THE STATE AND NATIONAL SECURITY CHALLENGES IN AFRICA IN THE 21ST CENTURY: CUSTOMS-INTERPOL PERSPECTIVES

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Abstract

African states had witnessed and is still witnessing a growing level of state and national security challenges, which can be curbed through capable crime-control organizations like Customs Service and international agencies such as INTERPOL. There is no gainsaying that Customs and Interpol organizations play key roles in strengthening state sovereignty and promoting global national security. However, the inherent challenges in these crucial roles have worsened state and national security challenges in Africa. It is on this basis, the paper explores the interconnectedness and interplay of the basic terms: Customs-Interpol, state and national security challenges. The aim is to bring to the fore, the importance of Customs and Interpol services to state and national security challenges in Africa, particularly in the 21st century that cross-border threats such as transnational and organized crimes/cybercrimes among others are now in the escalating fold. The paper sees Customs-Interpol collaborations as sustainable means of enhancing national security, and development in Africa. Thus, there is need for African national administration to reinforce border enforcement agencies (via capacity building and addressing inherent customs challenges) to enable them perform their statutory roles in combating and alleviating challenges of organized crimes and other forms of cross border criminalities and threats to national security in Africa.

Keywords: State, national security challenges, Africa, Customs-Interpol.

Introduction

The political stability and socio-economic sustainability of a state strongly depends on its national security strength. In other words, national security goals are considerably geared towards strengthening or advancing the interest and objectives of a state so as to curb instability, combat crime, eliminate corruption, enhance genuine development, progress and growth and improve welfare and wellbeing and quality of life of every citizen (Abiodun and Abioro, 2020). However, the nature of state and national security challenges in Africa in the 21st Century have substantially changed. According to GIGA Focus (2019), presently in Africa, state and national security challenges are increasingly taking decentralized forms with strong regional and international involvements exemplified in the self-interest of political cabal/law enforcement agencies, institutional weaknesses, transnational and organized criminals (including cyber criminals), terrorists, urban rioters, and rebellious acts through insurgencies.

This development has created a paradox situation such that while the global world and Africa in particular depends on law enforcement agencies (like the Customs among others) and international responses of International Criminal Police Organization (Interpol) to proffer solution to persistent global security challenges, the innumerable security challenges on ground have also weakened the efficient rate of

customs and Interpol operations. Moreover, the swift in the level of technological advancement, science and globalisation in the 21st century have made perpetration of nefarious criminal activities so easy creating more drastic impacts, devastating consequences as well as challenging positive control measures on ground (Ake, 2000:27-28; Ukeje, 2005:8; Abiodun and Abioro, 2020:8). According to Ake (2000), globalization is increasingly privileging the market over the state. As a consequence, the market plays much greater role than the state thereby whittling down the state in Africa as the most important organization of power on the continent. This has generated a growing complexity of transnational crime relations in terms of the scope, goal, type of actors and the ferocity of struggles involved in the national insecurity and conflicts dynamics in Africa.

Conceptual Clarifications

The study revolves around and seeks to establish the relationship between three basic concepts, namely, State, National Security and Customs Service.

State

Fadakinte (2013:572) defines state as "the dominant group of people that exercises power and authority, through the government". In other words, a state is a sovereign entity that holds supreme rule over its territory. Thus, a state exercises its dominance/sovereignty through diverse instruments of economic, social, military and political authority/power at its disposal for national security sustenance. Thus, efficient management of state institutions and resources in accordance with the rule of law to promote the general welfare of the citizens is very key to the statutory functions of a state (Ozohu-Suleiman, 2016). Furthermore, a state good governance must embrace requirements, such as; efficiency, curbing corruption which inhibits development and investment, guarantee of civil and human rights and accountability to the people. It also includes an appropriate political leadership and environment that furnish a predictable and transparent framework of rules, institutions and behaviour for the management of public affairs. Therefore, efficient institutions and predictable economic and political environment make economic growth possible and public services effective (UNDP, 2017).

