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**Commission on the Impact of Drug Trafficking on
Governance, Security and Development in West Africa**

Second Meeting

Summary of Proceedings

Accra, Ghana, 29-30 April 2013



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Summary of Proceedings

Second meeting of the Commission on the Impact of Drug Trafficking on Governance, Security and Development in West Africa

Accra, Ghana, 29-30 April 2013

The second meeting of the West Africa Commission in Drugs reviewed progress against its work plan, including on outreach, fact-finding work, and communications and discussed the outline of its final report. Two country visits (Senegal and Ghana) had taken place, several important background papers had been commissioned and outreach activities are underway in several of the commissioners' home countries as well as at regional and international fora. Representatives of key regional institutions, namely the African Union, ECOWAS and GIABA briefed the Commission on their strategies and activities related to drug trafficking and consumption. USAID presented its programmes, which address drug trafficking in Africa from a development perspective.

All presentations showed – within the limits of the available data – that trafficking and consumption are a serious and growing threat for the region. Traffickers are not being prosecuted and the judicial system is not providing an effective response. The justice system is sending the “small fry” to prison while the “big fish” go free. Money laundering and corruption are a major concern and undermining good governance. There is a need for greater harmonization of legal and judicial norms and practices throughout the region.

Drug use is not being treated properly. The system criminalizes instead of treating drug users.

Presentation: African Union Plan of Action on Drug Control (2013-2017)

Ambassador Olawale Maiyegun, Director of the Department of Social Affairs at the African Union Commission, presented the AU Plan of Action on Drug Control as a strategic framework to guide drug policy development in Africa. The AU Plan of Action aims to improve the health, security and socio-economic well-being of people in Africa by reducing drug use, illicit trafficking and associated crimes. The AU Commission's role is to coordinate, monitor and evaluate implementation, as well as to facilitate technical assistance to member states and regional economic commissions.

The AU Action Plan is to be seen in a context where drug trafficking has a big impact on democratic governance and armed conflict on the continent and where there are clear links between drug-related organized crime, corruption and terrorism. While a large amount of drugs transit through the continent, both local consumption and local production (of certain drugs) are also increasing. Adverse socio-economic conditions, such as high poverty rates and youth unemployment but also other factors such as a growing urbanization are behind the rise in consumption.

This fourth AU Action Plan aims to balance efforts on supply and demand reduction, the latter having been somewhat neglected previously. The application of agreed minimum standards for the treatment of drug dependency is therefore one of its focus areas. Similarly, it aims to provide greater access to pain relief mediation which

currently is not meeting legitimate need because of overregulation. The Action Plan also explicitly prioritises protection of the human rights of people who use drugs.

The AU Action Plan was presented at the 56th Session of the Commission on Narcotic Drugs meeting in Vienna in March 2013 as part of the AU's advocacy campaign in support of its Action Plan. There were specific references to AUPA and requests for the AU to work with ECOWAS in the CND resolution on "Enhancing international co-operation to strengthen efforts in West Africa to counter illicit drug trafficking". In this regard, and as per the AU Peace and Security Council decision in February 2013, the AU would soon undertake a comprehensive assessment of the socio-economic and security challenges of drug trafficking and related organized crime in Africa with initial focus on West Africa and the Sahel.

Presentation: ECOWAS Policy and Strategy to Address the Impact of Drug Trafficking on Governance, Security and Development in West Africa

Dr. Adrienne Yande Diop, Commissioner for Human Development and Gender at ECOWAS, presented the Political Declaration against Illicit Drug Trafficking, Abuse And Organised Crimes as well as the ECOWAS Regional Action Plan against Illicit Drug Trafficking, Abuse and Organised Crimes both of which were adopted in 2008. In February 2013, the Regional Action Plan was extended until 2015. ECOWAS has set up a dedicated unit and plans to expand it further.

She reminded the Commission that drug trafficking in West Africa has increased for a number of reasons, including the geographic location (short distance between South

America and West Africa and then between West Africa and Europe), porous borders, law enforcement that is poorly structured and poorly resourced, inefficient justice systems, and pre-existing corrupt practices. As a consequence, West African countries have problems with drug trafficking, production and consumption as well as the growth of organized crime. Public health, security and social problems, governance, political stability and the economy are all impacted negatively. Countries most concerned are often those already affected by conflicts and economic crises.

The activities to be carried out under the ECOWAS Regional Action Plan are financed by the EU Commission with UNODC as key partner. The plan covers 5 thematic areas, namely, the mobilisation of political leadership; effective law enforcement and national/regional cooperation; an appropriate and adequate legal framework; facing and dealing with drug dependence and related health and security problems; and valid and reliable data on both supply and consumption.

