

## TRANS-BORDER CRIME AND THE CIVIL-SOCIETY ORGANIZATIONS IN NIGERIA

<sup>1</sup>**Hyacinth Nnaoma Iwu Ph.D.**, <sup>2</sup>**Leke Oke Ph.D.**, and <sup>3</sup>**Chinedu Ogbornia Oke**

<sup>1</sup>Department of Political Science & Public Administration  
Adekunle Ajasin University, Akungba-Akoko, Ondo State, Nigeria.

<sup>2</sup>Department of Political Science, Faculty of the Social Sciences,  
Ekiti State University, Ado- Ekiti, Nigeria.

Department of Political Science

<sup>3</sup>Achievers University Owo, Ondo State, Nigeria.

**Corresponding Author: Leke Oke**

### ABSTRACT

The triumph of civil society engagement in stamping out military rule in Nigeria and the success recorded especially in South Africa, Asia and Eastern Europe have largely given discourse on civil society an innate positivity in developing nations. Civil society has therefore become a buzzword touted by policy makers and political scientists as key to political, economic and social development and a conventional prescription for solving the global socio-political and economic ills. Strongly funded and supported by international donor agencies for its role in advancing democracy, civil society organizations have become so potent in societal administration and governance. However, the potency of civil society organizations in curtailing trans-border challenges and the type of civil society needed for this purpose has largely been glossed over by scholars. This study therefore examines and re-contextualizes civil society against the backdrop of the escalating trans-border crime in Nigeria. The paper attempts to provide answer to the following questions: what is trans-border crime in Nigeria? What are the social variables that underpin its resilience? Can civil society be harnessed to curtail the challenges posed by trans-border crime? What type of civil society can be harnessed? Secondary data was used to obtain data for the study. Liberal and theory of state fragility provided a theoretical framework. The paper contends that rather than focussing on interest based civil society, the activities of which further hurt the poor, traditional civil societies that largely engender social capital should be strengthened and repositioned to assist in curtailing challenges posed by trans-border crime in Nigeria.

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**KEYWORDS:** Civil Society, Crime, Trans-Border Crime and Social Capital

### INTRODUCTION

The global security environment has changed drastically following the end of the Cold War and in the wake of globalisation. Nigeria has had a fair share of this upturn as the rate of criminal activities along its borders has increased. Nigeria is located in West Africa and shares land borders with the Republic of Benin in the west, Chad and Cameroon in the East, and Niger in the North. Its coast in the south lies on the Gulf of Guinea on the Atlantic Ocean. The imperatives of regional integration under the auspices of ECOWAS have disposed member states to eliminating barriers in their international frontiers in response to the demands of globalization. But, like a two-sided coin, globalization has also increased the vulnerability of these nations to threats that endanger national security.

The traditional threats to human and national security have paved way for the contemporary threats which are more subtle, covert and capable of defying the state security apparatuses. In fact, contemporary

security challenges in Nigeria show that insecurity in a State has largely moved away from the traditional forms where threats largely come from adversary states to internal or what can be referred to as low-intensity warfare. This form of insecurity has largely dashed the euphoria associated with the end of the cold war that the world will witness a new form of peace. It is also important to argue that the contemporary challenges have taken a more complex dimension and therefore demand a more rigorous approach to tackle (Iwu&Oke, 2013).

Trans-border crimes constitute one of the most serious causes of insecurity in Nigeria in recent times. Such trans-border crimes as movement of arms, drug and human trafficking, kidnapping, piracy and oil bunkering in the gulf of guinea have largely challenged Nigeria's capacity to guarantee the security of its borders and peoples. Threats and challenges which are trans-national in nature have potential to grow more deadly as emerging scenarios in trans-border crimes in Nigeria have shown.

Therefore, any attempt to address Nigeria's national security malaises must take into adequate account the nature of threats and challenges emanating from the nation's borders. This has become imperative as transnational organized crime syndicates operating in Nigeria and majority of illicit arms in circulation in the country find their way into the country through its porous borders. The porosity of the nation's borders has exposed it to different transnational threats which have devastating consequence for Nigeria's national security (Nte, 2011).

Based on the foregoing, there is therefore the need for concerted effort not only from government agencies, but all stakeholders, civil society inclusive, to combat the menace of trans-border crime. Thus, civil society organisations (CSOs) have contributed to dealing with security challenges in Nigeria, especially sectarian crisis through timely reportage and humanitarian assistance (Warn Policy Brief, 2013), but their role in combating transnational organized crime is very limited and even less studied.

This paper attempts to analyze the incidence of trans-border crime which has been on the increase in recent times and has given the country a bad image largely due to weak commitment to crime enforcement. Although, the government has been making efforts to curb these crimes, it has not done enough to indicate commitment and so the need for more efforts to be put in place and for more stakeholders to be involved. There is need for proactive rather than mere **reactive** civil society response to security challenges in Nigeria. The paper discusses recent trends in trans-border crime and the countermeasures taken against it by the Nigerian government, while scrutinizing ways in which civil society groups can contribute to the fight. Three critical dimensions of trans-border crime pertinent to Nigeria are examined namely, human trafficking, trafficking in small arms and light weapons and drug trafficking. It concludes with a clarion call for further involvement of civil society groups in the security and defence sector of the nation.

