

**THE CUSTOMS EXCISE AND PREVENTIVE SERVICE AND
CROSS BORDER CRIMES MANAGEMENT: A CASE STUDY
OF THE EASTERN FRONTIER OF GHANA**

by

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CERTIFICATION

I hereby declare that this submission is my own work towards the CEMBA and that, to the best of my knowledge, it contains no material previously published by another person nor material which has been accepted for the award of any other degree of the university, excepted where due acknowledgement has been made in the text.

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ABSTRACT

Ghana can boast of a vast sub-regional market of about 220 million people sharing cultural linkages across borders and having similar tastes. In order to benefit from such a huge market, the intensification of trade between Ghana and her neighbours is essential. At the community level, this commitment is seen in the persistent efforts by member states to ensure free movement of persons, goods and services across national borders. In Ghana, the institution responsible for the implementation of free movement and trade facilitation is the Customs Excise and Preventive Service (CEPS). Over the years, cross border criminal activities have become a hindrance to free movement and trade. This is especially so along the Eastern Frontier of Ghana, which stretches from the border with Togo at Aflao to the fringes of northern Volta at Tinjase. The porous border here however, continues to engender cross border crime and instability in the country owing to the lack of appropriate mechanisms for monitoring illegal cross border activities. Consequently, violent Cross border criminal activities such as Drug trafficking, Arms trafficking, Human trafficking, Armed robbery and Vehicle theft as well as non-violent ones like Textile smuggling, Vehicle smuggling, Fuel/Cocoa smuggling, Cyber fraud, Money Laundering and Counterfeit/Piracy are on the rise in this area in spite of the efforts of CEPS a frontline agency in managing these activities. Open-ended interviews with Heads of border security agencies such as CEPS, Ghana Immigration Service (GIS) the Bureau of National Investigations (BNI), Police Service and the National Security Ministry working in this area revealed the enormity of the problem. The negative socio-political and economic impact of cross border criminal activities in Ghana call for effective mechanisms to manage them. Hence, adopting sub-regional and complementary national control strategies will help to reduce the impact of cross border crimes. Effective options lie in a concerted effort at the sub-regional level between governmental and non-governmental agencies to combat cross border crimes. Appropriate national legislative and

regulatory actions, to upgrade skills in investigative and enforcement techniques, and addressing corruption within government security agencies in order to avoid complicit acts by government and security agencies.



DEDICATION

I dedicate this work to my lovely wife Monica for her relentless support.

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ABBREVIATION

ACP	Assistant Commissioner of Police
BNI	Bureau of National Investigations
CID	Criminal Investigations Department
CEPS	Customs Excise and Preventive Service
COMESA	Common Market for Eastern and Southern Africa
CPCJC	Crime Prevention and Criminal Justice Centre
ECOWAS	Economic Community of West African States
ERW	Explosive Remnants of War
FDI	Foreign Direct Investment
GCMS	Ghana Customs Management System
GCNet	Ghana Community Network
GIPC	Ghana Investment Promotion Centre
IRS	Internal Revenue Service
INTERPOL	International Police
KIA	Kotoka International Airport

NRCD	National Redemption Council Decree
PNDC	Provisional National Defence Council
SACU	Southern African Customs Union
SAD	Single Administrative Document
SADC	Southern African Development Corporation
SUV	Sports Utility Vehicle
UEMOA	Union Economique Monetaire Occidental d'Afrique
UNCICP	United Nations Centre for International Crime Prevention
UNODC	United Nations Office on Drugs and Crime
VAT	Value Added Tax
WTO	World Trade Organization

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Nonetheless, I must state that any errors that persist in this study are entirely my own.

CHAPTER ONE

INTRODUCTION

1.1 OVERVIEW OF THE STUDY

The Customs Excise and Preventive Service (CEPS) was established in 1939 as the Customs and Excise Department of the Gold Coast. It was tasked with the responsibility of collecting and accounting for government revenue through indirect taxes from ports, harbours and approved points of entry (History of CEPS 1999). CEPS has since become a major source of revenue generation in the country, collecting between 50% - 60% of internally generated revenue for government. (www.cepsghana.org accessed 13th January, 2009). In addition, CEPS performs non-revenue functions involving the enforcement of laws regarding facilitation of international trade, imports and export restrictions, exchange control, public safety and other interests of state on behalf of public institutions such as the Standard Board, Food and Drugs Board, Plant Quarantine and the Value Added Tax Service (VAT).

In recent times and in line with Government policy on trade especially the need to strengthen intra – regional trade, CEPS has had to marry its traditional role of revenue collection with trade facilitation. This addition is traceable to government's desire to implement Article 2(2) and Article 27 of the Economic Community of West African States (ECOWAS) protocol on free movement of persons, goods and services. It is worthy to note that, the idea of Economic integration as envisioned by the founding fathers of ECOWAS had long existed in Africa with the formation of South African

Customs Union – SACU in 1910. However, this idea became more and more important as a result of the nature of international economic relations of the Post-War era. The collapse of the Breton Woods System of fixed but adjustable exchange rate mechanism, the oil crisis of 1973/74, no doubt sent signals to the world that, there was the need to expand economic activity in collaborative terms. The attempt at cooperation and integration in Africa was the creation of regional and sub-regional groupings such as the Economic Community of West African States-ECOWAS, Common Market for Eastern and Southern Africa –COMESA, Southern Africa Development Cooperation –SADC, and Union Economic Monetaire Occidentale d'Afrique –UEMOA. However, trade facilitation and agency duties have brought to the fore various challenges in the area of cross border crimes such as the illicit trade in natural resources and other commodities like drug trafficking, Human trafficking, Fire arms trafficking, money laundering, vehicle smuggling, Textile smuggling, Armed robbery, Advance fee fraud (419) and other frauds. Even though these crimes have long existed, West African countries have experienced an upsurge in these cross border crimes raising very serious concerns from citizens, government and the international community at large.

1.2 PROBLEM STATEMENT

The need for greater cooperation through integration as a stepping stone for economic development in the sub- region had long been recognized by the founding fathers of ECOWAS. This is in consonance with the universal principle of regional economic integration and associated benefits of increased intra-regional trade in volume and value, unimpeded movement of goods and services across national borders, and free

movement of persons across national borders. Article 2(2) and 27 of the Protocol on free movement of persons, goods and services aims at achieving these objectives (Kassim1999).

The Eastern Frontier of Ghana consists of the demarcation which spans the Exclusive Economic Zone in the Atlantic Ocean along the Ghana -Togo border at Aflao in the Volta Region to Tinjase in the northern fringes of the Volta Region. Cross border crime in this part of the country is on the rise with its attendant social, economic and political impact on Ghana.

Why is cross border crime at the Eastern Frontier of Ghana on the rise in spite of the many attempts at combating it? Politicians, academics, economists and social commentators have bemoaned the lack of progress in fighting cross border crimes in this area. In any case, this turn of events cannot be for want of trying, or the absence of rules and legislation. It cannot be limited to the traditional arguments of ill-equipped border institutions, that lack the infrastructure to deal with the threat. Generally speaking, fairly moderate transport and communication infrastructure has been put in place. For example, various border posts have been strategically located along the stretch of the Eastern Frontier in places such as Kpoglo, Akanu, Have, Batume Junction, Nyive, Shia, Honuta, Wli Agorviepe, Menuso and Tinjase. All these stations are equipped with communication gadgets and vehicles, and in some places telephone facilities exist with good roads leading to District and Regional capitals. Also, the rules and regulations are clearly set out, but in order to achieve concrete results, the challenges that CEPS faces as frontline implementers and facilitators of government policies have to be eliminated.

Several writers have tended to situate the low level of progress in this area in the domain of legal and infrastructure barriers much to the neglect of the crucial role of CEPS. This study therefore seeks to refocus attention on CEPS and its pivotal role if significant improvement is to be seen in this direction. In other words, to halt the increased threat posed by cross border crimes in the Eastern Frontier of Ghana, there ought to be a shift from the traditional general problems of lack of infrastructure and logistics to the crucial role of CEPS in cross border crime management.

1.3 OBJECTIVES OF THE STUDY

CEPS is arguably the biggest player in the fight against cross border crimes. This research study intends to analyze the problems within and outside CEPS that militate against the fight against such crimes especially along the Eastern Frontier of Ghana. This study does not intend to dwell on the general problems of cross border crimes in Ghana, but to focus on the peculiar case of the Eastern Frontier which has played a major role in trade with neighbours, notably Togo and Nigeria

The objectives of the Research are as follows:

1. To examine the nature, sources and impact of cross border crime in Ghana
2. To examine the role of CEPS as a Frontline organ in the fight against cross border crimes.
3. To identify the specific problems that militates against cross border crimes management.

4. To offer possible suggestions / recommendations.

1.4 SIGNIFICANCE OF THE RESEARCH

The research is significant for a number of reasons;

Firstly, Transnational/cross border criminal activities are on the rise world wide and these activities are threatening the security of nations Ghana and for that matter the West African sub-region is no exception to this phenomenon.

Secondly, according to the United Nations Office on Drugs and Crime (UNODC) and the Regional Threat Assessment, the West African sub-region has become the hub for transnational organized criminal activities in recent times.

Thirdly, the potential of the vast West African market through intra-trade is under threat from the activities of cross border criminality.

Fourthly, the Eastern Frontier is of particular interest because of its proximity to the largest market in West Africa, Nigeria.

1.5 SCOPE OF STUDY

This research is based on what has become known as the Eastern Frontier of Ghana, consisting of the Exclusive Economic Zone between Ghana and the Republic of Togo from Aflao through the approved points of entry of Kpoglo, Akanu, Have, Batume Junction, Afegame, Nyive, Shia, Honuta, Leklebi Dafor, Wli Agorvieve, Menuso to Tinjase.

1.6 HYPOTHESIS

This study is based on the hypothesis that little has been achieved in cross border crime management because the problems of CEPS as a frontline agency has not been fully appreciated and addressed.

1.7 METHODOLOGY

The research relied largely on unstructured interviews with border security agencies such as the Customs Excise and Preventive Service, the Immigration Service, the Bureau of National Investigations (BNI), the National Security and the Police Service. It involved a visit to Aflao, Kpoglo, Afiadanyigba, Akanu, Batume Junction, Afegame, Nyive, Shia, Honuta, Leklebi Dafor, Wli Agorvieve, Menuso and Tinjase border stations. Here, there were interactions with Heads of the Ghana Immigration Service, Bureaux of National Investigations, Customs Excise and Preventive Service and National Security. There were also interviews with Heads of security agencies such as the Deputy Regional Police Commander and the Chief Collector of CEPS in Ho. Further discussions were held with relevant Unit Heads such as the INTERPOL at the Police Headquarters and Vehicle Task Force at CEPS Headquarters in Accra.

The study also consulted relevant secondary material. Books, magazines, journals and other published works on African Integration, ECOWAS as well as cross border criminal activities in West Africa and Ghana were consulted.

1.8 ORGANIZATION OF STUDY

The research is a social research involving the problem of cross border crimes management. Chapter One is the introductory chapter consisting of the background to the study, the problem statement, research questions, objectives of the study, Hypothesis, scope of the study, significance of the study and the organization of the research. Chapter Two deals with the literature review, theoretical framework and conceptual framework. Chapter Three deals with the interviews with relevant border security agencies and material from secondary sources. Chapter Four is devoted to findings, a brief history of CEPS, the organizational structure and functions, and the analysis and interpretation of findings. Chapter Five summarises and concludes with recommendations.