National Security

The concept of national security simply implies the basic responsibility of a state using every means of control/power at its disposal to protect and defend its citizenry at all times. Thus, national security further connotes the wherewithal of the state to guarantee defence, security and prevent the society from anarchy, as its government is deemed fit to have provided adequate security (Makinda, 1998; Ali, 2013; Dairo, 2017; and Abiodun, Asaolu and Ndubuisi, 2020:17). It is on this basis Oshio (2009) and Wali (2010) maintain that to strengthen and advance the national interest and objectives of a state, it is fundamental to contain instability, control crime, eliminate corruption, enhance genuine development progress and growth, and improve the welfare, wellbeing and quality of life of every citizen. Indeed, all these features supposed to be the practicable guide for national security sustenance of any state. The customs for instance represents a channel/an agency instrument within the control/power of a state that can be potentially optimized to achieve some key national interests and objectives of a state particularly in terms of revenue generation for economic sustainability and border security enforcements for the promotion of

peace and stability in a state (Trubitsyn, Khriashchev, Mitrofanova and Mitrofanova, 2017). However, to optimally realize these statutory potentials, the inherent challenges within customs operations in Africa must first be adequately dealt with.

Customs Service

According to WCO's Glossary of International Customs Terms (2018:9), Customs service connotes "the government service, which is responsible for the administration of Customs law and the collection of duties and taxes and which also has the responsibility for the application of other laws and regulations relating the importation, exportation, movement or storage of good". Customs service also involves inter-agency collaboration and cooperation with relevant control sister agencies and international intelligence agencies such as Interpol. Their statutory functions include:

(i) Collection of revenue from export and import duties, as well as excise duties;

(ii) Combating smuggling, which is the taking of one good from one country to another in such a way as to avoid paying the necessary tax;

(iii) Protection of the country's (economic) security, by clearing all safe and legal goods, and impounding unsafe and illegal goods coming into the Nigerian state. In this function, goods are also prevented from leaving the country illegally. Harmful items such as illegal arms and ammunition are also prevented from being imported into the country, as they are used to carry out armed robbery, terrorism, rape, assassinations, and inter-group or communal clashes;

(iv) Advisory functions are also performed by the Customs service as it advises the government, importers, and exporters when necessary;

(v) Public education, information, and enlightenment functions are also carried out by the Customs service as it educates the members of the public on prohibited, and non-prohibited goods; as well as the rights and obligations of citizens, importers, and exporters, and others;

(vi) Boarding and rummaging of vessels and aircrafts;

(vii) Cargo and luggage examination at land borders or road checkpoints, seaports, and airports;

(viii) Processing of exports; and imports clearances through long room operations;

(ix) Petection of import, export, and excise duty offences;

(x) Detection of seizures and arrest of offenders;

(xi) Excise control; and

(xii) Investigation and prosecution of offenders (Ezelebor, 2005:48).