## CONCEPTUAL CLARIFICATION

### Trans-border Crime Defined

Generally, 'trans-border' as used here denotes activity occurring beyond a particular sovereign territory, while 'crime' is individual conduct punishable by law. Trans-border crime often involves group activities of three or more persons using commercial or business-like structures and in some cases violence or other means suitable for intimidation to pursue some economic ends, hence it is described as an 'organized crime'. Sabrina et al. (1998) have drawn attention to what they described as "the murkiness of the definition of organized crime" leading to lack of information on what

organized crime actually is, which has adversely undermined the designing of effective countermeasures to deal with them.

However, any attempt to conceptualize organized crime – especially in its cross-border character – would invariably amount to looking at the "process" whereby certain criminals carry out criminal activities, increasingly within a transnational arena. Therefore, trans-border crime as a form of organized crime can be defined as a set of criminal acts whose perpetrators and repercussions go beyond territorial borders. It is most often the work of networked gangs of traffickers that receive at times support locally and from well-structured sources (networks) across countries (Moulaye, 2009). Trans-border crime entails group activities, with the aim to earn profits or advance certain interest (power), a form of economic commerce which uses threats, physical force and violence, extortion, intimidation or corruption, as well as supplying illicit goods and services. It includes, but not limited to, illicit traffic in narcotic drugs, money laundering, traffic in persons, terrorist acts, illicit traffic in or the theft of arms and explosive materials or devices, illicit traffic in or the theft of motor vehicles etc. (Sabrina et al., 1998).

One of the distinguishing factors of trans-border crime, that distinguishes it from other forms of criminal activities, is its sophistication in terms of instrument deployed and caliber of persons involved. As Sabrina et al., (1998: 10) rightly observed:

Technological development and the new opportunities provided by the globalization of financial markets and communications are key factors in understanding the development of organized (trans-border) crime groups. In order to exploit these new opportunities, criminals must acquire a much higher level of expertise, and this is often possessed only by professionals. As a consequence criminal organizations are increasingly recruiting professionals with specific skills so that they can infiltrate new markets and earn greater profits.

These organized criminal groups need professionals not only as external consultants but as full members of the group so far as they are able to combine complex skills with ruthlessness and violence as required in manipulating outcomes. However, there is very little hard information available about the numbers of cross-border crimes committed in the country.

**Civil Society Defined**

The United Nations defines civil society as “the citizens’ groups, businesses, unions, professors, journalists, political parties and others who have an essential role to play in the running of any society” (United Nations, 2000). Similarly, Olukoshi (1997) conceived civil society as a sphere that is “made up of associations – voluntary, autonomous, professional or non-professional – which have risen out of self-organizational efforts of various social forces.” These definitions point to the existence of a self-regulatory formal structure independent of the state and capable of influencing the state as well as defending the interest of the public.

Civil society has also been defined as “the arena, outside of the family, the state and the market where people associate to advance common interests” (CIVICUS, 2007). This definition marks a paradigm shift from the conventional focus on formal and institutionalized civil society organizations by also considering informal coalitions and groups. Hence, Diamond (1999) view civil society as the “realm of organized social life that is open, voluntary, self-generating, at least partially self-supporting, and autonomous from the state and bound by a legal order or set of shared rules.” Therefore, a conceptualization of civil society goes beyond a formal and institutional sphere separated from the state, but encompasses the entire public realm where individual and group autonomy from the state is articulated and defended, collective action taken to ensure that the state expresses and is bound by the common good or general will.

Osaghae (1997) identifies three key elements as important in the conceptualization of civil society namely, autonomy from the state, public character and furtherance of a common good. Therefore, civil society can be defined based on its function which is fundamentally to provide a platform for citizens to express their interests, preferences and ideas, to exchange information, achieve collective goals and make demands to improve the structure and functioning of the state (Roniger, 1994).

However, the United Nations identifies another group it calls the “uncivil society,” comprising “terrorists, criminals, drug dealers, traffickers in people and others who undo the good works of civil society.” The modus operandi of this so-called “uncivil society” is intimidation or violence, as they seek to take over advantage of the open borders, free markets and technological advances to wreak havoc on the world’s people (United Nations, 2000).

**Border Security and Trans-border Crime in Nigeria: An overview**

The fact that the security of any nation is inextricably tied to the security of its borders need no emphasis.

When borders cease to function effectively, different forms of crimes prevail and the security of a state or region is put in serious jeopardy. Although borders appear to have lost their relevance in an increasingly interconnected world, made more complex by technological changes and globalization, the way in which they are managed is still very important in the national security dynamics. Borders constitute the most visible sign of state sovereignty over its territory. Border management is crucial to a State’s involvement in the protection of its population against what it considers as threats ranging from migration, international terrorism, and multiform trafficking as in human beings, drug, raw materials or SALW (Jihan&Cédric, 2010). Therefore, effective and coordinated management of a State’s land borders stands at the centre of counter-measures against the so called “cross-border” or “transnational” threats.