1.9 LIMITATION OF STUDY

The basic limitation was the lack of statistics at the various stations visited in terms of records of cross border criminal activities. All the border security agencies did not have records of encounters of such activities. As such, the research was based largely on unstructured interviews with border security Agency Heads.

1.10 DEFINITIONS

The Eastern Frontier of Ghana as used in this context refers to the sea and land frontier which spans between the republic of Ghana and Togo from the Exclusive Economic Zone in the Atlantic Ocean to the Northern fringes of the Volta Region of Ghana at Tinjase.

Cross border crimes as used in this context refers to criminal activities such as drug trafficking, human trafficking, money laundering, smuggling of illegal migrants,

counterfeiting and pirated items, arms trafficking, armed robbery all across the Eastern Frontier of Ghana, also referred to as Transnational crimes.



CHAPTER TWO

LITERATURE REVIEW

The importance of the study of the relevant literature on research work cannot be overemphasized. A study of such relevant literature eliminates the trouble of having to go through the same or similar mistakes made by previous researchers. According to Chaplin, it is short-sightedness and a waste of time to plunge at once into research without first taking a look at what has been done already (Cisse 2006).

A lot of literature abounds in the area of cross- border crimes and economic integration in West Africa and proposals for their management. It should be noted that the control and regulation of cross-border crimes is not only a means of ensuring peaceful co-existence with neighbours and stability in West Africa, but should be seen as a means of promoting pertinent political and social- economic activities needed for integrating West African economies. Article 2(2) and 27 of the ECOWAS protocol on the free movement of persons, goods and services is inevitable in undertaking cross-border activities. About four (4) to five (5) million citizens ply the highways and frontiers of the Community territory every month (Addo 2006).

According to Addo (2006), the porous borders of West Africa continue to engender cross-border crime and instability in the sub-region, owing to the lack of an appropriate mechanism for monitoring movements and illegal activities across the borders. For him, 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. Mercenarism 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 (www.nigerialaw.org/criminal%20Act-Tables.htm accessed, 4th January, 2009).

For Addo (2006), the failure of specific national approaches to addressing the challenges of cross-border problems in West Africa eventually culminated in recommendations by ECOWAS, the United Nation and the European Union to adopt a more coherent and co-ordinated regional approach to solving the problem.

The 2004 United Nations 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, and 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 (UN Security Council 2004)

In the area of integration, the focus has generally been on the issue of problems and prospects of integration. Writers who have conducted research in this area have bemoaned the lack of progress when it comes to the free movement of persons, goods and services. Several reasons are given in an attempt to analyse the problems associated with

free movement, yet they still lack the adequacy of conciseness. Some have argued that a reduction in tariffs would facilitate trade and thus increased movement.

Obadan (1984) notes in his writing on the problems which impede trade expansion among West African countries that, the lack of standard measures and a uniform grading system, prevents price comparison between national markets and renders trading among these countries difficult . He goes on to identify the lack of market information concerning the availability of products in the sub-region.

Astain (1990) takes a stand on another level when he cites institutional arrangements within the individual countries of West Africa as one of the main obstacles to increased intra-African trade. He laments the absence of uniform regulations in relation to trade which makes it difficult for traders and businessmen who have to meet different standards in each of the countries they transact their trade business.

Peter Robson (1968), one of the premier writers on West African integration points out the negative effects socio-cultural factors may have on an integrative process. In his estimation, and rightly so, the differences in culture between Anglophone and Francophone African states has continued to pose a formidable obstacle to integration. The difference in outlook between these two categories of states has tended to complicate socio-political and economic relations between them.

Ayeetey and Oduro(1996) make a case for non-tariff barriers as impediments to realizing the expected benefits of a regional market. They classify non-tariff barriers into three groups. Those which affect trade, production and investment According to him,

quantitative restriction and inconvertible and separate national currencies are the important non-tariff barriers, which affect intra-regional African trade. Similarly, Boas (1999) alludes to this when he says that in many African countries large groups of the population and sometimes the entire state apparatus owe their survival to the semi-official, often illegal, flows of trade, capital and services, which go across boundaries. He argues that it is precisely due to their failure to address these issues that formal regional projects have been such a failure in Africa.

In examining factors that militate against effective implementation of the ECOWAS Treaty, Asante (1986), a prolific writer on West African integration, cites political instability in the sub-region as one factor. He explains that, fragile governments fearful of civil strife would rather not endorse reforms needed for regional development.

The trend that emerges from the above literature examines the broad general problems of integration. Whilst Obodan touches on lack of standards measures, Robson highlights the negative of socio-cultural factors on integration, a fact generally accepted by writers on West African integration. Also, whilst Lyakurwa (1996) argues that FDIs would enhance technological development and capital flow, Asante stresses political instability as a factor that militates against effective implementation of the ECOWAS Treaty and protocols.

Amarteifio (2000) in his paper on the problems facing the Ghana Immigration Service in implementing the free movement of persons identifies some areas where community citizens have deliberately glossed over. One such area is the ninety (90) days visitors permit. He laments that some citizens of member states upon entry, are granted

this permit and fail to renew same as provided by the ECOWAS protocol. This it is felt is a flagrant disregard for the protocol as well as the laws of the country, more so, as the facility exists for the extension of such permits.

In addition, some community nationals provide false addresses on the disembarkation forms filled at the point of entry. Also, many community citizens enter the country through unapproved routes and the result is that the Immigration Service does not have any information on them. Others resort to the use of identity cards for purposes of moving within the community instead of using the appropriate documents.

Writing on Free Movement of Persons, Goods and Services - a CEPS Perspective, Klutse (2000) identifies lack of understanding of the scheme in its entirety by some of the implementers on the ground such as Customs Officers and the trading public. Furthermore, he opined that the formation of UEMOA largely affected negatively the overall objectives of the ECOWAS free movement of goods and services. Another difficulty in the implementation of the scheme is the escalation of forged documents such as Invoices and Certificates of Origin, the ECOWAS Brown Card Insurance Scheme from some member states.

From the above, it can be said that each researcher dealt more efficiently with different aspects of the problem, highlighting his area of interest. However, the various issues raised offer us an insight into the complex nature of cross-border crime and its relationship with West African integration They serve as the hurdles that must be crossed to fully realize the benefits of cross-border crime management.

2.1 THEORETICAL FRAMEWORK

2.1.1 FUNCTIONALISM

David Mitrany's writings on functionalism during the period between the two World Wars and after has greatly influenced subsequent integration theorists. The theory of functionalism has provided an alternative to the more traditional legal conceptions of the state and of sovereignty (Dougherty 1996). For Mitrany, governmental systems were growing by the day and were becoming more and more complex with increased technical, non-political tasks facing governments. Such that, such tasks not only created a demand for highly trained specialists at the national level, but also contributed to the emergence of essentially technical problems at the international level, whose solutions lie in collaboration among technicians , rather than politicians. The creation of frameworks for internal cooperation in the 20th century therefore, is directly linked to the growth in importance of technical issues. Such functional organisations could be expected to both in their numbers and in scope as technical problems confronting human kind grew in both immensity and magnitude. The end result is that organisations for functional collaboration might eventually overtake political institutions of the past.

In addition, Mitrany's theory brings forth what he calls "ramification" or what Ernst Haas refers to as "spill-over". Here the development of collaboration in one technical field leads to comparable behaviour in other technical fields. The effort to create a common market, for example, gives rise to pressure for further collaboration on pricing, investments, transport, insurance and other related policies. In the end, such

collaboration would encroach upon and even absorb the political sector. Mitrany's concern was the process by which political communities become integrated in order to contribute to world peace. (Dougherty 1996).

Functionalist approach as stated earlier involves the promotion of economic, political or social collaboration among the parties involved. The main problem however, is that it tended to assume that a global consensus on what constitutes "Welfare" is possible. Based on this weakness, Reginald Harrison stated that: "The dissimilarity between states in their ideologies and levels of economic development would inhibit functional cooperation" (Michael 1979).

2.1.2 NEO-FUNCTIONALISM

The Neo-functionalism theory espoused by writers such as Ernst Haas, Joseph Nye, Robert Keohane and others is the intellectual descendant of functionalism .It concerns with elaboration, modification and testing of hypothesis about integration. The work of Joseph Nye in this area is essential in setting forth a theoretical framework, based upon "process mechanisms" and "integrative potential ".Central to Nye's neo-functionalism approach is what he calls seven "process mechanisms", namely the concept of spill-over, rising transactions, deliberate linkages and coalition formation, elite socialization, regional group formation, ideological-identitive appeal and involvement of external actors in the process.

1. The Concept of Spill-over

In his opinion, the spill-over concept has been wrongly applied to include any sign of increased cooperation, arising from relationships among problems because of thief inherent technical characteristics, or because of actual efforts by integrationist elites to cultivate spill-over. Nye goes on to hypothesize that imbalances created by functional interdependence or inherent linkages of tasks can be a force pressing political actors to redefine their common tasks. He admits though, that, such redefinition of tasks does not necessarily lead to an upgrading of common tasks. The experience can also be negative.

2. Rising Transactions

Integrationists believe that integration inevitably leads to increased trade transaction, capital movement, communication and exchange of people and ideas. So that political actors faced with heavy demands upon common integrative institutions resulting from an increasing volume of transaction, may choose to deal with them on a strictly national basis, or they may decide to strengthen the common institutions. For Nye, when there is any increase in transaction, the central institutional capacity to handle a particular task should be strengthened , but not by merely widening the scope of integration.

3. Deliberate Linkages and Coalition Formation

Here, Nye focuses on what he calls accentuated spill-over. He suggests that because of political feasibilities and ideological projections,” problems are deliberately linked together into package deals not because of technological necessity” (Dougherty 1996) Citing the European Union as an example, he points to politicians, international

bureaucrats and interested groups to create coalitions based upon linked issues. Although such efforts may promote integration, they may have a negative effect if, for example the political fortunes of a group supporting integration declines.

4. Elite Socialization

The traditional perception that national bureaucrats are wary of integration because of the possible loss of national control, is put to rest with numerous examples of growth of support for integration arising from elites who have actively participated in the negative scheme. The extent to which national bureaucrats become participants in regional integration will determine the level of their socialization.

5. Regional Group Formation

Regional integration is said to stimulate the creation, both formally and informally, of non-governmental groups or trans-national associations. Nye asserts such associations remain weak. Only such groups at the regional level aggregate the more general interests, whereas the more specific interests remain within the purview of national level interest groups.

6. Ideological-identitive Appeal

Regionalism becomes a powerful force to reckon with when there is a sense of identity. “The stronger the sense of performance and the greater the identitive appeal, the less willing are opposition groups to attack an integration scheme frontally” (Dougherty 1996). Under such conditions, shot-term losses are likely to be tolerated by members

because of the expected benefits in the long run from a permanent and large market. However, the growth of ideological-identitive appeal within some groups may serve only to increase the opposition of insecure nationalist leaders and private sector groups, especially if the perceived gains from integration at the regional level are uncertain.

7. Involvement of External Actors in the Process

Here, Nye notes the importance of governments and international organisations, as well as non-governmental actors as catalysts in regionalism. The stress is on external actors and their active involvement in his neo-functional model as part of the process mechanism. Neo-functionalism however became unfashionable in the 1970s, probably because it appeared to have failed to predict successfully the developments of regional integration in Western Europe.

The applicability of the Functionalism and Neo-functionalist theorists to economic integration cannot be overemphasized. The proliferation of common problems logically requires collaborative responses from states. These essentially non-political problems (economic, social, and scientific) should be assigned to the non- political experts from the affected countries for resolution. It stands to reason that, successful collaboration in one particular technical field or functional area would lead to further collaboration in the other fields. Economic unification would invariably contribute to the development of political integration.

