

### Addressing illicit trafficking through a crime convergence lens: towards a model for cross-border cooperation in Africa

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# Addressing illicit trafficking through a crime convergence lens: Towards a model for cross-border cooperation in Africa

Johanna Kleffmann \ BICC



## SUMMARY

Scholars and practitioners alike have found illicit cross-border flows—from drugs to wildlife and weapons—to converge and reinforce each other while often being embedded in large transnational criminal networks. However, practitioners still lack the tools and guidance to effectively combat these links in an integrated fashion. Cross-border cooperation initiatives across Africa are in a unique position to mitigate illicit trafficking, and yet, there is no conceptual model that could guide initiatives in doing so. This *Knowledge Note* seeks to bridge this gap in the context of BICC’s small arms control work in Africa. It provides an initial selection of six building blocks (I-VI) that could structure and guide our future work on cross-border cooperation to reduce the illicit trafficking of small arms and light weapons (SALW) and ammunition in East Africa and beyond. The proposed model brings together a review of practice and policy advice on different illicit flows, thus showing how they are connected. It embraces the opportunity to put on a broader lens and look beyond the realm of arms trafficking. Across the six building blocks, the willingness of all actors to engage in long-term, sustainable and evidence-based cooperation as well as to ensure political buy-in at all levels seem crucial for cross-border efforts to be effective. Follow-up engagements and testing in the field are to refine this desk study’s initial model.

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A PNC officer works in his office under a hand-drawn map of Oubangui and Equateur Province. Mobayi-Mbongo police outpost in Nord-Oubangui, at the border with the Central African Republic.

All photographs were taken by Nikhil Acharya, BICC’s Senior Regional Advisor on Arms Control. Based in Sudan and Kenya since 2012, he has been embedded with national and regional organisations to strengthen cross-border weapons and ammunition control initiatives in East Africa, the Horn and the Sahel. He currently advises the RECSA Secretariat in Nairobi, Kenya.

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Land cruiser on the Sudan–Chad border. The Chad–Sudan Joint Border Forces are a confidence and trust-building measure that represent a positive example of cross-border cooperation

## Introduction

How can cross-border cooperation (CBC) initiatives contribute to stemming transboundary illicit flows in Africa? As an output of BICC’s advisory work on small arms control, this *Knowledge Note* suggests six building blocks that could structure and guide CBC initiatives to that end and suggests which stakeholders to include in such processes.

This *Knowledge Note* is part of an ongoing reflection and planning process within the BICC advisory project “Supporting small arms and light weapons (SALW)<sup>1</sup> control in Africa”<sup>2</sup> financed by the German Federal Foreign Office. In this context, BICC has been cooperating with the African Union (AU), the Economic Community of West African States (ECOWAS), the Regional Centre on Small Arms (RECSA), as well as the Sudan-based Sub-Regional Small Arms Control Mechanism (SARCOM). Work with our partners centres on the implementation of their respective regional instruments on small arms control—the AU Silencing the Guns Plan of Action (AU StG PoA), the ECOWAS Convention, the Nairobi Protocol and the Khartoum Declaration—as well as overarching international commitments. The East Africa regional chapter of the AU StG PoA identified enhanced cross-border cooperation in countering the illicit trafficking of SALW and ammunition as one of its priorities. In line with this priority and as part of a holistic approach to developing technical, as well as strategic and institutional capacities of actors in relevant state agencies and among concerned communities in the region, the advisory team intends to apply a cross-border lens to its activities in East Africa and the Horn of Africa. The team has started building a “cross-border cluster” of a group of focus countries in the sub-region, which aims to counter cross-border SALW trafficking through enhanced cooperation. Together with our partner organisations RECSA and SARCOM, we have selected Ethiopia, Kenya, Somalia and South Sudan as focus countries. Sudan, due to its location within the region, its history of armed conflicts and related arms flows as well as its more recent peace agreement, has become another crucial country to consider in this work.

Within this context, this *Knowledge Note* provides a first step towards forging the elements that could structure and guide BICC’s work on cross-border cooperation geared towards reducing the circulation of illicit SALW and ammunition in East Africa, the Horn and beyond. The proposed building blocks are a means to conceptualise the activities of the country cluster and to assess which stakeholders to bring on board: The first building block (I) calls for an **enabling regulatory framework** at the international, regional and national level deemed necessary to leverage resources and facilitate **cross-border cooperation formats** (building block II). Experience has shown that **community-level involvement** throughout all phases of cooperation is vital (III). The (ideally cross-border) use of a **broad set of technical capacities and equipment** constitutes another building block (IV). To tackle illicit flows in a more holistic fashion, activities need to apply an **organised crime lens**, which requires information-sharing and -exchange between all actors across borders (V). Finally, initiatives need to consider a large set of stakeholders, from the private sector to the media and civil society. **Sensitisation efforts** can pave the way towards their agency in cross-border cooperation (VI).

Before outlining these building blocks in detail, this *Note* introduces the concepts of crime convergence and cross-border cooperation. Next, it reflects on learnings from past CBC efforts by shedding light on their suitability for curbing illicit trafficking. It also addresses common pitfalls and how initiatives deal with them. For each building block, the *Knowledge Note* offers a checklist of questions to help practitioners identify fields of action. Examples from the field, lessons learned and resources provide a link to practice.

1 \ In broad terms, “small arms (SA) are those weapons designed for personal use, and light weapons (LW) are those designed for use by several persons serving as a crew” (United Nations, 1997, p. 11). Whenever referring to “small arms” throughout the text, this is meant to include all SALW.

2 \ For more information on the project, please see our project publication “*In focus: Cooperating to enhance small arms control*” or visit our [website](#).



Competition for scarce resources such as water, gold and oil is often a catalyst for conflict within and across borders.  
Women collect water in bladders loaded onto donkeys along the Sudan-Chad border near Thandelti in West Darfur, Sudan (2015)

## Cooperating to halt illicit trafficking: An overview

The model developed here embraces the opportunity to put on a broader lens looking beyond the realm of arms trafficking. It brings together a review of practice and policy advice on different illicit flows, thus accounting for their interconnectedness, i.e. “crime convergence”. Cross-border cooperation provides an apt tool to tackle crime convergence. This chapter introduces both of these concepts.

In 2019, a four-year investigation by the Conflict Awareness Project revealed the activities by the “Rhino Rifle Syndicate”. This gunrunning network, spanning over three continents, had been equipping rhino poachers in Mozambique and South Africa with Czech-manufactured rifles (Austin, 2019). Implicating business elites, safari operators, arms dealers, state officials, police and poaching bosses, the probe was a case in point for how international trafficking networks and different illicit flows interlink and bolster each other.

### **Crime convergence— A (not so new) trend overlooked**

Most international agreements on the trafficking of firearms, drugs, wildlife or cultural objects refer to trafficking as the illegal transfer of persons or goods across international borders (Faltas, 2018, p. 14). Next to prohibited goods as for instance drugs, regulated products such as certain flora and fauna, minerals or arms, and legal excise goods such as alcohol or cigarettes, also qualify as trafficking commodities. Stolen goods such as cars, human organs, counterfeits and cultural property continue this list.

Practitioners and researchers often observe different illicit flows as separate phenomena. Law enforcement, research and communities of practice surrounding conservation, SALW control or anti-drug trafficking hence remain siloed. Specialisation on one market rather than a view at markets’ intersections is the result (USAID, 2020).

Crime convergence refers to the intersection of two or more criminal markets and the link between organised crime groups engaging in them (cf. Miklaucic & Brewer, 2013; USAID, 2020). Striking evidence shows how illicit flows converge and reinforce each other (Farah, 2013; OECD, 2016; USAID, 2020): Drug traffickers diversify their activity to lower risks and costs, others sell or barter humans for arms, and again others are linked by relying on the same shipping companies, routes, corrupt officials or networks to launder money (Faltas, 2018; Seniors & Poitevin, 2010,

p. 11; cf. USAID, 2020). The faces of convergence are manifold, while strategies to holistically tackle the links are still scarce.