Border performs several functions, one of which is that it provides a practical opportunity for a State to help maintain its internal security by preventing external threats from affecting its territory and people. Secondly, it represents a physical separation between States and also a process of control on behalf of their national security. Efficient border management entails that the states in question defined what constitutes a threat to their security, set priorities for border control and monitoring and provide the resources for carrying out the task of securing the borders (Jihan&Cédric, 2010).

However, the way in which each State perceives its own border also has implications for the level of commitment it is likely to display in the management of its common border. As a result, border management is often carried out by individual states, acting on its own, whereby each state identifies and defines what should be done in terms of security on its side of the border and how this should be carried out according to a variety of different criteria. This leads to differentiated treatment of border considerations and to cooperation patterns that fluctuate according to national priorities and changes in the national security dynamic. It should also be noted that any weakness on one side of a border can have repercussions on the ability of the other side of the border to carry out controls and maintain a degree of internal security (Jihan&Cédric, 2010).

Nonetheless, the demands of the current global economic system has made it necessary that states must ensure a certain degree of border openness. Hence, borders should not just be exclusive (refusing entry to undesirable products and people); they should also be inclusive (facilitating the movement of individuals and goods). It is, therefore, important that states find a balance between the need for mobility and control—between “doors and walls” (ibid). In

response to this imperative of globalization, the ECOWAS Protocol on Free Movement of People, Goods and Services was established by the ECOWAS Member States in 1979 with a view to facilitating free movement of people, goods and services within the West African sub-region without Visa. However, the ECOWAS Protocol on free movement of persons, goods and services has created a space that criminals exploit to facilitate cross-border trafficking. These traffickers exploit loopholes in state capacity in monitoring cross-border trade in the region and relaxation of national borders intended to enhance regional integration, to perpetrate their nefarious activities (Onuoha, 2013).

Nigeria is strategically located within the ECOWAS region where it shares border with Benin Republic, Chad, Niger and Cameroun. The porosity of these borders contributes and encourages the growth and spread of cross border criminal activities and instability in the West African region. In Nigeria's case, porous border account for the increasing number of illegal trade such as smuggling of contrabands goods like adulterated drugs, stolen cars, textiles and poultry products. The state of the porous borders could be exemplified by the use of dried tree, oil drums and rims of tyres to demarcate the national borders, thereby making the border to be disorganized, poorly managed and insecure. This promotes the unrestrained influx of illegal migrants and cross border activities. Also, there are indefinable corridors or regions that served as a route to these illegal migrants, as in the case of Nigeria where there are about 84 regular routes and about 1497 (Omolar, 2013), to 1499 irregular routes, the latter largely used by criminals (Onuoha, 2013). According to Onuoha, the porosity of Nigerian borders has worsened the civil insecurities in the country, especially the Boko Haram insurgency.

Boko Haram insurgency in northern Nigeria (especially the northeast zone) has been exacerbated by Nigeria's porous borders with Cameroon (1,690 kilometres) in the East, Niger (1,497 kilometres) in the North, Benin (773 kilometres) in the West, and Chad (87 kilometres) in the Northeast. Most of these border areas are either mountainous or in the jungle. Irrespective of their geographic nature, a common feature of the nation's borders is its porosity (Onuoha, 2013).

Furthermore, the corrupt practices of the security operatives at the borders pose a serious challenge to border security. These border points no longer perform their strategic functions but serve as channels for extorting money from people. Hence, the criminals easily infiltrate the borders as they bribe their way into the country (Omolar, 2013).

Similarly, Nigerian borders are known for the limited presence of security and law enforcement officials. The few that are deployed are poorly trained or work with inadequate and obsolete equipment, and sometimes poorly remunerated. It is also important to note that the abject poverty and lack of basic infrastructure in border communities have exposed the inhabitants to cross border criminal activities that they harbour and as well connive with criminals to perpetrate.

Additionally, the problem of border security in Nigeria is compounded by the inadequacy of personnel to man the national boundaries and effectively patrol the several corridors that lead into the country. While terrorists move in and out of the country, smugglers of all kinds of contrabands continue to do business unhampered. The current security challenges in Nigeria where the nation's Northern borders with Niger and Chad witness the unrestrained incursion of armed bandits to terrorize innocent citizens in towns and villages on the Nigerian side of the border (Alli, 2012), and the case of the Boko Haram sect allegedly receiving logistic support and assistance from other terrorist groups within the region calls for enforcement of reforms of the border control system in West Africa.

Although, in response to the threats posed by terrorists which has crippled economic activities in the Northern part of the country, the Nigerian government declared a state of emergency in three northeastern states of Borno, Yobe and Adamawa where the armed forces and other security agencies are engaged in multi-agency counterterrorism operations with a view to bringing the security situation under control, a long-term and sustainable counter-terrorism strategy for the country must take into strict consideration the issue of border security. Sabrina et al. (1998) observed that organized crime across borders in developing countries and countries in transition can seriously hamper their economic and social growth. Thus, security and protection at the borders to ensure that criminals do not move across or conduct their illicit business with impunity is vital for socio-economic development and security of lives and property.