2.2 International Integration

To integrate is to put together previously separate units to form one whole coherent system, thereby bringing about a significant degree of interdependence among the component parts.

According to P.M. Morgan, regional integration is the most serious and successful contemporary effort to supersede the nation-state. He reckons that the subject has attracted a good deal of attention, as a result of which theory on the subject is better developed than anywhere else in the study of international politics (Morgan 1975).

At any rate, there appears to be some lack of consensus among scholars of the discipline, on the definition of integration. In this regard, Morgan further asserts that: “There is no generally accepted definition of integration ... some consider integration to be a condition (as when we say a community is integrated), but it is equally plausible to think of it as a process (as when we say Western Europe is ‘integrating’ via its common market)” (Morgan 1975).

Michael Hodges makes a similar observation as regards the definition of integration. “...integration theory is controversial because, firstly, there is little agreement on how the dependent variable (integration) is to be defined...whether it is a process or a condition”(Hodge 1979).

Karl Deutsch, one of the theorists of modern integration however, defines it to cover both senses of the word thus: ... a relationship among units in which they are mutually interdependent and jointly produced system properties which they would

separately lack. Sometimes however. The word ‘integration’ is also used to describe the ‘integrative process’ by which such a relationship or state of affairs among formerly a separate unit is attained (Deutsch 1988).

Deutsch further identified integration of political actors or units, such as individuals, groups, regions or countries and called it ‘political integration’. He compared it to ‘power’ in the sense that it is a “relationship in which the behaviour of such actors, units or components were not integrated” (Deutsch 1988).

He ascribes four dimensions to integration namely domain, scope, range and cohesiveness. The domain consists of the population of the geographic areas integrated; the scope represents the collection of different aspects of behaviour to which the integrated relationship applies; the range consists of the array of rewards and deprivations for the component units, by which an integrated relationship is maintained among the units; while cohesiveness connotes the extent to which an integrated system can withstand stress and strain, support and strain. Support disequilibria and resist disruptions.

2.3 THEORIES OF CRIME

There are many theories why people commit crimes. However, three theories that will be discussed in relation to cross-border- crimes are the psychological, biological, and sociological theories. (www.lawrank.org/pages/824/crime-causationtheories.html (accessed on 20th January, 2009)

1. The Psychological Theories

Psychological theories of crime suggest that some offenses may be caused by mental factors or conflicts. Psychological theories of crime deal with causes at the individual level, but instead of associating crime with observable phenomena like brain abnormalities, psychological theories associate crime with abstractions like mental illness, intelligence, or personality. For centuries, psychology has been essential to understanding criminal responsibility. Under criminal law, defendants who do not possess the requisite criminal intent are not guilty of a crime, even if they committed the criminal act. This is why, for example, some offenders are found not guilty by reason of insanity. Mental states also regularly help distinguish varying levels of criminal responsibility, such as deciding between murder and manslaughter, or between first and second-degree murder. Yet while legal evaluations of mental states extend back to ancient law, the search for the psychological origins of crime is only 150 or 200 years old. Nineteenth century researchers like Phillippe Pinel and Benjamin Rush claimed that criminal behaviour was closely linked to forms of insanity. Henry Maudsley went even further, claiming that crime and madness were equivalents: criminals would go mad if they did not offend, and they do not go mad because they are criminals

2. The Biological Theory

The biological theory deals with the genetic make-up of a person. This theory believes that people are born with “criminal genes” .Although it has never been inconclusively proven, this is a theory that has seemed to hold ground. With the biological theory, it is thought that criminals can be identified through their physical

characteristics and even their DNA. An example of this would be saying that most criminals have beady eyes, and dark hair. Although this would be in fact a generalization or stereotype, this theory may not be the best defence for the individual theory of crime.

3. The Sociological Theories of Crime

Even though the psychological and biological theories all need to be incorporated when trying to determine the causes of crime, the relevance of the sociological theories of crime causation in cross-border activities cannot be overemphasized. This is because these look for elements in social structure and processes that create motivation and provide the opportunity to commit crime.

There are four (4) sociological theories of crime; the social structure theories, Social process theories, social conflict theories and the rational theory. Two sociological theories are the Social Disorganization Theory and the Strain Theory. The social disorganization theory focuses on urban conditions that affect crime. The theory holds that high unemployment, high school drop out rates, low income levels, and large numbers of single parents households contribute to crime. The Strain theory holds that crime is a conflict between people's goals and the means they can use to legally obtain them. Basically the Strain theory holds that people in the low socio-economic class have less opportunity to achieve their goals so they will commit crime to do so. Social process theories contend that crime is a function of individual socialization. The interactions that people have within their environment lead them to criminal behaviour. Social learning theory states that crime, like everything else, is a learned behaviour. A person's family members, peer groups, as well as other groups within a community influence their

behaviour (www.law.jrank.org.pages/842/crime-causationtheories) (accessed on 20th January, 2009).

2.4 A BRIEF HISTORY OF CEPS

The Customs Excise and Preventive Service dates back to the year 1839 (History of CEPS 1999). It was known as the Department of Customs and was headed by a Principal Collector, who by 1850 also acted as the Colony Treasurer. He was at Cape Coast Castle, the Seat of government. The Department enforced the payment of local duty from shipping at sub-ports. In addition, the Department handled money courts and police courts, and determined cases of minor nature, exercising authority within respective localities as magistrates.

In 1851, a three- member executive council to supervise the Colony was created with the Principal Collector of Customs as a member. This arrangement was reviewed in 1853 and the Colonial Secretary replaced him (History of CEPS 1999). In 1885, the Treasury and Customs Ordinance number 1885 abolished the Office of Collector of Customs and Treasurer and their duties divided and discharged separately by the Controller of Customs and Treasurer respectively. The Controller of Customs Office came into force on September 18, 1885 and his duties defined in Gazette notice of October 1885 (History of CEPS 1999).

In 1947, Ordinance number 40 section 2 created the name “Customs and Excise Department”. The Department, which had been administered by expatriates, was on July 13 1961, given the first Ghanaian Comptroller, Mr. Frank A. Arthur under post-

independence Africanization policy of Government. In 1962 responsibility of the Department was, by a presidential decree, transferred from the Ministry of Finance and Trade to the Ministry of Interior. All personnel and Conditions of work were subject to the Police Disciplinary Code, but the Controller would be responsible to the Ministry of Finance and Trade in the assessment and collection of revenue. This arrangement was reversed in 1966 as part of a general reorganization of the entire Civil Service (History of CEPS 1999).

On October 4, 1965, a first group of Officers started a new training scheme at the Accra Polytechnic. Under the programme, Officers undertook a course of two years academic and one year practical work. The objective was to train professional Customs personnel to undertake various functions. The first attempt to consolidate the Customs laws with the Excise laws was the Customs Tariff Act, 1966 which embodied the Tariff aspects of both Customs and Excise Ordinances. In 1972 however, the Customs and Excise Decree, 1972 (NRCD 114) was introduced as part of the programme of statute law revision (History of CEPS 1999). It consolidated and re-enacted the existing laws relating to the Department of Customs and Excise. Another milestone in history of CEPS was in September 1986 when the Customs Excise and Preventive Service (CEPS Law, 1986 PNDCL 144) was created (History of CEPS 1999). This move was part of government's programme aimed at restructuring and rationalising its major revenue collecting agencies. The role of the Customs and Excise Department as the main institutional agency responsible for indirect taxation in the country was enhanced with the strengthening of its Customs and Preventive functions to include duties for which the erstwhile Boarder Guards were previously responsible. New administrative structures were created to

reflect a new corporate Para-military and quasi self-accounting status. The designation of the Comptroller was changed to Commissioner.

Further to this major restructuring, a lot of new personnel and disciplines were introduced into the Service, while a new training facility, the CEPS academy was established out of a legacy from the Boarder Guards Training School at Kpetoe in the Volta Region. The position of Commissioner was also introduced as the administrative head of the Service.

A very recent landmark of importance is the introduction of the Value Added Tax (VAT) 1995, 1998, under which a new government agency would collect indirect taxes comprising the Service Tax administered by the Internal Revenue Service (IRS) and the Sales Tax being handled by CEPS. The rational behind this move was to enable CEPS to concentrate on its Customs and Preventive functions while IRS will be able to focus on collection of direct taxes on income and property. From 1986 to date, CEPS has had eight commissioners and continues to function at about 110 Offices, Stations, Outposts and Checkpoints (History of CEPS 1999).

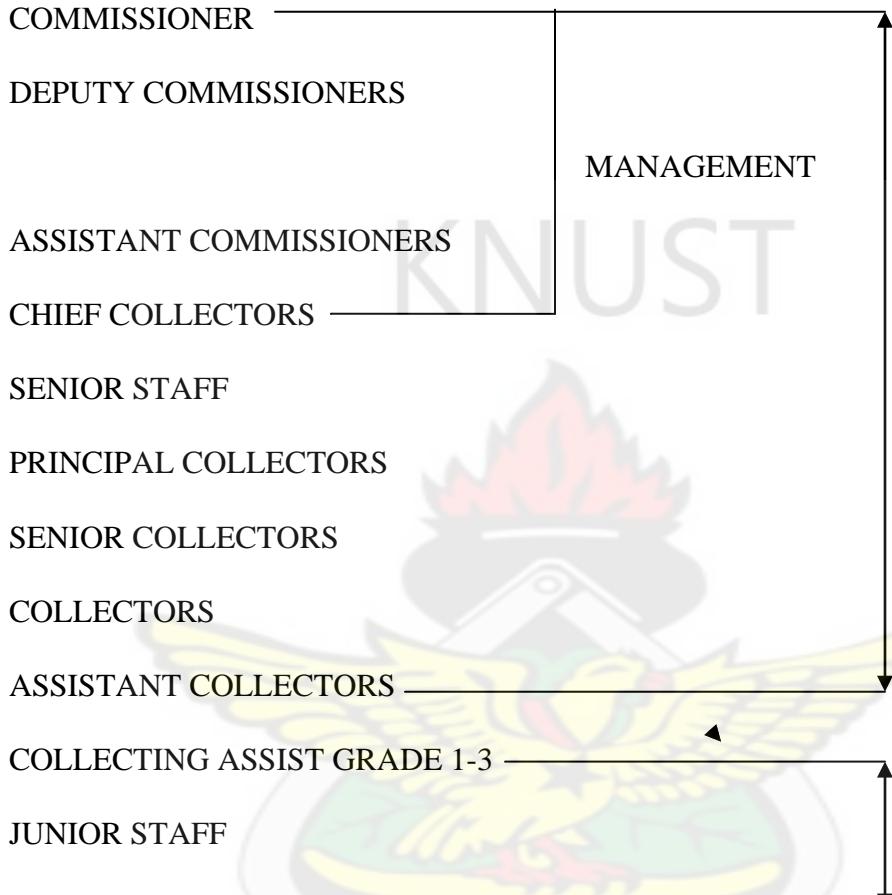
2.4.1 ORGANIZATIONAL STRUCTURE

The organizational structure of CEPS is very similar to that of the Internal Revenue Service. It is headed by the Commissioner who is appointed by the President on the advice of the Council of State. Next are the Deputy Commissioners in Charge of Finance Administration and Human Resource, Operations, Preventive, Research /Monitoring and Planning, and a Chief Internal Auditor making the second tier of the

command chain. Next in line are the Assistant Commissioners and Chief Collectors who head various Departments and Collections. For administrative purposes, the country has been sub-divided into Collections. For example, Kotoka International Airport, James Town, Tema and so on. Beneath the Collection levels are the Stations, outposts, Checkpoints, headed by Officers-in-charge with various ranks.

