AFRICA AND THE EMERGING NON-STATE ACTORS IN TRANSNATIONAL ORGANISED CRIME: CHALLENGES AND PROSPECTS

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Abstract: Over the decades, transnational organized crime has posed a major obstacle for African nations. They have been saddled with human trafficking, corruption, drug trafficking, illicit arms, money laundering, and many more, causing main challenges to stability and growth on the continent. Though some progress is being made in curbing these challenges. However, this paper examines the challenges African nations must address to effectively fight transnational crime. First, is how to deal with emerging criminal actors operating within the region. Second, is using transnational components to investigate these crimes, and third, the ability of African nations to track, and prosecute crimes committed within the jurisdiction. Here, the perspective of Realism is sought to explain that, each member of the human society has the obligation to obey the fundamental values of the community. As such, the state is authorized to intervene (even violent means) to keep social order under its control. State institutions have the function to preserve the dominant legal system to the benefit of the whole society. However, the paper tries to establish that criminal actors are emerging to challenge the legitimate power of the state. The paper analyzes the prospects with respect to efforts and contributions by International Non-governmental Organisations and African Nations. It reveals that the weak structure of governance and lack of secured borders are a bane to national and regional security in Africa. Thus, the possession of political will and good governance, and border protection remains the fundamental instruments to curb transnational criminalities. It concludes that for Africa to achieve security, peace, and stability, it must collaborate and collectively work within the continent and with the nations from the west. This will create a conducive atmosphere, renew leadership trust, and win more foreign investors that can enhance and achieve sustained economic growth in Africa.

Keywords: Africa, Transnational Organized Crime, Realist Theory, Non-State Actors, Economic Growth.

1. INTRODUCTION

In the past, debates on transnational organized crime were focused primarily on the western world, central Asia, and Latin America. But, today, the focus has moved to Africa, where many use to argue about the importance of transnational organized crime as a subject, it has now been intensified with growing national and regional concerns by states, policymakers, international non-governmental organization, and civil society groups. Transnational organized crime refers to those self-perpetuating associations of individuals who operate transnationally for the purpose of obtaining power, influence, monetary and/or commercial gains, wholly or in part by illegal means, while protecting their activities through a pattern of corruption and/ or violence, or while protecting their illegal activities through a transnational organizational structure and the exploitation of transnational commerce or communication mechanisms(Obamawhitehouse.archives.gov).They are emerging as criminal non state actors , challenging the legitimate power of the state (Yoroms, G., 2019, Mapping New and Emerging Security Threats in the Arc of Instability in Africa, paper prepared for the KAPS Peace and Security Forum , Maiden Edition Conference on Peace Operation in the Context of Violent Extremism in Africa, Mvenpick Ambassador Hotel Accra m Ghana 4-5th August).

Transnational organized criminal groups which in this paper we also referred to as criminal non-state actors,do not operate under a single structure as their hierarchies, approaches, and networks may evolve to other structures at any given time. Transnational organized criminal groups are extremely fluid in nature. They possess certain characteristics and act conspiratorially in their criminal dealings. Some of these characteristics may include, but are not limited to; violent acts that are likely to make actual, implicit threats and cause intimidation during their activities, They exploit different features that exist between various countries to further perpetuate their objectives, thereby enriching, expanding their organizations, and circumventing detection/apprehension; They attempt to gain political influence in government, and businesses through corrupt as well as legitimate practices; Their primary aim is economic gain both from investment in legitimate businesses, and patently illegal activities; Transnational organized criminal groups tend to protect both their membership and leadership from detection, apprehension, sanction, and/ or prosecution using their organizational structure. Transnational organized crime (TOC) poses a significant and growing threat to national and international security, with dire implications for public safety, public health, democratic institutions, and economic stability across the globe. Not only are criminal networks expanding, but they also are diversifying their activities, resulting in the convergence of threats that were once distinct and today have explosive and destabilizing effects ((Obamawhitehouse.archives.gov).

Africa is nevertheless spared as there have been increased agitations about transnational organized crime in Africa which has threatened the stability and growth of the most endowed continent in the world, thereby stimulating the quest for more in-depth methods and an uproar for investigations in order to understand the circumstantial forces at play, and the best measures to tackle them. To this effect, there have been growing numbers of reports, measures, and resolutions by the United Nations Security over the past decades on transnational crime, and about 80% is related to Africa.