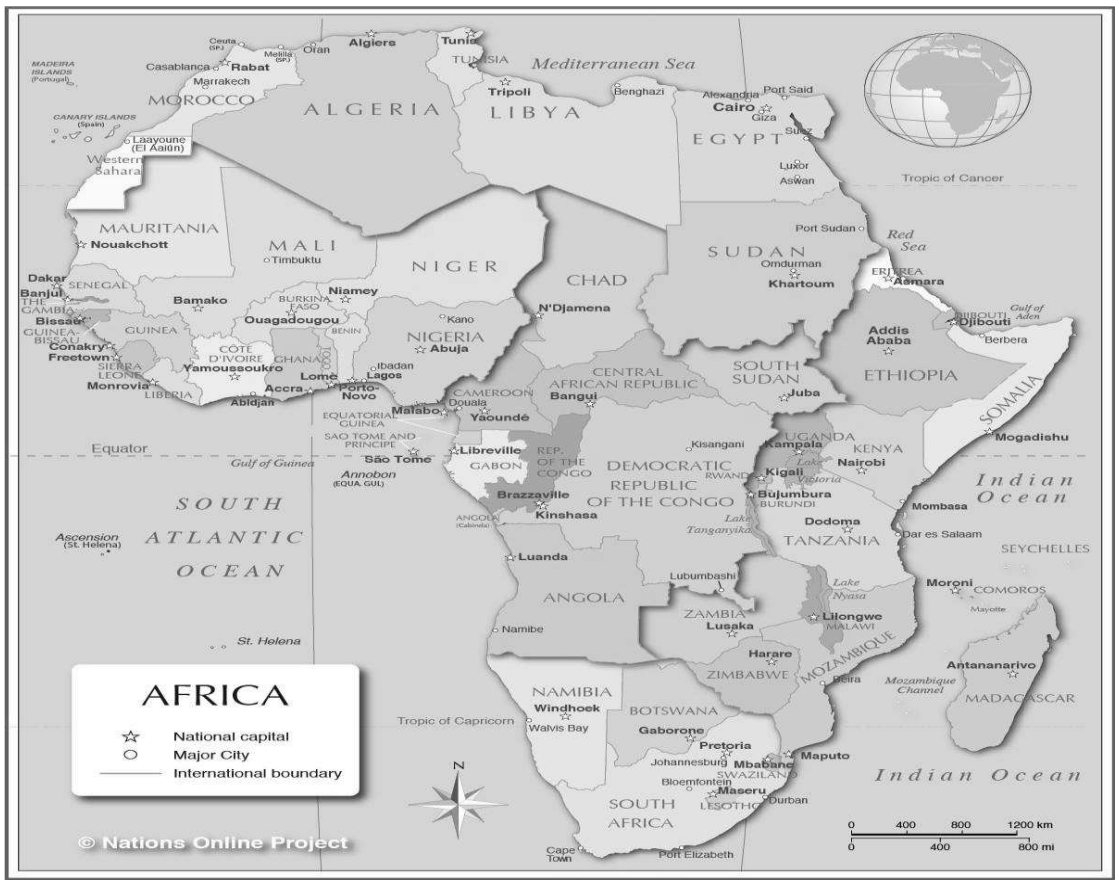
State and National Security Challenges in Africa

African states in the present era are convulsed by terrorists/ethnic violence, recession, poverty, unemployment, weak legislation among others such that African government can no longer deliver positive political goods for human and national

security. Although the most recent issue of COVID-19 Pandemic is also socio-economically and politically disastrous to Africa, its benefits through border closure has lessened cross-border crimes. While on the other hand escalating cybercrimes. In fact, cybercrimes are at its climax with increasing lockdown measures to curb the widespread effects of COVID-19 across the globe (INTERPOL ENACT, 2020). Besides, African governments have been neglecting their social responsibility and only gunning towards embezzling of public funds whereby the gap between the ruling class and the ruled classes continue to grow wider (Mobalaji and Alabi, 2017:14-15).

The resources are not evenly spread resulting in the struggle for available resources, incessant killings, and persistent ethnic clashes and terrorist attacks as in the case in Iraq, Yemen, Nigeria, Kenya, Somalia, Syria, Libya among many other states in Africa (INTERPOL Statement, 2019). In East Africa, Al-Shabaab is allegedly involved in human and firearms trafficking; In West and Central Africa, the presence of terrorist groups has had an impact on cattle markets and therefore on access to food. Terrorist groups are involved in this type of criminality not only to fund their activities but also to terrorize the local population; In North Africa, Al-Qaeda has successfully forged alliances with local tribes involved in smuggling activities. As a result, the organization has been able to profit from smuggling and trafficking activities between Maghreb countries and the Sahel.

Figure 1: Map of sub-Saharan Africa



Source: researchguides.wcu.edu, 2021

Many terrorist groups in Africa are essentially operating as mafias, Al-Shabaab for example. They use violence as a tactic for social control. In many failing or failed states, the designated terrorist group has stepped in to offer state services, like a traditional mafia would do (such as protection rackets, social services, etc). This is currently seen in Somalia, Syria, Libya, Iraq and Yemen. This situation has generated nexus gap between human trafficking, terrorism, banditry, transhumance, drug trafficking, and other forms of organised crimes that jeopardized state and national security globally. Thus, the significant need to produce concrete evidence to link those crimes calls for Customs-Interpol cooperation (INTERPOL Statement, 2019:3).