The Service operates under three volumes of the Departmental Code. The first is “The Departmental Instructions of the Customs and Excise Department” It contains provisions on the law establishing the Service as well as its functions. It also includes instructions on Customs duties, Preventive duties and how control is secured. The second volume (1984) is a complementary by Alhaji Dauda Otoo, a former Comptroller of Customs, and it deals with instructions about the entry of imported goods. The third volume also a complementary by David S.K. Mensah, also a former Comptroller of Customs, elaborates on issue concerning Export, Miscellaneous and the Excise Code (Departmental Instructions of the Ghana Customs and Excise Department, vol. 1 and 2).

2.4.2 ORGANOGRAM



CHAPTER THREE

RESEARCH METHODOLOGY

3.1 RESEARCH DESIGN

The study is a qualitative case study which is largely concerned with providing an insight into the phenomenon of cross border crimes such as drug trafficking, human trafficking, small arms trafficking , smuggling in textiles and vehicles, cyber/electronic fraud and money laundering activities along the Eastern Frontier of Ghana and how these activities can be effectively minimised or managed.

3.2 STUDY AREA

The Eastern Frontier, the area of study, comprises the sea and land frontier of Ghana with the Republic of Togo. This area stretches from Aflao in the South through Kpoglo border station to Tinjase in the Northern fringes of the Volta Region. The stretch is dotted with many points of entry and exit into Ghana. These points are manned by border security agencies such as CEPS, the Immigration Service, BNI and the National Security. This land mass is also littered at various places with unapproved routes into Ghana. These numerous unapproved points are used by criminals for cross border activities. The study further looks at the role of border security agencies especially CEPS in cross border crime management. It also explores the relationship between border security agencies and their collaborative efforts or otherwise which affects cross border

crime management. The political, economic and social impact of these crimes to Ghana and the various options available to manage the phenomenon are discussed.

3.3 SAMPLING PROCEDURE

This is a case study of the border security agencies of the Eastern Frontier, as such the researcher employed the Expert Sampling technique. Heads of specialised units within the border security agencies concerned with cross border issues such as CEPS, the Immigration Service, BNI, the National Security and Police Service make up the sampling frame.

3.4 DATA COLLECTION PROCEDURE

The researcher in this study has collected data using unstructured interviews and secondary data. Elaborate and extensive interviews with Heads of Intelligence Units, Anti-Smuggling Operations Officers, and Border Patrol Officers of the National Security, CEPS and Immigration Service respectively. The interviews were conducted at Aflao, Akanu, Kpoglo,Afiadanyibga,Batume Junction, Afegame, Nyive, Honuta, Shia, Leklebi Dafor, Wli Agorvieve, Menuso and Tinjase. Other interviews were held at the vehicle Task Force Unit at CEPS Headquarters, Accra and the CEPS Regional Office, Ho, as well as the Volta Regional Police Headquarters and the Police Headquarters in Accra.

Secondary data was obtained from various publications of Central, State and Local Governments. Other sources are publications of foreign governments or international bodies such as the United Nations Office on Drugs and Crime (UNODC), Interpol, Economic Community of West African States (ECOWAS). Further

consultations were made with journals, books, magazines, newspapers on African Integration, West African Integration cross border crimes and reports prepared by various heads of units of border security agencies, historical documents, letters and the World Wide Web.

3.5 DATA ANALYSIS METHOD

The data collected through interviews and published works are analysed under each category of cross border crime namely violent and non-violent cross border crimes. This is based on discussions of what was found on the field and its relevance to the study. This is presented in tabular form/ pie chart as well as discussion.

CHAPTER FOUR

FINDINGS, ANALYSIS AND INTERPRETATION

4.1 INTRODUCTION

This chapter deals with the findings, analysis and interpretation of the data collected by the researcher in cross border crime management. In order to make the findings more understandable, some data are presented in the form of a frequency table and pie charts.

It is not known when the phenomenon of cross border crime started in Ghana. However, what is known is that whilst crimes such as armed robbery, vehicle theft and vehicle tax evasion are relatively recent manifestations of cross border crimes, smuggling in textiles on the other hand has been a major challenge to border officials in West Africa as far back as the 1960s (Addo 2006).

The general perception is that transnational criminal syndicates such as the Italian and Russian Mafia, Japanese Yakuzza and the Columbian Cartels usually resemble the structure of multinational corporations. They have well defined command and operational structures with accountants, lawyers, administrators and trouble shooters on their payroll (Spicer 1998).

In Ghana and generally across the West African sub region, cross border criminal activities are undertaken mostly by loose association of individuals and independent

gangs. They collaborate with each other by sharing information and giving each other assistance to further their illicit trade and to elude capture by law enforcement agencies.

4.1.1 FINDINGS

The findings are based on unstructured interviews with various law enforcement agencies along the Eastern Frontier on the nature and sources of cross border criminal activities such as vehicle theft, vehicle tax evasion, textile smuggling, armed robbery, drug trafficking, arms trafficking and counterfeiting/piracy.

4.1.2 VEHICLE THEFT

Mr. Baffour Asare of the vehicle tax force unit of CEPS describes two main kinds of vehicle theft. The first is what is known by INTERPOOL as international automobile theft. This involves the theft of vehicles in Europe and North America by highly organized gangs, usually made up of migrants from Ghana and Nigeria and European and American counterparts. These criminals whose operations hardly involve the use of violence employ various means to steal parked vehicles. These include lock-picking and the use of master keys which they obtain from crooked locksmiths in automobile manufacturing firms and dealerships. According to Mr. Asare, they sometimes buy new vehicles, insure them, ship these vehicles abroad and report them stolen. They prefer current models of vehicles ranging between brand new and one year old. They also prefer luxurious and prestigious brands of saloon and sport utility vehicles (SUVs) such as Mercedes Benz, Toyota and BMW. He opined further that, in North America, particularly Canada, these criminals specialize in stealing SUVs and cross-

country vehicles for which there is a ready market in West Africa (Interview with Mr. Baffour Asare 25th February, 2009).

Another tactic employed by these criminals he said, is the filing away of the engine and chassis identification numbers of the stolen vehicles and ship them with false bills of laden. To further obliterate traces of these vehicles, the criminals connive with unscrupulous shipping agents to ship the vehicles without recording them on the shipping manifest. This is because manifested vehicles can easily be traced. The traffickers employ circuitous and very confusing trails to elude detection by law enforcement officials. They ship them from Europe and North America to the Caribbean and South America and, eventually, to West Africa. Most of these vehicles are finally destined for Lome, Togo, from where they are smuggled into neighbouring countries, particularly Ghana. He estimated that over 25 per cent of stolen vehicles shipped to Lome cross the border into Ghana whilst another 40 percent thereabout eventually find their way into Nigeria (Interview with Baffour Asare 25th February 2009).

According to Mr. Wilson Afeke of the National Security in charge of the Eastern Frontier, once landed in Lome, collaborators of the North American car stealing syndicates clear these stolen vehicles, license them in Lome and smuggle them to Ghana through various means. These means are examined in the section under vehicle tax evasion.

The second aspect of vehicle theft is car-jacking. This essentially falls within the domain of armed robbery and vehicle tax evasion since the perpetrators use arms, frequently rob and kill their victims and drive the stolen vehicles across the borders into

neighbouring countries. They use unapproved customs routes or approved routes through remote or isolated border posts as Wudoba near Kpoglo border post, Wudome a settlement between Batume Junction border post and Kpetoe and finally Menuso and Tinjase in the northern fringes of the Volta Region respectively. Mr. Afeke stated that these syndicates falsify documents and often bribe some unscrupulous border control officials. The essential difference between car-jacking and international auto-theft is the direction in which the vehicles are transported. Whereas in the former case the stolen vehicles are sent out of Ghana into neighbouring Burkina Faso, Cote d'Ivoire and Nigeria through Togo, the latter mainly involves the smuggling of vehicles into Ghana from Togo (Interview with Mr. Afeke 26th February, 2009).

Car-jacking is usually undertaken by network of small gangs sometimes made up of Liberian and Sierra Leonean refugees temporarily living in Ghana as a result of civil wars in their countries. There are Nigerian nationals involved in this crime. They have Ghanaian collaborators who are mainly garage owners and mechanics at Odawna and Kokompe in Accra and Suame Magazine in Kumasi (Interview with Mr. Freeman Tetteh 19th February, 2009).

According to INTERPOL-Ghana the criminals are usually neatly dressed couples, armed with concealed locally manufactured pistol. They carefully select their targets. These fairly new taxis, which are mid-size salon of Japanese and Korean make. Under the pretext of visiting their building sites or relatives and friends in isolated suburbs, they rob their victim at gunpoint. They force these victims out of their vehicles, sometimes brutally assault them and strip them of their clothing, cash valuables and mobile phones. This is to forestall any attempt by the victims to give, chase or raise an alarm. Victims

who resist being dispossessed are shot at and wounded or sometimes killed. Out of ten reported cases of car-jacking in the Accra metropolis in 2001, only five of the victims lived to narrate their ordeal (INTERPOL-Ghana 2008).

Another tactic favoured by car-jacking is to dress in police and military uniforms and mount roadblocks at night on isolated highways. These are the Accra-Kumasi road and the Accra-Aflao road. They order their victims out at gunpoint, strip them of all valuables and mobile phones and sometimes shoot those who offer any resistance and bolt away with their vehicles. The stolen vehicles are driven at a furious pace to pre planned locations, usually garages. The license plates are switched and the vehicles sometimes repainted and driven across the border into neighbouring countries.

Sometimes the stolen vehicles that are sent to garages are stripped of essential parts, which are sold to agents from Cote d'Ivoire and Burkina Faso. These agents then export these parts which are difficult to detect as stolen. They chisel away the engine and chassis identification numbers and the shells of the vehicles so stripped are either burnt or cut into strips for making coal pots and other metal-fabricated items. The remainder is sometimes sold to scrap metal dealers. In an interview with Mr. Freeman Tetteh a Public Relations Officer of the Ghana Police Service at the Police Headquarters in Accra, it came out that car-jackers occasionally identify targets that live alone and drive fairly new and expensive vehicles. They lie in wait for these victims in their homes. They cut their phone lines and, sometimes, electricity lines. As soon as the targets drive in, they force them out of their vehicle and sometimes kill them with locally manufactured pistol equipped with silencers and bolt away with their vehicles. This form of robbery may occur at any time of the day (Interview with Mr. Freeman Tetteh 19th February, 2009).

Mr. Tetteh gave another variation of car-jacking as the theft of parked vehicles. He explained that the robbers usually scout large car parks for their targets. They may also pick on vehicles parked on isolated roads. This form of car-jacking usually does not involve any violence since the robbers try as much as possible to ensure no one is around to witness their activities. Occasionally any witness who attempts to raise an alarm is threatened with guns and sometimes stabbed with knives and other crude implements such as crowbars. As the aim of this method of car-jacking is not to dispose of the vehicle in whole, but in parts, the robbers use cement bricks or stones wrapped in blankets to smash the windows of the vehicles. The use of blankets is meant to muffle the sound of the breaking glass. They then rip out the ignition and steering locks, hot-wire the vehicle and bolt away. These vehicles are then sent to pre-planned locations and stripped of essential parts. Within a matter of an hour, all that is left of the stolen vehicles is the empty shell which is then burnt.