The paper used secondary sources of data such as the internet, newspapers, journals, and books to analyze the challenges, measures, and prospects of transnational organized crime in Africa. To examine this phenomenon, the realist theoretical illustration argues that the main actors in international relations are stated was applied. States play important roles in defining the behavior of actors on the international stage. Thus, the impact of transnational organized crime (TOC) on states in Africa, and the role of the states to determine the behavior of these actors cannot be overemphasized. Findings however show that the weak governance structure and border security protection in the region threatens the national and regional security of Africa. It concludes that, for Africa to achieve security, stability, and peace it must possess the political will and good leadership/governance and collaborate within the continent, and with countries from the west to curb transnational organized crime. This will renew the lost trust in the leadership, create a viable economic atmosphere, and win more foreign investors that can promote and sustain development in Africa.

2. THEORETICAL PERSPECTIVE

For sometimes now, since the last three centuries or more, the main actors in international relations have been states, and Africa is one. States play very important roles in defining the behavior of actors on the international stage. In this analysis, the impact of transnational organized crime (TOC) on states cannot be overemphasized. Transnational Organized Crime is considered as the most flexible and changing trends in centuries. The United Nations Convention on Transnational Organized Crime (UNTOC) defines TOC in its article 2(a) as a group of three or more persons that were not randomly formed but exists for a period of time by acting in concert with the aim of committing at least one crime punishable by at least four years' incarceration, in order to obtain, directly or indirectly, a financial or other material benefits (UNTOC, 2014).

This study takes into cognizance the role of TOC in Africa which impacts all countries in the region either as supply, demand, or transit country. For these reasons, transnational organized crime poses a huge challenge that makes states act in a certain behavior to protect their security, national interest, defend their citizens, boundaries, sovereignty, and the manner of interaction with their neighbors. TOC activities in the region have left Africa vulnerable, impoverished, and underdeveloped. Thus, requiring all countries within its sphere to collectively work together to safeguard security.

Many frameworks have been designed by various countries against transnational organised crime within the region. For instance, South Africa has adopted measures to counteract transnational organised crime by non-state actors. They are one of the pioneers in enacting legislations to prevent organised crime. Since 1998,the country

adopted the Prevention of Organised Crime Act(POCA),that made it a criminal offence to be identified with a crime syndicate and made it possible and easier to trace , seize and confiscate the proceeds from the activities of non-state actors within its territory. Additionally, in the year 2000, money laundering became a crime under the POCA legislation. Followed by the Financial Intelligent Centre Act in year 2003, which created a framework of repository of data on all suspicious financial transactions. These measures are all in the bid to protect the statism and the citizens. The realist thought, whose prominence in the development of contemporary theory and practice of international relations remains uncontested, promotes the focus on state power in inter-state relationships. Despite the increasingly interdependent character of inter-state relations in the modern state system, the statist perspective that focuses on power significantly influences the goals and directions of international relations.

For stability and peace to be achieved in Africa, the realist is of the view that a regional hegemon should emerge with the capacity to exercise its dominance through relative military /diplomatic superiority and carefully cultivate legitimacy within the region. The realist argues that each member of the human society has the obligation to obey the fundamental values of the community. As such, the state is authorized to intervene (even violent means) to keep social order under its control. State institutions have the function to preserve the dominant legal system to the benefit of the whole society. However, since the end of the Cold War other powers have emerged (or are emerging) based on factors other than military power, such as the advanced economy and effective control of international institutions (Kennedy, 1987).The rise of non-state actors has continued to challenge the legitimacy of the state. The non states have the capacity to undermine the power of the state to govern. No individual state has the capacity to confront them alone, not even the US. It requires the concerted efforts of state working together to address this common challenge.

3. AFRICA, CRIME AND THE EMERGING CRIMINAL NON-STATE ACTORS: CONCEPTUAL ANALYSIS

Africa is a huge and most populous black continent on the globe with a large element of great diversity. Africa is of different tribes and races. We often talk of Africa the North of the Sahara and South of the Sahara. There are at least three major African racial groups- The Nilotic, The Bantus, and Guinea. As of 2013, Africa's population was 1.1 billion which is 15% of the human population and between 20 years and below which means about 5% of Africa's population are young energetic people. Geographically, Africa occupies 6% of the earth's total surface area and 20.4% of the total land area in the world. it is indeed one continent endowed with rich human and natural resources. Beyond geography, Africa has similarities in culture and religion. We also have common experiences of exploitation from the colonialists. This we believe has given African a sense of unity and hospitality and desire for progress, which is been thwarted by increased transnational organized crimes by criminal groups that are engaged in drug and human trafficking, money laundering, and illicit weapons as a means of livelihood since the late 1980s and early 2000s to date.

