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## Cross Border Crimes in West African Sub- Region: Implications for Nigeria's National Security and External Relations

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*Keywords:* cross border crimes, west africa, nigeria, national security and external relations.

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# Cross Border Crimes in West African Sub-Region: Implications for Nigeria's National Security and External Relations

## Prebendalism as an Albatross to Democratic Practice and National Development in Nigeria: A Critical Discourse

Dr. Okeke Vincent Onyekwelu Sunday<sup>α</sup>, Dr. Oji<sup>σ</sup> & Richard Okechukwu<sup>ρ</sup>

**Abstract-** Despite the efforts of cross-border security agencies like the Nigeria police, customs service, Immigration services, and Nigerian civil Defense etc, Nigeria borders have been described as porous allowing all sorts of cross border or trans-border criminal activities such as human trafficking, smuggling, drug trafficking, arm robbery, money laundry and illicit arms trafficking resulting to proliferation of SALW. Thus, West Africa's regional superpower, Nigeria, continues to face serious security challenges due to cross border or trans-border criminal activities. We argue that; one, the spate of cross border criminal activities in West Africa undermines Nigeria's national security; and two, frequent trans-border crimes in West African sub-region impede Nigeria's external relations. The focus of this paper therefore is to examine the implications of cross border crimes in West Africa for Nigeria's national security and external relations. The study is basically a historical research method relying mainly on secondary sources of data from internet sources, official documents and country websites as the method of data collection. In other words, we made use of qualitative-descriptive analysis as our method of data analysis, that is, documentary studies of official document and other materials in analyzing the secondary data. This paper titled "Cross Border Crimes in West African sub-region: Implications for Nigeria's National Security and External Relations". The paper is basically a historical research method relying mainly on secondary sources of data from internet sources, official documents and country websites as the method of data collection. We made use of qualitative-descriptive analysis as our method of data analysis, that is, documentary studies of official document and other materials in analyzing the secondary data. The major purpose of embarking on this research is to examine the implications of cross border crimes in West Africa for Nigeria's national security and external relations. Thus, we were able to make the following principal findings that, one; the spate of cross border criminal activities in West Africa undermines Nigeria's national security. Two, which frequent trans-border crimes in West African sub-region, impede Nigeria's external relations. On the basis of this, we recommend, one, reconstituting the Nigerian state in such a way as to be proactive in dealing with the rampant cross border criminal activities that undermine its national security. Two,

strengthening the cross-border law enforcement agencies in order to enable them check the frequent trans-border crimes that impede its external relations and finally this paper is to explore particular cross border crimes in West African sub-region, and recommend options for effective responses. In doing this, this paper seeks to: (a) identify and discuss the different categories of cross-border crime; (b) review efforts aimed at curbing cross-border criminal activities by looking at levels of state collaborative processes and regulatory frameworks; and finally (d) recommend effective options for government and civil society action on the issue. This paper calls for strengthening short-term, feasible and implementable sub-regional collaborative programmes backed by swift national enforcement measures to address the proximate causes of cross-border crimes in West African sub-region.

**Keywords:** cross border crimes, west africa, nigeria, national security and external relations.

### I. INTRODUCTION

Nigeria is a diverse and a vast country covering 923, 768 square kilometres with more than 36, 450 kilometres of land and maritime borders, and shares land borders with four countries namely, Benin Republic in the West, Chad and Niger in the North, and Cameroon in the East. It shares international water Lake Chad in the North with Niger, Chad and Cameroon, and a maritime border coastline in the Gulf of Guinea or Atlantic Ocean. Along the Western border, Nigeria has 770 kilometres of shared land border with the Republic of Benin, in the North, around 1,500 kilometres with Niger and 90 kilometres with Chad and in the West, 1,700kilometres with Cameroon. Along the Southern coastline it also shares 853 kilometres of maritime border with the Atlantic Ocean known as the Gulf of Guinea. All totaling outstretch of about 4910 km of borders (Yacubu, 2005; Stohl and Tuttle, 2009; Nte, 2011). Despite the effort of cross-border security agencies like the Nigeria police, customs service, Immigration services, etc, Nigeria borders have been described as porous allowing all sorts of cross border or trans-border criminal activities such as human trafficking, smuggling, drug trafficking, arm robbery, money laundry and illicit arms trafficking resulting to