4.1.3 VEHICLE TAX EVASION

All vehicles imported into Ghana unless specifically exempted attract import duty, vehicle purchase tax and value added (VAT). Furthermore, vehicles over the age of ten years may not be imported into the country. When imported into the country, such vehicles are liable to a pecuniary penalty or outright confiscation (Act 634 2002). However, vehicles are often smuggled into the country in an attempt to circumvent these requirements.

Speaking on the issue of vehicle tax evasion, Mr.Baffour Asare of the CEPS vehicle Task Force stated that majority of the criminals involved in the smuggling of vehicles into

Ghana are Nigerians and Ghanaians nationals . They are highly organized groups whose operation cut across the West African sub-region. Their operations are mainly tailored to complement that of vehicles stealing syndicates in North America and Europe. However, not all vehicles smuggled into the country are stolen or over age. These criminals have a penchant for luxury saloon cars, and cross country vehicles. They work hand-in-hand with unscrupulous vehicle licensing agents, some customs officials, clearing agents, second hand car dealers and documents forgers to defraud the State. He estimated that about GH450, 000.00 is lost to the state annually from such fraudulent vehicle deals. This network of criminals constitutes a major headache to CEPS (Mr. Baffour Asare 25th February, 2009).

In another interview with Mr. Kwadwo Bonsu, CEPS Intelligence Officer stationed at Honuta border, it was clear that vehicle smugglers use various means to outwit border control officials. Using the ECOWAS Convention on the Temporary Importation of vehicles into member states (C59a) as an example, he stated that smugglers import vehicles into Lome, which is a free port, they register these vehicles in Togo and procure ECOWAS insurance permits. Under the pretext of transiting or visiting relatives in Ghana, they apply for CEPS Temporary Vehicle Importation Permit, also known as form “C59A” (ECOWAS Treaty). They enter Ghana and may fail to re-export the vehicles within the stipulated ninety-day period. They then forge the relevant documents to register the vehicles in Ghana for sale to unsuspecting buyers. These criminals may re-export these vehicles either whole or in part to neighbouring Burkina Faso or Cote d’Ivoire. They may also strip the vehicles of all essential parts for sale in Ghana. The shell of these vehicles is then disposed of as scrap.

He further revealed that in cases where these vehicles are stolen from overseas, the criminals tamper with the vehicle chassis and engine identification numbers, forge the requisite documents and register them in Togo for pittance. They apply for a temporary registration permit and bring the vehicles into Ghana either for sale or re-export in part or whole to Burkina Faso or Cote d'Ivoire.

It is note worthy that not all involved in vehicle scams are organized criminals nor are they precisely breaking the law. Some of these individuals merely exploit the loopholes in the law to acquire vehicles at a low cost. This, however, becomes a crime when vehicle so brought in are licensed in Ghana without the payment of relevant charges or sold to unsuspecting buyers without informing them that vehicle duties have not been paid. To defraud an unsuspecting buyer, such individuals may affix the number plate of an already registered vehicle to a vehicle brought into the country in the above-mentioned manner. The result is that two vehicles would bear one registration number with different sets of documents (see appendix iii).

Yet another intriguing revelation from Mr.Kwadwo Bonsu on vehicle smugglers is that sometimes these people ship vehicles directly from Europe and North America to the Tema port in Ghana. They then transit these vehicles to Togo by road and re-enter the country through unapproved routes or by the C59A facility, thereby evading tax. He added that in his investigations over the years CEPS officers are reluctant to throw light on this aspect of vehicle smuggling, probably because it is a great source of embarrassment to them. They claim this form of vehicle smuggling is a subject of an on-going internal investigation, which would be compromised by releasing information (Interview with Mr. Kwadwo Bonsu 22nd February, 2009).

4.1.4 TEXTILE SMUGGLING

There are two main aspects of textile smuggling. The first is that of large scale operations usually associated with the transit of container-loads of textiles from either Holland or the United Kingdom (UK) through Ghana to land-locked Burkina Faso. The perpetrators are mainly nationals of Ghana. The syndicates involved in this type of crime are small independent but financially endowed and well organized groups. They tend to rely on wits to deceive Customs officials and clearing agents. Using dummy business registration documents and fake contact details, these criminals import textiles from Holland and the UK ostensibly for transit through Ghana to Burkina Faso. However these wax prints would later surface on the Ghanaian market, never to reach their stated destinations. (Interview with Mr. Hubert Portakey 30th March, 2009).

The second main aspect of textile smuggling which is of much relevance to the Eastern Frontier is that of small-scale operations involving piecemeal smuggling from Togo to Ghana. This type of operation is known as “deka-deka”, the Ewe phrase for the term piecemeal. The perpetrators are mainly Accra-based textile dealers who run very small but numerous operations in various small border towns such as Akanu, Kpoglo and Nyive. They recruit the local inhabitants of the border towns to smuggle the wax prints in ones and twos hence the expression “deka-deka”. According to the Border Patrol Commander of the Ghana Immigration Service at the regional office in Ho, Mr. Agbeko Mensah these local smugglers normally hide the wax prints at the bottom of baskets loaded with foodstuffs. They cross the border on foot using unapproved routes known as “beats”. These locals tend to be more familiar with the terrain and therefore elude border officials. Furthermore, smugglers may smash security lights at border posts with catapults

and air guns to prevent detection by border security agents at night (Interview with Mr. Agbeko Mensah 27th February, 2009).

Textile smugglers are sometimes aided by certain corrupt fishermen to ferry their contraband from Togo to secret places along the coastal villages near Ningo and Prampram in the Ga Dangbe District of Greater Accra (Mr. David Attah CEPS Aflao, 23rd February, 2009).

A more sophisticated type of small-scale textile smuggling involves the concealment of fairly large quantities of textile in false compartments of vehicles crossing from Togo to Ghana. Records available in the Ho Regional Preventive office revealed that over thirty eight thousand full pieces of wax prints were seized as a result of concealment at the Asikuma Check Point along the Accra- Ho road between 2005 and 2008 (Interview with Alhaji Alhassan, 15th March 2009).

4.1.5 ARMED ROBBERY

Armed robbery is a challenge and a persistent source of concern to law enforcement agents in Ghana. This is because, armed robbers frequently engage in acts such as highway robbery, burglary, car jacking, daylight robbery, rape and murder.

In an interview with Assistant Commissioner of Police and Second in Command of the Volta Region, Mr. Agyemang the robbers include foreign nationals temporarily resident in Ghana. Some of them are quite knowledgeable in the use of weapons and possess the courage to shoot their victim. Others are unemployed Ghanaian youths. They constitute very organized and secretive gangs which are largely independent of each other. In all

probability, the common link between these groups is their frequent use of drugs (Interview with ACP Agyemang 28th February, 2009).

According to him, along the Eastern Frontier, armed robbers attack road travelers late at night or at dawn. Their usual mode of operations is to mount roadblocks that resemble police checkpoints on isolated sections of highways. They prefer highways bearing international traffic and roads leading to and from important commercial centres and markets. Some of these routes are the Accra-Aflao, Accra-Ho, highways. They usually order travelers out of their vehicles at gunpoint and fleece them of their valuables. They sometimes strip their victims naked, probably, to induce fear in them or to deter timely pursuit. When it appears they have made a substantial haul, they commandeer any vehicle that they may fancy and bolt away. They later abandon the vehicle and slip out of the country through an unapproved border crossing (ACP Agyemang 28th February, 2009).

4.1.6 COCOA AND FUEL SMUGGLING

A worrying development along the Eastern Frontier in recent years has been the increased smuggling of fuel and cocoa to Togo from Ghana. Speaking to Nana Kwaw Acquah, Collector in charge of Shia border station on the subject matter, it came out that some arrests have been made on cocoa smuggling in the area of study including fifty five bags of cocoa beans worth GH4, 553.28 at Leklebi Dafor border, on the 28th October 2008 (CEPS Seizure Notice no 75291 of 28/10/2008) and a recent haul of three thousand three hundred and sixty six (3366) kilogrammes of cocoa on the 28th of May 2009. (Intelligence Report for May, 2009, Shia Border).

At Aflao, several barrels containing petroleum products were arrested along the beach as they were being carried to Togo where the prices are relatively higher than that of Ghana. (Courtesy- Metro TV midday news, Thursday, 4th June 2009.)

4.1.7 ARMS TRAFFICKING

Firearms trafficked across the sub-region are eventually used by rebel combatants, in ethnic conflicts and criminal gangs for either fighting civil wars, as in Liberia, Sierra Leone and Cote d'I voire or Yendi and Bawku and for armed robbery and vehicle theft, highway robberies of people moving from one ECOWAS state to another (Oware 2005). Some of these arms are manufactured locally, while others are imported into the sub-region. In Ghana for example, there is a flourishing artisanal industry of local arms manufacture (Aning 2005). These arms are smuggled out of Ghana through the Eastern Frontier to Benin and Nigeria where they are used for violent crime. In a related instance, Benin Customs officials arrested a group of Nigerian arms traffickers near Benin's border with Togo. According to a Beninore Customs official, Julien Kpoviessi, the Nigerians were in possession of several hundred rounds of ammunition and about 40 hunting rifles that were being taken from Ghana to Nigeria via the Eastern Frontier (Addo 2006).

4.1.8 HUMAN TRAFFICKING

Trafficking in persons is defined by the United Nations Office on Drugs and Crime (UNODC) to mean: “the recruitment, transportation, transfer, harbouring or receipt of persons, by means of threat or use of force or other forms of coercion, of abduction or fraud, or deception, of the abuse of power, or of a position of vulnerability

or of giving or receiving of payments, or benefits to achieve the consent of a person having control over another person for the purpose of exploitation.”

(<http://www.unodc.org/unodc/en/traffickinghumanbeings.html>).

The scope of the human trafficking problem is widespread in West Africa and Ghana is no exception to this phenomenon. In a recent human trafficking case, two Nigerians were suspected of trafficking Bangladeshi nationals, through the Eastern Frontier to Ghana in transit to London in the UK and were arrested by the Ghana Police. The victims reportedly paid \$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 in Ghana respectively (Daily Graphic 19th September 2005).

4.1.9 NARCOTICS

Trade in illicit drugs or narcotics is believed to be gaining ground in West Africa with Ghana being considered as a major transit point in the sub-region. In December 2005, in the Eastern Frontier waters of Ghana, Spanish patrols stopped a Togo -flagged ship carrying 4.5 tons of cocaine (Pape 2005). The West African Joint Operations Initiative, a regional enforcement project set up by America and Nigeria, led to seizures totaling 1,390 kilos of cocaine in Benin, Ghana, Togo and Cape Verde (Pape 2005).

It is also known that drug dealers who use the Eastern Frontier employ the services of couriers to do the trafficking and are only shown specific points of delivery. Drugs dealers cut across the different segments of society ranging from highly placed government officials or politicians and business tycoons to unemployed youth looking for

greener pastures or desperate to be prosperous at all cost to break the chain of poverty (Ghanaian Statesman 25th November, 2005).

4.1.10 INTERNET FRAUD/MONEY LAUNDERING

Criminals take advantage of the internet and telephone/fax facilities as a faster and cheaper means of communication to rob targeted or unsuspecting victims of huge sums of money or financial assets. Unlike cross-border criminal acts, internet crime/"419" activities have no physical boundaries. The act entails sending a scam letter through an email or unsolicited fax message from any country to another part of the world, offering a supposedly legal or legitimate business proposal in return for huge financial reward (Addo 2006).

Like the advanced fee fraud, financial proceeds from drug-related crime and other illegal business activities are laundered into various bank accounts, and under different identities. It is usually undertaken by wealthy business tycoons or government officials who have obtained their money through corrupt practices (Addo 2006).