Transnational organized crime is a difficult term to conceptualize, as there is no one single definition that constitutes the term. However, the concept emerged in the late 70s as the United Nations organized a conference on crime. It is a concept that cuts across borders of more than one or two countries. Transnational Organized Crime (TOC) is considered as the most flexible and changing trends in centuries. The United Nations Convention on Transnational Organized Crime (UNTOC) defines TOC in its article 2(a) as a group of three or more persons that were not randomly formed but exists for a period of time by acting in concert with the aim of committing at least one crime punishable by at least four years' incarceration, in order to obtain, directly or indirectly, a financial or other material benefits (UNTOC, 2014). Unfortunately, it is a crime committed by few individuals. It is a cartel working a string of unforeseen forces across the globe which no state can handle alone.

These organized crimes have been exacerbated by globalization, which is known as the rapid movement of humans, goods, capital, culture, technology, and services across the seven continents. The numerous benefits of globalization such as easy funds transfer, international travel, and fast communication links have provided huge opportunities for these organized criminal groups to prosper, expand, and reinvent their engagements. Traditionally, crimes associated with organized crime include financial crime (money laundry/ extortion), illicit arms, oil bunkering, drug/human trafficking, cybercrime, Piracy, illicit trade and counterfeits, and environmental crime, etc. However, this has dramatically expanded with changes in the global economy, technology, and communication.

The transnational organized crime groups in Africa are diverse and also involve in criminal activities such as drug trafficking, advanced fee, and Internet fraud, human trafficking, diamond smuggling, forgery, cigarette smuggling, illegal manufacture of firearms, trafficking in firearms, armed robbery, and the theft and smuggling of oil(UNDOC,2004). They are known to have quite a loose network structure that is like small legal businesses in the region, established in form of close community and family ties, making it very difficult to apprehend them. Although, most media reports refer to them in Africa as "cabals, "cartels", "mafias", "drug barons" and "occult". However, there is usually no direct evidence regarding their operational structure. These transnational organized criminal groups perpetuate a lot of harm to the government and citizens of Africa in more Unimaginable ways than can be understood. Most of them are responsible for the increasing rise of insurgency, which is killing the main fabric of the citizen's lives and the entire economy.

Across the western world, there exist the La Cosa Nostra, the "Russian" organized crime in the US, the "Fuk Ching" Chinese TOC, the Mexican Drug Cartel, etc. For instance, La Cosa Nostra also known as the mafia, the mob, the outfit, is a collection of Italian-American organized crime "families" (which include many members who are not related) and has been operational in the United States and parts of Canada since the 1920s (Albanese (2014). This group is ruthless in violence, organized, and most prominent in the history of the United States. Their major economic resource is the ability to be entrepreneurial, opportunistic, and adaptable. They exert huge political influence with every existing political machine in all states. This transnational organized crime group has evolved and somehow replaced by flexible and smaller networks with branches across many territories.

With the rapid interconnectivity between the West, Africa is known as a supply point, demand, transit, and destination hub for transnational organized crime. In the process of interrogation, suspects, victims of transnational organized criminal groups and the proceeds may be simultaneously found in different countries. Also, transnational organized crime impacts all countries either as supply, demand, or transit country. By the year 2020, the number of transnational organized criminal groups has increased in Africa, further exacerbated by the no record or data-keeping mechanism by African governments. Although there is presently relative stability in the region, much is left to be desired. For these reasons, transnational organized crime poses a huge challenge that must be fought collectively, regionally, and globally by governments, international Non-Governmental Organisations, and individuals.

4. CHALLENGES OF TRANSNATIONAL ORGANISED CRIME IN AFRICA

Despite the vast human and natural resources and the undisputed progress made in the last decade towards the establishment of governing systems and democratic culture, African countries continue to get low ranks of the Human Development Index of the United Nations. Similarly, the poor scorecard is not different from Transparency International and the World Bank indexes that measure good governance. Studies show recently that the African countries play a major role in the trade of cocaine in the transatlantic, as well as in the flow of human trafficking/ illegal migrants to Europe. Drugs and migrants crimes are, however, just two of the many illicit activities that feed the growth of local and transnational criminal organizations, and the establishing of a culture of quick and easy money that is progressively eroding the foundations of any sustainable and well balanced socio-economic development. In Africa, there exist both national and regional challenges to the act and fight of TOC. Especially in Nigeria, elements of organized crime dates to the 70s, as groups involved in crime started to falsify imports to transfer funds outside the country, normally in contravention of currency regulations. This process involved over-invoicing or importing sub-standard goods for delivery to government departments, in return for kickbacks paid to government officials (UNDOC, 2004).