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proliferation of SALW. For example, out of the 640 million small arms circulating globally, it is estimated that 100 million are found in Africa about 30 million in sub-Saharan Africa and 8 million in West Africa, alone. The majority of these SALW about 59% are in the hands of civilians, 38% are owned by government armed forces, 2.8 % by police and 0.2% by armed groups (Ibrahim, 2003; Stohl and Tuttle, 2009; Nte, 2011). Between 1999 and 2003, there were over 30 communal clashes, sectarian violence and ethno-religious conflicts with each claiming hundreds of lives and properties, and internal displacement of women and children. The proliferation and use of SALW in ethno-religious clashes and armed robbery have killed more than 10,000 Nigerians, an average of 1000 people per year since 1999. The majority of casualties about 66% in Kano riot of 2004 were SALW victims sustaining permanent disabilities. Injuries due to SALW have increased as much as ten-fold in urban Nigeria because most homicides are committed using SALW (John, Mohammed, Pinto and Nkanta, 2007; Nte, 2011). The problems of armed violence and proliferation of SALW are worsened by the inability of the police to reduce violent crime, ensure law and order and provide adequate security to the populace. None of the security agent currently possesses the training, resources or personnel to perform their duties effectively due to lengthy and porous nature of Nigerian borders (Hazen and Horner, 2007). Nte (2011) posits that there is a direct link between the acquisition of weapons like SALW and escalation conflicts into a full-brown war. The proliferation of small arms and light weapons is often one of the major security challenges currently facing Nigeria, Africa and indeed the world in general. The trafficking and wide availability of these weapons fuel communal conflict, political instability and pose a threat, not only to security, but also to sustainable development. The widespread proliferation of small arms is contributing to alarming levels of armed crime, and militancy (Nte, 2011).

a) *Statement of the Problem*

Statement of problem is the fundamental question that requires an answer, it is the most worrying issues that need to be properly examine and understood. It is a fundamental question because many other specific research questions are derived from it. The research problem is the fulcrum which the research objective and hypotheses revolve (Obasi, 1999). Under the statement of problem the researcher is expected to examine the 'why' related issues the researchers does not only describe as such but rather raise question that attract curiosity and expectation in terms of answer. West Africa's regional superpower, Nigeria, continues to face serious security challenges due to cross border or trans-border criminal activities. African countries generally have experienced direct, indirect and

consequential impacts of weapons proliferation. Thousands of people, – both civilians and combatants – are killed or injured every year on the continent. Yet, even when death or injury is avoided, small arms proliferation and misuse can dramatically impact a community, country or region's landscape. The threat and use of small arms can undermine development, prevent the delivery of humanitarian and economic aid, and contribute to refugee and internally displaced persons (IDP) populations (Stohl and Tuttle, 2009). Thus, despite the effort of cross-border security agencies like the Nigeria police, customs service, Immigration services, etc, Nigeria borders have been described as porous allowing all sorts of cross border or trans-border criminal activities such as human trafficking, smuggling, drug trafficking, arm robbery, money laundry and illicit arms trafficking resulting to proliferation of SALW. For example, out of the 640 million small arms circulating globally, it is estimated that 100 million are found in Africa about 30 million in sub-Saharan Africa and 8 million in West Africa, alone. The majority of these SALW about 59% are in the hands of civilians, 38% are owned by government armed forces, 2.8 % by police and 0.2% by armed groups. (Ibrahim, 2003; Stohl and Tuttle, 2009; Nte, 2011). Between 1999 and 2003, there were over 30 communal clashes, sectarian violence and ethno-religious conflicts with each claiming hundreds of lives and properties, and internal displacement of women and children. The proliferation and use of SALW in ethno-religious clashes and armed robbery have killed more than 10,000 Nigerians, an average of 1000 people per year since 1999. The majority of casualties about 66% in Kano riot of 2004 were SALW victims sustaining permanent disabilities. Injuries due to SALW have increased as much as ten-fold in urban Nigeria because most homicides are committed using SALW (John, Mohammed, Pinto and Nkanta, 2007; Nte, 2011).

b) *Research Questions*

Research question is the fundamental question about the study that requires an answer. It is the fundamental question because other specific research questions derive from it. It, also, shapes or determines the research objectives and hypotheses. Obasi (1999) notes that research question is the most worrying issue or fact that needs to be properly examined and understood. From the foregoing, therefore, we raised the following questions:

1. Does spate of cross border criminal activities in West Africa undermine Nigeria's national security?
2. Do frequent trans-border crimes in West African sub-region impede Nigeria's external relations?

c) *Objectives of the Study*

Under the objectives of the research, one is required to state in concrete terms, what are expected to

be achieved at the end of the research. In other words, it represents the end product of what is being researched upon, in terms of the expectation or solution required. One is therefore required to present identifiable or concrete things to be accomplished by the research. This study has broad and specific objectives. The broad or general objective is to examine the implications of cross border crimes in West Africa for Nigeria's national security and external relations. While the specific objectives include the following:

1. To ascertain if the spate of cross border criminal activities in West Africa undermines Nigeria's national security.
2. To ascertain whether frequent trans-border crimes in West African sub-region impede Nigeria's external relations.

