COUNTERING TRANSNATIONAL ORGANIZED CRIME SEMINAR
EXECUTIVE SUMMARY

13-17 January 2020 – Niamey, Niger

From January 13-17, 2020, the Africa Center for Strategic Studies collaborated with Niger's *Centre Nationale d'Etudes Stratégiques et de Sécurité* (National Center for Strategic and Security Studies) to hold an executive-level seminar on countering transnational organized crime in Niamey. This executive summary provides substantive background on the seminar, synthesizes participant perspectives on the nature of the challenge, and discusses key insights from the proceedings.

Background
The seminar convened 55 security and justice sector officials from 19 African countries, as well as four officials from the US and Europe. The participant pool also included several National Security Advisors. The seminar encouraged participants to assess the strengths and weaknesses of current approaches to countering transnational organized crime (TNOC). The objectives were for participants to: (i) identify the common drivers of TNOC and understand its consequences; (ii) compare the challenges that the military, law enforcement, and judicial actors face in countering TNOC; (iii) analyze ways for counter-TNOC efforts to balance security, development, and governance/rule of law responses appropriately in the context; and (iv) consider ways for state security and justice actors to bolster interagency and cross-border collaboration to counter TNOC.

Convening senior-level professionals across uniformed and civilian lines facilitated holistic analysis of challenges and approaches to countering TNOC. This occurred in plenary sessions, discussion groups, and a simulation exercise based on the real-world dynamics of TNOC in African countries. Initially, the seminar explored how TNOC's perpetrators function in African political economies and how human trafficking, natural resource crimes, drug trafficking, and goods smuggling work across the continent. Much of the week focused on the design and implementation of state responses to TNOC, from the community and citizen level to the national, regional, and continental levels.

Participant Perspectives on the Challenge
From participant interactions, there emerged a common articulation of the challenges that senior security and justice officials are facing in countering TNOC: confronting asymmetries in the resources, capabilities, and constraints of state actors and TNOC groups. TNOC actors work through networks that foster a pragmatic, borderless approach to their end goal, profit-seeking. Their diverse networks unite criminal syndicates, corrupt government officials, and local enablers. They work together to exploit cross-border differences in economics and policies, which fuel the illicit markets behind trafficking, poaching, and smuggling. Criminals quickly adapt to evade African states' efforts to detect and punish them. States, on the other hand, are bound in their counter-TNOC efforts by governance principles like sovereignty, rule of law, professionalism, ethics, and civic duty. When they advance these ideals, states

have the potential to develop stronger relationships with citizens than TNOC groups can. But doing so takes time and effort, as it often requires calibrating joint strategic actions by military, police, and justice officials, as well as working with local leaders and supranational bodies. At best, these conditions make state responses more potentially impactful but less nimble than those of TNOC networks.

How can state security and justice actors effectively counter TNOC in an asymmetric context? While it is unrealistic to expect states to fully eradicate the asymmetry, seminar participants offered key insights on how to bridge some of the gap.

Key Insights

1. State responses to counter TNOC should strengthen links throughout the security sector and criminal justice chain that allow for enhanced coordination. Countering TNOC often demands joint actions by military, law enforcement, and justice officials within borders, as well as their smooth collaboration across borders. Both forms of coordination are critical for counter TNOC efforts to effectively balance security, development, and governance aspects of response.

Linking Defense, Security, and Justice within Countries for Interagency Collaboration
Developing stronger working relationships between security and justice actors within countries is critical to countering TNOC. For example, multiple participants noted that TNOC is easier to deter through the justice system when the military, police, and gendarmes who apprehend and process perpetrators understand the standards of evidence required to prosecute, as well as the detention and investigation practices that the law requires for cases to be viable. Meeting these standards is easiest when defense, security, and justice actors have the tools to communicate and work with each other as they counter TNOC. In their discussions about interagency collaboration, participants from multiple regions concurred that without quick coordination that delivers visible results to citizens, investigations and criminal prosecutions of TNOC can lose their deterrent effect and reduce popular trust in the state. Police and gendarmes – and the military officials who transfer perpetrators to them – are essential to making the criminal justice chain work smoothly; their own institutional reputation, along with those of their judicial colleagues, is at stake.