According to Shehu (2009) the act of trafficking in persons and other valuables in West Africa has a long history that dates back to the 16th century, when the first Portuguese and Spanish explorers arrived along the West African coast, and trafficked in gold, precious woods and eventually in human-beings in order to enrich themselves and their masters in Liberia. However, in contemporary times the genesis of the alarming spate of trans-border crime in the West African region dates back to the 1990s following the outbreak and the heightening of political unrest, centers of tension, community disputes within a number of countries resulting from

the poor management of natural resources and ill-handling of rebellions and civil wars by regional leaders. Such a situation eventually poisoned neighbouring relations, worsened existing poverty, and opened up avenues to criminal organizations that forged cross-border or even trans-national networks (Moulaye, 2009). Hence, trans-border crimes and the involvement of foreigners in criminal activities in Nigeria are reflections and repercussions of the spillover of the years of civil wars, natural disaster and economic decline in the sub-region (Alli, 2011). Crimes such as money laundry, terrorism and insurgency share some nexus as terrorists and insurgents increasingly turn to trans-national organized crime to generate funding and acquire logistical support to carry out their violent acts. Expansion of drug trafficking, human and weapons smuggling are facilitated by clandestine networks of terrorist and insurgent groups. Various forms of trans-border crime occur in West Africa, namely, armed robbery, trafficking in stolen vehicles, cigarette or alcohol smuggling, drug trafficking, illicit trafficking of firearms, human trafficking, illicit trafficking in diamonds, corruption, business fraud and more recently cybercrime, piracy and terrorism, etc. (Moulaye, 2009). Also becoming very increasingly prominent in the list of organized crime perpetrated in West African borders is oil theft (Katsouris and Sayne, 2013). The repercussions of trans-border crimes are indeed grievous and capable of eroding any nation's total wellbeing. Nte (2011) posited that:

transnational crimes can weaken or destabilize state, damaging their good governance and slowing their economic development. They also compete with legal economic system and promote corruption and undermine the authority of the state, therefore paving way for radicalization process that can lead to violent extremism and terrorism.

This understanding of the consequences of trans-border crime underscores Nigeria's involvement in the fight against cross-border criminal activities in the region. Nigeria has demonstrated in various ways its willingness to combat the scourge of Transnational Organized Crime (TOC), knowing that it is itself a major centre of TOC. One of such areas Nigeria has demonstrated this willingness is in the ratification of the Transnational Organised Crime Convention (Yoroms, 2010). Nigeria has also assisted countries in the Sahel to combat the smuggling of small arms and light weapons (SALW), drug and human trafficking in the region, among other countermeasures.

In the light of the foregoing, it is evident that Nigeria's national security is closely related to the

preservation and protection of its border. Trans-border crime constitutes one of the serious sources of violation to national and human security, peace, social harmony, political stability, good governance, development and sub-regional integration in West Africa. On these grounds, all the dimensions and sources of this crime must be forcefully combated. This can only be achieved through appropriate security, legal, political, economic, social and cultural strategies (Moulaye, 2009). Additionally, the civil society organizations must be duly recognized within the national security architecture.

**Trans-border Crimes in Nigeria:** These include the following:

#### **Human Trafficking**

The UN (2000) defines human trafficking as the recruitment, transportation, transfer, harbouring or receipt of persons, by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Similarly, trafficking in persons is defined under Sec. 64 of the Trafficking in Persons (TIP) Act as:

all acts and attempted acts involved in the recruitment, transportation within or across Nigeria borders, purchases, sale, transfer, receipts or harboring of a person involving the use of deception, coercion or debt bondage for the purpose of placing or holding the person whether for or not in involuntary servitude (domestic, sexual or reproductive) in false or bonded or in slavery like condition (cited in Okonkwo & Maduka 2010).

The egregious nature of this trade underscores its designation by the UN as a crime against humanity marked by the intent to deceive and exploit. It is rooted in social and economic conditions in the countries from which the victims come, facilitated by practices that discriminate against women and driven by cruel indifference to human suffering on the part of those who exploit the services that the victims are forced to provide (United Nations, 2000). Also, the Palermo Protocol (Art.3) states that trafficking in persons especially women and children are largely due to their vulnerability worsened by poverty, lack of real business opportunities, insecurity and weak States (Moulaye, 2009).

Human trafficking is an illegal activity widespread in Nigeria today, from rural to urban and urban to international destinations. It manifests in different forms and dimensions which include forced and child

prostitution, domestic servitude, illegal and bonded labour, servile marriage, false adoption, sex tourism and entertainment, pornography, organized begging, organ harvesting, and other criminal activities (Agbu, 2003).