Today, donors and implementing agencies increasingly link efforts to curb different illicit flows. For instance, the European Union (EU) merged its previous programmes on drug trafficking into a wider umbrella programme. The new Global Illicit Flows Programme is a multi-pronged effort by a wide array of partners such as Interpol, the World Customs Organization (WCO) and the United Nations Office on Drugs and Crime (UNODC) to combat a variety of illicit flows, including drugs, firearms and ammunition, wildlife and gold. Since November 2019, it has been operating across four continents, including various African countries. It gathers trans-regional best practice in investigation and post-seizure judicial outcomes. Crime convergence is not an emerging trend. Yet, practitioners still seem to lack the appropriate tools and strategies to meet this trend.

### **Cross-border cooperation to counter trafficking**

Borders are natural spaces of confluence between transnational illicit markets. African border regions’ reoccurring characteristics such as their isolation from the central state, lack of a state-provided basic social service infrastructure and often poorly managed high-value natural resources (African Union Border Programme, 2013b, p. 15) all compound the trafficking issue.<sup>3</sup> However, border crossings can also represent choke points for trafficking if the right capacities are in place (OECD, 2016, p. 45). Acknowledging the convergence of illicit flows and combatting them in an integrated fashion does not mean higher walls and larger fences but rather tearing down such walls and cooperating across borders.

3 \ Exceptions do of course exist: A fourth of the continent’s capital cities is situated less than 30 km from a border (European Commission & ICMPD, 2013) which renders these borders as proximate to central governance.



Despite many inherent challenges that cross-border cooperation involves, it brings along a series of opportunities to address converging illicit flows.

The African Union Border Programme (AUBP) defines “cross-border cooperation [CBC] [...] as good neighbourly relations between local communities and authorities on either side of land and sea borders” (2013b, p. 15). Here, cooperation is also understood as action and the process towards strengthening good relations between communities and authorities across borders. Such action and processes often start within borders before reaching beyond. In addition, partners such as civil society organisations, the private sector, media, international organisations, implementing agencies and research may enrich and support this cooperation.

Scholars and practitioners have identified CBC as one important avenue to tackle the nexus between illicit flows and disrupt them (Acharya & Mühlen-Schulte, 2016; RECSA, 2018, p. 14; Seniora & Poitevin, 2010). First, cross-border trafficking is transboundary in nature and hence requires cross-border responses too (EUTF, 2016, p. 37). Second, CBC can share otherwise parallel structures and resources, bring about mutual learning, inspire more innovative and effective measures as well as increase mutual trust. Third, CBC can create higher visibility for marginalised border regions and thereby mobilise resources (cf. Clement, 2006; Council of Europe et al., 2012, p. 21).

Nevertheless, reoccurring challenges must be considered, too (see next chapter). Cognisant of them, this *Note* argues that authorities and communities as well as their partners can use cross-border cooperation to overcome the siloed counter-trafficking approaches. To this end, it suggests an initial model, which provides a framework—through six building blocks—around which CBC initiatives can launch. As the model emerges primarily from our advisory work, it is still a tool for implementing organisations such as BICC to assess and identify potential areas of engagement with local partners. Follow-up engagements and field-testing could potentially make it an apt tool for authorities, communities and partners alike. This second step is crucial, as conceptualising activities should ultimately be a locally driven effort.



Mandated by the 2008 peace agreement that marked the end of a long period of conflict and proxy wars between Sudan and Chad, the Joint Border Forces maintain an active presence along the Sudan-Chad border

## Learning from experience in cross-border cooperation

While many practical CBC initiatives exist, few to no conceptual CBC models establish success factors or elements to include. Only few of the practical examples are designed to counter trafficking. Instead, most aim more broadly to foster peace between neighbours, provide a social service infrastructure to the local population or encourage cross-border trade. However, the same initiatives do point at some general lessons, which we can translate to the trafficking context.

Under the banner “From Barriers to Bridges”, one of the most well-known CBC efforts on the continent is the African Union Border Programme (AUBP). It consists of six strategic pillars: Border delimitation and demarcation i.e. dispute resolution, regional integration, local cross-border cooperation, border management, studies and research, as well as advisory work to the African Union on border matters. The 2014 AU’s Niamey Convention on Cross-Border Cooperation closely links up to the AUBP. The AU Border Programme Fund and the 2020 African Union Strategy for Better Integrated Border Governance are to accompany the convention. Although the Convention is the normative framework for signatories to foster cross-border cooperation, at the time of writing, only Benin, Burkina Faso, Mali, Niger and Togo had ratified it, thus remaining below the threshold for it to enter into force. Particularly, Art. 3 no. 4, establishing the combat of cross-border crime as one area of cooperation would be relevant to counter trafficking. The example of the Niamey Convention reflects a more largely observed gap between regional policy-making and the national-level ratification and implementation of these policies (Aning & Pokoo, 2018, p. 61). A deeper analysis of the inhibiting factors for ratification and implementation by member states would be needed but goes beyond the scope of this *Note*. Furthermore, few lessons learned or best practices drawn from more than ten years of the AUBP’s existence are available. These, however, would be crucial to inform future interventions on CBC to address trafficking.

Other cross-border initiatives—implemented in Ethiopia, Eritrea, Kenya, Somalia, and Sudan and financed under the umbrella of the EU Emergency Trust Fund for Africa (EUTF)—have worked on irregular migration, including human trafficking. Their lessons learned underline the importance of applying whenever possible a cross-border lens. Particularly in contexts where transboundary natural resources play a role for local livelihoods, CBC has often helped to find ways of sharing these. Whenever direct cooperation was not possible, interventions in these contexts benefitted from at least parallel programming so that comparable services and activities were offered on both sides of the borders. These experiences in East Africa and the Horn also underscored that conflict-sensitive approaches are indispensable. According to the study, interven-

tions are most successful when they take underlying instabilities and conflicts into consideration from the beginning and design activities that follow the do-no-harm principle. Here, but also more generally, the involvement of non-state actors, i.e. civil society organisations (CSOs) and building on existing, including traditional, institutions and practices, were further recommendations (EUTF, 2016). However, looking at programmes in Mali taking a securitised approach to border management also shows how CBC focussing on fighting human trafficking can actually impose harmful restrictions on human mobility and trade, which eventually reduce essential sources of income. Such approaches risk exacerbating some of the very reasons for which people engage with trafficking networks—to either gain money as part of the network or to migrate by irregular means in search of a better life elsewhere (Mielke et al., 2020, p. 827). Programming thus needs to consider local needs and be coupled with initiatives that seek to improve licit employment and overall development to address the root causes of illicit trafficking.

In the European context, the Centre for Cross-Border Studies in Armagh, Northern Ireland, provided a toolkit for local authorities and communities to set up CBC from start to finish. It discusses many of the common pitfalls and how they can be addressed. Although it briefly mentions in two of its case studies that CBC between law enforcement agencies has helped to combat illicit flows, it does not provide any specific lessons on it and points out that law enforcement is most often left out of CBC efforts altogether (Council of Europe et al., 2012). Unlike other areas, such as health, education or culture, cross-border crime and other security issues are usually among the last areas of cross-border cooperation between authorities and communities. Sharing intelligence and sensitive data with neighbouring countries requires trust, and especially in light of common conflict histories, these are not always easily resolved. Establishing certain ease and a basic level of trust thus seems a prerequisite for successful cooperation. Lessons from various European cases have shown how fields of cooperation that are already more articulated often cause positive spill-over effects into new areas of cooperation (cf. Council of Europe et al., 2012, p. 21). This effect might be helpful when less sensitive fields

of cooperation (e.g. education) are used to establish trust to then move on to more sensitive issues such as cross-border security.

According to the toolkit, part of smoothing the way towards cooperation is that all partners jointly recognise the challenges and ensure strong political will (Council of Europe et al., 2012, p. 29). The example of the AUBP has shown that joint problem recognition in the African context often requires first to establish a mutual understanding of the respective border line, i.e. its demarcation and delimitation (Ikome, 2012, p. 10). Cognisant of the historical background with borders that were drawn haphazardly by colonial powers, the AUBP made delimitation and demarcation one of its six strategic pillars. Furthermore, formally agreeing on clear objectives and a common vision—between the involved communities and authorities but ideally also by including higher levels of government—can help to formulate a problem description and the will to jointly address it.