Seminar participants had considerable experiences to share about coordinating across the security and justice sectors. They described several initiatives underway (with a notable concentration from the Sahel):

- Passing recent provisions for judicial police to deploy jointly with the military to counter TNOC;
- Standing up special units focused on TNOC (and terrorism, in some cases) that combine military officers, police, and gendarmes in their strategic deployments to borderlands;
- Linking special judicial units or interagency focal points to those for security sector collaboration;
- Ensuring that special units and focal points work with ordinary courts and security services to advance applicable investigations and prosecutions.

Bolstering Cross-Border Collaboration
Participants also emphasized the need to streamline cross-border collaboration to counter TNOC. To reduce barriers to this, neighboring countries must make further commitments to harmonizing their national laws and procedures for apprehending, investigating, and prosecuting perpetrators of TNOC. Many saw National Security Strategies, bilateral or regional mutual legal assistance agreements, and the regional police cooperation agreements as some of the desired means to the end. However, they also analyzed how progress on this front was constrained because the mechanisms of collaboration require

parliamentary ratification, and their implementation also depends on executive branch commitment.

2. Building trusting relationships with citizens and communities affected by TNOC is key to effectively countering it. State strategies to counter TNOC must address people's political and economic incentives to engage in TNOC and to consider it a legitimate activity. As affirmed by various participants, doing so means strengthening the state's ability to ensure citizen security in ways that relate to people's everyday life, realities, experiences, problems, and needs; it also entails taking people-centered approaches that allow African residents, citizens, and civil society to influence state responses to TNOC.

Consultation, professionalism, and the rule of law were identified as core to people-centered approaches to countering TNOC. Each is a useful means of building trust with citizens and community leaders, who are also subject to pressures and incentives to tolerate, or even enable, TNOC actors. Discussions revealed how some residents benefit from a criminal economy and others experience largely negative consequences from it. Different experiences with poor governance, inequality, and insecurity resulting from a weak state presence or poor service provision can also shape how TNOC networks entrench themselves, both in rural areas far from the capital, as well as in urban spaces.

Strengthening Relationships through People-Centered Approaches
Participants grappled with how to strengthen the social contract in their work on the community level, so as to make the state and its counter-TNOC efforts more legitimate to citizens. In this process, they described ways they have sought to empower local actors in state efforts to counter TNOC:

- Convening district-level meetings for problem-solving with state defense and security forces, customary/spiritual authorities, and others (seen in the Sahel);
- Establishing border security committees to address specific forms of TNOC in precise locations (like cattle rustling in Eastern/Horn of Africa);
- Staffing committees with senior officers who share a linguistic background with local residents;
- Empowering local organizations to work with the security services in a peer-type relationship to monitor TNOC dynamics or assist in countering TNOC;
- Bolstering community-based resource management schemes that give residents control over initiatives that generate access to livelihoods other than poaching (seen often in Southern Africa).

Strengthening Relationships through Institutional Oversight
The oversight of state security and justice initiatives to counter TNOC also featured prominently in discussions. While research and practice shows that kinetic responses to TNOC are insufficient, officials can work to ensure that any militarized elements of response avoid abuses of rights and freedoms, which can foster mistrust and detract from counter TNOC efforts. Similarly, participants recognized that state responses are in some cases constrained by corruption, through the collusion of certain high-level government officials with TNOC actors. If left unaddressed, both abuses and corruption can undermine the grassroots work that security and justice actors are doing to build viable social contracts with citizens and reduce the legitimacy of those that TNOC groups offer. Participants focused their exchanges on how best to strengthen security and justice sector oversight bodies to increase the transparency of their activities (like the seizure and destruction of illegal drugs, wildlife products, or contraband). They also noted that improving salaries and expanding training on countering TNOC could bolster incentives for transparency, accountability, and legitimacy.

3. Participants viewed TNOC as most corrosive to national and citizen security through its linkage to terrorism and to corrupt practices that hinder economic development. With finite national security

resources, participants were motivated to counter TNOC largely because it multiplies other threats and exacerbates risks that African security officials rank highly on their lists of concerns. Two prevalent concerns about TNOC were its roles in enabling terrorism and in hindering the economic development that African national security practitioners consider essential to citizen security.

