Easy Trans-Border Movements and Transnational Crime in Nigeria

Frank-Collins Nnamdi Okafor[1]
&
Charles Arinze Obiora[2]

1. Department of Political Science,
   Nnamdi Azikiwe University, Awka, Nigeria

2. Department of Political Science,
   Anambra State University, Igbariam, Nigeria

Abstract

One of the greatest impacts of globalization is easy trans-border movements which have increased in tempo and magnitude. With the near collapse of national borders, more people including criminals now move across national boundaries. Interestingly, as these movements increase with ease, just as border checks diminish, transnational crime also increases. For example, cases are legion of frauds initiated in one country and consummated in about five countries in spite of the contingencies of national borders. Thus, easy trans-border movements have exacerbated transnational crime. This, of course, has great implications. This paper therefore takes a critical look at the how and extent easy and increased cross-border movements have affected transnational crime. It also identifies the role elements of this increment plays and concludes that if states make and implement relevant laws and cooperate effectively, the trends could be checked for the better.

Key words: Easy Trans-Border Movements, Transnational Crime, Criminals, Migration

Background to the Study

Contemporarily, trans-border movements also known as migration has changed in nature and dimension. The way such movements are perfected these days makes nonsense of the old system and limitations orchestrated by overriding national powers on cross-border matters as well as the isolated state policies that are today, nearly nullified by globalism. It is not just that more people move across national boundaries that are news but the ease with which such movements are made is phenomenal. According to Hirano (1997), an estimate by the International Organization for Migration (IOM) said that 80 million people resided outside their countries of birth and citizenship in the year 1990. Some other figures estimate that there were 100 million migrants in 1992. The 1990 figure is about equal to the population of united Germany and suggests that about 1.7 percent

Electronic copy available at: http://ssrn.com/abstract=2693377

of the world's population lives abroad. The African Union (AU, 2005) estimates that as at 2005, there were over 76.3 million African migrants, a figure that is not in any way small and the movements are both legal and illegal. The illegal dimension involves those that travel with fake and expired travelling documents as well as those without documents at all. Irregular crossings by sub-Saharan Africans are estimated at about 25,000 to 35,000 per annum (De Haas, 2007). Aderanti and Arie (2007) add that Nigeria's emigrant population is around 20 million.

Hence, Castles and Miller (in Hirano, 1997) call today 'the Age of Migration', and explain this increase in the following ways:

> Figuratively speaking, today's global migrant moves across national borders with return tickets in hand. This is of course made possible by advances in means of transportation. Earlier, people could not move back and forth across the ocean and across continents so easily. They ventured abroad with a one-way ticket only, and most of them could not go home for a lifetime. Migrants became immigrants almost inevitably. Today migrants travel on jumbo jets for far cheaper fares. Even if they go abroad with one-way tickets only, they can easily earn the money to buy their return tickets because it was so difficult for earlier immigrants to go back home once they emigrated (in Hirano, 1997).

As interesting as the above revelations are, it is pertinent to note that these trans-border movements come with them, some internally generated self contradictions of which transnational crime is paramount. Obviously, increase in transnational crime is one of the most outstanding peculiarities of these easy movements as they offer criminals unprecedented leeway in their nefarious cross-border activities.

Transnational crimes as distinguished from international crimes are acts which violate the laws of more than one country (Bossard in Passas, 2003:2). It is an offence that has an international dimension and implies crossing at least one national border before, during or after the act (Barkindo, 2007). These crimes are the dark side of interdependence and globalization. Just as borders no longer provide an impediment to licit business activity, they can no longer be a barrier to illicit activities (Williams, 1998 in Barkindo 2007).

Electronic copy available at: http://ssrn.com/abstract=2693377

Cross border economic crimes for example, can occur in a wide variety of ways. It can involve acts of dishonesty directed at consumers in other countries, manipulation of overseas bank accounts to obtain funds illegally, or fraud directed against governments such as through the evasion of customs duties. The commission of cross border crime has been greatly facilitated by modern modes of transport, communications, banking and information processing (Graycar in Smith 2001:1). It also include but not limited to drug and child trafficking, Advance Fee Fraud, Money Laundering, Smuggling, Armed Robberies, etc. Evidence shows that transnational organized crime has been on the increase and its estimated gross impact is about $1.5 trillion a year, rivaling multinational corporations as an economic power (HDR, 1999: 5 and 42).