As practitioners' experiences in West and southern Africa collated by BICC have shown, regional, bilateral or trilateral relations among neighbouring countries must be forged when joining forces in fighting trafficking. However, in many cases, CBC starts within borders. Interagency cooperation is one important aspect of this and will affect the ability of those agencies to collaborate with counterparts across the border (Faltas, 2018, p. 15).

Other efforts have shown that CBC formats, i.e. the institutional set-up of cooperation initiatives, often lack good governance. Even if participating communities or authorities each have accountability and transparency mechanisms in place, the cooperation formats might still lack these. This is particularly problematic in contexts where accountability of state actors, including law enforcement agencies, might already present a problem. Practitioners found that considering these aspects in the legal and statutory settings of cooperation formats is crucial (Council of Europe et al., 2012, p. 29). Mechanisms that ensure the inclusion of CSOs for external oversight have proven to be an important asset in this regard, for example, in curbing harassment and corruption at borders. Several ECOWAS member states already use joint

monitoring committees composed of several border agencies as well as clearly defined penalty systems. Additionally, hotlines for ECOWAS citizens provide the opportunity to hand in complaints (Styp-Rekowskam, 2017).

Another recurring challenge are national-level concerns or anger when local authorities engage in CBC without sufficiently consulting at the national level. Concerns often surround a perceived loss of control over the border region, its authorities or communities. This might especially hold true for countries with already existing centre-periphery conflicts and even more so when cooperation is to tackle security issues, with security ultimately being a national-level policy field. Lessons learned underline the importance of broad coordination and information sharing with national-level authorities throughout all phases of CBC (Council of Europe et al., 2012, p. 29). Including national-level administration and securing their buy-in for CBC initiatives can, in some cases, be easier when specialised state agencies exist that are tasked with border management or CBC. For instance, practitioners have applauded the examples of Nigeria's National Boundary Commission or Mali's National Directorate of Boundaries and argued for replicating such structures elsewhere (IPSS, 2012, p. 32). In Nigeria, each state now has a boundary commission designed after the national-level model (African Union Border Programme, 2013a, p. 23). Such structures can play a major role in preventing conflicts within administrations.

Administrations and citizens alike often meet ideas of cross-border cooperation with scepticism. Early sensitisation and information-sharing on the advantages of CBC, the nature of planned activities as well as options of participating and influencing outcomes are some of the best practices mentioned in this context to alleviate these concerns (Council of Europe et al., 2012, p. 44). When CBC addresses security topics, communities express their scepticism arising from fears of violent reprisal. CBC projects must often credibly ensure communities' security first to unlock their willingness to engage (Faltas, 2018, p. 16). The lessons learned collected in this chapter provide important starting points for the following building blocks.



A Kenyan Border Police Unit soldier leads a regional physical security and stockpile management assessment exercise together with Sudanese and South Sudanese military personnel and a Kenya Wildlife Service ranger (March 2021)

## Building blocks of a cross-border cooperation model to combat illicit trafficking

The proposed model uses a building blocks approach, all six of which are explained in this chapter. The model suggests that CBC initiatives need to consider each building block and the related set of stakeholders before CBC actions are designed.

Not all building blocks will need direct attention in all contexts. Some might already be well-articulated, covered by other actors in the field or will only be tackled in the future as national governments assess other areas as more urgent. Nevertheless, one should acknowledge that the building blocks are interlinked: Enabling a **regulatory framework** (building block I) is often a necessary precondition for creating mandates for local authorities and communities to set up **cross-border cooperation formats** (building block II). For instance, to build a border committee including law enforcement agencies, a legal framework or Memorandum of Understanding is often needed to allow both countries to reach out to their counterparts. **Communities** (building block III) play an important role in those cooperation initiatives, along with a large set of **stakeholders** that can potentially be involved in CBC and **sensitised** for anti-trafficking (building block VI). To tackle illicit flows more holistically, activities need to apply an **organised crime lens** involving information exchange between all actors and across borders (building block V). This lens can also influence the orientation of the legal framework and the set of **technical capacities and equipment** at borders (building block IV). At the beginning of each CBC initiative, stakeholders should further ask themselves how else links between building blocks might play out in the given context and which building blocks need to be worked on as a priority.

Each building block operates on one or more levels of engagement (see Figure 1). The levels range from the local, i.e. community level, to the international level. The stakeholders assigned to each building block serve as a suggestion of whom to involve in cross-border cooperation initiatives. However, the list of stakeholders is not exhaustive, as in each specific border context, fewer or more stakeholders might come into play.

A baseline assessment is crucial so that practical solutions build on lessons learned in the specific context and so that projects can monitor progress. Baseline assessments should apply a conflict- and gender-sensitive approach (cf. EUTF, 2016, p. 37). Such prior analysis also has to ask potentially difficult questions on the role of law enforcement in cases

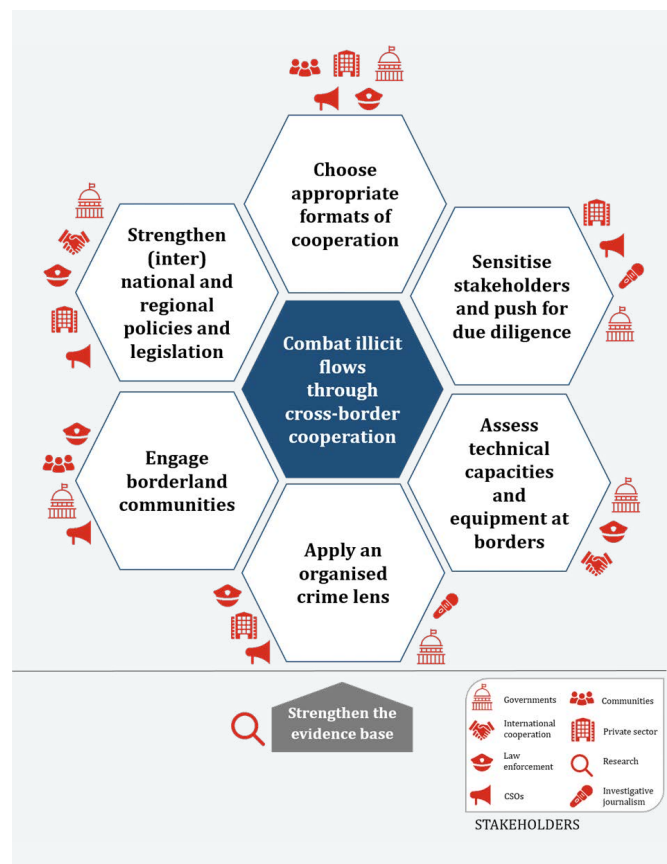


Figure 1 | Building blocks for cross-border cooperation to tackle illicit trafficking © Johanna Kleffmann, BICC

of corruption or human rights abuses: For instance, are there known patterns of corruption and entanglement of trafficking networks and staff at borders? Has law enforcement been involved in human rights abuses in the border context? Which safeguards can CBC programming build in? Establishing red lines *ex ante*, periodically evaluating human rights indicators and conditioning support, is one way of addressing this (Farha et al., 2019, p.17). Concerning CBC, baseline assessments should also gather information on the state-of-the-art of CBC and lessons learned so far. Guidance on such baselines and contextual analyses are already available.<sup>4</sup>

4 \ In its toolkit, the Council of Europe provides a template for feasibility studies and gives a good overview of CBC-related questions to ask in prior assessments (Council of Europe et al, 2021).

## Building block I: Strengthen (inter)national and regional policies and legislation

When initiatives are set up, it is essential to align them with respective regional and (inter)national instruments as well as with associated standards and best practices. They not only guide cooperation or constitute a prerequisite for concrete initiatives but also create an entry point for financing.

International and regional instruments addressing illicit trafficking or CBC aim to establish a common understanding of existing problems and to define goals amongst signatories on how to tackle them. In the realm of CBC, they also determine the powers and restrictions of local authorities and communities when engaging in CBC (Council of Europe et al., 2012, p. 32). For instance, national provisions or mandates are often prerequisites for national law enforcement agencies or local authorities to cooperate with their neighbouring counterparts. Also, states usually provide financing alongside international instruments, domestic laws and policies which generates concrete incentives for cross-border cooperation.