Terrorism and Violent Extremism
Many participants pointed out the ways that TNOC activities enable terrorist and violent extremist groups, as well as other forms of non-state armed violence. (The African Union's African Peace and Security Architecture approaches counter-TNOC through this nexus as well). Terrorists and violent extremists have ideological and political goals that differ from the largely economic motives of TNOC groups. However, both kinds of actors have been known to exploit weakly governed territories in Africa to pursue their goals, with the Liptako-Gourma region as one recent example. TNOC networks often move cargo through the same geographic peripheries that terrorist groups occupy; this can allow terrorists to tax TNOC flows for financing and use TNOC networks to buy equipment and supplies. Participants observed some of these patterns in the Sahel and the Lake Chad Basin, or noted that TNOC enables other armed group violence through similar mechanisms. The corruption in government that helps TNOC networks thrive has also, in some cases, enabled transnational weapons smuggling by terrorist operatives. Finally, research from the syllabus reports that Al-Shabaab not only sometimes engages in or taxes various forms of TNOC (human and drug trafficking, charcoal and sugar smuggling, and cattle rustling), but also recruits organized criminals for their knowledge of physical and human terrain.

Sustainable Economic Development
Participants also expressed concern about how TNOC degrades security by hindering sustainable economic development. This thinking aligns with that of other African leaders and strategists, who directly link sustainable development to national and citizen security. Beyond pointing out how corruption in government can enable TNOC (see Key Insight #2), participants analyzed how TNOC activities frequently undermine legal livelihood opportunities in African economies. For instance, the narcotics trade offers traffickers very high levels of reward; the financial prospects of other, legal livelihoods pale in comparison. The capture of local economies by drug (or, to a lesser extent, human smuggling) markets can undermine commercial diversity, growth, and long term stability.

Natural resource crimes are even more directly detrimental, as they deplete flora and fauna resources that people depend on for development. Participants and presenters highlighted how illegal transnational trades in hardwoods, wildlife, minerals, and oil detract from livelihood opportunities in legal industries based on these resources. For example, the locally managed tourism industry has suffered due to poaching in Southern African game parks, and local fishing enterprises in the Gulf of Guinea are harmed by illegal, unreported, and unregulated (IUU) fishing. Illicit financial flows from natural resource crimes also reduce the state's potential tax base, which it could use to provide transparent, accountable, and legitimate governance to citizens. When state officials are unable to offer such a social contract, people may feel pressure to tolerate TNOC actors who offer infrastructure and limited services, or to work in TNOC to make a living.

Looking Over the Horizon on Countering TNOC
Participant exchanges also revealed several aspects of countering TNOC that warrant further analysis among alumni and by other domestic and international stakeholders shaping counter TNOC strategies and operations on the continent.

Countering TNOC Networks: General and Crime-Specific Issues

Participants discussed the importance of taking steps to counter TNOC networks, both in general and in relation to crime-specific issues. Both are critical for designing, developing, and implementing holistic strategies to counter TNOC at the national and regional levels. Generalized approaches recognize the convergence of different forms of crime and address the tendency for the criminal elements in TNOC networks to shift their engagement strategically between multiple forms of crime, or collude with entities involved in armed violence. This suggests the need for national strategies that work to counter TNOC networks in general, in addition to addressing specific forms of crime and violence that are current concerns. To the latter end, participants noted several aspects of human and drug trafficking that merited additional, possibly regionalized attention. In the domain of human trafficking, participants remarked upon emerging trends like "baby factories" in West Africa, run by networks that recruit and traffic women to give birth to children who are sold on the black market. Others mentioned the illicit trade in human organs, which research shows to be common in North and Central Africa. In terms of drugs and goods, participants drew attention to the counterfeiting of pharmaceuticals, as well as the smuggling of legal ones. However, there was also ample interest in sharing cross-regional insights to tackle common challenges related to TNOC. For example, officials from many regions wanted to share learning on dismantling the criminal networks behind illegal mining, oil bunkering, and illegal, unregulated, and unreported (IUU) fishing.

Designing State Responses that Bolster Legitimate Security, Development, and Governance

The research presented at the seminar suggests that African states' responses to TNOC are more likely to succeed if they appropriately balance security, development, and rule of law concerns. Even if they are less nimble than TNOC groups, state security and justice actors are constantly striving to adjust their responses to best address the evolving threats they face. The extent to which such responses engage across the security-development-governance nexus will shape how well African states can leverage legitimate governance and strategic coordination/collaboration as part of their capacity to counter TNOC. Participants now have the opportunity to use the networks they built at the seminar to advance these efforts further, whether by updating each other on swiftly changing TNOC threats or sharing what they are learning iteratively and adaptively through their work.