This practice is known to have led to the execution of the country's coup in 1966. Also, several hitches present themselves in causing the difficulties of providing an accurate scenario of transnational organized crime in Africa. These include but the following: the inability to gather reliable data on relevant hidden activities, corrupt Practices through collusion from governments and border security personnel, socio-economic conditions, political perspective (civil wars/ state weakness), and Cultural Practices. Transnational organized crime is argued by many to be rooted in the ideas and cultural beliefs of Africa. They are of the opinion that certain forms of crime are not regarded as illegal as the laws that define these activities are truly not African. Thus, to connect Africa's role in the drug trade is quite common for Africans to debate that, they did not consider certain narcotics as illegal, but the consideration made by the Western countries who once colonized them to "name and shame", but are now the highest consumers of these narcotics. Although some belief, there is a growing problem of drug consumption in

Africa itself, as seems inevitable with any country that develops a role in the drug trade (UNODC,2004). In 2011, there were about 6,500 to 13,000 active members of armed groups in the Eastern DRC only. The most prominent of the armed groups is a Hutu militia, the Forces démocratiques de libération du Rwanda (FDLR), which has between 2,400 and 4,000 members (UNODC,2011).

In Central Africa, Zimbabwe, Democratic Republic of Congo (DRC), and Central African Republic (CAR), have diamonds in large quantities in their mining areas. This has contributed to the growth of crime and conflict in this region. Rwanda and Uganda have both been named in connection with the flow of illicit diamonds from the region, notably from the DRC (UNODC,2011). Today, it is estimated that 120,000 to 150,000 carats (worth US$20 million) of diamonds from the CAR are illegally exported annually (www.scribd.com). The value could be much higher, particularly as the smuggled stones tend to be the most valuable ones. In Zimbabwe, the value of smuggled diamonds as estimated to be US$400 million in 2007 and may have been up to US$60 million in 2009(UNODC,2011). It has been shown that due to variant accounting discrepancies, at least US$21 million worth of diamonds remain unaccounted for in the DRC. According to the United Nations Office on Drugs and Crime (UNODC), the Kimberley Process accounts for 60 percent of the rough diamonds produced in the DRC each year, meaning 20-24 million carats, worth up to US$720 million, maybe smuggled (UNODC,2011).

Cannabis is seen as Africa's most problematic drug. Cannabis users command most of the treatment berths in Africa because imported drugs are too expensive for most local users to afford (www.link.springer.com). Cannabis is one of the few drugs that can be grown with little experience and consumed with little processing. It grows well in many African climates and, as a result, it is cheap, often cheaper than alcohol for those seeking intoxication (UNODC,2011). In Central and Eastern Africa, such as Uganda, DRC, and Tanzania, they are known as the key exporters of cannabis to the region. Research reveals that some of the cannabis originate from Congo and not Uganda as thought by many, but with Uganda acting as a transit country. Burundian and Rwandan governments recognize the DRC as the main source of cannabis which is used as a transnational trade to fund armed groups in Central Africa. Transnational organized criminals in Africa also trafficked in tin ore and gold. However, the market for tin ore is not as glamorous as those for gold or diamonds, but it is profitable. Most tin is extracted from cassiterite ore, and DRC is estimated to account for one-third of the world's cassiterite reserves (UNODC,2011). Among all these commodities discussed in this study, gold is perhaps the most difficult to control. It is portable, easy to conceal, and can be predictably converted to cash almost anywhere(www.kaspersdienstverlening.nl). Rather remarkably, most of the gold that is stolen from Central Africa are trafficked by a limited number of players in some predictable ways (UNODC,2011).

South Africa's involvement within the transnational circle of organized crime is quite difficult to ascertain the criminal groups that are active at any given time. What they have for the past two decades are criminal networks rather than criminal groups. This means a loose arrangement of several criminals working together and shifting from one criminal activity to another, comprising of various nationals without observing a level of permanence. Predominantly, South Africa is known for trafficking in humans, motor vehicles, and theft. It is the main supplier and a destination. Although a few luxury vehicles stolen from the United Kingdom are brought into the country. This has linked organized criminal non-state actors beyond the borders of South Africa.

Also, the poaching of rhinos is common. Since the absence of its market and lack of cooperation poses a challenge from demand countries, the criminals collaborate with countries such as Cambodia, China, and Vietnam for their transactions. It is very difficult to determine how widespread human trafficking is in South Africa, partly because of delays in criminalizing it. South Africa does not have a law against human trafficking; therefore there are no official records and documentation of the phenomenon. The predominant origin of victims appears to be the Horn of Africa, but there are also people trafficked from Mozambique, Zimbabwe, Angola, as well as southeast Asian countries (Charles, G & Verena Z, 2013).