The issue of internet fraud and money laundering is relatively insignificant along the Eastern Frontier. In most places, the phenomenon does not exist mostly as a result of the largely underdeveloped nature of the area. Even though most of the towns and villages here have electricity, internet service providers are non-existent. Hence, very little is known of internet crime. On the other hand, very little prospects exist in these areas to attract business tycoons involved in laundering money (Addo 2006).

4.1.11 COUNTERFEITING/PIRACY

A counterfeit is an imitation that is made usually with intent to deceptively represent its content or origins (CEPS NEWS Oct-Dec 2007).

Counterfeiting of consumer goods have assumed a global dimension and pose one of the biggest challenges to Customs and other frontline regulatory agencies in the import and export of goods. The Eastern Frontier is no exception to this phenomenon.

Counterfeiting covers a wide range of consumer items and may fall into the following categories:

1. Complete Fakes; these are non-functional items which look almost exactly like the original ones. For example prescription drugs.
2. Functional but inferior items such as blank videotapes.
3. Fully functional items illegally manufactured without license or payment of copyright fees. In this case there is often no attempt to disguise its origin and the end user will be aware of the status but that it will work almost as well as the original (CEPS NEWS Oct-Dec 2007).

The Eastern Frontier is particularly notorious for copyright infringements in creative and artistic works such as music and films. Interactions with the Customs at Aflao baggage hall, Dabala Juction checkpoint on the Aflao- Accra trunk road and the Asikuma checkpoint on the Ho- Accra road revealed numerous seizures of counterfeit music and film compact discs. Whilst Ho recorded a total of eight (8) thousand pieces from the year 2006 to March 2009, Aflao recorded twelve (12) thousand pieces over the same period (Ho and Aflao State Warehouse Registers 2009). According to Alhaji

Alhassan, Head of Asikuma checkpoint, these CDs were concealed in other merchandise. In his estimation, this was only the tip of the iceberg as many more are said to have been smuggled into the country through unapproved routes.

In conclusion, it is difficult to determine precisely why cross border crime occurs especially in the Eastern Frontier. However, it is evident from the foregoing that the phenomenon of cross border crime between Ghana and her neighbours to the East emanates from a variety of sources, most of them interrelated. Some notable sources are:

1. The porous nature of Ghana's Eastern border.
2. The ease of movement in and out of the country, guaranteed by the ECOWAS protocols, conventions and decisions relating to the free movement of persons, goods and services.
3. The relatively high import tariffs and restrictions prevailing in Ghana.
4. Ghana's proximity to Nigeria which is considered by the United Nations Centre for International Crime Prevention. (UNCICP) as a haven for criminals in West Africa.
5. The proverbial Ghanaian hospitality (Opoku 1978).

Other sources of these cross border crimes are profit motives. Vehicle smugglers succeed in evading taxes which may be as high as 40% of the values of the vehicles. In Ghana, there is a proliferation of second hand car dealers, some of whom would not hesitate to accept a good offer no matter how suspicious it may seem. In these buyers vehicle smugglers and thieves find ready markets. Furthermore, there are several young

professionals in Ghana who appreciate flashy cars loaded with optional equipment and accessories for a bargain.

In the case of textile smuggling it is generally believed that wearing imported English and Dutch wax prints is a sign of affluence. Given the high restrictive duties that Ghana charges on textiles, only a few are able to afford it. Yet the taste for imported textiles remains and, thus, smuggled textiles become cheap source of satisfying that taste. With regard to other crimes, the get-rich-quick attitude and other societal pressures are the main motivation for such crimes. The impact of these crimes would be discussed in the next chapter.

4.3 ANALYSIS AND INTERPRETATION

The table below is based on data collected from twenty (20) respondents in the categorisation and ranking of cross border crimes into violent and non-violent crimes.

TABLE 1.

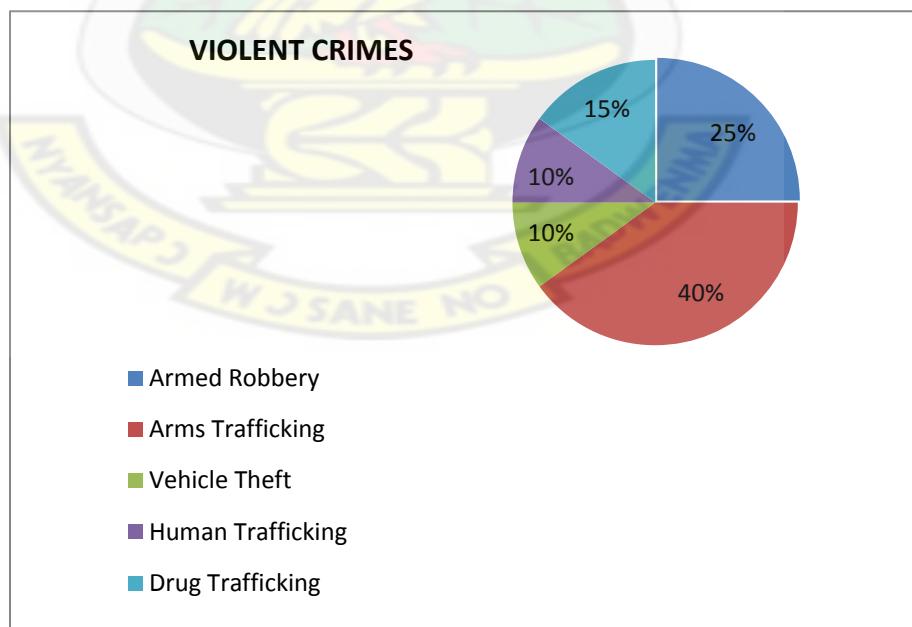
VIOLENT CROSS BORDER CRIMES			NON-VIOLENT CROSS BORDER CRIMES			
	TYPE	FREQ.	PERCENT	TYPE	FREQ.	PERCENT
1	Armed Robbery	5	25	Textile Smuggling	7	35
2	Arms Trafficking	8	40	Vehicle Smuggling	5	25
3	Vehicle Theft	2	10	Fuel/Cocoa Smuggling	3	15
4	Human	2	10	Counterfeit/Piracy	4	20

	Trafficking					
5	Drug Trafficking	3	15	Cyber fraud/Money Laundering	1	5
TOTAL		20	100		20	100

FIELD SURVEY FEBUARY –MARCH 2009

In the violent crime column in the table above, eight out of twenty respondents representing 40%, chose arms trafficking as the highest in terms of ranking as the most common violent cross border crime. Armed robbery was next with five (5) representing 25%, drug trafficking recorded three (3) representing 15% while vehicle theft and human trafficking recorded two (2) each representing 10%. This is further shown in the pie chart below.

FIG. 1.



The diagram above is a pictorial presentation of violent cross border crimes in the Eastern Frontier. It can be seen that Arms trafficking ranks first with 40%, followed by Armed robbery with 25%, Drug trafficking with 15%, vehicle theft and Human trafficking with 10% each.

It is worthy to note that, in spite of the world wide concern and education of citizens on the narcotic drug trade, it is relatively less known in the Eastern Frontier compared with the illicit trade in arms. This can be traced to the local manufacture of arms in villages around Alavanyo in the northern part of the Volta Region near Hohoe and the numerous ethnic conflicts that plaque the West African sub-region. Armed robbery ranks second largely due to the publicity given to such events in the print and electronic media especially along the Aflao- Accra road, which forms part of the ECOWAS transnational highway.

In the non-violent crime column also represented in Table 1 above, Textile smuggling ranks first with seven (7) out of twenty (20) respondents representing 35%. This is followed by Vehicle smuggling (5) representing 25%, Counterfeiting/piracy is ranked third with (4) representing 20% and Cyber fraud/ Money Laundering (1) representing 5%. This table is further presented below in a pie chart depicting the various crimes and percentages found from the field survey.

FIG. 2.

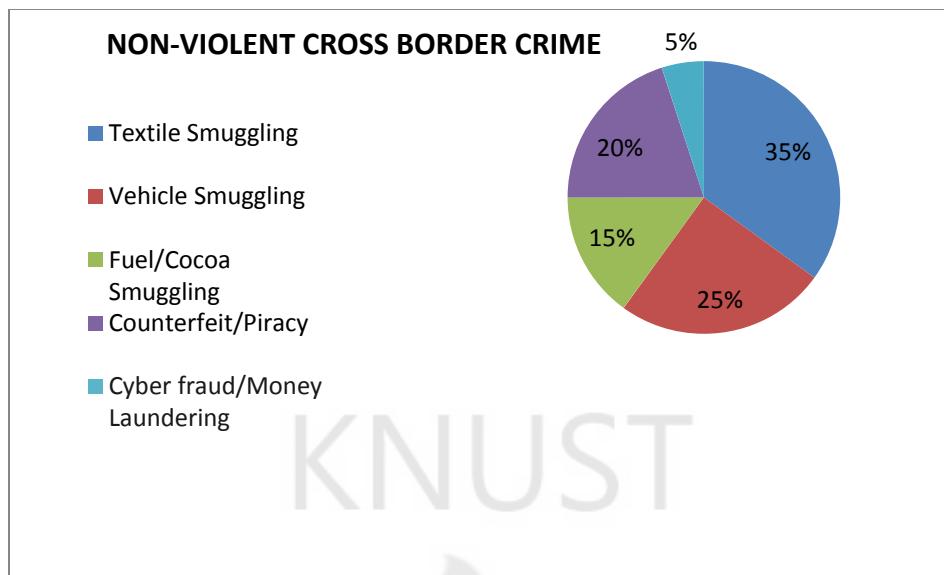


Figure 2 above illustrates the non-violent cross border crimes and their ranking in terms of repetitive occurrence.

From the table and figures above, it would be noticed that, there is awareness of the major cross border crimes in contention. Cyber fraud and Money Laundering which are relatively new and thought of as crimes perpetrated only in cities such as Accra and Kumasi are present in the Eastern Frontier albeit on a small scale. Also, in terms of non-violent crimes, counterfeiting which is an emerging challenge seems to be high (in third place) in spite of the difficulty in detection.

4.4 REASONS FOR INCREASE IN CROSS BORDER CRIMES

The findings emerging from interviews conducted at various stations with border security officials, point to a number of reasons why in spite of the numerous efforts over the years to manage cross border crimes in the Eastern Frontier, and little has been achieved. Notable among these reasons are; porous borders and lack of adequate CEPS

staff and logistics, ease of movement, relatively high import tariffs and restrictions prevailing in Ghana, Ghana's proximity to Nigeria and the lack of inter-agency collaboration.

4.4.1 POROUS BORDER

The main factor that facilitates cross border crime in the Eastern Frontier is the exercise of numerous land entry/exit points, coupled with inadequate resources for effective border control. Furthermore the Eastern Frontier possesses an uncountable number of illegal entry/exit points known as beats. The term "beats" arises from the frequent use of these points by criminals to outwit or beat security agents. Arguably, armed robbers may either enter the country or exit with cash and valuables by air. However this mode of transport is subject to a number of security checks that render air transport rather unattractive to such criminals. Owing to the bulky nature of textiles and the high cost of air freight, smuggling by air may not be a feasible option as the perpetrators are guided by the motive of profit. A cardinal requirement of shipping is the recording of goods on a manifest. Although smugglers of vehicles and textiles may fail to manifest their merchandise and forge documents to facilitate the clearing of their contraband, the elaborated nature of security checks at the ports increases the risk of discovery. From the foregoing, it may be realized that cross border crime in Eastern Frontier thrives on the large number of approved and unapproved land entry/exit points as well as the vast extent of Ghana's Eastern coastline. Furthermore the growth of settlements along the borders provides criminals with a ready army of collaborators who are more familiar with the border terrain than the border control officials.