The panorama of legal frameworks and instruments regulating and guiding anti-trafficking and CBC in Africa is complex. Each African country has a unique domestic law, and the numerous regional bodies (RBs) and regional economic communities (RECs) have provided instruments on these issues, too. Many of these RBs and RECs have overlapping groups of member states, and some have more far-reaching mandates than others. Additionally, many countries have ratified related international instruments, which provide key outlines for national norms. Before setting up a CBC initiative, applicable legal provisions and international instruments need to be gathered, analysed and adjusted to the domestic setting, depending on a case-to-case basis. This *Knowledge Note* can only shed light on a few instruments to illustrate some of the challenges and opportunities that international regulation of CBC and the fight against trafficking involves.

The following are the three overarching international instruments on trafficking:

1. **UN Convention against Transnational Organized Crime (UNTOC):** This Convention not only lays the foundation for the creation of domestic criminal offences, such as the participation in an organised criminal group, but also includes important provisions on cooperation, i.e. mutual legal assistance and law enforcement cooperation as well as capacity-building for national authorities.
2. **UN Convention against Corruption:** This is a legally binding instrument, which encompasses provisions on corruption prevention, criminalisation and law enforcement, international cooperation including mutual legal assistance, law enforcement cooperation and joint investigations as well as asset recovery, technical assistance and information exchange.
3. **UN Convention for the Suppression of the Financing of Terrorism:** The last of the three UN Conventions seeks to criminalise the financing of acts of terrorism, promotes judicial and law enforcement cooperation to prevent, investigate and punish the financing of terrorism. Throughout the years, organisations such as UNODC have developed publicly available model legislation, which has helped states to translate their international commitments into national law. Some of these model laws cover firearms trafficking, migrant smuggling, organised crime and money laundering.

Generally, international instruments such as the UNTOC still tend to prioritise reactive frameworks geared towards criminal justice responses. These often neglect the legislative groundwork necessary to tackle the underlying drivers of trafficking, such as socio-economic reasons. National laws and policies should increasingly strengthen more integrated responses, for instance, by having a closer look at the groups that get involved in trafficking, the livelihoods at play, and the perception of certain cross-border crimes in affected communities (Reitano, 2020).

**Lesson learned** | In light of the 2015 migration crisis in Europe and due to considerable pressure exerted by the European Union, Niger introduced a ban against the smuggling of migrants. Up until then, the Nigerien government had “tolerated people smuggling” through local travel agencies as a “critical source of revenue” (ICG, 2020, p. 4). In an attempt to balance the ban’s effects, the European Union committed to a significant sum for additional aid to Niger. While the new law was ostensibly supposed to fight migrants’ exploitation, little did it do to sustainably eradicate human trafficking and smuggling. Instead, thousands of the around 7,000 employed in the business lost their job, and the remaining smugglers shifted routes to more remote areas in the desert to avoid interception. Niger not only became more dependent on external aid—readily provided by the European Union—but it still

had a trafficking problem, now with an even higher death toll due to exacerbated conditions during migrants’ journeys (ICG, 2020). Additionally, Niger had lost the opportunity to engage with the agencies in gradually shifting their business into the licit sphere and protect migrants. It had also lost trust among the affected population. Merely providing a legal framework that criminalises often long-practiced trafficking and offering little to no legal employment alternatives can alienate local populations, cause a simple adaptation of trafficking business and/or a shift to different illicit markets. Legislation needs to assess such risks beforehand, possibly in cooperation with civil society, and ultimately need to be coupled with the provision of legal alternatives for those involved in trafficking. Quick fixes are likely to fail or have unintended, harmful effects.

Besides the three international instruments discussed above, other international frameworks usually address different illicit flows separately. A three-fold set of protocols on human trafficking, human smuggling, and firearms trafficking complement the UNTOC. Specialised international instruments exist for the most prevalent trafficked goods, such as drugs (three complimentary conventions), SALW (Arms Treaty-ATT, UN Plan of Action) or wildlife (Convention on International Trade in Endangered Species of Wild Fauna and Flora). Corresponding instruments and strategies exist on the continental level, e.g. the AU Convention on Preventing and Combating Corruption and the AU Master Roadmap of Practical Steps to Silence the Guns by Year 2020. Furthermore, the regional economic communities and bodies have a series of specialised instruments in place, for instance, against firearms (e.g. ECOWAS Convention, Nairobi Protocol), human trafficking (e.g. ECOWAS Regional Framework on Cross-Border Transhumance) or drug trafficking (e.g. Southern African Development Community’s Protocol on Com-

bating Illicit Drug Trafficking). This compartmentalisation of regulation is understandable as it mirrors the somewhat different nature of illicit flows. For instance, compared to commodities, the trafficking and smuggling of humans poses unique challenges. However, this separate coverage of different types of trafficking in legal frameworks also hampers a more holistic approach to trafficking.

In the same vein, joint action across the different conventions and strategies remains rare. Engagement between the National Focal Points or Secretariats for the different instruments related to trafficking could help break up these siloes. Funding that explicitly links up the different communities to jointly develop counter-trafficking solutions or programmes that gather different efforts under one umbrella are equally sparse. A positive example of such cooperation across different agendas is RECSA’s Memorandum of Understanding on overlapping objectives with the task force facilitating cooperation for the Lusaka Agreement on Illegal Trade in



Wild Fauna and Flora. Their joint study on poaching and SALW in East and Central Africa (RECSA, 2018) is a practical result of that cooperation. Similarly, the control arms network and the Pace University provide a checklist for policymakers on how to leverage the ATT for wildlife conservation (Control arms & Pace University, 2016).

Part of providing a conducive framework for CBC is identifying existing legal provisions that hamper

bottom-up cooperation and assessing how they can be removed or altered. In that context, subnational authorities and communities have some flexibility to adapt their cross-border cooperation initiatives to local intricacies. This can be achieved by involving civil society actors and subnational authorities in legal reviews. Finally, operational guidance and training, which assists those authorities that are to implement the legal framework, is important to reach full uptake and enforcement.

### Checklist

✓	Which international and regional frameworks and associated instruments on cross-border cooperation and counter-trafficking have been ratified, and which fundamental frameworks are missing?
✓	Which technical advice and financial support can implementing agencies and donors provide to overcome challenges that inhibit accession?
✓	Have national strategies and legislation been reviewed as to their alignment with international commitments, standards and best practices?
✓	In case of a legislative review process, have all relevant stakeholders (CSOs, law enforcement, judicial authorities, private sector, etc.) been involved and was the process gender-inclusive?
✓	Have policies and legislation been integrated in wider national strategies (e.g. SSR, DDR, women, peace and security)?
✓	Is complimentary legislation and policy in place, which address the underlying drivers of illicit trafficking?
✓	Does relevant legislation need to be harmonised with neighbouring countries or within the region?
✓	Do spaces of cooperation and funding exist that explicitly link implementation efforts of different international and regional instruments and thus different illicit flows?
✓	Do different National Focal Points and Secretariats cooperate e.g. through regular meetings, memoranda of understanding (MoUs), joint studies, conferences, joint practical guidelines or else?
✓	Are regulations operationalised through guidelines or action plans?
✓	Has a holistic national action plan to counter trafficking been considered?
✓	Have national authorities been furnished with the necessary competences to cooperate with counterparts across the border?

## Building block II: Choose appropriate formats of cooperation

For (inter)national and regional frameworks to materialise and be carried by national and local ownership, cross-border cooperation anchors these in concrete institutions or (in)formal cooperation arrangements. This building block provides an overview of different existing designs of such cooperation and focuses on some of their key functions, such as building trust as well as information- and data-sharing.

### Getting started

Existing cross-border initiatives on the continent present a variety of options for local government, communities and law enforcement to choose from:

In the absence of usable roads in northern Congo, the vast Congo River serves as a lifeline for communities to transport a range of commodities, both licit and illicit, via river boat. Exchanging information and acting beyond borders is needed to control it

They have taken the form of joint border commissions, cross-border security strategies or joint border patrols. Forms of counter-trafficking cooperation seldom have to be invented from scratch but often can and should build on existing structures of cross-border communities or informal cross-border arrangements (EUTF, 2016) even if these are not yet dealing with trafficking issues.

Practitioners wanting to support the setup of a cooperation structure can start with a contextual analysis that maps the status quo of relations and existing governance structures. Such a preliminary analysis helps to identify the level of formality of cooperation (see Figure 2) reached and where new initiatives can plug into.