Although, figures and statistics on the number of Nigerians involved have been most inconsistent, the fact that human trafficking is in the increase in the country cannot be denied. At least 45,000 women and children are trafficked annually in Nigeria. Human trafficking in Nigeria takes the forms of internal and external trafficking of women and children. By internal trafficking, the victims are recruited and transported from rural to urban centers under certain exploitative conditions, while the external is across the shores of Nigeria to such destinations as Europe, Asia, Middle East, America, and North Africa etc., either by road, air or sea routes. Children from West African countries, primarily Benin, Ghana, and Togo, are also forced to work in Nigeria where many are subjected to hazardous labour in farms and granite mines across the country. Most Nigerian women and children held captive in the sex trade or in forced labour overseas are transported out of the country on threats of voodoo curses by their traffickers.

The Nigerian government has responded to the problem of human trafficking through various national frameworks, as well as at bilateral and multilateral levels. In 2000 and 2001 respectively, Nigeria signed and ratified the United Nations transnational crime convention and its supplementing protocol on trafficking in persons of December 2000. The protocol was subsequently domesticated by the National Assembly with the enactment of the Trafficking in Persons (Prohibition) Law Enforcement and Administration (TIPPLEA) Act 2003 into law in July 2003. The law established the National Agency for the Prohibition of Traffic in Persons and Other Related Matters (NAPTIP) in August 2003 as the central agency to coordinate and facilitate the government's anti-trafficking agenda. NAPTIP is empowered by law to coordinate the arrest, investigation and prosecution of human trafficking offenders; rescue, counsel, rehabilitate and reintegrate victims of human trafficking into functional members of their community; carry out public enlightenment about the dangers of human trafficking as well work with other agencies to curb human trafficking in Nigeria. NAPTIP has made remarkable progress in arrest and prosecution of offenders with over eighty nine (89) human traffickers having been sentenced for crimes of human trafficking in Nigeria (Okonkwo & Maduka 2010).

Other related measures put in place by the Nigerian government in this area include, setting up of the National Task Force on Trafficking in Persons (TIP)

in October 2006, establishment of Victim of Trafficking Trust Fund in 2008, approval of the National Policy on Protection Assistance to Trafficked Persons in Nigeria by the Federal Executive Council (FEC) in November 2008, the National Plan of Action on TIP as approved by the Federal Executive Council (FEC) in 2008, and signing of bilateral and multilateral agreements etc. Emerging trends in trafficking in persons in Nigeria reveal a booming trade in babies where unapproved social homes popularly called 'Baby farms' or 'Baby Factory' are run by some quack medical personnel who recruit and harbour pregnant teenagers deceived into giving out their babies in illicit adoption at birth for financial benefit. This illicit trade with its features of a syndicated crime of human trafficking has become very common in the South Eastern and South Western parts of Nigeria.

### **Drug Trafficking**

It is no longer a matter of speculation that drug traffickers have taken advantage of the abysmal border security situation to establish cells across the region and move along the West African corridor with relative impunity. The drug market is composed of at least four main market segments namely, heroine, cannabis, cocaine and synthetic drugs, mainly stimulants. Drug traffickers transporting cocaine have on a regular basis been arrested in Nigeria, the Gambia, Ghana, Niger, Burkina Faso, and other countries, indicating a very worrying trend in drug business in the region. It is widely estimated that only about 10 to 12% of hard drugs is actually intercepted worldwide with probably less than 5% in Africa, meaning that industrial quantities of these products are making their way through the region with almost total impunity (Shehu, 2009). Moreover, profits from drugs and guns reportedly exceed that of human trafficking in West Africa.

The drug menace has become one of Nigeria's major security challenges. Its origin dates back to the 1960s with discoveries of cannabis farms in the country, arrests of Nigerian cannabis traffickers abroad, and reports of psychological disorders suspected to be associated with cannabis use. Cannabis was introduced into Nigeria and other West African countries from Asia by soldiers returning from the Second World War and later local farmers began production in large commercial quantities in some parts of the country. However, it was not until the early 1980s that the problem of drug trafficking became a major problem following alleged involvement of military personnel in heroin trafficking in Nigeria (Obot, 2004).

Nigerian criminal enterprises continue to expand their operations, not only throughout the continent, and especially in West Africa, but also in North and South America, Europe and Asia. In Africa, Nigerian

traffickers use Ghana, the Ivory Coast, Senegal and South Africa as springboards for transporting of heroin and cocaine to Europe and the United States. Nigerian drug trafficking to Liberia and other West African countries causes particular concern. Nigerian trafficking organizations control courier networks which move heroin from Asia to the USA and Europe. Unlike past courier systems, which moved drugs in bulk, Nigerians use large numbers of small-scale smugglers, each carrying a tiny quantity of heroin, sometimes packed in condoms and then swallowed (Sabrina et al., 1998).

Also worthy of note is the fact that the loose-knit

Nigerian smuggling organisations are connected by blood, marriage and tribe; the most typical of them are headed by a 'drug baron' in Nigeria with financial resources. The baron may 'hire' several couriers, who then share in a percentage of the drug profits. Not only in their own country, but also abroad (as in the United States), members of Nigerian trafficking groups tend to operate in 'cell' structures. These cells are usually headed by a "lieutenant", supported by a "recruiter", a "cell leader" and various "soldiers". It has been estimated that there are around 500 small Nigerian organized crime cells operating throughout the world: the geographical extension of their criminal network enables them to commit a wide range of transnational criminal activities.