Methodology

The study adopts qualitative approach, which is a research methodology that involves the use of words and logicality of arguments rather than numbers in data analysis. Thus, sources of data for this study include secondary sources such as articles in journals, published books, Custom-Interpol annual reports and publications, online sources including Custom and Interpol websites. The approach will aid contextual understanding and analysis of the key terms of the study.

Customs Operations in Africa

Presently, Customs Administration from 85 countries from Central and South Asia Region (2010-2015); North of Africa, Near and Middle East (2017); South East Asia Region (South East Asia Security Project 2017-2019); West and Central Africa Region (WCA Security Project, 2018-2020); Burundi, Kenya, Rwanda, Tanzania and Uganda (2018-2021) have committed to the global security initiatives in order to safeguard the international crime supply chain.Thus, customs operations in Africa seek to coordinate activities across a range of border control agencies regionally and internationally. Empirical examples as regards this are enumerated as follows:

Sharing of agency intelligence, information & data: Customs Mutual Assistance Agreements (CMAAS), signed bilaterally by Canada Border Services Agency (CBSA) and eight counterparties during years 1979-2010 (European Community, France, Germany, Mexico, the Netherlands, South Africa, South Korea and the United States) provide Canada with a legal basis to share customs information to prevent, investigate and combat customs offences, particularly customs fraud, and to provide reciprocal mutual assistance to ensure the proper application of customs laws. Under CMAAs Canada may share customs information pertaining to: persons, goods and means of transport; activities planned, on-going, or completed that constitute or appear to constitute a customs offence in the territory of the country requesting the data; proven law enforcement techniques; new and emerging trends, means or methods of committing customs offences; and facilitation of risk assessment activities, with other member states within the mandate and authority of the CBSA (European Union Official Report, 2019).

*Joint operations:*Joint operation Meerkat, (23-27 July 2012) involving the World Customs Organization and INTERPOL against the illicit trafficking of cigarettes, tobacco and alcohol in East and Southern Africa resulted in the seizure of tons of illicitly traded products in seven countries. Operation Meerkat saw Customs and police authorities' carryout some 40 raids at seaports, inland border crossing points, markets and shops in Angola, Kenya, Mozambique, Namibia, South Africa, Tanzania and Zimbabwe. More than 32 million cigarettes –equivalent to 1.6million

packets, 134 tons of raw tobacco and almost 3,000 litres of alcohol were seized, resulting in national authorities initiating a number of administrative investigations into tax evasion and other potential criminal offences.

Collaborative criminal investigations & prosecutions: Through the Border Enforcement Security Task Force (BEST) units, officers from more than 100 different law enforcement agencies are gathered under one roof. The objective is to identify, investigate, disrupt and dismantle transnational organizations posing the greatest threat to border security, public safety and national security. To achieve that objective, the full range of federal, state, local, tribal and international law enforcement resources is employed. Over the years, the BEST has become a successful interagency law enforcement collaboration model that is keeping African borders safer.

Mutual recognition of supply chain inspection procedures & outcomes:

As part of the European Union funded research and development project, FP7-CORE(McLinden, et al., 2011), the phytosanitary and customs administrations in Kenya and the Netherlands are working towards mutual recognition of controls carried out by Kenyan authorities, as well as the exploitation of digital phytosanitary certificates and other trade documents, between the two countries. Outside of the research and development projects (like FP7-CORE), mutual recognitions (MR) of customs inspections are being explored for example in the context of EU MR Agreements, for example with Japan.

Cross-training and empowering manpower: Customs officers globally are frequently been trained by the Border Guard to inspect identification documents and visas, among other procedures. Border guards have, in turn, received basic Customs training, which includes the search of vehicles and the recognition of prohibited and restricted goods, such as drugs, alcohol, and counterfeit items.