Inextricably linked to the above is the lack of resource to effectively patrol the borders. CEPS maintains an insufficient and ramshackle fleet of patrol vehicles and much cannot be said for the staffing position. Consequently even where the Immigration Service exists to complement CEPS efforts, these officials are spread thinly along the borders with very few vehicles and communications equipment, poorly armed and unmotivated. Some border posts have no vehicles and communication equipment, leaving them impotent in the face of sophisticated arms and powerful vehicles used by smugglers.

4.4.2 EASE OF MOVEMENT

Ease of movement in West Africa is guaranteed by ECOWAS Protocols, Conventions and Decisions Related to the Free Movement of Persons and Goods. Since Ghana is signatory to these agreements, cross border criminals operating within the country also take advantage of this facility in several ways. Under the Protocol relating to the Free Movement of Persons, Residence and Establishment , citizens of ECOWAS are permitted to enter the country for a period of up to ninety (90) days, (Article 3[2]) Furthermore private vehicles registered in the territory of a Member State may enter the territory of another Member State and remain there for a period not exceeding ninety (90) days (Articles5 [1]). Undoubtedly, ninety days is a long-enough periods for alien armed robbers to ply their trade within the country. Indeed, in several instances these criminals may very well fail to leave the country within the stipulated period. Vehicle stealing and smuggling syndicates may freely drive in and out of the country with ample time to dispose of their contraband (ECOWAS, compendium, Executive Secretariat, ECOWAS).

Similarly the Convention on the Temporary Importation of Passenger Vehicle into Member States guarantees that “Each Member State of the Community shall grant temporary admission free of import duties and taxes without import prohibitions or restriction ...to passenger vehicles owned by persons normally resident outside its territory.”(ECOWAS compendium Executive Secretariat, ECOWAS). Whilst this provision is meant to facilitate genuine business transaction in the sub region, it provides a convenient avenue for vehicle smugglers to evade Ghanaian taxes and import duties so long as they obtain CEPS Temporary Vehicle Importation Permits.

4.4.3 DIFFERENCES IN TARIFFS BETWEEN GHANA AND HER NEIGHBOURS

Ghana charges a restrictive import duty of 13.05 US dollars on piece of wax print. This amount is approximately a hundred percent of the value of the wax print. Togo, charge up to 15 percent import duty on similar textiles. On the other hand whilst in Ghana the cost of a gallon of petrol is GH50.00, it costs far higher in Togo. Similarly, a bag of 50kg of cocoa costs much higher in Togo than in Ghana. Naturally, it becomes profitable to smuggle textiles from neighbouring Togo and smuggle cocoa and fuel into Togo. Apart from raising the prices of locally manufactured textiles and making them uncompetitive, the exorbitant duties charged in Ghana create a ready market for smuggled goods which tend to be cheaper and account for duty not being paid. Also, Ghana imposes a forty-four (40) percent duty as well as levies and other charges on imported vehicles. However, its neighbour Togo does not charge any import duty on vehicles. Furthermore, Ghana imposes a ten-year age restriction on imported vehicles. Togo does not. Nigeria, which imposes a five-year age ban, did not previously place an

age limit on imported vehicles. Circumventing Ghana vehicle duties and over-age restrictions therefore becomes a great incentive for vehicle smugglers. No wonder over twenty-five (25) percent of stolen vehicles shipped to Lome eventually find their way into Ghana.

Due to the sharp disparity in duties and over-age restrictions between Ghana and Togo, vehicle importers prefer to land their vehicles in Lome. It is estimated that between 1999 and 2001, Ghana processed about two hundred (200) imported vehicles daily whilst Lome processed more than double that figure. Thus Lome is the preferred gateway for vehicle imports, some of which eventually find their way into Ghana through the Eastern Frontier.

4.4.4 GHANA'S PROXIMITY TO NIGERIA

Nigerian organized criminal syndicates are major players in worldwide narcotics trafficking and financial crime. According to the United Nations Centre for International Crime Prevention (UNCICP), “Nigeria is the key to crime control efforts in West Africa” (www.uncjin.org).

To redeem its image in the eyes of the international community, Nigeria has, since 1999, waged an aggressive war against criminals in its territory, particularly armed robbers. The strategies involved have included swift trial of criminals and heavy sentences, including death. The result has been a massive exodus of criminals out of its territory.

It will be recalled that prior to the Aliens Compliance Order which saw the mass expulsion of about one million West Africans between December 1969 and late 1971,

Ghana has been a haven for Nigerian migrants in search of economic opportunities (Aluko 1977). Owing to the fact that Ghana and Nigeria had been colonized by Britain, Ghana has a lot in common with Nigeria, particularly the official use of the English language. Thus Nigerians find it easy to fit into the way of life in Ghana. Therefore, being Ghana's nearest English-speaking neighbour, coupled with the ease of movement in the sub region, Ghana appears to have become a natural destination for Nigerian criminal syndicates. The influx of criminals from Nigeria appears to be corroborated by Police criminal records in Ghana, which indicate that seven out of ten reported cases of car-jacking in Accra in the year 2000 alone involved twelve aliens, nine of which were Nigerian nationals (Biemans 2002). The most obvious route from Nigeria to Ghana is the Eastern Frontier. This coupled with the inability of border officials to manage cross border crimes hence, the increase in such crimes in this area.

4.4.5 GHANAIAN HOSPITALITY

Closely related to the foregoing is the attractiveness of Ghana to foreign nationals. It is often said that the most remarkable element that Ghana has to offer is its people, especially their limitless hospitality. “To Ghanaians, nothing is more important than family and friends” (Opoku 1978). Though this may be an admirable trait which may foster social harmony and national cohesion, it appears that the warmth, sympathy and friendless displayed by Ghanaian society is subject to abuse by unscrupulous elements to perpetrate crime in Ghana.

Ghanaians are quite religious. They believe God to be just and fair. This attribute is reflected in an Akan proverb which states that “if God gives you a cup of wine and an

evil-minded person kicks it over, God fills it up for you.” Ghanaians are, therefore, easy going with strangers, no matter how unusual they may appear (Biemans 2002). So that, if one takes time to make an introduction and explain the purpose of one’s visit, a warm reception and place to rest may be expected (Gyeke 1996). Perpetrators of criminal acts may consequently take advantage of the refuge and shelter offered by Ghanaians to dabble in criminal activity without fear or inhibition. In the case of foreign criminal elements, they are able to mix freely with indigenes without apprehension of being singled out for suspicion.

In addition, many people living in the Volta Region of Ghana have relatives who live across the border in Togo. It is a fact that the Partition of Africa did not take into cognizance the ethnic linkages of African people and thus many families find themselves separated by political boundaries. Some criminals take advantage of this situation to engage in cross border criminal activities as they are able to slip from one country to another with ease.

4.4.6 LACK OF INTER-AGENCY COLLABORATION

The lack of inter-agency collaboration and cooperation is perhaps the most important contributory factor for the little success in cross border crime management. Interviews conducted at the various border stations and with the various agencies involved in border security revealed a fundamental flaw in the area of collaboration among border security agencies. All the agencies admitted to a lack of collaboration with sister agencies and a battle for turf. There is a lot of animosity among border agencies coupled with unnecessary rivalry leading to all agencies working in silos. The

Immigration Service, the Customs, BNI and National Security at all the border crossings do not enjoy a cordial working relationship. Where it exists, for example in Tinjase, it is superficial and no joint patrols are mounted between Customs and Immigration Border Patrol Unit. The findings at various stations indicate strongly that no single agency can effectively manage cross border crime, as perpetrators are becoming increasingly sophisticated and complex. The perennial complaint of lack of adequate personnel and logistics re-enforces the fact that inter-agency collaboration is a key to managing this canker.

4.5 IMPACT OF CROSS BORDER CRIMES IN GHANA

Cross border crimes contribute significantly to destabilization of political, economic and social activities in the ECOWAS sub-region. This section sets out to examine the economic, social and political impact of cross border crimes through the Eastern Frontier, as well as relations with her neighbours.

4.5.1 ECONOMIC IMPACT

CEPS officials estimate that about four (400) cases of vehicle tax evasion came to their attention in the years 2007 and 2008. Assuming the average import duty and charges per vehicle is pegged conservatively at two thousand Ghana cedis, this translates to a figure of eight million Ghana cedis in revenue that is lost to the state. Furthermore a conservative estimate by CID puts the figure for car jacking at thirty-two (32) vehicles for the years 2007 and 2008, thus translating to around one million six hundred thousand Ghana cedis. It is evident from the sophisticated modus operandi of criminals involved in

vehicle theft and vehicle tax evasion that these figures represent a mere fraction of their criminal activities. This is not to mention the murdered victims of car jacking.

Evasion of the Ghana import duty of \$13.23 US per piece of textile wax print (Transactional Price Data Reference Book 2009), translates to loss of revenue of 66,150.00 US dollars on a container-load of 5000 pieces. Assuming that one hundred containers of textiles were smuggled annually over a year period within the scope of this study, this would translate to a mind-boggling figure of 33,750,000 US dollars. This is equivalent to 271.36 million Ghana cedis. The harm done to the economy is even more alarming when that figure is compared to CEPS total national revenue of 1916.55 million Ghana cedis for the year 2008. (Revenue Target Breakdown- Ho Collection 2008). Suffice it to say, the effect of cross border crimes on loss of revenue to the state are staggering. Apart from the loss of revenue to the nation, actions of smugglers, such as smashing security lights at the border posts, incur cost to the state. Indeed the estimate for the costs of rehabilitating the security light damaged by smugglers at the Aflao border post alone is alarming.

Armed robbery is a serious hindrance to commercial activity, particularly the operations of fuel/vehicle service stations, foreign exchange bureaux and, to a lesser extent, super markets and pharmacies. Apart from the theft of large amounts of money representing a substantial chunk of the capital of those commercial entities, their inability to operate late into the night for fear of being attacked represents a potential loss of revenue to them and to the state by way of income taxes, that would otherwise have accrued on the activities of these commercial establishments. Furthermore, the early closure of business, foreign exchange bureaux and vehicle/fuel service stations may have

an effect on other dependent commercial activities such as transport services. Ghana cannot afford to ignore this source of potential revenue loss to the nation.

In addition, armed robbery impacts negatively on tourism, the nation's third largest foreign exchange earner. In 1999, Ghana received about three hundred and eighty thousand visitors and, in the process, earned about four hundred million US dollars. Ghana also expects about one million visitors by the year 2010 and envisages an income of 0 billion US dollars. The unfavourable publicity which a nation may attract as result of crime will, no doubt, curtail these ambitions. Apart from repelling tourists from a nation, crime may reduce the number of investments that a nation may attract. The Ghana Investment Promotion Centre (GIPC) reported in the year 2002 that the nation had experienced a 41.5 percent decline in investment and a consequent increase in unemployment by 13 percent. Whilst this state of affairs does not arise from the effect of the phenomenon of cross border crimes, it may not be farfetched to imagine that crime may be a contributory factor. It is, therefore, apparent the specter of crime may tarnish the image of the nation and this does not augur well for attracting investment.

4.5.2 SOCIAL IMPACT

Cross border crime has several undesirable social consequences. It is evident from the Constitution of the Republic of Ghana that the nation places a premium on human life and security. Since transnational crime such as armed robbery and car-jacking sometimes result in the rape and murder of victims, the senseless loss of life and threat to individual liberties is, to say the least, reprehensible. Furthermore the trauma visited on innocent and

defenseless citizens through acts of violence perpetrated by criminals is not difficult to imagine.