The Nigerian government has responded to the drug menace in the country through the enactment of several drug law and policies beginning with the Indian Hemp [Cannabis] Decree of 1966 (as amended in 1975) for the punishment of cultivation of cannabis, exportation and smoking or possession of the drug. The Special Tribunal (Miscellaneous Offences) Decree of 1984 was however, a watershed in drug law in Nigeria. The Decree had retroactive effects and assigned death penalty by firing squad for 'dealing in, buying, selling, exposing or offering for sale or inducing any person to buy, sell, smoke or inhale the drug known as cocaine or other similar drug' (Obot, 2004).

However, the most significant drug law in Nigeria has been the NDLEA Decree of 1989 which listed the punishment for drug offences, including the forfeiture of assets of arrested persons and life imprisonment for trafficking in cocaine, heroin, or similar drugs and a sentence of '15 years but not exceeding 25 years' possession or use. The Decree established the National Drug Law Enforcement Agency (NDLEA), the omnibus organization responsible for the execution of Nigerian drug policy. The agency has responded stringently to the worsening situation of Nigerians' involvement in the international drug trade within and outside Nigeria. However, the National Drug Law Enforcement Agency (NDLEA)

measures to check the activities of the hard drug trafficking are yet to stem the tide.

### **Trafficking In Small Arms And Light Weapons**

Small arms and light weapons are portable weapons made or modified to military specifications for use as lethal instruments of war by either members of armed or security forces or unauthorized groups or individuals. They include revolvers and self-loading pistols, rifles and carbines, sub-machine guns, assault rifles and local pistols, Dane guns, hand grenades and light machine guns. Also, heavy machine guns; hand-held under-barrel and mounted grenade launchers; portable anti-aircraft guns; portable anti-tank guns; recoilless rifles; portable launchers of anti-tank missile and rocket systems; portable launchers of anti-aircraft missile systems; and mortars of calibers less than 100mm and other similar weapons simplistic in nature that they can be operated by anybody even without formal training are classified as SALW (Adetiba, 2012). Border management failure creates an environment conducive to the illicit trafficking of SALW. Nigeria's border with its immediate neighbours, Benin Republic, Chad, Niger and Cameroun is so porous that arms are ferried into Nigeria through them to fuel internal crisis.

Nigeria is one of the countries hardest hit by SALW proliferation and use in Sub-Saharan Africa. The proliferation of SALW has become one of the key conflict accelerating factors in Nigeria. It is estimated that at least 70 percent of the illegal small arms and light weapons (SALW) circulating within the West African sub-region emanate from or are destined for Nigeria. Some arms from the post Gadhafi Libya have found their way into the hands of insurgent groups in Nigeria, particularly the Boko Haram Sect who also allegedly have established links with the rebels in Mali and are already exchanging technical and logistic services (Warn Policy Brief, 2013). The porous borders in Borno and Yobe States, which are the strongholds of the sect, made it possible for Boko Haram to smuggle arms into Nigeria (Onuoha, 2013). It has been discovered that rebels in Chad have a large cache of arms and ammunition deposited in caves around the Tibesti region at the border between Nigeria, Chad and Niger. These weapons are usually concealed in specially crafted skin or thatched bags and transported by camels, donkeys and cows with the aid of nomadic pastoralists or herders (Onuoha, 2013), who move the weapons to border towns in Niger and Nigeria and illegally sold to Nigerians and other potential buyers, with the complicity of both communities (Jihan&Cédric, 2010). On July 16, 2012, men of the Joint Task Force (JTF) recovered eight AK47 assault rifles, one G-3 rifle, nine AK-47 magazines, one RPG charger, five RPG, three FMC magazine, one G3 magazine, 14 IEDs and several rounds of ammunition in Bulabulin area in Maiduguri of Borno State. On July 31, 2012 the men of the

Multi-National Joint Task Force (MNJTF) intercepted a Hilux van loaded with assorted high profile weapon, including eight (RPGs, 10 rocket bombs, 10 rocket chargers, two AK 47 riffles, and 13 magazines with six rounds of 7.6mm special ammunition concealed inside desert palm tree leaves in Daban Masara, a border town between Nigeria and Chad in Monguno LGA of Borno State. Also, on 4 August 2013 in Bama, Bama LGA of Borno State the MNJTF seized four Toyota Hilux vans, 10 AK-47 rifles and magazines, two G3 rifles and 10×4 40mm bombs, three RPG tubes, and 85 rounds of special ammunition in the latest crackdown on the Boko Haram sect who have devised various methods of smuggling arms into the country (Onuoha, 2013).