In West Africa, threats to national and regional security have spanned from the activities of criminal groups involved in illegal smuggling, migrants, and drug/human trafficking. One of the most recent activities is the jihadist movements which have provoked serious concerns across the sub-region. This has been linked with the rising insurgency that started in Nigeria in 2009. The Nigerian Customs Service (NCS) has on many occasions intercepted and foiled attempts to smuggle arms and ammunition into the country (www.academia.edu). Border control towards Niger, Chad, and Cameroon is not quite effective and this makes smuggling of goods relatively easy (Adetula, 2015 cited West African Network for Peace building, 2013, 4). Nigeria's security agencies often

report incidents of arms smuggling, armed banditry, and human trafficking along the country's 773-kilometer (460-mile) Cotonou-Badagry road. The maritime insecurity in West and Central Africa has also aided the trafficking and illicit flows of narcotics, people, and weapons (Victor,2015). Similarly, oil theft with the complicity of transnational actors threatens the Africa giant (Nigeria) national security and economic interests. The volume of theft of Nigerian oil, both on land and on the sea, is estimated to be 100,000 barrels per day (during the first quarter of 2013) (Victor, 2015 cited Katsouris et al, 2013).

The pervasive power of the corruption of transnational criminal organizations, coupled with a general crisis by state actors in the administration of justice and enforcement of the rule of law, contribute towards the progressive diminishing of the insecurity and credibility of the state as the institution entrusted with the prerogatives of guaranteeing security (of people and investments) and dispensing justice. In this context, the cases of Guinea Bissau, Mali, and Nigeria are probably the obvious examples of what states in West Africa may face soon if the issues of security and justice are not promptly and properly tackled. If the primary responsibilities to fight this menace lie with West African institutions and governments, then the entire international community should also review its approach to policies of development by not only mainstreaming the problems of justice and security in their bilateral and multilateral agendas, but also by making it an essential cornerstone of programs and policies aimed at the establishment of states ruled by the law, and the continuous support for good governance in the region.

5. PROSPECTS ON TRANSNATIONAL ORGANISED CRIME IN AFRICA

Security is a condition of freedom from danger and risk of threat that transcends military threats to include other forms of threat. Threats to national /regional security are often assessed in terms of the extent of risk they constitute to the pursuit of national/regional interests (Victor, 2015). Thus, in all cases, the state of security of Africa is a function of its ability to anticipate, manage, prevent, and effectively respond to these threats within the region. West Africa has long been the focus of United Nations attention, but it is only recently that the international community recognized transnational organized crime as a key issue for the region (UNODC,2013). This recognition stems primarily from a single contraband flow of cocaine, a flow so large that its wholesale value on arrival in Europe would exceed many African states national security budgets (UNODC,2013). Besides, the threat of cocaine, which is very glaring, there are other numerous forms of transnational organized crime that pose a challenge to the security of the region. These challenges are both an origin and the outcome of weak governance. These rapid changes have been explored by various governments and international non-governmental organizations to find lasting solutions, through the establishment of many strategies to tackle and restore security, peace, and stability in Africa. The prospects and responses are discussed below.

5.1. The United Nations Response

The United Nations General Assembly Resolution 55/25 is an adopted instrument to fight against transnational organized crime(ec.europa.eu,2000). It was held in Palermo, Italy on 12-15 December 2000 as a high-level political summit with the purpose of having member states signed the resolution against transnational organized crime. The resolution entered into force by 2003. Hence, countries must become parties to the Convention itself before they can become parties to any of the Protocols (UNODC,2000). The United Nations Convention against Transnational Organised Crime (UNTOC) is a major promising step taking to fight transnational organized crime in the last decades. It signifies and recognizes the importance to fight against transnational organized crime by member states and the seriousness that the challenge presents as well as the need to foster and boost close international cooperation and collaboration to tackle the challenges. For this purpose, states that sign this instrument are responsible for putting in stringent measures to control transnational organized crime, including the creation of domestic criminal offenses (participation in an organized criminal group, money laundering, corruption, and obstruction of justice); the adoption of new and sweeping frameworks for extradition, mutual legal assistance, and law enforcement cooperation; and the promotion of training and technical assistance for building or upgrading the necessary capacity of national security authorities. The Convention also supplements three protocols specifically targeted at manifestations and areas of organized crime. These protocols are:

5.1.1. The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children;this was adopted by the UN General Assembly resolution 55/25. It entered into force on 25 December 2003. The UN resolution is the first binding instrument that is legal and global with a consensus definition on

trafficking in persons. The major objective is to enhance the convergence in national approaches relating to the establishment of domestic criminal offenses that would support efficient international cooperation in the investigation and prosecution of trafficking in person's cases, and to protect and assist the victims of trafficking in persons with full respect for their human rights (UNODC, 2004).