Conceptual Clarifications

The explanatory framework is located in the Integrative Theory as piloted by Coleman and Braithwaite. The theory explains concretely the criminal consequences of the integration of the various segments of the society into a bundle of enticements and opportunities. According to Coleman (in Tanfa, 2006), the logic of the theory is predicated on the existence of appropriate motivation and opportunity for crime commission. It argues that culture generates motives for law breaking when it emphasizes possessive individualism, competition and materialism; justifies rationalism and removes unified restraining influences. It applies that a built-in structure of opportunity offers crime less vulnerable to legal controls and sanctions and open to a variety of attractive possibilities for disregarding or violating the laws that do exist (Friedrichs, 2004:214). He concludes that the various factors which include the structuring of opportunity etc can render some occupations more conducive to illegality than others can. Thus, crime is more pervasive in societies with, among others, occupations with special opportunities and sub cultural values that promote illegality. On his part, Braithwaite (1989:33) bases his Integrative theory on two traditions, which link conventional crime with the promotion of egoism in capitalist societies or deferential association, which argues that both conventional crimes are learned and relative to deferential opportunity. Crimes are responses to relatively more attractive illegitimate opportunities and a sub cultural value system that rationalises that it is appropriate to take advantage of those illegitimate opportunities. It could be added and in line with Shehu (2006:42)that the beauty of the theory lies in its ability to explain the behaviour of the criminals as well as the socio economic and other environmental circumstances which influence the commission of profit driven crime. He agrees with Newman's (1976) trans-cultural hypothesis of criminological theory which argues among others the general public opinion about the act and the respondent's perception of the activities of the official controlling agencies.

It could be argued that the theory sees the near collapse of national borders as not only a criminal enticement or motivation but also an aid. The criminals know right from the initiation of the crime that there are opportunities created by the ease in trans-border movements and as they plan they also pride in the reality of escaping into other territories. The implication is simple: can lead to increase in crime as well as make crime more dangerous as criminals operate without *human face.* Organized criminals are intelligent elements who exploit every loophole created by the system to maximize the rewarding outcome of their activities. After all and as submitted by Friedrichs (2004:214), a built-in structure of opportunity makes crime less vulnerable to legal controls and sanctions, and open to a variety of attractive possibilities for disregarding or violating the laws that do exist.

Easy Cross-Border Movements and Transnational Crimes in Nigeria: the Linkage

Historically, transnational crime is not new to Nigeria. The Nigerian transnational criminal organizations according to Williams can be traced to the early eighties when many college and secondary educated Nigerian graduates turned to crime with such success that in short time they became second only to the Chinese in trafficking heroin into the US. Bayard *et al* (in Barkindo, 2007) agree that Nigerians were not novices but couriers for long and only established their independence in the mid -1980s. They are now said to be operating at both ends of the market, employing largely white US and South African couriers in their distribution networks. Without the intention of wasting time on the history of trans-border crimes in Nigeria the fact is that these crimes are have increased both in dimension and sophistication just as it could be said that they are facilitated by certain existential realities.

The best understanding of the nature and dynamism of cross-border movements could only make sense with the understanding of the globalization effects on national borders. Globalization has facilitated easy and mass movement of people across national boundaries. It has nearly nullified and made nonsense of the hitherto existing national borders and their guiding regulations to the extent that many nations can no longer beat their chests in pride as the sole controller of movements across their national borders. Duvell (2003:1) describes the phenomenon as an increase in mobility and migration, and in another interesting work, Castles and Vertovee (2005:1) provide an update to the effect that the movement of people is an integral part of globalization. Globalization facilities have made it possible for people to move from one point of the globe to the other in spite of, contingencies of national borders.

Abubakar (cited by Nonyelu in Orjiako *et al*, 2006:100) concurs that globalization involves universalism where different phenomenon go beyond national and geographic demarcations permeating the inner recesses or hallowed chambers of sovereign countries, and in the process affecting decisively, the roles and values of individuals. Khor (2003:1) describes it as the defining process of the present age, while Ajayi (2002:175) sees it as the dominant contemporary paradigm, which stresses the aggregation and reduction of the universality into a micro- level of a village community through high-tech information system. Improved trans-border transportation system is also a hallmark of the current process.

Hundreds of millions move each year for short periods as tourists or business travelers or even as refugees and asylum seekers. For example, there are some 14m refugees, two-thirds of them in situations of long-term exile with little chance of resolution. About half a million people seek asylum each year, others move for longer periods as students, temporary workers or mobile professionals. About 200 million are counted as long-term international migrants – those who have lived outside their countries of birth for at least a year.

Easy cross-border movements, no thanks to globalization offer criminals sufficient space and time. They facilitate the initiation of a criminal deal in one country, sets its machinery in another, and respond appropriately to location expectations within specific time. That is why, in order to make particular deals look genuine to potential victims, fraudsters can make calls in one country and move or migrate immediately to another to receive a callback just to create the impression that they are really operating from the point the potential victim expected them to be at a particular point in time. The arrest of some Nigerians operating across the borders by the Police goes a long way in substantiating this point. Among those arrested in far away Cote D’Ivoire as they carried out transnational advance fee fraud across the borders of West African Sub Region, for example, were Benjamin Chuka, Eric Owobo, Aladji Ousmane, Mustapha Amzar, Jude Nwadike, Theodore Oediman, Antony Paul Lenus, Friday Ogou and Anyawiri Ikechukwu. They were also using the names of fictitious companies like, Global Security, Assistance 2000, Transworld and CIE, Uptrust Finance and Security to defraud their numerous victims while operating in Cote D'Ivoire (Crime Bursts, n.d).