A common challenge is that law enforcement can usually only monitor illegally trafficked commod-



ities within the confines of its national borders. Exchanging information and acting beyond borders often revolves around trust. International experience has shown that initial cooperation on less sensitive issues than trafficking can lower hurdles for joint activities on trafficking. If, for instance, a series of exchanges between neighbouring countries or border municipalities have already established basic trust, contact points or communication channels, then agreeing on far more sensitive initiatives on combating trafficking can be easier going forward (Interpol & WCO, 2020, p. 13). The precursor to formal cooperation is thus good communication. Even if an enabling national or regional legal framework for formal cooperation is still missing, increased communication can already engender positive effects and build rapport. Appointing contact points on both sides of the border can help channel communication flows. So while a basic level of trust through communication seems to be a prerequisite for cooperation on trafficking issues, vice versa, increased cooperation will also build trust.

Referring back to the concept of cooperation (Figure 1), an initial analysis of already existing cooperation helps to assess whether basic trust is established and which more advanced level of formality between the neighbours might have already been reached. However, it is worth considering whether a more formal agreement will ease cooperation in the pertinent context, as slow decision-making processes and bureaucratic structures can also hamper more dynamic interaction (Council of Europe et al., 2012, p. 28; OECD, 2017).

Many countries wanting to strengthen cross-border ties are faced with the challenge that in-country cooperation, i.e. inter-agency cooperation, is only sparsely developed. Past experience on the continent has shown that in-country cooperation between different authorities and ministries often needs to be improved first before cross-border cooperation can be taken on (Faltas, 2018). This means better connecting customs, police, prosecution, and other security-related authorities within one country as trafficking is usually addressed in the intersection between customs and police competences (Interpol & WCO, 2020). However, different experience has shown that

cross-border cooperation may also inspire changes within a country's own institutions as partners tend to replicate best practices of their counterparts (Council of Europe et al., 2012, p. 27). To a certain degree, inter-agency cooperation may then also result from learning processes on the cross-border level. While inter-agency cooperation is not the focus here, it is important to keep in mind when getting started with CBC.<sup>5</sup>

### Choose a format of cooperation that fits the context

The following sections give an overview of existing cooperation formats. They merely serve as an inspiration and outline their role in anti-trafficking. They are roughly structured along the levels of formality of cooperation presented by the Institute of Policy Studies' concept in the context of intergovernmental integration (2008, p. 14) which was adapted by Interpol and the World Customs Organization (WCO). In their concept, cooperation can evolve from an informal to a closer and more formal relationship—from coexistence to genuine collaboration. The more stakeholders share information, resources, work and responsibilities, the more cooperation formalises. Shared resources can mean time, workforce, physical space, or equipment. Figure 2 below illustrates this concept as it applies to CBC. While the first examples often rely primarily on shared information through communication, the latter examples of CBC increasingly also share work and responsibilities, thereby formalising their cooperation. However, choosing formats that fit the local context and take up the relationship on the already existing level of formality is something to be done on a case-by-case basis.

<sup>5</sup> \ The WCO and Interpol have created a **handbook** for customs and police cooperation (Interpol & WCO, 2020). The handbook outlines key fields of cooperation: Intelligence exchange, joint risk analyses and cooperation in interdiction and investigation. They also present different forms of cooperation ranging from liaison officer programmes to formal MoUs and agreements. Lastly, the handbook provides WCO tools and resources as well as a self-assessment tool for member states. It also highlights international assistance programmes. Some of the recommendations and tools can be translated to transboundary cooperation between authorities.

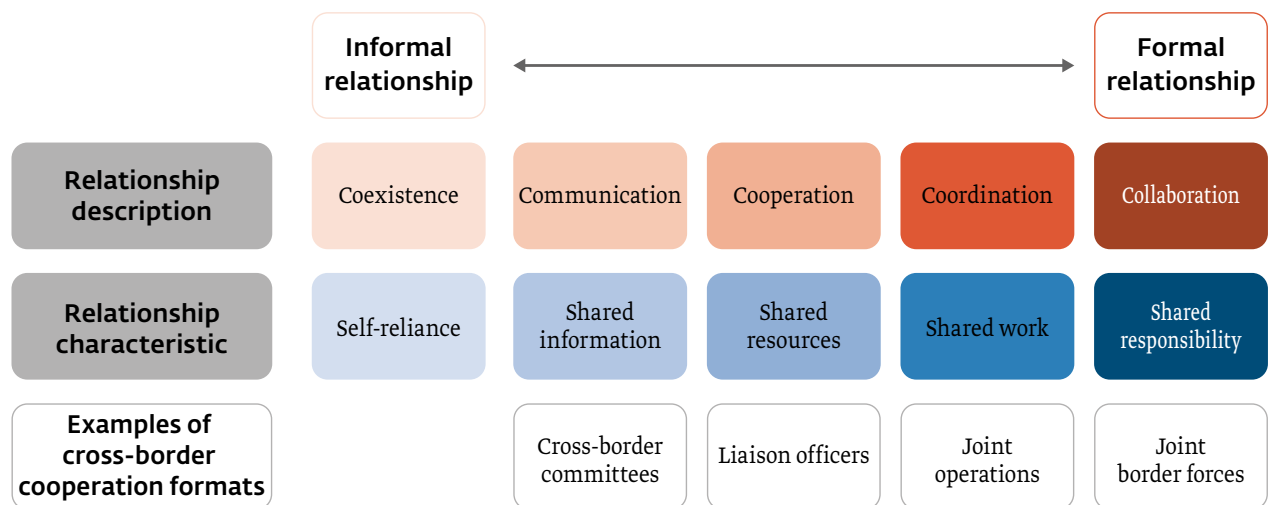


Figure 2 | Examples for formats of cooperation and their level of formality  
Source: Redrawn from original by the Institute of Policy Studies, 2008, p. 14.

As outlined before, communities and civil society are key stakeholders to consider when establishing CBC. **Cross-border committees** that include local government and/or law enforcement, as well as community representatives, have been one way of further building trust between authorities and cross-border communities. Such committees can also serve as a gateway to better understand local intricacies and cultural contexts, using cross-border cultural ties as a connector (Seniora & Poitevin, 2010, p. 14). NGOs working on SALW, wildlife, human or other forms of trafficking can join these committees for sensitisation visits or facilitate setting them up. Including representatives from CSOs working on gender can help design gender-responsive counter-trafficking efforts. This format of cooperation is closely linked to the next building block, which further elaborates on the importance and options for community-level engagement.

**Examples from practice 1 |** Women for Peace and Development (WFPD), an NGO based in Mandera, Kenya, is dedicated to SALW control issues, community peacebuilding and policing programmes. WFPD has supported the set-up of a 24-member cross-border peace committee. It comprises peace elders from the involved communities on each side of the three border districts: Mandera, Bula Hawa and Malkasufta. WFPD has campaigned against small arms through sensitisation programmes (Africa Peace Forum & Project Ploughshares, 2006). This example not only features women as crucial agents in cross-border cooperation but also shows how civil society organisations are often best placed to tie into existing governance structures and provide sensitisation by tapping into existing trust among community members.

To forge a more targeted approach, law enforcement and judicial authorities sometimes set up **technical working groups** across borders, focussing on illicit trafficking. These can also invite trafficking experts from the same cluster of countries that share similar trafficking problems. Working groups could also bring together authorities from origin, transit and destination countries to share knowledge and foster communication and information exchange along the whole supply chain of illicit flows.

Posting a **liaison officer** in the neighbouring country presents a closer format of cooperation. Such a posting has not only immense trust-building potential but can also facilitate transfer of knowledge and serve as a first step towards creating joint patrols or forces.