d) *Significance of the Study*

The significance of the study is one, the value or contribution which the research is going to make to existing knowledge in terms of theoretical justification or relevance; and two, the solution the research is going to provide towards ameliorating a practical problem of concern (Obasi, 1999). A research can be justified because it is (i) timely, topical or auspicious (ii) closing an existing gap in knowledge or the literature (iii) theoretically relevant (iv) practically relevant (v) in accordance with national priority (vi) in accordance with priorities set by research funding agency (vii) wider in scope in terms of issues covered or geographical arrears covered, and (viii) useful for confirming/accepting or rejecting existing findings. It lists out the groups, institutions that are likely to benefit from the findings or discoveries of research. Therefore, the study has theoretical and practical relevance. The theoretical relevance of this study is that it examines the implications of cross border crimes in West Africa for Nigeria's national security and external relations. By so doing, the study enriches the existing stock of literature or expands the frontiers of knowledge through its findings, therefore serves as a source of data/material to those scholars who may be interested in further studies in this area. Empirically or practically, this study will be of immense benefits to Nigerian government, security advisers, defence advisers, policy makers, regional institutions like AU, ECOWAS, etc. the study is also timely and topical.

e) *Nature and Meaning of Cross Border Criminal Activities*

The nature of cross-border crime has changed rapidly over recent years through the use of technology, networks, the loosening of travel restrictions and through criminal diversification. Crime networks are complex and to break them is a massive task for police forces worldwide. This is in part due to the fact that the heads of these organisations have powerful

connections, and their wealth enables them to bribe officials. Transnational crimes are crimes that have actual or potential effect across national borders and crimes which are intra-State but which offend fundamental values of the international community (Boister, 2003). In recent times the term is commonly used in the law enforcement agencies and academic communities. The word "transnational" describes crimes that are not only international (that is, crimes that cross borders between countries), but crimes that by their nature involve cross-border transference as an essential part of the criminal activity. Transnational crimes also include crimes that take place in one country, but their consequences significantly affect another country and transit countries may also be involved. Examples of transnational crimes include: human trafficking, people smuggling, smuggling/trafficking of goods (such as arms trafficking and drug trafficking and illegal animal and plant products and other goods prohibited on environmental grounds (e.g. banned ozone depleting substances), sex slavery, terrorism offences, torture and apartheid. Transnational organized crime (TOC) refers specifically to transnational crime carried out by organized crime organizations. Transnational crimes may also be crimes of customary international law or international crimes when committed in certain circumstances. For example they may in certain situations constitute crimes against humanity. According to the UNODC, "Transnational crime by definition involves people in more than one country maintaining a system of operation and communication that is effective enough to perform criminal transactions, sometimes repeatedly" (UNODC Report2005:14). While it may be true that the fragility of states in West Africa and the weakness of state institutions mandated to combat the drug menace has contributed to the upsurge of TOC in recent times, the complicity, active or passive, of state officials in the region and outside, cannot be ruled out. For example, the January 2004 arrest of an international smuggling gang in Ghana that had imported 675 kilograms of cocaine, with a street value estimated at USD 140 million, led to the suspects being released on bail of just USD 200,000, causing a public outcry in the press (Aning, 2007).

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" represents 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 sociopolitical 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 (Asiwaju, 1992, Ering, 2011,). 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 (Ering, 2011, Boister, 2003). 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) (Addo, 2006, Park, 2006, Ering, 2011).

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 All 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 they could transfer his illegal funds through a complex system of "Shell Companies", holding companies, and "offshore bank" accounts (Ering, 2011, Addo, 2006). 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 (Addo, 2006, Ering, 2011, Passas, 2002).

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 (Ering, 2011, Park, 2006).

f) *Issues and Perspectives of Trans-Border Criminal Activities in Nigeria, West Africa, Africa and Globe*

The international community is confronted with an increasing level of transnational crime in which criminal conduct in one country has an impact in another or even several others. Drug trafficking, human trafficking, computer crimes, terrorism, and a host of other crimes can involve actors operating outside the borders of a country which might have a significant interest in stemming the activity in question and prosecuting the perpetrator. Contemporary transnational crimes take advantage of globalization, trade liberalization and exploding new technologies to perpetrate diverse crimes and to move money, goods, services and people instantaneously for purposes of perpetrating violence for political ends (Dan, 2013). 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 cybercrime. 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 (Ering, 2011, Park, 2006). 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 (Asiwaju, 1992, Ering, 2011).

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 (Ering, 2011, Park, (2006). This was when the then US president Richard Nixon’s “Committee to Re-elect the president” moved dirty

campaign contribution o 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 socioeconomic development of societies (Asiwaju, 1992, Ering, 2011).

Cross-Border Challenges



The Secretary-General reports every six months the Security Council on the fulfillment of the mandate of the United Nations Office for West Africa (UNOWA). The report focuses on country-specific political developments within the sub-region, on cross-border and cross-cutting issues in West Africa and on activities undertaken by UNOWA in cooperation with other United Nations entities and regional organizations, including the Economic Community of West African States (ECOWAS), as well as civil society and other international organizations. UNOWA works in synergy with other United Nations entities in regional organizations in West Africa to raises attention on and tackle the situation in the sub region. Its action is focused on a number of priorities: encouraging recovery efforts in countries affected by crisis, consolidating good governance and the rule of law, promoting human rights and gender mainstreaming, and raising awareness of the imperative need for economic growth and the fair distribution of wealth.