The easiness also makes it possible for criminals to shift operational bases without qualms. When Nigeria became *too hot* because of the exploits of the EFCC, for example, many of the swindlers had to shift base. If a report by a Dutch firm, *Ultrascan Advance Global Investigation* is anything to go by, India, Thailand, China and the Persian Gulf Port of Dubai are the new frontiers in the $28 billion a year scam industry (Zero Corruption 2007:27).

It also affords fraudsters the opportunity of evading arrests by law enforcement agencies. Some criminals who were once identified or declared wanted in one country have been on the run across national boundaries. They shuttle from one country to the other in search of cover from the long arm of the law, especially to states with no stringent rules on immigration. Olaolu Adegbite, the head of the Advance Fee Fraud Unit of the EFCC gives credence to this position with the following assertion:

> '…. the scammers (have) began to flee from Nigeria to set up shop in neighbouring countries' (EFCC Zero Tolerance, vol.1, 2007 p: 27)

Apart from the movements of the criminals, many of the victims had come down to Nigeria with fake and unofficial documents. At times, encouraged by the criminals, they move into the country without travel documents at all.

Before the arrest of Emma Nwude on the Nelson Sakaguchi case, he was moving from one country to the other in great comfort that should not have been ordinarily extended to a criminal. Enyinnaya Nwokeafor, one of the Nigerian Swindlers in the Netherlands who defrauded many US citizens and was on the wanted list of the United States Postal Service had to migrate to some other countries before ending up in Nigeria where he was later arrested. Obviously, Enyinnaya would not have escaped from the Netherlands in the first place if shuttles around the globe were not so easily possible. A Respondent, Mr. Okey (real name withheld) also explains that:

> …at times we are able to carry large sums of money, physical cash from the neighbouring countries like Ghana, Cote D'Ivoire , Togo, etc into Nigeria without much trouble because we do settle the gendarmes and Custom officials very well. At times, they don't even check our papers.

This revelation reconfirms the important issue of the use of these neighbouring countries and the subsequent transfer of the realized funds into Nigeria.

The development of improved means of transportation has also contributed to this mobility. Related to this increased mobility across borders, is the increase in contacts through international trade. With the use of the airplanes, it is now possible to move across national boundaries in a twinkle of an eye. People now cross national boundaries with impunity and as they do, so does crime. The use of the airplanes for example allow criminals to cross several national borders unchecked and left them with only one challenge on landing point. The drug traffickers often make good use of this opportunity in their nefarious activities.

With the breaking down of international political and economic barriers and the globalization of business, there is more freedom of movement of goods and services, which is also easily done now. The proliferation of air transportation connections and easing of immigration and visa restrictions in many countries to promote international commerce, especially within regional trade blocs, have also facilitated criminal activity. In the past, more limited travel options between countries and more stringent border checks made crossing national boundaries difficult for international criminals. Now, criminals have a great many choices of travel routes and can arrange itineraries to minimize risk (Global Issues, 2001). Little wonder why some Nigerian transnational criminals shuttle from one border area to the other. Some have operational offices in Benin Republic, Togo, and Cote D'Ivoire etc and easily move from one point to another as they operate or try to escape from security operatives.

The problem generated by this reality cut across nations both big and small. The US Customs Service, for example, informs us that in a particular year some 395 million people entered the United States overland from Mexico and Canada, 76 million people arrived on more than 928,000 commercial airline and private flights, and 9 million arrived by sea. In addition, 135 million vehicles, including automobiles and commercial trucks crossed US borders with Mexico and Canada, and more than 200,000 merchant passenger ships, and other maritime vessels docked at US seaports or US coastal harbours. US seaports handled more than 4.4 million shipping containers and 400 million tons of cargo. US Customs is able to inspect only about 3 percent of the goods entering the United States. This tremendous volume of traffic and trade into the United States provides international criminals tremendous opportunity.

The trend is also supported by the protocols of some regional economic organizations on free movement of nationals of member nations, which have either abolished or lessened visa restrictions. For example, ECOWAS protocol allows nationals of member nations 90 days stay without Resident Permit while the possession of the Community Passport allows virtually unrestricted movements. Nigerian criminals are known for establishing offices in many West African countries and shift base from one office to the other depending on the one in which the transaction was initiated or consummated.