One of the plan's objectives of special interest to the Commission is the revision of regional and national legal frameworks to better respond to threats posed by illicit drug trafficking and organised crime. A study on this is underway. ECOWAS also aims to establish a functional data collection system on drug abuse and organized crimes trends, which will produce comparable data across the region for planning and advocacy purposes. Another noteworthy objective is to have one drug rehabilitation centre in every country that complies with internationally accepted minimum standards. The West Africa Coastal Initiative (WACI) is an initiative derived from the ECOWAS plan of action coordinated by UNOWA, UNODC, DPKO in some ECOWAS member states.

Asked by civil society and members states why implementation has been delayed for so long, Dr. Diop indicated that some differences with EU on how to implement the operational plan had blocked the process, but an agreement has been reached now. Some activities had nonetheless gone ahead. For example, a joint police operation in Benin, Togo and Ghana which was implemented simultaneously at borders, ports and airports led to the seizure of 8 tons of illicit drugs.

Presentation: USAID - The Development Response to Drug Trafficking in Africa: A Programming Guide

Brooke Stearns, Transnational Organized Crime Advisor, USAID Africa Bureau, presented programming guidance that has recently been developed to understand the relationship between drug trafficking and development assistance and mitigate negative impacts. The guide is based on case studies in Ghana, Kenya, the Mano River sub-region (Guinea, Sierra Leone, and Liberia), and Mozambique with a focus on heroin and cocaine trafficking. The rationale behind the guide is that many development practitioners see drug trafficking as a security issue and ignore it despite the many negative consequences that it has on the overall development of a country.

Development practitioners must “get smart” on the issue and use development approaches that are crime-sensitive. This means using programmes to decrease the impact of drug trafficking. Programmes that support governance, for instance, can help to enact anti-money laundering legislation. Rule of law programmes can help build prosecutorial capacity to freeze and seize assets and to obtain conviction and forfeitures. Programmes in the health sector can include

the set up and support of drug treatment initiatives. Community policing programmes can be effective to counter the violence associated with drug markets. Conversely, development interventions need to be looked at for the unintended consequences that they can have on drug trafficking and consumption and mitigating approaches need to be adapted. For example, efforts to reduce barriers to trade can facilitate the movement of illicit goods and therefore appropriate trade regulation and controls need to form part of infrastructure development.

The development of this guide goes in parallel with a realization that there had been an overemphasis on the War on Drugs and that addiction needs to be recognized as a chronic disease which requires a public health response. Studies have shown that 1 dollar spent on prevention can potentially save 7 dollars in response, so it is worthwhile to diversify the strategy. However, it should also be noted that decreasing the flow of drugs through West Africa will almost automatically decrease consumption.

Presentation: Efforts against Money Laundering in West Africa

Dr. Abdullahi Y. Shehu, Director General, Inter-Governmental Action Group against Money Laundering in West Africa (GIABA), briefed the Commission on efforts against money laundering in West Africa. GIABA was established by the Authority of Heads of State and Government of ECOWAS in 2000 to protect the economies of ECOWAS member states by developing strategies to combat money laundering and the financing of terrorism in the region and by assisting their effective implementation. The idea is to “go after the money”, denying criminals access to proceeds generated through criminal

activities and thereby making organized crime unprofitable.

The seven pillars of GIABA's Strategic Plan for 2011-2014 include compliance monitoring, technical assistance to member states and regional and international cooperation. Based on this plan, GIABA works to assist member states to enact, upgrade and harmonize legislation against money laundering; to develop structures and mechanisms against money laundering; and to help establish, strengthen, and resource Financial Intelligence Units (FIUs). The fight against money laundering in West Africa faces many challenges, among them the high prevalence of corruption, inadequate political commitment, inadequate resources and competing priorities, poor compliance culture with minimum standards, poor investigative and intelligence-gathering skills, but also a prevalence of socio-cultural practices and attitudes that glorify wealth and the fact that most economies in the region are still cash-based. Despite these challenges, GIABA has contributed to the enactment of anti-money laundering laws by all member states, the adoption of National Strategic Frameworks against money laundering in ten countries and the establishment of specialized Financial Intelligence Units in thirteen countries. Convictions for money laundering have been obtained in Nigeria and Senegal. While asset recovery is a main part of the work of GIABA, and going after the assets through a civil case if a person has immunity from criminal prosecution is an important tool in the fight against money laundering, Dr. Shehu cautioned that the seizing of assets can be open to corruption by state agents if not properly governed. Working with journalists, women's association, bar associations is very important in order to raise awareness of the issue.