5.1.2. The Protocol against the Smuggling of Migrants by Land, Sea and Air; This was adopted by the UN General Assembly resolution 55/25, which entered into force on 28 January 2004. The UN resolution deals with the increasing challenges of transnational organized criminal groups who carry out activities such as the smuggling of migrants. This is a constant great profit for the perpetrators at the expense and high-risk to the migrants. A major achievement of the Protocol was that, for the first time in the history of a global international instrument, a definition of smuggling of migrants was developed and agreed upon (www.globalinitiative.net,2020). The main goal of the protocol is to fight against migrants smuggling , as well as to enhance partnerships among states parties while safeguarding the rights of smuggled migrants and to curb the worst forms of their exploitation which often characterize the smuggling process. This brings hope for African citizens whose freedom and human rights have been violated through illegal smuggling and migration to foreign lands.

5.2.3. The Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition ;).

The protocol was adopted by the UN General Assembly resolution 55/255 of 31 May 2001. It entered into force on 3 July 2005. According to the UNODC, the objective of the Protocol is to promote, facilitate and strengthen cooperation among States Parties in order to prevent, combat, and eradicate the illicit manufacturing of and trafficking in firearms, their parts and components, and ammunition (UNODC, 2005). This protocol is the first legally binding instrument on small arms that have been adopted at the global level, a great achievement made in the 21st century on organized crime. By ratifying the protocol, States are committed to adopt a series of crime-control measures and implement in their local legal order three sets of normative provisions. There are the establishment of criminal offenses related to illegal manufacturing, and trafficking in firearms based on the Protocol requirements and definitions. And a government authorization system or licensing intending to ensure legitimate manufacturing of, and trafficking in firearms; and the marking and tracing of firearms (UNODC,2004).

5.3. THE AFRICAN UNION RESPONSE

Transnational organized crime is a serious threat to national, regional, and international peace, good governance, and development. In 2009 the World Bank estimated the value of revenue accruing to organized crime in Africa to be about USD 1.3 trillion (EUR 1.15 trillion), while this figure had risen to USD 3.3 trillion (EUR 2.9 trillion), by 2011, it rose to about 50% rate of growth per year. According to the African-European Unions partnerships, in comparison, net official development assistance to Africa amounted to USD 55.79 billion (EUR 49.5 billion) in 2013(Africa-EU partnership,2013). The United Nations has reported that 90% of African countries are affected by human trafficking flows, either as a source, transit site, or destination (JAES,2014). The Africa Union in collaboration with the INTERPOL through project ENACT aims to enhance cooperation between the two bodies to fight transnational organized crime. Project ENACT is the first of its kind to cover the entire African continent, to analyze the scale of organized crime and its impact on security, governance, and development. They recognize that crime syndicates remain highly connected across borders on the continent and are active in several illicit markets (INTERPOL, 2018). The main issues discussed in the summit are the cooperation of law enforcement among the 194 member countries to fight transnational crime, particularly intra-regional flows of terrorists from Al-Shabaab in East Africa, Al Qaeda and ISIS affiliates in the Maghreb, and Boko Haram Insurgents in West Africa. According to the INTERPOL Secretary General Jürgen Stock, there is no community, region, or country that is untouched by the effects of transnational organized crime and terrorism. The INTERPOL have noted that the impact of these transnational criminal groups are global, and their convergence represents an evolving threat that extends beyond Africa" (INTERPOL, 2018). Therefore, key measures must be pursued to curb the unwanted threat transnational organized crime has posed for Africa.

5.4. THE EUROPEAN UNION'S RESPONSE

 The ability and capacity of criminal organizations to execute illegal activities beyond national boundaries have drawn the attention of the European Union to develop a concerted strategy to help Europe and Africa. The 2004 European Union report about organized criminality, offered insight into fundamental criminal organizations active in Europe. It recognized the following countries such as Albanian by focusing on the trade of people and narcotics, and the attempt to control criminal markets, including the use of forced methods. The Russian territorial is also not spared as it is known to be the most dangerous of the organized criminal groups with activities ranging from economic crimes, extortion, and illegal immigration (EU Organised Crime Report, 2004).