**Examples from practice 2** | The 2016 USALAMA (Swahili for security) Operation led by the Eastern Africa Police Chiefs Cooperation Organization (EAPCCO) and the Southern African Regional Police Chiefs Cooperation Organization (SARPCCO) was to target crime networks across East and southern Africa. The 48-hour-long operation deployed 1,500 officers in 22 African countries and resulted in nearly 4,500 arrests. Among other seizures, Sudanese police recovered “an AK47, ammunition, fake passports, military uniforms, computers and a range of currencies including euros, dollars, Sudanese pounds and Malaysian ringgit. Police also recovered 85,000 rounds of ammunition which had been buried underground in Sennar state near its border with Blue Nile state and South Sudan. [...] In Uganda, police [...] arrested six suspects in connection with a range of wildlife crimes after recovering 20 kg of ivory, three tortoises, geese, 12 ostrich egg shells, leopard skins and other illicit animal products. Seven guns and more than 300 rounds of ammunition were also seized”<sup>6</sup>. This is a good example not only of how joint operations are well placed to tackle trafficking across different illicit commodities but also of how regional police cooperation can play an important role in anti-trafficking.

6 \ <https://www.interpol.int/en/News-and-Events/News/2016/1-500-police-in-operation-targeting-crime-networks-across-Eastern-and-Southern-Africa>

If an actual merging of border forces is not feasible, **agreements on hot pursuit**<sup>7</sup>, as done in Mali (Faltas, 2018, p. 21), or joint operations across different illegal markets are valid alternatives. Practitioners have highlighted the importance of police cooperation, for instance, between regional police associations (such as EAPCCO and SARPCCO) in making operations more effective, building trust and encouraging increased information-sharing in the region (Small Arms Survey & African Union, 2019, p. 73).

**Joint border patrols or forces** and one-stop border posts are forms of cooperation that already merge responsibilities, thus going beyond pure coordination. Such joint forces, as opposed to two separate ones, use resources in a complementary fashion (Seniora & Poitevin, 2010, p. 16). They can, if particularly efficient, also help widen the focus beyond those stretches of borders where designated border crossings are in place, as only a fraction of illicit flows actually passes through official entry points (OECD, 2007, p. 156). Joint border forces can even be more effective when their mandate encompasses the whole enforcement cycle of intelligence, risk analysis and targeting, investigation and interdiction (cf. Interpol & WCO, 2020, p. 7) and covers several types of trafficking prevalent at the specific border. The G5 Sahel Joint Force is an example of a joint multilateral force with a counter-trafficking mandate (ICG, 2020). Integrating trust-building measures towards communities or CSOs has proven to be crucial, too. In the ECOWAS region, joint monitoring committees have helped to strengthen safeguards concerning human rights violations and corruption (Styp-Rekowskam, 2017), thereby attempting to mitigate concerns of purely security-oriented responses.

7 \ An agreement on hot pursuit is a rapid intervention border guard unit that has the authorisation to support the neighbouring agencies on their territory (United Nations, 2018).

**Examples from practice 3** | The Chadian–Sudanese Joint Border Force has repeatedly been able to arrest traffickers who move arms, wildlife and other contraband across the border. The Forces' success is mostly due to its pragmatic nature: Instead of trying to patrol the vast length of the border, it focusses on those southern stretches with the largest agglomerations of population. Furthermore, its local knowledge and full ownership have made it an effective cooperation initiative. The Joint Border Force also provides medical and educational assistance to the local border communities on both sides, thereby building trust between communities and authorities while also mitigating the factors that drive communities into trafficking activities (Faltas, 2018, p. 22). The countries have been in talks with the Central African Republic (CAR) to extend cooperation or replicate the cooperation initiative in the trilateral border region. Allegedly, political instability in Bangui has prevented the country from joining forces effectively (Sudan Tribune, 2016).

**One-stop border** posts are commonly used to boost trade facilitation and are hence rather seen as loopholes for organised crime (Alusala, 2018). But if carefully established with the common objective to counter trafficking and if coupled with oversight mechanisms to mitigate corruption, their benefits can be similar to those of joint border forces. Existing examples are those in Lungalunga/HoroHoro (Kenya/Tanzania), Taveta/Holili (Kenya/Tanzania) and Namanga (Tanzania/Kenya) (European Community, 2018).

#### Enabling data and information sharing

A large part of law enforcement cooperation means data and information sharing. Usually, customs' resources are geared more towards incoming flows of goods (Seniora & Poitevin, 2010, p. 14). The interrelation between illicit flows remains largely obscure, as one country's customs, for instance, seize arms and the other side seizes drugs without the two connecting potential dots. Often different goods are

moved by the same groups, use the same routes or concealment methods or use the same facilitators and corrupt officials.

A portal to exchange such data is the WCO's Customs Enforcement Network. Apart from capturing seizure data of all types of illicit goods, it also gathers pictures of concealment methods (United Nations, 2018). While the portal is not yet widely used, training African customs officers in its use could make it more attractive.

Similarly, Interpol pools data in its I-24/7 information system. The recent access given to Afripol (Interpol, 2020) is a step in the right direction. Member countries should grant border police, customs officials and immigration officials access to the database, thereby removing the national central bureaus' monopoly on their use (United Nations, 2018, p. 3). Additionally, the Interpol database on Stolen and Lost Travel Documents (SLTD) can be harnessed to identify cross-cutting crimes that often link different trafficking groups as these documents are procured from the same providers. Giving remote border crossings and less-equipped law enforcement agencies access to the Mobile Interpol Network Database that allows using I-24/7 offline could also be a practical step forward (United Nations, 2018).

Additionally, giving researchers more access to interception data across different types of goods could encourage analysis across different forms of trafficking and enable tracing. Such data could include DNA and isotope analysis of wildlife (cf. Guardian, 2020), markings of weapons and ammunition, data on humans trafficked and information from drug mules arrested. Lastly, including data on illicit financial flows in such analyses potentially offers a wider perspective on illicit networks and their whole set of activities. Data protection and related legal safeguards are often non-existent in fragile contexts, so data sharing can only follow after such safeguards are provided.

**Checklist**

✓	Have existing cross-border cooperation efforts been mapped?
✓	Which lessons and practical guidance on existing CBC formats can be used?
✓	Where do these efforts stand in terms of sharing information, resources, work, and responsibilities as well as effectiveness? Which needs can be identified?
✓	Who are key stakeholders involved in border management, and who is not yet involved but could be beneficial to engage (local to international level)?
✓	Have respective national-level agencies been involved from the beginning?
✓	What needs to happen first in terms of inter-agency cooperation to enable effective CBC?
✓	Has an analysis of the border context been made? Which formats of cooperation could match this context and available resources?
✓	What are connectors and dividers between the neighbouring countries and communities? Can they be used for CBC, or do they present a risk? How does the chosen cooperation format foresee mitigating potential risks?
✓	Have challenges been jointly analysed and clear objectives been defined?
✓	Is sufficient and sustainable funding available for cross-border cooperation programmes? Where can complimentary funding be acquired?
✓	Which legal norms are relevant for cooperation formats, and which preconditions must be met?
✓	What should the financial arrangements in the format look like? How will costs between partners be shared?
✓	Which legal form is most fitting for the cooperation format?
✓	Have accountability and transparency mechanisms been introduced into institutional and statutory arrangements?
✓	Have regular communication channels and interaction with counterparts been established with authorities and stakeholders across the border?
✓	Do cooperation efforts exist that reach out to origin, transit and destination countries of the most prevalent or detrimental flows?
✓	Do joint forces, patrols or similar initiatives exist, and do they have the mandate to control all types of illicit flows?
✓	Has gender been mainstreamed throughout all cooperation initiatives, and does funding include this activity?
✓	Do national authorities use existing international and regional databases? What challenges must be overcome to enable their use?
✓	Have relevant actors in the field access to such databases, and are they trained to employ them?
✓	Have minimal legal safeguards for data protection been provided?

### Practical guidance

Generally, there is little to no guidance on how to set up such forms of cooperation. Exceptions are African Union guidance documents on how to set up specific cooperation modalities such as boundary commissions (African Union Border Programme, 2013a) and cross-border basic service infrastructures, e.g. health centres (African Union Border Programme, 2013b), as well as the already mentioned CBC toolkit provided by the Council of Europe et al. (2012).<sup>8</sup>

Further guidance on setting up different forms of cooperation, accompanying standard operating procedures (SOP) and recommendations on how to anchor counter-trafficking in their work is still needed to fill this gap. Questions, therefore, remain on how to approach stakeholders, create necessary institutions and design interventions concretely. Additionally, monitoring and measuring the impact of such forms of cooperation on illicit trafficking currently remains a challenge and could be picked up (Small Arms Survey & African Union, 2019, p. 69). As a survey in eight African countries with cross-border projects to reduce illicit arms trafficking implies, lack of funding is among the three most serious shortfalls of cooperation mechanisms (Richards, 2016). Future guidance documents could also include ways to access funding.