Apart from constituting deterrence to travelling by road, the activities of highway robbers may cause road accidents. Barriers and other obstacles such as nails which these criminals place on highways to impede vehicular traffic may sometimes cause road accidents. Furthermore, practices such as molesting travellers and sometimes stripping them naked are an affront to their dignity.

Smuggled vehicles invariably surface on the market to be bought by unsuspecting citizens. One cannot deny their anguish and frustration at the realization that they have been cheated through such transactions. These unsuspecting buyers end up having their vehicles confiscated by the state and in certain cases, these vehicles are released to them only after the payment of the required duties and hefty fines by CEPS. In addition, the embarrassment of having one's vehicle confiscated by the state is undesirable.

Judging from the huge amounts of money which these criminals make from their operations, one cannot discount the unfortunate signals this may send to Ghana's large population of unemployed youth. The unchecked activities of transnational criminals may signal to the youth that crime pays. This state of affairs may give birth to further crime.

4.5.3 POLITICAL IMPACT

Crimes, such as armed robbery which involves the loss of life and valuables, are a veritable source of anxiety to citizens, frustration and embarrassment to law enforcement officials as well as threat to national security and political stability. Persistent transnational crime may erode the confidence of citizens in the state and may contribute

to the unpopularity of the government of the day. Indeed crime prevalence may be a measure of a government's poor performance. Thus pervasive crime in a society may be an indication that the government is not living up to its responsibilities. To counteract the threat of crime, citizens may take the law into their hands and end up lynching other innocent citizens. The consequences may be the reign of anarchy and the proliferation of vigilante groups as obtains in Nigeria. This state of affairs constitutes a headache for government and saps its confidence day by day. Whilst the spate of mysterious murders of twenty-nine (29) women in Ghana in the year 2001 may not be directly related to any of the transnational crimes within the purview of this study, one cannot discount the possible involvement of these criminals in those murders.

Furthermore, persistent crime may constitute a basis for criticizing a government, leading to disenchantment and hence the overthrow of that government.

It is believed that the spate of armed robbery in Ghana encourages the illegal trade and possibly the local manufacture of arms and ammunition. This is because armed robbers require arms for their operations and may, in the absence of illegally imported supplies look up to local blacksmiths for supplies. The resultant proliferation of arms does not auger well for the stability of Ghana's democracy.

4.5.4 RELATIONS WITH NEIGHBOURS

It cannot be denied that the cross border crimes within the ambit of this study mainly occur between Ghana and her neighbours especially Togo and Nigeria and that the perpetrators of these crimes include nationals of those neighbouring states. There is a general feeling among Ghanaians that, though it may not be strong enough to denote as

xenophobia, Ghana is better off without playing host to nationals of those states. There is also a general feeling that policies aimed at open borders and closer bilateral ties with Nigeria are to blame for some of the crimes. There is also a general feeling of skepticism or even apathy toward the overtures and policies of government which are aimed at integrating the nation with the rest of its neighbours. Thus, it may be said that transnational crime is a potential source of conflict between the general populace and the makers of Ghana's foreign policy. Since foreign policy cannot be divorced from the domestic environment, it is evident that if these feelings persist, no government would ever succeed in integrating the nation with the rest of its neighbours. Indeed, some Ghanaians are worried that the eminent introduction of a common West African currency would facilitate the transfer of monies accruing from the illegal activities of foreign nationals. Suffice it to say the phenomenon of cross border crime undermines government's efforts at seeking good relations with Ghana's neighbours and potential stumbling block to integration.

The victims of armed robbery in Ghana have included foreign nationals some of whom are diplomats. Apart from being obliged under general international law as a host nation to protect the lives of foreign nationals in her territory, Ghana is specifically charged, as a signatory to the Vienna Convention on Diplomatic Relations, to protect the premises of foreign missions and to safeguard the lives of their diplomatic agents.

In conclusion, it can be said that the findings point to the fact that cross border crimes are on the increase in the Eastern Frontier. It is a major area of criminal activities due to its porous nature. The CEPS are not well resourced to handle it alone and that, it would take a combined effort of all border security agencies and civil society to manage

this phenomenon. The findings further note that some of the criminal activities such as Cyber fraud and Money Laundering are relatively less known than drug trafficking, arms trafficking and vehicle smuggling.



CHAPTER FIVE

SUMMARY, CONCLUSION AND RECOMMENDATIONS

5.1 SUMMARY

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 of West Africa. To this end, the control of cross border activities are essential for ensuring peace and stability and for promoting pertinent political and socio-economic activities needed for integrating West African economies. The movement of people and goods is inevitable in undertaking cross border activities. The Eastern Frontier of Ghana is perhaps the busiest in terms of cross border activities. Among other reasons given is the proximity to Nigeria the largest market in the sub-region and its relationship with Ghana which dates back many years. Also, political instability in La Cote d'Ivoire has made the use of its sea port unattractive to the business community in the region. Another reason is its nearness to the Lome free port which makes it attractive to smugglers especially vehicle and textile smugglers. These and many other reasons make the Eastern Frontier vulnerable to cross border criminal activities.

The Customs Excise and Preventive Service is the institution responsible among other things for the facilitation of trade and the smooth movement of people, goods and services across borders with neighbours. It is also responsible for the protection of government revenue by patrolling the borders to prevent smuggling as well as prevent

cross border crimes. Over the years, however, the Eastern Frontier has become more and more restive for cross border criminal activities. This is ample testimony to the inability of CEPS to manage cross border criminal activities on its own in spite of its efforts. The argument has tended to rest on the absence of legal and infrastructural barriers, but not on the role of CEPS.

Several interviews and interactions at border stations along the research area revealed a general appreciation of the increased number of cross border crimes. The major ones are non-violent crimes such as textile smuggling, vehicle smuggling, fuel/cocoa smuggling, counterfeiting/piracy and cyber fraud/money laundering. The violent crimes involve armed robbery, arms trafficking, vehicle theft, human trafficking and drug trafficking.

Cross border criminal activities flourish in this area largely because of the porous nature of the border, ease of movement, differences in import tariffs and restrictions between Ghana and her neighbours, Ghana's proximity to Nigeria, the proverbial Ghanaian hospitality and the lack of inter-agency collaboration. These activities impact negatively on the socio-economic and political lives of the Ghanaians as well as relationship with her neighbours.

The facts at the various stations on the Eastern Frontier suggest that, CEPS is not the only player in this and can take the lead in this but nevertheless, other border security agencies such as the BNI, Immigration and National Security and civil society have very crucial roles to play in cross border crime management.

5.2 CONCLUSION

It is obvious that cross border criminal activities pose a danger to political stability, economic and social activities in Ghana. Realising the dangers of such cross border security issues, the United Nations Security Council called on the States in the West African sub-region to take a number of measures to address issues such as drug trafficking, illegal arms trafficking and so on.

In Ghana, the issue of criminals engaging in cross border activities can be found mainly in the area of vehicle smuggling, vehicle theft, armed robbery, narcotic drug trafficking, money laundering, cocoa and fuel smuggling and internet/money laundering. Available information as enumerated in the study indicates that such activities are on the rise in the Eastern Frontier with the Republic of Togo.

Some of the reasons that account for this state of affairs in the Eastern Frontier are, porous nature of the border, the ease of movement guaranteed by the ECOWAS protocol on free movement of goods, persons and services, relatively high import tariffs and restrictions in Ghana, Ghana's proximity to Nigeria and the proverbial Ghanaian hospitality.

5.3 HYPOTHESIS TESTING

The study is based on the hypothesis that little has been achieved in cross border crime management because the problems of CEPS as a frontline agency has not been fully appreciated and addressed.

CEPS is no doubt a major player in cross border crime management largely because it maintains a physical presence in all approved points of entry and exit at the Eastern Frontier. Interviews conducted in the course of this study have revealed a number of issues worthy of note. The first is that, CEPS is inadequately equipped to manage cross border criminal activities in the Eastern Frontier. Secondly, Cross border criminal activities are hydra-headed and CEPS as an institution cannot do it alone even if it were fully equipped. Other border security agencies such as the Immigration Service and the National Security have expertise crucial to cross border crime management and cannot be left out of the fight. As such, the little achievement in cross border crime management cannot be as a result of inadequacy of equipment and personnel on the part of CEPS, but a general lack of cooperation and collaboration between border security agencies. The unhealthy rivalry and fight for turf is a major hindrance to cross border crime management. In the light of this, the facts gathered on the ground do not support the hypothesis.

Finally, it is of outmost importance to note that the movement towards integration in West Africa would bring with it increased interaction amongst its citizens in the coming years. Consequently, cross border activities would increase. This increase would in turn engender an increase in cross border criminal activity. In order to enjoy the benefits of increased markets and intra-regional trade, a concerted effort should be made at minimizing cross border criminal activity by such programmes as would be discussed in the ensuing recommendations.

5.4 RECOMMENDATIONS

As indicated above, some efforts have been made to prevent, control and possibly eradicate cross-border criminal activities in the Eastern Frontier of Ghana but these efforts have not succeeded in reducing the ongoing cross border crimes. It is pertinent to note that the ongoing cases of drug trafficking, vehicle theft and smuggling, small arms trafficking human trafficking, electronic fraud, and reported cases of arrests call for more effective responses to the different categories of crime.

In the light of the above, the following recommendations are made;

- Civil society Organizations should play an active role in the collection, exchange and analysis of information on the nature of organized crime as specified in Article 28 of the United Nations Convention Against Transnational Organized Crime (UNCATOC 2000).
- Ghana should encourage neighbours such as Togo and Nigeria to review, ratify and strengthen existing legislation, institutional and administrative procedures in tandem with that of Ghana and the sub-regional legal arrangements for fighting cross border crimes.
- Build capacity to trace, detect, analyze and seize criminal assets or proceeds as well as prosecute suspects.
- Rapid deployment of specialised task forces to arrest and prosecute offenders promptly.
- Training in specialized skills for law enforcement officers at the borders. One

good example of such initiatives is the training conducted by a team of security experts from the United States Customs and Border protection Agency for the personnel of CEPS officials to strengthen security at the nation's ports and borders (The Ghanaian Times 2006).

- Speeding up the establishment of a Crime Prevention and Criminal Justice Centre (ECPCJS) recommended in Article 46 of the ECOWAS Conflict Mechanism to serve as a focal point for mutual legal assistance.
- Addressing corruption within government and security agencies in order to avoid complicit acts by government and security officials.
- Inter-Agency collaboration. The various security agencies at the border should not only collaborate and coordinate their activities to combat crime within the country, but with counterparts in Togo and other neighbours, focusing on exchange of intelligence through established electronic and organizational networks on suspects.

Finally, while agreeing with the United Nations Secretary General's Report of 12th March 2004 on West Africa and its recommendations to address cross border crime within a regional context and a coordinated manner, it is equally important for us in Ghana to also acknowledge the need to respond quickly to ongoing cross border criminal activities along the Eastern Frontier since they threaten the security of individuals as well as sub-regional integration efforts and a peaceful sub-region. Criminal activities are known and identified but responses towards addressing these crimes both at the national and sub-regional levels have simply fallen short of creating a secure, stable and peaceful environment for West Africa's economic integration. The crimes being committed are

increasingly becoming sophisticated and characterized by all kinds of actors across the political, economic and social divide. The loosely structured and complex modes of operation easily evade detection and enforcement measures.

Hence adopting sub-regional and complementary national control strategies will help reduce the impact of cross border crimes in the Eastern Frontier or avert the destabilisation of Ghana's economic growth and prospects.



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