Source: UNOWA-United Nations Office for West Africa, 2014

## II. THEORETICAL FRAMEWORK

A theoretical framework refers to how the researcher or writer of the report not only questions, but

ponders and develops thoughts or theories on what the possible answers could be, then this thoughts and theories are grouped together into themes that frame the subject. It is the process of identifying a core set of

connectors within a topic and showing how they fit together. Obasi (1999) states that, by theoretical framework, we mean a device or scheme for adopting or applying the assumptions, postulations and principles of a theory in the description and analysis of a research problem. It is a way of describing, analysis, interpreting and predicting phenomena. This study is anchored on the combination of the theory of relative autonomy of the state and failed state theory. The state relative autonomy theory is situated within the ambit of the neo-Marxist political economy paradigm. The theory of relative state autonomy depicts the level or degree of detachment or aloofness of the state in the discharge of its duties such as mediating inter-class and intra-class struggles. Thus, this theory presupposes that in any state or political society, there are two levels of contradiction, namely primary contradiction and secondary contradiction. Primary contradiction is inter-class struggle or depicts class struggle between two antagonistic classes such as the ruling class and the ruled class or the bourgeois class and the proletariat (i.e. the working class). Whilst, secondary contradiction is the intra-class struggle, denoting class conflicts within the ruling-class or between different segments of the ruling-class. Marx and Engels demonstrate this intractable phenomenon of class struggle when they declare in the preface of their book, *The Communist Manifesto* that "the history of all the hitherto existing society is the history of class struggles" (Marx and Engels, 1977). The exponents of the theory hold that a state can exhibit either low or high relative autonomy. A state exhibits high autonomy when there is high commodification of capital or excessive penetration of capital into the economy such that the bourgeois class indulges in accumulation of capital through direct exploitation of the working class or appropriation of surplus value when they enter into social relationships of production (i.e. private capitalism). Here, the state is not interventionist, in other words, it does not intervene in the domestic economy like participating in the productive activities (i.e. public/state enterprises) or controlling or nationalizing means of production. The role of state here, therefore, is to regulate. As such, the state is relatively an impartial umpire meditating inter-class and intra-class struggles through harmonization and reconciliation of class interests. The developed capitalist states of the West are, therefore, considered to exemplify this high relative autonomy, and as a result, exhibit high level of human rights observance and protection (Ake, 1976; Alavi, 1972). Conversely, a state exhibits low autonomy when there is low commoditization of capital or low penetration of (private) capital into the economy in such a way that the ruling class is constantly engage in primitive accumulation of capital through embezzlement of public fund. The state becomes the only avenue for capital accumulation. The state is thus, interventionist for engaging in productive activities of means of productive

activities (i.e. public corporation) by nationalization of major means of production. This state does not limit itself to regulatory rule and is hence compromised, such that instead of rising above class struggle it is deeply immersed in it (Ake, 1981; 1985). The Nigerian state like other developing state exhibits a low level of the autonomy of the state as a result of low commoditization of capital. Under the electric mixture of mixed economy, Nigeria experiences the phenomenon of lack of penetration of (private) capital into the economy creating a parasitic petty bourgeois class whose major source of accumulation of capital is the state. Hence, the Nigerian state becomes the only avenue for (primitive) accumulation of capital through which the governing class (i.e. petty bourgeoisie) produce and reproduce their dominance. The implication of the low autonomy of the Nigerian state is that it is immersed in the class struggle rather than rising above it leading to intense struggle for the control of the state for primitive accumulation and marginalization of everything (Ake, 2001). According to Patrick (2007:644-662) the term "failed state" is often used to describe a state perceived as having failed at some of basic conditions and responsibilities of a sovereign government. A failed state is one that has shattered social and political structures. It is characterized by social, political and economic failure. Common characteristics of a failing state is when a central government is so weak or ineffective that it has little practical control over much of its territory, non-provision of public utilities or services, widespread corruption and criminality; refugees and involuntary movement of populations, and sharp economic decline. Thurer (1999) notes that failing states are invariably the product of a collapse of the power structures providing political supports for law and order, a process generally triggered and accompanied by anarchic forms of internal violence. It is the collapse of state institutions, especially the police and judiciary with resulting paralysis of governance, a breakdown of law and order, and general banditry and chaos. Not only are the functions of government suspended, but its assets are destroyed or looted; and experienced officials are killed or flee the country. According to Thurer (1999:1-5) failed states are:

The Fund for Peace propose the following attributes or characteristics of a failed state in order to make it more precise (a) loss of physical control of its territory, or of the monopoly on the legitimate use of physical force (b) erosion of authority to make collective decision (c) an inability to provide reasonable public services and (d) an inability to interact with other states as full member of the international community. Anyanwu (2005) states that by a failed state we mean a state that is unable to meet the needs and aspirations of its masses. A failed state as opposed to capable state is a state which has failed to provide for its citizen such basics needs like adequate security, food, water, electricity, health care, good roads, etc. Nigeria is by all

indications or indices a failed state - a state where nothing works. Even those ones that work in other countries once adopted in Nigeria refused to work.