Dr. Shehu urged the WACD to use its moral authority to help bring about significant policy and operational changes, including enhancing and consolidating regional cooperation frameworks and mainstreaming the relevant issues into political discourse. GIABA would like to work with the WACD and offers to provide data on drug-related money laundering for its fact-finding work.

Discussion following the presentations

The discussions that ensued each presentation centred on the following topics:

Reduction v Eradication

A brief discussion on eradication as the ultimate goal of drug policy concluded that if one is realistic about human nature, then the focus must be on reduction of the harms of drug use and drug trafficking as full eradication will not be possible in any setting.

International framework for drug policy

Questions were raised regarding the effectiveness of the current international framework for drug policy, i.e. the UN drug control conventions, and the effectiveness of the "war on drugs" paradigm.

Interconnectedness between main supplier and consumer countries

It has become clear that West Africa has itself become a consumer market. The discovery of methamphetamine "kitchens" in the region in addition to the "traditional" growing of cannabis shows that there is also local production of drugs. Nonetheless, the region is "squeezed" between the big supplier countries of cocaine in Latin America and the big consumer markets of Europe. Any policies and actions adopted in West Africa cannot be seen in isolation from what happens in these other regions and constructive engagement is

needed. Work on supply reduction needs to be coordinated with Latin American partners and on demand reduction with European and North American countries.

Consumption in West Africa and socio-economic conditions

There is still an attitude in the region that drug trafficking is not a problem for the region as the drugs will be consumed elsewhere. But apart from the negative effects that the trafficking of illicit goods always has on governance, drug consumption is also increasingly becoming a problem. It has been said that “a country that traffics drug is a country that consumes” and “the more that passes through, the more gets left behind”. While statistics on drug use in the region are patchy at best, there is anecdotal evidence that it is growing rapidly. If one analyses the statistics on the sizes of drug seizures in Nigeria, it is evident that a great number of arrests involve amounts too small to make sense in transnational trafficking. These drugs were destined for the local retail market.

The link between the socio-economic conditions prevalent in West Africa, especially high rates of poverty and unemployment, especially among the young, needs to be emphasized and to decrease demand, these underlying conditions will have to be addressed.

The same is true for the weakness of institutions in West Africa which make it an attractive place for transnational trafficking.

Problems of the justice system – corruption and small fry v big fish

It is generally recognized that corruption in the justice system hinders the prosecution of crimes related to drug trafficking. It appears that big traffickers which are linked to people in authority enjoy impunity. It was suggested that freezing and confiscating assets linked to

criminal activity might be a way to at least keep criminals from enjoying the fruits of their illicit activities.

In contrast, there are often high mandatory sentences for possession of quantities which could be considered for personal use or for “drug peddling”. Judges should be given more discretion on this as the “small fry” seem to represent the vast majority of those in prison for drug-related offenses.

Punitive v rehabilitative and reintegrative approach for users

It has become clear that sustained repression has not worked in countries which enjoy far greater resources than West African countries have available to deal with drug problems. Better solutions need to be found. One possibility could be to treat drug users and small “peddlers” from a rehabilitative and reintegrative perspective. Instead of stigmatizing them with a criminal conviction, they should receive access to treatment and other help so that they can become responsible citizens (again).

Drug use as a public health issue

Drug addiction should be treated as a public health issue. Health professionals and NGOs in the region are generally not well informed on illicit drugs and specialized treatment is almost non-existent. Harm reduction programmes, such as needle exchange or opiate maintenance therapy, are available in only two countries. There is a real need for awareness raising for the general public and training for professionals.

Drug addiction has been classified as a chronic relapsing disorder and drug users should have access to specialized treatment. There are strong links between injecting drug use with contaminated equipment (“needle sharing”) and HIV/AIDS infections as well as hepatitis C and tuberculosis, among other diseases.

Role of civil society

It was made clear that all organizations would like engagement with civil society on these issues but that this has so far happened only in a limited way. Civil society can play an important role in demand reduction (prevention, treatment) and in raising awareness and creating pressure to tackle the issues of corruption and money laundering.

Lack of reliable data

The lack of reliable data was raised during the meeting. Data on drug trafficking is often produced from very shaky foundations and then repeated without questioning. Data on drug consumption, including the prevalence of drug use, is almost non-existent. Some pilot efforts have been made in Senegal and Ghana but given the repressive environment, it is very hard to get access to drug users.