The threat of trafficking in small arms and light weapons in Nigeria has regional implications for the West African region. Widespread availability and accessibility of SALW has been identified as a factor that intensifies the devastation and lethality of conflicts in the West African sub-region. Arm trafficking is a major security problem with many criminal gangs, ethnic militias, revolutionary, rebel and terrorist groups all in possession of huge arsenals. According to Wezeman et al. (2011), Nigeria jumped from being a minor importer to become the largest importer of SALW in sub-Saharan Africa in 2006–2010. Hence, Nigeria is said to be the biggest source of SALW in West Africa followed by the Mano River Union states of Liberia, Sierra Leone, Guinea and Guinea Bissau (Alli, 2012). The acquisition of SALW by non-state actors and its use to terrorize the Nigerian populace constitute a serious threat to socio-political and economic development of the country.

The Nigerian authorities are fully cognizant of the deleterious potential of the illicit movement of small arms and light weapons, thus, the establishment of the Nigeria National Committee on the Control of Small Arms and Light Weapons (NATCOM) in 2001 to combat the illicit import, export and transfer of SALWs. NATCOM is part of national response to the implementation of the ECOWAS and UN Conventions on the control of SALWs. However, the body like the past bodies set up by government is bedeviled with many problems among which is lack of sufficient human and material resources to tackle its crucial mandate.

**THE STATE OF CIVIL SOCIETY IN NIGERIA**  
Nigeria is an inimitable country, with over 160 million people and over 250 ethnic groups within its borders. The country's diversity has resulted in a series of ethnic and religious clashes as the various entities compete for the control of socio-political and economic values. The major challenge facing the country has been how to achieve unity and solidarity among the various ethnic nationalities. The

emergence of Boko-Haram in the northern part of Nigeria since 2009 has further threatened mutual co-existence of the various ethnic nationalities and the unity of the country at large. Identified as one of the factors sustaining the Boko Haram insurgency is the proliferation of Small Arms and Light Weapons (SALW) arising from the nation's porous borders. The porosity of Nigeria's borders have been attributed to arbitrary balkanization of Africa by the colonialists to create a sphere of influence driven by political and economic motives, rather than on the basis of the natural delineation between ethnic and cultural communities.

Nigeria's history of struggle and resistance to colonial domination and subsequently military dictatorship gave birth to civil society groups. The civil society in Nigeria represents the diverse and pluralistic nature of Nigerian society with their formation and activities defined along tribal lines, and sometimes transcending tribal boundaries to become nationally-based (CIVICUS, 2007). The years of military rule in Nigeria, particularly the 1980s and early 1990s was the golden age of civil society in Nigeria with the emergence of several civic organisations, ranging from human rights organisations and professional associations to business and mutual self-help associations thriving across the country, both urban and rural. CSOs played a number of crucial roles among which were mobilizing the poor and their organisations against unpopular economic policies, providing assistance to their members and the poor, in the absence of reliable government "safety nets" or welfare systems, and expanding the political space that saw Nigeria's return to civil politics as well as acting as a watchdog of the democratisation process (CIVICUS, 2007).

The civil society community in Nigeria includes a broad category of professional associations and labour groups; actors guild representing the Nigerian film industry; the media; human rights NGOs; student groups; National Council of Women Society; and a number of primordial or faith-based groups such as the Jama'atu Nasril Islam (JNI), Federation of Muslim Women of Nigeria (FOMWAN), and the Christian Association of Nigeria (CAN). The Professional Associations, Labour and Student Groups have become the most prominent and often times described as the "conscience of society" due to their long history of varying levels of confrontation with the state traversing the colonial and post-colonial periods in Nigeria's history (CIVICUS, 2007). They include the Nigerian Bar Association (NBA), the Nigerian Medical Association (NMA), Nigerian Society of Engineers (NSE), the Academic Staff Union of Universities (ASUU), the Nigerian Labour Congress (NLC), the Nigerian Union of



Journalists (NUJ) and the National Association of Nigerian Students (NANS).

Also, the Human Rights and Pro-Democracy Groups have made their mark as civil society organisations in Nigeria's history, particularly during the military regimes of the 1980s and the 1990s when they challenged the gross violations of human rights and stood as the 'vanguard' in the struggle against the military regimes in Nigeria. Examples of CSOs under this category include the Civil Liberties Organisations (CLO), Committee for the Defense of Human Rights (CDHR), Constitutional Rights Project (CRP), and the League for Human Rights (LHR) as well as gender-based organisations, dealing with issues of gender mainstreaming and women empowerment, such as Women Aid Collective (WACOL), Gender and Development Action (GADA), Women's Rights Advancement and Protection Action (WRAPA) and Women Advocates Research and Documentation Centre (WARDC).

Although the primary objective of these groups, especially the Professional Associations, Labour and Student Groups is to advance their own narrow professional interests, they are also involved in activities of more general interest to society, albeit those which may place them in opposition to the state. In particular, they have mobilized against unpopular state policies that tend to result in socio-economic hardships (CIVICUS, 2007).