a) *Background to Cross Border Crimes in Nigeria and West African Sub-Region*

There is increasing concern about cross border crime and its implications for the international community. A variety of explanations have been put forward for its increase. In this era of so called globalisation, it is suggested that the incentives for cross border crime have increased, as criminals have identified the opportunities to gain greater rewards from criminal activity outside their traditional boundaries. These cross-border crimes are mostly symptomatic rather than as causes of instability in the region. The higher levels of disposable income in Western Europe and North America create a marketing opportunity for the illicit trade of the rest of the world. This is not limited to the trade in drugs but extends to almost all criminal currency; prostitution, pornography, protection and counterfeiting (Van, 2002, Julins, 2002).

However the flow of criminal trade is not all one way. The more developed countries export crime as well as import it. Corruption is an example of a crime exported from more developed countries to those that are vulnerable in the rest of the world. Citizens and corporations from the most developed nations would head any worldwide most wanted list. The 2004 UN Secretary-General's Report on ways to combat sub-regional and cross border crimes in West Africa identified major cross-border problems including the continued weakening of the security sector, proliferation of roadblocks, youth unemployment, environmental degradation, social exclusion, explosive remnants of war (ERW), mass refugee movements and forced displacement. Inequitable and illicit exploitation of natural resources, weak national institutions and civil society structures and violations of human rights, including the rights of women, were also identified as other serious problems afflicting the sub-region (de Andrés, 2008, Boister, 2003, Mueller, 2001). Cross-border crimes in West Africa have been in existence since the 1970s. Initially, they were manifested in the form of individuals or groups of traders and businessmen and women smuggling goods across the borders. These activities eventually assumed alarming proportions when human trafficking, for the purposes of domestic slavery and illegal sexual activities, accompanied such activities as the peddling of narcotics and car-jacking among other things by transnational syndicates (de Andrés, 2008). The outbreak of intra-state conflicts in West Africa, beginning with Liberia in 1989, added mercenaries, small arms trafficking and the recruitment of child soldiers and fighters to the cross-border crimes. West African criminal networks are generally characterized by their

flexibility and their ability to take on different forms and modes of operation. The criminal enterprises in West Africa use similar techniques to that of the legitimate traders and business people, typical of lineage-based societies. The standard procedure entails a successful individual entrepreneur inviting one or more junior relatives or dependants to join him or her in an illegal business deal (Boister, 2003, Dan, 2013, de Andrés, 2008).

Since the 1990s, cross-border criminal activities have become widespread and highly sophisticated. They have served as an industry for former combatants and transnational criminal syndicates who undertake illegal or criminal activities in the sub-region and in the process of undermine state security structures and abuse of human rights (de Andrés, 2008). The neglect of these communities by various tiers of government over the years, which led to their underdevelopment has not only made them transcend international boundaries to boost what Bratton (1996), Chazan (1996) and Mackenzie (1992) dubbed as "second", "parallel", "informal", "underground", "black" or "irregular" economic centers; but it has also 'transformed' them into sites for global criminal economy smuggling routes. There have also been marked features of those criminal routes in Nigeria waterways where up to half of pirate attacks around the world take place. Despite the global fall in the number of attacks in 2004, Nigeria's figure doubled the number of casualties recorded in other hot spots around the world, including Vietnam, Bangladesh and the Philippines (*The Guardian*, July 27, 2004). For example, Nigeria, Senegal and Côte d'Ivoire were named and shamed for allegedly fuelling the illegal ivory trade. Having largely wiped out their own elephant production, the three countries were believed to be importing and selling tones of ivory which has been poached in nearby countries, according to a new report from conservation watchdogs (de Andrés, 2008, Julins, 2002). Analysts and counter-terrorism experts point to the fact that the terrorist group, al Qaeda, is used, and is continuing to use, rough diamonds in West Africa. The think-tank Global Witness presented evidence that confirms that al Qaeda has been involved in the rough diamond trade since the 1990s. Firstly in Kenya and Tanzania and then in Sierra Leone and Liberia, where they began to show an interest in diamond trading in 1998, following the crackdown on their financial activities in the wake of the US embassy bombings in Kenya and Tanzania. This report argues that there are several reasons why al Qaeda has used rough diamonds; as a means of raising funds for al Qaeda cells; to hide money targeted by financial sanctions; to launder the profits of criminal activity; and to convert cash into a commodity that holds its value and is easily transportable (de Andrés, 2008. Addo, 2006).