This building block shows that irrespective of the level of cooperation chosen, the design needs to respond to the context it is applied to, i.e. build on existing structures and resources without overstraining them. Information and data sharing, be they advanced or low-cost and short-term designs, is an important feature to build into cooperation models. Generally, more practical-level guidance on how to set up concrete cooperation formats is still needed.

### Building block III: Engage borderland communities

Many existing efforts to curb illicit trafficking heavily rely on law enforcement. However, police and customs alone are seldom equipped to forge the comprehensive response that cross-border crime warrants. Securitised approaches lacking a do-no-harm perspective and ignoring communities' interests can quickly lose support among the population. Hence, community involvement is essential when designing CBC. As cooperation with communities primarily involves a change of mindsets, long-term support rather than quick impact approaches is more likely to succeed.

Many African border regions present a patchwork of cross-border cultural, ethnic, historical, linguistic and geographic ties that external implementing agencies need to consider in CBC initiatives. To name just a few examples, Kenyan Somalis are related to those in Somalia, while Karamoja groups are spread over Kenya, Uganda and South Sudan. In Marsabit, there are Kenyan Borana and Gabbra communities that are related to ethnic Oromo in Ethiopia. Likewise, languages stretch across borders. Such ties are often intensified by the nomadic nature and traditional trade patterns of borderland communities or ethnic groups. For instance, in Niger, facilitating the transport of goods and people across the Sahara is an important part of the Tebu's and Tuareg's self-image. These flows helped many communities through droughts and famine in the 1970s and 1980s (ICG, 2020, p. 3). CBC initiatives need to reflect the realities of informal, cross-border economies as well as remnants of war economies and how these are entrenched in the daily lives of local communities. Illicit flows often present important lifelines for border communities, providing them also with essential consumer goods (Reid & Williams, 2020). In such contexts, the difference between informal and illegal is not always as clear-cut as it seems at first sight (Cochrane, 2020). Unfortunately, such cross-border ties are often more skillfully capitalised on by organised crime and non-state armed groups, for example for arms trafficking purposes, than by cooperation efforts (Wepundi et al., 2012, p. 71). Cooperation models are in a good position to

<sup>8</sup> \ The African Union offers a database with regional border governance experts to its member states and regional economic communities—a valuable resource for countries that seek to deepen cross-border cooperation and are looking for regional expertise. Among further issues, the pool includes experts in the law of CBC and institution-building for CBC.





The market at Mobayi-Mbongo lies just across the Central African Republic, separated by the narrow Oubangui River serves as a commercial hub for commodities from both countries

tap into existing cross-border ties. Such ties, which act as connectors, emphasise common interests and resources and build joint social capital as a bulwark against criminal encroachment. One way of doing this can be to include civil society groups or councils of elders in cooperation models, for example, by setting up a border committee with their representation. To avoid conflict, programmes need to ensure that those who will spearhead action on communities' behalf are trusted and respected (Faltas, 2018).

But not always are cross-border relations peaceful. Often, transboundary movements lead to tensions, cattle rustling or inter-clan conflict around water or pasture (IGAD et al., n.d). While interventions of cross-border cooperation in such settings can potentially play an important role for peacebuilding, they also have to be set up even more cautiously and apply conflict sensitive measures.

Furthermore, among many pastoralist groups, marginalisation and poverty provide a fertile ground for trafficking activities. In many places, the burden of getting involved in something illegal is quickly outweighed by the financial gains of trafficking that can help ease economic hardship (cf. Cooney, 2016). Stricter law enforcement regimes at borders can backfire by disproportionately disrupting licit flows and thereby driving border communities farther into illicit economies (Small Arms Survey & African Union, 2019). Lessons from integrated border management interventions in eastern Europe have shown how trade facilitation and security need to be weighed carefully to design a comprehensive approach (European Commission & ICMPD, 2013). Consulting civil society and communities when forging new approaches to border management can thus help reconcile livelihoods with counter-trafficking strategies. Border committees are one example of providing a space for such exchanges.

**Examples from practice 4** | Established in 2015, the Cross-Border Integrated Programme between Marsabit County in Kenya and the Borana and Dawa Zones in Ethiopia presents an interesting example of stakeholder involvement. Before regional authorities set up the cross-border cooperation programme, consultations with local community representatives, CSOs, development agencies and existing peace committee members were held to gather their needs and priorities and their suggestions on how to build the cooperation programme. Expert consultations as well as research took place to review the project draft and build it on a solid evidence base. Political buy-in from the highest level was secured by inviting the Ethiopian and Kenyan presidents to sign the Memorandum of Understanding. Finally, the involvement of the Intergovernmental Authority on Development (IGAD) strengthened regional ownership (IGAD et al., n. d.).

Additionally, taking into account natural resource management and climate issues can be relevant depending on the context. In many arid border regions, climate change acts as a “threat multiplier” (Nett & Rüttinger, 2016, p. 48). The decimation of crops and livestock due to more frequent and severe droughts exacerbates the situation of local livelihoods and can drive people living at borders into trafficking activities. The wider region around the Lake Chad Basin, connecting Niger, Nigeria, Chad and Cameroon, is an example of how the convergence of stressors such as the depletion of natural resources, high unemployment and protracted armed conflict have forced many lake dwellers into drug and arms trafficking in the border region (Okpara et al., 2015). Community-level cooperation could increasingly use approaches of environmental peacebuilding that, for instance, imply cross-border natural resource management or joint climate adaptation projects that link borderland communities through their shared ecosystems, related concerns, but also common opportunities.

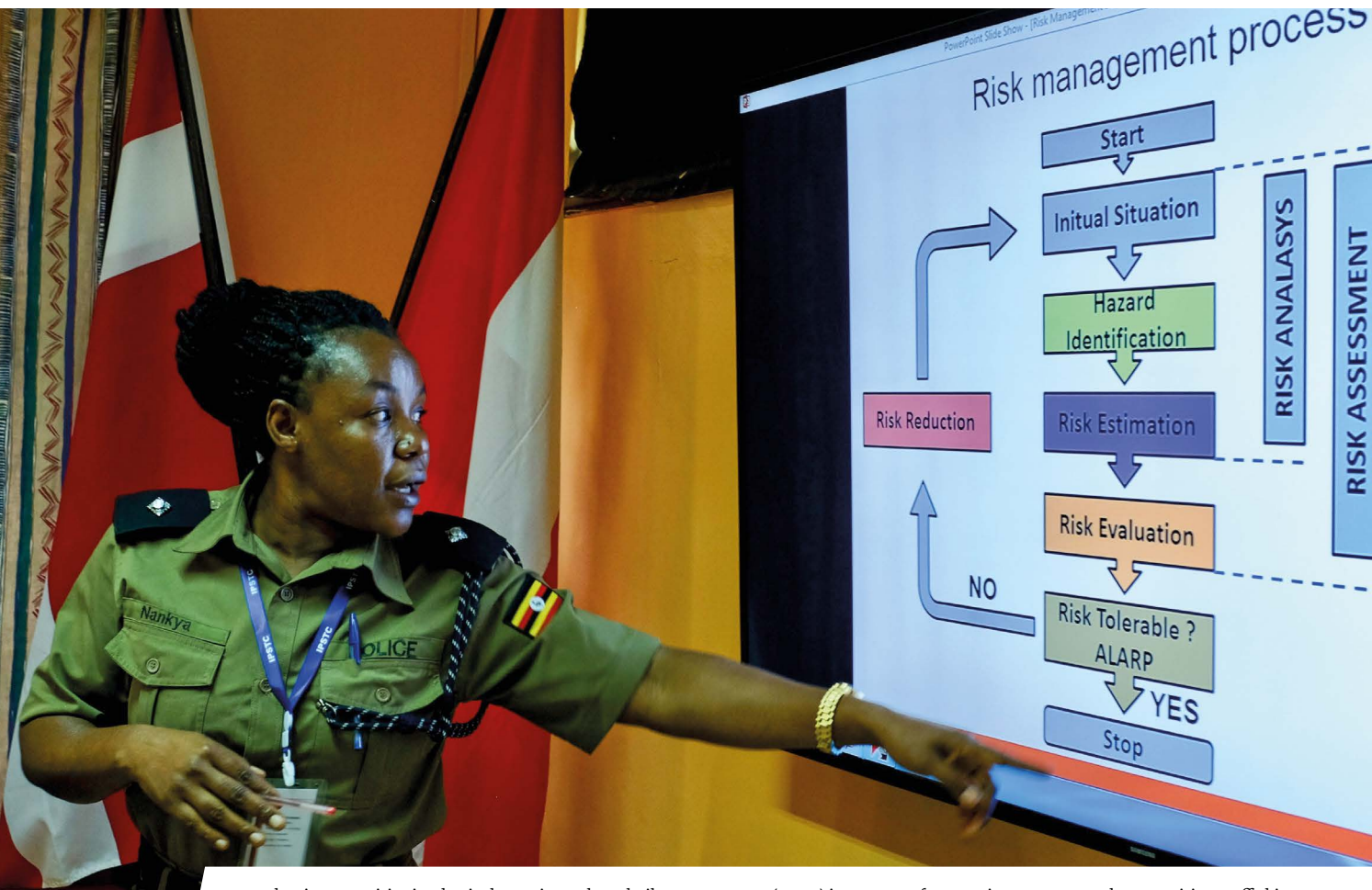
Governance structures are a further aspect to consider. Porous borders are often embedded in hybrid spaces where the presence of state governance mixes with non-state governing structures. Due to several, sometimes contesting governance structures, such regions can provide a fertile ground for organised trafficking groups. In fact, in those spaces where state and local governance structures do not work hand in hand to provide important public services, trafficking networks can more easily outcompete the state or, in fact, co-opt it (cf. Felbab-Brown, 2010). If the state usually does not provide security and other public services, such as health or education, but announces harsh anti-trafficking measures, this can fuel communities’ perception of neglect and mistrust and further increase their susceptibility to getting involved with organised crime groups.