Globally, the understanding of the severe challenges and consequences of transnational organized crimes such as narcotics trafficking, money laundering, and corruption by non-state actors has invoked global action. The increasing scale of transnational organized crime and the reality that it is beyond individual state regulatory framework made United Nations draw up a range of universal documents on the resistance to transnational organized crime (TOC). United Nations, therefore, became the role leader in legal regulation efforts of states and the international community in battling TOC. From history, the first international effort in respect to similar challenges was the signing of intergovernmental agreements, including against the slave trade of the Viennese convention of 1815 (Hansard, 1816).

Recently, United Nations has developed a number of legal statues with regards to the challenges of TOC namely: the 2005 Nuclear Terrorism Convention, the 2000 UN Convention against Transnational Organized Crime, the 2003 UN Convention against Corruption, the 1988 UN Convention against Illicit Traffic in Narcotics Drugs and Psychotropic Substances. The 1990 Council of Europe Convention on Laundering, Search, Seizure, and Confiscation of the Proceeds from Crime and on the Financing of Terrorism arose from the UN legal efforts. The Council of Europe in its regulatory efforts had nine conventions pertaining to the combat of TOC including the 1998 European Convention on the Compensation of Victims of Violent Crimes and the additional protocol to the 2003 Convention on Cybercrime. European Union's solidarity clause of article 222 of the Lisbon Treaty (TFEU), requires member states to provide mutual assistance and fight terrorism together, which encompasses the prevention of terrorism (Parkes, 2015). Therefore, the collaboration of member states should be assumed on grounds of mutual legal assistance, information exchange, the conduct of an investigation, search for criminals, legal proceedings, seizure of property, etc. The Lisbon Treaty extended to campaign for the agenda to harmonized criminal offenders with penalties up to ten years particularly crime with cross-border dimension (art. 83.1.1 TFEU).

Within its framework, the EU has adopted many regulations to combat criminal organizations. It is worthy to note that even before the Amsterdam Treaty came into effect on May 1, 1999, the council passed joint action concerning the activities of criminal organizations in the EU member states in 1998. Bear in mind that this innovation on the 1997 Action Plan against Organised crime declared the European policy program on criminal matters. Thus, the European Union is recognizing the source, transit, and destination dimension of TOC has developed programs to support states outside the EU, including Africa to fight cross-border crimes. A significant example is the EU support to the ECOWAS Regional Action Plan on illicit drug trafficking and organized crime by increasing the operational capacity of ECOWAS, its Commission, and member states. In June 2009, the EU sent a member state expert mission to Mali, Niger, and Mauritania to explore possible counterterrorism efforts to support at the national and regional levels. Similarly, the EU inclusion of the first global counter-terrorism measures developed by the European Commission together with experts from EU member states in the 2009-2011 Indicative Programme for the Instrument of stability is yet another role it plays outside Europe.

5.5. THE ECOWAS RESPONSE

The ECOWAS Convention on Mutual Assistance in Criminal Matters of 29 July 1992 and the ECOWAS Convention on Extradition is of particular importance when it comes to transnational organized crime. These multilateral instruments are complemented by a series of bilateral agreements between various countries in West Africa. Many of such bilateral instruments concern extradition and the provision for mutual legal assistance in criminal matters (Williams, 2019). Regarding the critical regional threat of trafficking in firearms, measures have been put in place to curb this practice through the adoption of the Moratorium on Importation, Exportation, and

Manufacture of Light Weapons of 31 October 1998, as well as its corresponding Code of Conduct adopted in December 1999. This Code is binding on ECOWAS members through the prohibition of exports and imports or the manufacturing of light weapons within the region. Except a member State acquires an exemption to perform such activities. For human trafficking, the ECOWAS have agreed upon an Action Plan, although not legally binding, the Plan is designed to raise the political profile of the dangers of human trafficking, therefore sending out a strong political message that the practice will not be tolerated within the region.

5.6. THE SOUTH AFRICAN DEVELOPMENT COMMISSION (SADC) RESPONSE

The containment of organized crime, especially where it assumes transnational dimensions, is a major issue on the law enforcement agendas of Southern Africa. Even though tackling organized crime has been recognized as a serious regional challenge for decades and is high on the agenda of the SADC Organ for Politics, Defense and Security, effective measures have not yet been implemented (Msutu, 2018).

The legislation itself is not lacking. In 2004, the SADC Protocol on the Control of Firearms, Ammunition and Other Related Materials came into force. It was the first African regional small arms agreement that became legally binding (internet SADCPOL). In 1995, a regional pool of police officers was created, the SADCPOL. The SADCPOL also coordinates with SARPCCO, the Southern African Regional Police Chiefs Co-operation Organisation, which is the primary force in Southern Africa for the prevention and fighting of cross-border crime. The organizations are supported by the Sub-Regional Bureau of Interpol in Harare. Tackling crimes such as motor vehicle theft, economic and commercial crimes, drugs, wildlife crime, and trafficking of human beings are some of its key priorities.