In this context, it would be worth highlighting the past and current use of diamonds by Hezbollah as a





source of revenue and a mechanism for asset transfer. Western intelligence sources have examined the alleged links between a network of Lebanese diamond traders and their associated companies, and Lebanese terrorist group Hezbollah, before briefly considering the evidence of the past and recent involvement of Hezbollah and AMAL in raising funds from diamond trading in West Africa. It is widely accepted that Hezbollah has been using the rough diamond trade throughout the 1980s and 1990s to raise funds, and that it continues to derive financial support from it (de Andrés, 2008, Dan, 2013). Some of these activities are made possible by common ethnic affiliations (in terms of language, beliefs, perceptions and support) at either side of the borders and intense economic activity undertaken along these corridors. Armed attacks and extortion at illegal check points, and '419' robbery and criminal activities experienced especially along the Benin-Nigeria corridor of the West African borders also constitutes common cross-border crimes (de Andrés, 2008, Dan, 2013). Some of the small arms are manufactured locally, while others are imported into the sub-region. In 2002 and 2003, for example, Côte d'Ivoire allegedly received several deliveries of military equipment, while Liberia received 49 deliveries in 2002 and 25 deliveries in 2003. Additionally, some of the countries in the sub-region, but especially Ghana, Mali, Nigeria, and Sierra Leone, have a flourishing artisanal industry of local arms manufacture. These arms are smuggled out of Ghana through Togo, Benin to Nigeria, and used for violent crime. 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 (Ering, 2011, Mueller 2001). 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 disproportionately represented in terms of the number of air couriers detected relative to their air traffic volumes (Ering, 2011, Dan, 2013).

#### b) *Trans-Border Crimes in West Africa Sub-Region and Nigeria's National Security*

As it is in sea piracy, so it is in the area of trafficking of children and women where the increasing desperation to leave Nigeria, to secure higher living

standard, has put Libya and Morocco under severe trans-border security threats by young Nigerians, especially of Edo stock (Garuba, 2010, Julins, 2002). This is also the context in which an extensive web of international commercial fraud otherwise known as '419', found expression in the country. Owing its popularity to the worsening economic crisis that reached the beginning of a climax in the 1980s, '419' takes its name from Nigeria's criminal code on fraud. It is difficult to ascribe a specific stereotype mode of operation to the dozens of small groups and independent operators involved in the 'business' that has expanded into internet scam, as their activities do not only take a variety of guises ranging from "seemingly legitimate business solicitations" to "illicit proposition for collusion in money-laundering." But whatever method or technique employed, what remains common to all of its operations is that its consequences often range from "financial losses to instances of kidnapping, extortion and death" (Lewis, 1996; Garuba, 2003). Apart from its economic loss, negation of investment onshore exploration and production, security risks and damage to equipment, illegal oil bunkering fuels conflict and militancy through increased armed proliferations and drug abuse which have destabilized the Niger Delta region.. The complexity of the business of illegal oil bunkering is also illustrated by its sheer number of players. While Niger Delta youth may handle the local tapping and loading, international syndicates from Eastern Europe, Russia, Australia, Lebanon, the Netherlands and France (including new entrants like Filipinos and Ghanaians) all play roles in financing, transporting, and laundering the money associated from the business (Garuba, 2010). This explains the basis upon which security sources claim that control of the bunkering routes, rather than politics around familiar agitations, is responsible for much of the unrest in the Niger Delta region, particularly in more volatile states of Bayelsa, Delta and Rivers (Garuba, 2010, Asiwaju, 1992, Julins, 2002). When sustained at a measured level such that will not close down oil production completely, conflicts in the Niger Delta clear the creeks of other traffic to lubricate the engine of illegal oil bunkering. What it takes the well organized syndicated crime gangs involved in the business to sustain the flow of the commodity is to plug back a part of the proceeds from the stolen crude oil into weapon acquisition to fan the conflicts. Apart from outright insecurity that the foregoing situation poses to the Niger Delta region and the entire country, the huge profit of the illegal private business also translates into incalculable loss to the Nigerian state (Garuba, 2010, Ate and Akinterinwa, 1992). The incessant incidents of trans-border armed robbery (such as the networks of *Shina Rambo* and *Hammani Tidjani*) and proliferation of arms and drug trafficking operations that now endanger Nigeria's national security have been largely responsible for

insecurity, as a result of opportunities provided by ECOWAS protocol on free movement of people and trade are criminally exploited by cross border criminals (Obasi, 2010; Garuba, 2010). Therefore, we conclude that the spate of cross border criminal activities in West Africa undermines Nigeria's national security.

c) *Porous Borders, Ungoverned Space and Cases of Transnational Crimes in Nigeria and West Africa*