This lack of data is a real problem when we strive to have policies that are based on evidence. It was agreed that the WACD will need to work with this caveat and be open about it.

Monitoring and assessment of progress is also weak in the region and civil society might be able to play a role here.

Advocacy and terminology

It was suggested that the Commission and others working in this area should learn from how HIV/AIDS was brought onto the public agenda. Actors from all spheres were brought together around this issue. In addition, the approaches moved from a simple “just say no” (to pre- and extra-marital sex in the case of HIV, to drugs in general for “classic” drug prevention campaigns) to looking at risk environments and behavioural change in broader terms. As one commissioner put it: “People are not stupid, they will act on good information.” So it is important that good information reaches them.

Persons who use drugs are referred to in a stigmatizing and pejorative manner. The commissioners felt that the Commission itself needs to adopt terminology consistent with international human rights standards. It was also agreed not to use the term “war on drugs”. As one commissioner said: “Drugs are not living things that you can fight, what you end up waging war on are drug users who are victims themselves.” A glossary in English and French will be prepared and shared with commissioners.

Report back on the 55th Session of the Commission on Narcotics and Drugs (CND)

Commissioner Adeolu Ogunrombi reported back on the annual meeting of the CND which was held in Vienna on 11-13 March of this year. The consensus among participants is that there has been a positive change in mindset and language in UNODC on issues around HIV. CND’s Executive Director Yuri Fedotov spoke on several occasions on HIV, and of “human rights-based, public health-oriented and evidence-based approaches” and mentioned harm reduction. There was a recognition that the drug policy landscape is indeed changing, new approaches are being considered, and countries are beginning to demand a wider debate on policy. The resolution adopted on “intensifying our efforts on HIV/AIDS” implies the endorsement by the CND of the 2011 political declaration on AIDS, and introduces for the first time in Vienna, language on hepatitis C and tuberculosis. It is interesting that the UN agency dealing with drug issues speaks of the three diseases, not just HIV/AIDS. It also implies that the CND would endorse the WHO/UNAIDS/UNODC guidelines updated and published two months ago.

A resolution on West Africa was discussed at the CDN and Commissioner Ogunrombi presented the WACD in a side event of the Africa Group on drug policy in the African Union. The event was well attended and the WACD's establishment welcomed. Questions were asked on engagement with civil society and governments.

Report back on the WACD country visit to Senegal

The WACD has started on a series of country visits in the region. The aim of these visits by a delegation of 2-3 commissioners is to gather local opinions and impressions; raise awareness amongst both policy-makers and opinion-shapers; rally support for the drug policy debate; and show that the WACD is engaging with local actors.

From 9-12 April, a delegation made up of President Pedro Pires, Dr. Alpha Diallo and Christine Kafondo visited Senegal. Commissioners Diallo and Kafondo reported back on this visit.

Over the course of their visit, the delegation met government officials (interior minister, secretary-general of the ministry of health) and civil society and NGO representatives (National Centre of the Fight Against AIDS, Federation of NGOs Fighting Drugs in Senegal – FONSELUD) to hear about the impact of drug use on the spread of communicable diseases like HIV/AIDS in Senegal. Meetings with the head of the United Nations Office for West Africa and the Regional Representative of the United Nations Office on Drugs and Crime gave the commissioners a clearer picture of the regional situation.

The delegation adopted a "listening mode" approach and found that all interlocutors welcomed the establishment of the WACD and that drug trafficking and consumption is a

real and growing problem in Senegal. They wished for a stronger focus on prevention, more resources, and improved legislation that views drug treatment as a public health issue. The WACD was asked to raise with ECOWAS the need for stronger visibility on the ground of the activities in the framework of its Regional Action Plan. The commissioners were impressed with the openness of interlocutors and with the determined engagement of those working in the health sector.

The drug treatment work of fellow Commissioner Dr. Ba was highlighted. They decided to take an action research approach and set up a multisectoral committee including government officials, judges and medical doctors. Drug users in "ghettos" were approached and the first needle exchange programme set up which is important when there is a 30% prevalence of hepatitis C and 10% for HIV. Taking the committee to Morocco, to see an advanced programme there, really helped to change viewpoints and to gain support for harm reduction measures.

Report back on the WACD country visit to Ghana

From 25-30 April, a delegation made up of Commissioners Justice Bankole Thompson and Adeolu Ogunrombi visited Ghana. They met with government officials, including the Vice President, the Minister of Justice and Attorney-General, staff from the Financial Intelligence Centre, the Narcotics Control Board, and the Inter-Agency Task Force on Demand Reduction, representatives of international organizations (UNDP, UNODC), civil society representatives organized through the West African Civil Society Institute, and a representative of the US Drug Enforcement Agency based in Accra. They visited the Chosen Generation Rehabilitation Centre which is run by a faith-based NGO.