Challenges of Customs Operations in Africa in the 21st Century

Weak National Legal Framework: Although Customs has some level of investigative power and is authorized to conduct simple administrative investigates, the most serious customs offences are investigated by the Interpol and/or other competent law enforcement agencies because customs do not have the mandate, requisite training or resources available to undertake broader enforcement/investigate activities. It is in this setting that close cooperation between customs and Interpol is vital, as the latter is inevitably part of the border enforcement process (i.e. customs possesses the mandate for detention and seizure of goods or means of transport and the Interpol possesses the mandate to enforce the criminal law) (INTERPOL-World Customs Organization (WCO) Report, March 2018).

Lack of Formal Coordinating Mechanism: Also, there is no formal coordinating mechanism for security agencies at the regional level of cooperation. Evidence abounds that dedicated control agencies in Nigeria, Ghana or Liberia and specialised unites in Togo, Burkina Faso and Niger focus with some important exceptions on low level arrests. This is mainly due to dearth of formal coordinating mechanism which make them rely on personal networks, while demand reduction and policy advocacy is mainly done by civil society organisations (CSOs) (11th EDF Regional Indicative Programme 2014-2020 for West Africa Sector: 6). It is on this basis, Adeniyi (2013) has linked the fundamental problem of border securities challenges in Africa to institutional fragmentation, intelligence and non-coordination

of policy between and among security agencies.Similarly, African security architecture shows that regional inter-agency cooperation has been in existence for long, but operates at the level of taskforce and working committees. As a consequence, bringing together numerous jurisdiction (for instance, national-local agencies, multiple local agencies, etc.) to combat specific problems are usually short term oriented as they are disbanded at the end of the task (Hassan, 2018). However, for Customs-Interpol cooperation to yield positive results, it must be effectively coordinated to generate long-term effects for state and national security sustainability.

Structural Challenges: Border security management in Africa and the world at large has faced numerous structural obstacles in terms of power relations between the central and regional governments. These structural relations, as involved in development, affects the partialities in the development process and leads to exploitation and marginalisation (Bassey, 2008:55). Structural obstacles emerge in various forms. For instance, the division of authority between the central and regional governments as regulated by Law No. 32 of 2004 regarding Regional Autonomy and a number of related regulations has yet to be completely resolved. Questions of political commitment and budgeting between the regional and central government, a lack of coordination and overlapping programmes, and inadequate problem resolution, remain key issues that require improvement. These border/sovereignty issues remain crucial in border regions in Nigeria, Ghana, Burkina Faso, Cameroon, Mali and North African countries of Somalia, Syria, Libya, Iraq and Yemen to mention but few. It is time for national policy in Africa to address this inherent structural challenges along its diverse border regions to give room for practicable customs-Interpol cooperation.

Ineffective Border Management System: A country's border management system becomes poor and ineffective when it encompasses the problem of inadequate personnel, patrol vehicles, surveillance helicopters and low technological equipment as well as neglect or non-functioning intelligence services. All the afore-mentioned constitute basic features of African major borders and waterways (Cantens and Raballand, 2017; INTERPOL, 2020). Furthermore, border security challenges in Africa had worsened due to lack of security agents 'possession of adequate training, resources or personnel to perform their duties effectively as a result of lengthy and porous nature of African borders.

Interpol as an International and Regional Crimes Prevention Organization and Security Enforcer

Otherwise known as ICPO-INTERPOL, implies International Criminal Police Organization. It is an international agencythat facilitates worldwide police cooperation and crime control founded in Vienna, Australia on 7 September, 1923 and has its Headquarters in Lyon, France with seven (7) regional Bureaus globally and a National Central Bureau in all 194 member states (INTERPOL Statement, 2019).