Cross border crime is however somewhat shadowy. Much is made of its existence in the popular press. Barely a day passes without some reference to criminal gangs targeting the UK. Little research has been done to comprehensively analyze and empirically confirm the perceived growth of cross border crime. Trans-border criminal activities in West Africa straddle weak borders into specific geographic locations in affected countries where state capacity to respond to the threat and challenges posed by these illegal activities is equally weak. The smuggling of goods, especially cocoa, timber, ivory, petroleum and diamonds across national borders is most prevalent along the Côte d'Ivoire-Ghana-Togo-Benin-Nigeria and Burkina Faso corridors of the sub-region. Ordinary businessmen and women, and sometimes rebels and criminal gangs involved in civil wars in the sub-region engage in the smuggling of there or other products. These goods are smuggled in vehicles or on foot, using secret and illegal routes across borders to evade special regulations, levies or taxes, thereby making more income through the transaction of these products (de Andrés, 2008, Julins, 2002, Mueller 2001). The porous borders of West Africa, however, continue to engender cross-border crime and instability in the sub-region, owing to the lack of an appropriate mechanism for the monitoring movements and illegal activities across the borders. Cross-border criminal activities obviously undermine good governance and security, with negative impacts on the Rule of Law, economic activities and growth, human rights and general societal and cultural advancement within the sub-region. Some of these activities involve the illicit trafficking of small arms and light weapons/ammunitions and human beings, especially women and children. Mercenaries and the recruitment and use of child soldiers in armed conflict, transnational syndicates involved in crimes such as peddling of narcotics, armed robbery and '419' activities, and the smuggling of goods are other cross-border related crimes (de Andrés, 2008). 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 (Ering, 2011, Mueller (2001).

Another case of political involvement in organized crime in the region concerns the late Maurice Ibekwe, a member of Nigeria's Federal House of Representatives arrested for financial fraud, forgery and conspiracy. He had served as chairman of the House Sub-Committee on Police Affairs. However, only in a small number of cases can it be shown beyond reasonable doubt that senior political figures like Ibekwe have been directly implicated in organized criminal activities (Ebo, 2003; Aning, 2009). In this context, the Nigerian Customs Service reported the interception of small arms and ammunition worth more than 4.3 billion naira (US\$34.1 million) on their way into the country in the first six months of 2002. Important quantities of small arms have come through the border with Benin, and were brought into Nigeria either overland or by sea – in small boats. Equally active in this respect are the northern borders with Niger, Chad and Cameroon (de Andrés, 2008).

In spite of this hot chase of illegal oil bunkerers which has been further boosted with the provision of new speed boats and refurbished old ones for the newly resuscitated Marine Police, the syndicates have refused to give up their nefarious activities, thus prompting curiosities and accusations that the government is not proactive enough in her efforts at redressing the problem. Emerging investigation reveals that Nigeria lacks what it takes (in terms of equipment and manpower training) to effectively police the entire area of her maritime jurisdiction (Garuba, 2010). The scope of the human trafficking problem is widespread in West Africa. Child trafficking in particular spreads across eleven of the fifteen Member States of the ECOWAS including Ghana, Togo, Benin, Burkina Faso, Nigeria, Niger, Côte d'Ivoire, Guinea, Sierra Leone, the Gambia, and Mali. Available statistics indicates that the scale of the problem is enormous with an estimated 200,000 children experiencing this practice in both West and Central Africa. In 1998, about 10,000 to 15,000 Malian children worked in plantations in neighboring Côte d'Ivoire while in Nigeria, in 1996, 4,000 children were trafficked from Cross River State to various parts within and outside the country. Benin registered over 3,000 children trafficked between 1995 and 1999 (de Andrés, 2008, Julins, 2002). In a more recent human trafficking case, two Nigerians were suspected of trafficking Bangladeshi nationals to Ghana in transit to London in the United Kingdom and were arrested by the Ghanaian police. The victims reportedly paid US\$2,500 each to the Nigerians to support their upkeep and stay in the country. These transactions were undertaken through non-existent employment and placement agencies both in the UK and Ghana respectively (de Andrés, 2008, Ate and Akinterinwa, 1992).

West African seashores and harbors have become the hub of transatlantic cocaine trafficking. Similarly, West African international airports have



become major redistribution exit points towards the new cocaine markets of Europe, South Africa, the Middle East and Eastern Europe (de Andrés, 2008). The analysis of the almost daily seizures conducted both in West Africa and destination markets indicate the presence and interaction of three different and complementary trafficking structures: the first, led by foreign operators, move large, multi tons shipments of cocaine from Latin America (Colombia via Brazil and Venezuela) to West Africa by the use of ships, private yachts, and more recently private airplanes (de Andrés, 2008). The second is operated by well established local trafficking networks, mainly Nigerian and Ghanaian, who buy directly from foreign drug trafficking networks shipments up to a couple of hundreds kilos of cocaine which is then either sold on regional markets or rerouted via human couriers to final destinations in Europe and South Africa. These trafficking networks which are able to mobilize dozens of human couriers on the same flight are the natural development of local drug trafficking entrepreneurs who started their operations in the region the late 1980s and 1990s and who progressively graduated from small subcontractors to larger regional independent entrepreneurs (de Andrés, 2008). West Africa and West Africans are not only an attractive location and partners for foreign criminal networks but are gradually building up and exporting their own criminal network model. Besides the well-known Nigerian networks, new ones are developing in Ghana, Côte d'Ivoire and Senegal. Following the example of the Nigerian "network" type, such criminal organizations have in common the very loose, fragmented, and business oriented features which made them extremely successful in the global village of modern "disorganized" crime (de Andrés, 2008). According to the opinion of national experts, elicited in the Annual Reports Questionnaire, cocaine use among the general population was increased in Senegal and Guinea-Conakry in 2005, whereas the situation was reported as stable in Nigeria and Burkina Faso. The use of crack cocaine was reported in Nigeria, Ghana and Côte d'Ivoire and the Gambia. In any case, if the flow through the region is highly organized, it is unlikely that much cocaine will be "spilled" into local markets, as there are strong economic incentives to bring as much of the drug as possible to its highest value destination – the European Union particularly and more generally West Europe (de Andrés, 2008).

