. Again, the gaps in information that exist among these enforcement agencies must be closed. There must be synergy among the various law enforcement agencies for a greater result to be produced. This is so because the twenty-first century criminal enterprises appears more sophisticated and benefits from the growth of the global community and the information age.

Hence it recommended a joint patrol programme among the security agencies of the countries of West African region in conjunction with the international criminal police along the borders of the region. This will enhance effective collaboration between the law enforcement agencies of member countries and the international criminal police in combating cross border crimes within the region and in Nigeria particularly for purposes of dismantling the security threat she is facing as a result of this cross border criminality.

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*Ibid.*