### **The Civil Society and Trans-border Crime in Nigeria**

The fight against all manners of crime has always been the responsibility of governments. However, contemporary transnational threats are continually changing in nature, ways and means, and area of operation necessitating the development of new strategies as well as involvement of new stakeholders in the security sector. Civil society has proven to be a veritable actor in anti-corruption campaign, prevention of conflict and most recently, the international community has advocated the involvement of civil society in the global war on terror (United Nations General Assembly, 2006). But adequate attention is yet to be given to the importance of involving civil society in a comprehensive and multi-dimensional response to the threat of trans-border crime, especially trafficking in persons and drugs as well as arms. There is a wide range of fields where the expertise and firm commitment of CSO could be exploited. Civil society can play a key role in apparently all areas of the security sector. But what does it mean to involve civil society in fighting trans-border crime? And what is the nature of civil society's involvement?

Civil society organizations have proved very useful in the development and the management of security initiatives, collection and analysis of information and

facilitating monitoring mechanism. Civil society organizations that have successfully avoided questionable allegiances around the State sphere or in political parties enjoy a position that allows them to act as watchdogs (OECD, 2003). There is need for Nigeria to review its current security architecture to incorporate civil society organisations. Integrating Civil Society into the campaign against trans-border crime in Nigeria and the West African Sub-region entails that they be provided funding and logistical support to carry out the assignment.

As technological development and the new opportunities provided by the globalization of financial markets and communications are key factors behind the development and spread of trans-border criminal activities (Sabrina et al., 1998), civil Societies are better placed to take advantage of the technological and communications opportunities, especially the social media to sensitize the public on the havoc of trans-border crime such as human trafficking, drug trafficking and illegal arms trade. Civil Society Organisations should take the lead in ensuring that community early warning systems are established and coordinated to provide timely information to relevant stakeholders.

Civil society organizations have a crucial role to play in 'prevention' through campaigns to raise awareness and educate the public about the dangers of trafficking in persons, drug and arms. Such will sharpen public awareness of trends and tricks transnational criminals employ in luring victims in case of human trafficking, and encourage communities at the border to participate in efforts to fight drug and arms smuggling. The paper therefore recommends the following areas where CSOs could prove very useful in fighting cross-border crime, specifically the CSOs can do the following:

1. Inform, communicate, create awareness, and bring people to understand the root causes and repercussions of trans-border crime;
2. Oversee and ensure the implementation of the most pertinent and sustainable legal frameworks for combating trans-border crime, especially in the area of human trafficking, drug trafficking and illicit arms trade;
3. Lobby decision-makers and mobilize resources of technical and financial partners required in fighting trans-border crime;
4. See to it that the fight against trans-border crime is arranged at both national and regional levels where civil societies across countries can cooperate multilaterally in terms of logistics and information sharing;
5. Civil society organizations should strongly mobilize local communities, especially border communities in the fight against trans-border crime;

6. Civil society organizations should work out modalities to assist pregnant teenagers as it has been discovered that sales of babies is fueled by cultural practices, which stigmatize pregnant unmarried ladies particularly in south east Nigeria (Okonkwo&Maduka 2010);
7. Civil society organizations should strongly step up advocacy and assistance to law enforcement agencies in terms of providing them with reliable information, as well as provide periodic report on government progress in fighting trans-border crime; such will increase effectiveness of law enforcement control mechanisms and activities;
8. Lead campaign to emphasize the importance of prevention and control measures in government response to trans-border crime;
9. Overall civil society organizations should emphasize the role of bilateral agreements as a means to combat organized crime.

More so, while the role of bilateral agreements as an instrument to curb organized crime cannot be neglected, the expertise of CSOs should be sought for in negotiating such agreements. However, the contribution civil society can make depends on the extent to which Civil Society Organizations (CSOs) are well integrated into society, and not compromised by questionable political allegiances. Civil society can then fulfil irreplaceable functions such as channeling information from citizens to the State to design appropriate strategies in fighting trans-border crime, enrolling the participation and support of border communities in the implementation of security policies, and mounting pressure for a political commitment towards fighting trans-border crime, while ensuring that security policies are really rooted in public interest. Government must create an institutional environment conducive to the development of civil society and to its participation in public affairs, promote co-operation between public and civil society actors and strengthen the capacities of civil society organizations. Civil society can and should contribute to the fight against trans-border crime while government continues to shoulder the bulk of the responsibility, as they are entrusted with citizens' power.

## CONCLUSION

The current security challenges in Nigeria are complex and require multi-sectoral and multi-dimensional approaches beyond government intervention. Therefore, there is need to exploit other approaches such as involving civil society organisations in security management in Nigeria. The paper has revealed that the Nigerian government has performed abysmally in providing efficient border controls to curb the incidence of trans-border crime. Effective border management is a relevant dimension

in the fight against the illicit trafficking of SALW, drug and human trafficking. Cooperation between border communities and the political and administrative authorities can also contribute to a more effective border management. Therefore, thorough beefing up of border security constitutes a critical component of any sustainable measure to curb transnational criminal activities in Nigeria. The Nigeria government needs to evolve a new approach to securing the border, one that includes an integrated mix of development interventions for border communities and the participation of civil society organizations in enforcing cross-border security policies. The paper emphasizes the need to recognize civil society actors as crucial partners in fighting trans-border crime. Therefore, it is high time the state made the most of civic forces. The paper also provides civil society actors with practical suggestions to define their strategy in tackling trans-national threats.

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