d) *Frequent Cross Border Criminal Activities in West Africa and Nigeria's External Relations*

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 September 31, 2007 from data collected by UNODC between January-September, 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. 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 (Ering, 2011). Report in This Day Newspaper of November 29, 2010 shows that in the last three months of 2010, officials of the National Drug Law Enforcement Agency (NDLEA) have impounded hard drugs valued at N5 billion. Within the same period, 130 kilogramme of heroin shipped into the country from Iran were impounded at the Tin Can Island Port, Apapa, Lagos. The substance is valued at \$10 million. All of these are indications of the increasing profile of 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 (Ering, 2011, Julins, 2002, Passas, 2002).

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 causes 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. Another case of political involvement in organized crime in the region concerns the late Maurice Ibekwe, a member of Nigeria's Federal House of Representatives arrested for financial fraud, forgery and conspiracy. He had served as chairman of the House Sub-Committee on Police Affairs. However, only in a small number of cases can it be shown beyond reasonable doubt that senior political figures like Ibekwe have been directly implicated in organized criminal activities (Ebo, 2003; Aning, 2009). 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 (Ering, 2011, Ate and Akinterinwa, 1992). 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 (Ering, 2011, Passas, 2002, Julins, 2002).

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 spiraling 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 transcends 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 (Ering, 2011). 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 spate 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 (Ering, 2011). Apart from drugs, the circumvention of the formal economy via trafficking of contraband goods has also haunted local industries. At a pre-yearly general meeting with the media in Lagos in July 2004, Nigerian industrialists under the aegis of the Manufacturers Association of Nigeria (MAN) declared that the country lost \$6.3billion (about N800 billion) to unwholesome trade practices of smuggling and product counterfeiting in 2003 (*The Guardian*, July 5, 2004). Nigeria's border communities play a central role in the smuggling activities. While virtually all the routes they are located predate present-day artificial boundaries created by colonialism, the desperation to de-link from a distrusted and disliked system which the Nigerian economy came to symbolize turned such border communities as Jibia in Katsina State, Kiisi in Oyo State, Idiroko in Ogun State, Bakassi in Cross River State, Badagry in Lagos State and Bama in Borno State, into informal centers for substitute exchange relations (Garuba, 2006). Thus, we

conclude that frequent trans-border crimes in West African sub-region impede Nigeria's external relations.

### III. THE SUMMARY

We started by dwelling on all the technically in this paper, where we posed four research questions, stated four specific objectives, and four research hypotheses. We, also, demonstrated the theoretical and empirical relevance or justifications of this study. The issues, time frame and subjects covered by the study were also highlighted. The main concepts or terms used in this paper were operationalized or defined as they are applied or used in this study. In this paper we reviewed the related extent and relevant literature concerning definition and meanings of cross border criminal activities and issues and perspectives of trans-border criminal activities in Nigeria, West Africa, Africa and globe. Still in we also adopted a combination of the theory of relative autonomy of the state and failed state theory as our theoretical or conceptual framework. We discussed background to cross border crimes in Nigeria and West African sub-region, and as well examined the relationship between trans-border crimes in West Africa sub-region and Nigeria's national security. Whilst, we discussed porous borders, ungoverned space and cases of transnational crimes in Nigeria and West Africa, and also examined the nexus between the frequent cross border criminal activities in West Africa and Nigeria's external relations. Finally we summarized the entire work and drew some conclusions on the basis of which we made some recommendations.

### IV. CONCLUSIONS

From the foregoing, we reached the following conclusions:

1. That the spate of cross border criminal activities in West Africa undermines Nigeria's national security.
2. That frequent trans-border crimes in West African sub-region impede Nigeria's external relations.

### V. RECOMMENDATIONS

In the course of this study, we suggest the following recommendations:

1. Reconstitute the Nigerian state in such a way as to be proactive in dealing with the rampant cross border criminal activities that undermine its national security.
2. Strengthen the cross-border law enforcement agencies in order to enable them check the frequent trans-border crimes that impede its external relations.
3. Meaningful engagement of other West African states through both bilateral instruments and multilateral sub-regional organizations like ECOWAS to mitigate cross border crimes in West African sub-region.

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