According to INTERPOL 2nd Global Meeting of the Wildlife Enforcement Networks (2016), the four Interpol regional bureaus (RBs) and police chiefs' organisations in Africa are:

- Eastern African Police Chiefs Cooperation Organisation (EAPCCO) – RB Nairobi
- Central African Police Chiefs Cooperation Organisation (CAPCCO) – RB Yaoundè

- South African Police Chiefs Cooperation Organisation (SARPCCO) – RB Harare, and
- West African Police Chiefs Cooperation Organisation (WAPCCO) – RB Abidjan

In Africa, Interpol have remarkable records in promoting global national security through its National Bureaus. According to INTERPOL Statement (2019), Interpol has been strongly involved in Project ENACT on enhancing Africa's response to organized crime towards promoting global security. Project ENACT is a three-year project (2017-2019) funded by the EU, while INTERPOL and Institute for Security Studies in partnership with the Global Initiative against Transnational Organized Crime are the implementing partners (INTERPOL, 2019; INTERPOL ENACT, July 2020).

INTERPOL role is to assist police in Africa to adopt proactive strategies to combat organized crime, facilitate information exchange and improve their investigative skills. Thus, in East Africa, Interpol created East African Police Chiefs Cooperation Organization (EAPCCO) in 1998, comprising 13 member states of: Uganda, Kenya, Tanzania, Burundi, Sudan, South Sudan, Rwanda, Djibouti, Eritrea, Seychelles, Somalia, Comoros and Ethiopia respectively. The thrust of EAPCCO is to better understand and meet regional policing needs and advance the regional security plans (INTERPOL Annual Report, 2019). In West Africa, Interpol formalized the West African Police Information System Cooperation in Abuja, Nigeria in 2017 (INTERPOL Annual Report, 2018). With WAPIS in place, Interpol established national criminal data systems in each of the fifteen (15) existing ECOWAS members-states: Benin, Burkina Faso, Cape Verde, Cote d'Ivoire, Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone, and Togo – including Mauritania and Chad, with the enhancement of a regional edifice for a stronger criminal data exchange (EU official Report, 2019).

Interestingly, INTERPOL areas of support include:

- *Information management and Intelligence:* Interpol assists member countries in the identification of crimes and criminals through intelligence analysis and investigative support. It encourages the exchange of information and intelligence between agencies responsible for the enforcement of laws. In addition to providing analysis, Interpol also centrally stores the supplied information in its global databases;
- *Capacity building and development:* through training, international or regional meetings, and investigative support, Interpol aims to share expertise in order to develop and enhance skills in the field of environmental enforcement;
- *Operations and investigations:* Interpol assists law enforcement agencies on the ground to understand crime trends, analyze information, conduct operations, and ultimately, arrest criminals involved transnational crimes. To this end, Interpol provides technical support and expertise to law enforcement agencies in their operational pursuits;
- *Communication and advocacy:* Interpol emphasizes the significant role played by law enforcement agencies involved in countering transnational crimes. It promotes an intelligence-led approach in the enforcement of laws through the identification of international trends and patterns in transnational/organized

crimes. The stimulates law enforcement communication and the role of advocacy in reinforcing law enforcement responses;

- *Networks:* Interpol engages and establishes relationships at national and international levels through networks. It encourages the development of networks between traditional police, law enforcement authorities, and other regulatory and enforcement agencies, both nationally and internationally.

INTERPOL Instruments of Operation

In order to support and assist member countries in their fight against transnational/organized crimes, Interpol provides a set of tools and services, including:

- *The 1-24/7 system* is a secure global communication system connecting law enforcement officers from the 194 member countries. This not only ensures a secure method of exchanging sensitive information, but also provides access to some of Interpol's databases;

- *Notices* are requests for cooperation or specific alerts. Interpol relies particularly on Red Notices, which seek the location and the arrest of wanted persons; Blue Notices, which are used to collect information on individual or locate him/her; Purple Notices, which are typically published to seek or provide information on some given modus operandi; and Green Notices, which aim to provide warnings and intelligence about persons who have committed criminal offences and who are likely to repeat these crimes in other countries;

- *Ecomessages* are standard formatted messages to report an incident or a seizure. This provides a uniform intelligence and data-reporting system for the many different law enforcement agencies involved, which also facilitates the analysis of information and overcomes language and communication barriers;