6. FINDINGS

While the collective efforts of African states at fighting transnational organized crime and the spread of insurgency are yielding some remarkable gains, some major factors abound in preventing Africa from the desired progress. The lack of political will, weak institutions and democratization, bad governance, inadequate infrastructure, and capacity, poorly equipped and motivated security agencies and military, poor economy coupled with other problems such as unemployment, the porous borders, insecurity, and the lack of a rules-based globalized system, ineffective boundary demarcation by authorities, illegal border crossing which has been traced to poor boundary arbitration by the colonial masters. Additional factors include but not limited to, unskilled border security operatives, poor remuneration for border agencies which has led to collusion with transnational criminal actors, increased corruption, under-financed border agencies, and lack of cooperation among the security agencies of countries that guard the borders in Africa, and non-inclusion of the citizens has continued to inhibit actual progress.

7. CONCLUSION

Transnational organized crime in today's world is shaped by the presence of six geographically large continents interconnected across the Atlantic and Pacific Oceans. The socio-economic disparities between these continents provide a very lucrative supply-and-demand environment, and the land and water access facilitate smuggling/trafficking routes for illicit goods, services, and humans. Transnational organized crime from history has been shaped by the presence of Cosa Nostra groups, composed primarily of Italian- Americans, whose influence was concentrated in major eastern U.S. cities. But the unprecedented massive prosecution effort that began during the 1980s severely reduced the strength of the Cosa Nostra groups. According to research, these prosecutions that occurred in the United States are linked to changes in global politics that comprised of the collapse of the Soviet Union, the emergence of Eastern Europe which were the newly independent states, and the growing ease of international travel and communication (globalization).

The localization of organised crime challenges in the past generations are now manifestations of criminal groups from Eastern Europe and Asia who has found Africa to be a desirable market for the provision of illicit goods and services that support organized crime enterprises. Transnational organized criminal groups within Africa also have exploited new opportunities, such as lack of good leadership/ governance, corruption, and lack of a rule-based atmosphere to commit the crime in magnitudes beyond the framework of the states. Presently, the growing recognition of the size and importance of transnational organized crime operations that emanate from a variety of

foreign countries distinguishes concern about organized crime from the many city-based gangs such as the Cosa Nostra groups in the past. Hardly can a controversy arise when it comes to the desirability of effective control of transnational organized crime activities in Africa by the African governments and the governments of the western countries. However, the modalities and complexities of the strategies to effectively combat transnational organized crime and other transnational challenges still require in-depth consciousness than have been given by the stakeholders in decades. Comparatively, many have argued with some conviction that the progress and prospects for effective cross-border control crimes in Africa are positive. Both at bilateral and multilateral stages, Africa has shown a renewed commitment to work with other regions to address the menace of transnational organized criminality including human trafficking, smuggling, and cross-border banditry. The United Nations and the African Union responses through its Conventions over the years have made remarkable achievements by ensuring African states are involved in the formation of the various strategies to curb these crimes. By prosecuting criminals and reducing the speed of activities by these groups. Obviously, the impact of transnational organized crime on Africa's citizens is so profound, not only does it undercut state institutions but it greatly increases the challenges for honest citizens who are travelers (tourists) and business operators who often feel targeted by Western customs and law enforcement agencies. In the year 2020, transnational organized crime has rapidly multiplied in Africa. Lack of an accurate database for records on crime and prosecutions by African states has worsened the situation in the region. Although there is presently relative stability, much is left to be desired. Therefore, the need for the creation of a Regional Identity Management commission (RIMC) with a modernized and accurate database system is imperative to aid arrest and prosecution. The police reform, more effective regional and national forms of cooperation, and integration in the management of regional security cannot be over-emphasized. Also, to effectively combat the security threats in Africa, conscientious and greater political will from African leaders is relevant, the need to enhance preventive diplomacy to support African governments to fight the security challenges, attempts to curb corrupt practices through existing institutions, and the inclusion of the citizens is essential to effectively combat the problem of transnational organized crime in Africa. The engagement of a network of regional and local non-governmental organizations as opposed to a unilateral single state approach. Although there are a few existing frameworks of regional-national initiatives. However, there is much to be done to enhance the performance of some of the national-regional cooperation/ partnerships in the resolution of these challenges.

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