In yet another instance, fraud schemes that started in one country could be consummated in another as both perpetrators and victims can move from one country to another. This is indeed, made possible by the improved transportation and relaxed visa restrictions. Many victims were not only invited to Nigeria but also visited it without genuine traveling documents. The criminals can also move into other states, especially in the sub-region without documents at all. Although this is in a ploy by the fraudsters to manipulate them further, it goes a long way to display how easy it is for the criminal elements to make trans-border movements in this era of globalization.

This also creates the problem of arrest and prosecution as nations get confused and intertwined in conflict of jurisdiction inherent in identifying the state/s to prosecute the criminal especially when the crime was actually initiated and consummated in more than one country. This is really a problem to law enforcement but of benefit to the criminals.

Conclusion

Easy cross-border movements have no doubt, exacerbated the incidence of transnational crimes in Nigeria. The point here is that criminals are encouraged by the opportunity of escaping easily and undetected from crime sites or state to another where they could continue their normal criminal life. The encouragement offered criminals by this reality is not in the interest of Nigeria's national development. It also stresses the resources of security operatives and creates for the government the problem of arrest and prosecution. To this effect there should be concerted efforts for governments of especially, West African sub-region to fight the scourge collectively. There should be enabling laws in place and strict enforcement of immigrations laws at the border posts. There is the need to pool resources together in the fight since transnational criminals have advanced so sophisticatedly with the support of globalization. Security agents who collude with the criminals at entry points should be identified and punished accordingly. In the same vein, adequate penalties should be in place to serve as deterrence to the criminals and intending ones.

References

Aderanti, A and Arie van der (2007). 'Migration and Development: Challenges and Opportunities for the West African Region', in *Nigerian Journal of International Affairs*. Lagos: NIIA

Abubakar in Nonyelu, AU (2002). 'The Impact of Globalization on African Cultures', in Orjiakor *et al* (2006). *Readings in Nigeria Peoples and Culture*. Enugu: NGIB

Ajayi, K. (2000). *International Administration and Economic Relations in a Changing world.* Ilorin: Majab Publishers

Arlachi, P (2001). "United Nations Strategies against Transnational Organized Crime" (Keynote Address to the Plenary Session of Asia-Pacific Law Enforcement Conference on 30th Jan. 2001 in Japan) www.unodc.org./unodc/es/speech 30/3/06 12 noon.

Barkindo, B.M (2007). 'Trans-boder Crimes and Nigeria: An Overview' in Barkindo, B.M and Lipede, A (2007). *Human Trafficking and Economic Crimes across Nigeria's International borders*. Ibadan: Spectrum

Bossarde in Passas, N. (2003). Cross-Border Crime and the Interface between Legal and Illegal Actors'. *Security Journal*. Perpetuity Press

Bayard *et al* in Barkindo, B.M (2007). 'Trans-Border Crimes and Nigeria: An Overview' in *Human Trafficking and Economic Crimes across Nigeria's International borders*. Ibadan: Spectrum

Castles and Miller in Hirano, K (1997). 'Internationalization of the Japanese and their Approaches to the other Peoples of Asia'. Speech delivered in Athens, Greece in May

Castles, S and Vertovee, S (2005) 'Concept Paper: Movement of People' prepared by International Migration Institute, University of Oxford

de Haas, A(2007). ' The Myth of Invasion: Irregular Migration from West Africa to the Maghreb and European Union', Oxford, International Migration Institute

Duvell, F (2003). 'The Globalisation of Migration Control'. http://www.openDemovcracy.net

Graycar (n.d) in Smith, R (2001). 'Cross-Border Economic Crime: Agenda for Reform'. *Journal of Australian Institute of Criminology,* Australia

Hirano, K (1997) 'Internationalization of the Japanese and their Approaches to the other Peoples of Asia'. Speech delivered in Athens, Greece in May

Heylighen, F (n.d). 'Global Superorganism: an evolutionary Cybernetic Model of the Emerging Network Society'. Brussels: *Journal of Social and Evolutionary System.*

Human Development Report (1997). United Nations Development Programme

Khor, M. (2003). *Globalization and the South: Some Issues*. Ibadan: Spectrum.

Kuper, A. and Kuper, J. in Ajayi, k. (1996). *The Social Science Encyclopedia.* London: Quintagon.

Nonyelu, AU (2002). 'The Impact of Globalization on African Cultures', in Orjiakor *et al* (2006). *Readings in Nigeria Peoples and Culture*. Enugu: NGIB

Smith, R. (2001). 'Cross-Border Economic Crime: The Agenda for Reform'. *Journal of Australian Institute of Criminology*.

Williams, P (1998) in Barkindo, B.M (2007). 'Trans-Border Crimes and Nigeria: An Overview' in Barkindo, B.M and Lipede, A (2007). *Human Trafficking and Economic Crimes across Nigeria's International Borders*. Ibadan: Spectrum

Zero Corruption Coalition (2006). __. Abuja: A Publication of the Zero Corruption Coalition Nigeria.