- *National Environmental Security Task Forces (NESTs)* are national multi-agency cooperation initiatives bringing together police, customs, environmental agencies, other specialized agencies, prosecutors, non-governmental organizations (NGOs) and intergovernmental partners to address a specific crime issue;

- *Regional Investigative and Analytical Case Meetings (RIACMs)* bring together national law enforcement officers to analyze information and intelligence regarding significant cases, and to collaboratively pursue investigative outcomes;

- *Investigative Support Teams (ISTs)* are Interpol teams deployed to provide case-specific investigative support to national authorities, notably by sharing expertize with regard to investigation techniques and responses to identify and deter specific environment crimes;

- *Operations:* these coordinated regional and global responses are set up to dismantle criminal networks, share information and intelligence, form multi-disciplinary teams to tackle global insecurity challenges, strengthen regional, national, and international law enforcement capacities, and raise awareness. In

2015, Interpol launched the *Connexus* Initiative. With the scope of this unprecedented initiative, Interpol coordinated a number of operations through data services and databases:

- *ASF Stolen/Lost Travel Documents (SLTD)*
- *Automated Fingerprint Identification System (AFIS)*
- *DNA*
- *Stolen Vehicle Database*
- *Interpol Weapons Electronic Tracing System (IWeTs)*
- *Integrated Solutions to Access Interpol's Databases – FIND/MIND*
- *Interpol Money Laundering Automated Search Service (IMLASS)*
- *Disaster Victim Identification*
- *Enigma III* (electronic waste trafficking)
- *Log* (forestry crimes in West Africa)
- *Maya* (illicit goods and counterfeiting in Central America, North America and the Caribbean Region)
- *Paws II* (biodiversity crimes in Asia)
- *Pesc-Am* (marine protected species and high risk fishing vessels operating in Central America)
- *Stingray* (Illegal fishing)
- *Support to COBRA III* (biodiversity crimes in Africa and Asia)
- *Worthy II* (biodiversity crimes in Africa).

- *Publications:* Interpol has worked on a number of documents, from analytical and operational reports to investigate manuals. They were developed in collaboration with experts from Interpol members' countries for information purposes for the public and the law enforcement community.

Challenges of INTERPOL Operations in Africa

Dearth of detailed knowledge of daily Customs procedures and Customs specific detection and enforcement techniques. Despite high capabilities in the roles of Interpol in combating transnational/organised crimes and maintaining laws and order in their states, they lack profound knowledge and enforcement techniques of customs service (INTERPOL-WCO, 2018). This largely constitutes great barriers to joint efforts.

Outdated and ineffective legal basis:

INTERPOL'sConstitution lacks clear provisions concerning its relations with external entities (such as other international organizations and non-member states) and its powers to conclude agreements with its member states concerning the national office, privileges and immunities. Moreover, Interpol's large membership and the diversity of legal regimes under which the police authorities of the member states act detract from its ability to respond quickly and adapt to new security threats (GLOBE, 2020:39).

Other related challenges according to INTERPOL 2nd Global Meeting of the Wildlife Enforcement Networks (2016) include, limited extension of *1-24/7* INTERPOL communication system beyond National Central Bureaus (NCBs) and limited use of INTERPOL tools and services

Conclusion

The study has considerably explored the crucial place of Customs-Interpol roles in global security context with specific references drawn from states in Africa. It therefore sees greater opportunities/potentials in Customs-Interpol relations towards restoring state honour through appropriate legislative framework for the promotion of Customs-Interpol cooperation in order to provide concrete evidence in overcoming diverse national security challenges in Africa.

Recommendations

Thus, the following recommendations are highly central to this study:

1. There should be constant and full cooperation between Customs and Interpol. This can be achieved through human, technological, and information integration.
2. There should be special trainings for both parties (Customs-Interpol officers). This must be geared towards addressing inherent limitations in both parties' operational processes.
3. The issue of overlapping mandates and objectives in the roles of Customs and Interpol must be adequately resolved particularly at the national legislative level.
4. There should be increased efforts in developing harmonized tools in order to enhance high level of collaborations, interactions and efficiencies between Customs and Interpol globally.

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