Visit to Patang Hospital

On the morning of the second day of the meeting, several commissioners visited Patang Hospital. This public hospital has the only government-funded unit (opened in 2009) that deals specifically with the treatment of drug users including problem users of alcohol, cannabis, cocaine and heroin. They use the “therapeutic community approach” which includes engagement with the families but does not offer substitution such as methadone programmes. Having rehabilitation centres based in communities (rather than in-patient care) is planned for the future. Funding was raised as a main problem.

Visit to the neighbourhood of Tudu in the Central Business District of Accra

The visit to the Tudu area was facilitated by Chosen Rehab Centre, a faith-based NGO, who works with drug users there. Drugs are used openly in the area, even though injecting takes place “behind doors”. The Commissioners were able to interact with several drug users and found that crack cocaine and heroin are the drugs of choice. Surprisingly cannabis was hardly mentioned. Many of the drug users were from troubled backgrounds and some pointed to the influence of peers in their drug use. Most have no access to health care services with one person mentioning that a friend had died because he was taken to hospital only when he had what turned out to be full-blown Tuberculosis. Some female users fund their addiction through sex work with no indication that safe sex practices are an option. Children were in the care of extended family, often not having any contact with their drug-using mothers.

Summary of discussions

Presentation of Background Paper: International and Regional Responses to Drug Trafficking in West Africa

The WACD has received the draft of one of the background papers it commissioned which provides an overview of international and regional responses to drug trafficking in West Africa. It found that, with bilateral and multilateral support, some progress is being made in seizing shipments of drugs and strengthening the capacity of law enforcement agencies and the judiciaries to process individuals, including public officials, involved in the trade. Bilateral agreements on intelligence sharing and extradition have enabled important convictions, although the exact number and details of these cases is still unclear.

A lack of institutional flexibility among implementing agencies to work across borders within and beyond the region together with limited coordination of and coherence between activities at the operational level hinders efficient action against drug trafficking. Information about who is doing what in the region is not publicly available, thus detracting from the possibility of monitoring progress and assessing results.

Investment in monitoring and evaluating results is very limited and often included only as an afterthought. Baseline data is most often not collected. There is generally a very weak empirical base underpinning existing policies; an underdeveloped capacity for research and treatment; political resistance to comprehensive services for prevention of HIV linked to drug injection; more reliance on supply reduction than demand reduction; and cultural beliefs and practices that help sustain the perception of the “addict” as a criminal, social outcast or moral failure.

Statement by Commissioner Justice Bankole Thompson on Transnational Justice and Drug Trafficking (Bankole Thompson)

Commissioner Hon Justice R J Bankole Thompson delivered a statement to the Commission on Transnational Justice and Drug Trafficking. This statement reflects his personal view.

Given that existing national courts are overburdened and cannot respond effectively to the judicial challenges posed by transnational crime, in addition to allegations of corruptions in the legal system itself, the establishment of a sub-regional mechanism for the investigation, prosecution, trial and punishment of perpetrators, co-perpetrators, conspirators, co-conspirators, and aiders and abettors of drug trafficking and other crimes of a transnational character is proposed to end a culture of impunity.

The Commissioners generally welcomed the statement. It was pointed out that given that the problems are similar across the continent, it might be worth thinking about an African rather than a West African specialized court. Precedents from international and regional mechanisms should be considered. Precautions need to be taken that this would really focus on the “big fish”.

Progress against the Commission’s work plan

Some background papers to fill gaps in the knowledge base have already been commissioned. A timeline will be circulated. Apart from the two country visits that have already taken place, planning is underway to visit Guinea-Bissau, Mali, Nigeria, Cote d’Ivoire, Sierra Leone and Burkina Faso, but this is contingent on the availability of funds. A template for the visits including the

reporting has been prepared and a list of possible questions will also be made available.

Preparation of the final report

A draft outline of the report was discussed, comments will be incorporated and the new draft will be circulated to commissioners. There was a strong emphasis that the main statement and the executive summary need to be very clear and effective to encourage public debate but also follow-up action. By the next meeting, based on the background papers available by then, the Commissioners should be in a position to discuss some specific findings and recommendations.

The meeting closed with a beautiful musical improvisation by Commissioner Sangaré and all expressed the hope to hear a couple of songs from her about the problems of drug trafficking and consumption at the next meeting.