If successfully implemented, community policing programmes as well as shared border service infrastructures (i.e. health centres, joint education centres) can help accommodate state and existing local governance structures while also building trust between communities and the state on both sides of the border. Next to fostering participation, community-based security schemes also help tap into existing knowledge for investigation and prevention. Communities usually have intimate knowledge of the area, the prevalent criminal groups and their modus operandi (Lampthey, 2013). Such programmes have shown that to allow for communities’ safe participation, consulting them on their perception of the security apparatus, security concerns and basic security needs is important (SAS, 2015).

Building block III shows that cooperation on the community level needs to account for existing connectors and dividers, potential tensions between livelihoods, natural resource management and anti-trafficking measures, as well as build on and be conscious of existing governance structures.

**Checklist**

✓	Have CBC initiatives taken stock of existing (in)formal community cooperation structures? If yes, have these been involved in new cooperation efforts?
✓	Has a do-no-harm and context analysis been conducted prior to setting up cooperation efforts with communities?
✓	What does the border context in socio-economic, cultural, environmental, geographical and political terms look like? Which challenges and opportunities do these bring for CBC?
✓	What are factors driving communities into trafficking?
✓	Are there remaining stakeholders that are not yet present in cooperation efforts? Could they be actively involved?
✓	Which could be incentives for communities to engage in CBC?
✓	Do CBC programmes coordinate with existing development and peacebuilding efforts in the community?
✓	Which CSOs are active in the specific area, and can they be involved in developing new CBC programmes?
✓	Are chosen contact points in communities representative of the community, and are they trusted among community members?
✓	Is sufficient security for communities provided so that their engagement is secure?
✓	Have communities been sensitised on trafficking and potential CBC initiatives, as well as their opportunities of participating in them or initiating them?
✓	Are mechanisms in place that allow authorities to tap into local intelligence on trafficking and criminal cross-border networks?
✓	Do initiatives apart from reactive law enforcement-only approaches exist that tackle drivers of trafficking?



Strengthening capacities in physical security and stockpile management (PSSM) is one way of preventing weapons and ammunition trafficking. Ugandan Assistant Inspector of Police, Christine Nankya, is depicted conducting a risk analysis during a regional PSSM training with practitioners from eleven East African states

#### **Building block IV: Assess technical capacities and equipment at borders**

Beyond the cooperation structures that are in place at borders, individual capacities and technical equipment help border authorities to more effectively intercept illicit flows.

Joint technical training and regional conferences also provide an important entry point for connecting professionals who usually focus on different illicit flows or serve in different countries. It can initiate sustained contact and information-sharing between them. Bringing together these different circles does not necessarily require developing new training cur-

ricula. For some training activities, it might suffice to open up training offers to related target groups such as police and customs or drug enforcement, forensic institutions or arms experts. Past experience has shown that in those contexts where joint training activities on politically sensitive issues such as intelligence or investigation are not viable, joint training may start by taking up issues such as leadership, stress management or first aid to first build trust among involved partners (Interpol & WCO, 2020).

Training concerning human rights<sup>9</sup> and gendered aspects of trafficking presents another often-found cross-cutting capacity development need (cf. Small Arms Survey & African Union, 2019) among police, border guards and customs. Gendered aspects of trafficking are particularly evident in human trafficking: Women and girls make up 72 per cent of all victims of trafficking worldwide, while males represent more than half of the victims trafficked for forced labour (UNODC, 2018). In turn, male victims of trafficking are more unlikely to identify as such due to stereotypes of masculinity (Mackay, 2019, p. 20). But a gender lens must not stop at human trafficking. Women and children are often also used as traffickers of goods, as illicit networks expect border authorities to check them less frequently or thoroughly (Small Arms Survey & African Union, 2019).<sup>10</sup>

Additionally, training on the identification of false documents, such as fraudulent or illegally obtained travel documents or export licenses, can also represent a first step in investigating across different flows as such documents are sometimes the product of the same criminal service providers or forged in the same fashion.

Similarly to training activities, the (further) development of integrated red flag indicators for border management, law enforcement and transport companies is recommended (Miller et al., 2015). Integrated assessment tools that reflect risks of all types of illicit goods are particularly potent for a more holistic counter-trafficking approach. As traffickers' strategies usually build on loopholes on at least one side of the border, cross-border cooperation between border management agencies ideally works towards using the same assessment methodologies.<sup>11</sup>

Besides border staff, detection also relies on technical equipment, and its lack is pervasive in many remote African border areas (cf. Richards, 2016). Sniffer dogs have proven to be an effective cross-cutting help as they can detect explosives, drugs and wildlife products. Additionally, increasing the number of X-ray and other border guard and customs' technical equipment that facilitate detection can be considered.

Lastly, post-seizure procedures are gradually becoming more important when anti-trafficking efforts are not to stop with seizure but go beyond and also initiate investigation. Among them is the secure handling of goods, especially weapons or wildlife, follow-up investigations in case of human trafficking or smuggling, reporting, stockpiling of seized goods and judicial procedures.

Building block IV has presented some types of capacity-building measures and equipment for border management to better address trafficking. Assessing existing capacities first and if necessary choosing low-resource but effective capacity-building measures can be a first step towards addressing this building block.

9 \ Practical guidance on human rights in border management is already broadly available (see OHCHR, 2014; UNCCT, n. d.).

10 \ The Geneva Centre for Security Sector Governance DCAF has collated a [toolkit](#) on border management and gender, including key strategies for integrating gender in border management, best practice examples, a resource collection, as well as an institutional self-assessment checklist (Mackay, 2019).

11 \ Miller et al. have developed a [list of red flag indicators](#) designed to better detect wildlife trafficking (2015).

**Checklist**

✓	Have technical capacities and border security equipment been assessed? Which priorities have been identified?
✓	Which most urgent needs concerning capacities and equipment can be identified and addressed to better intercept the most important flows ?
✓	Are cross-cutting technical capacities (e.g. on document forgery, follow-the-money, gender-responsive border management), detection capacities and those ensuing seizure (handling and tracing of weapons or wildlife, etc.) in place?
✓	Are (integrated) sets of red flag indicators for different illicit flows in place?
✓	If the development of red flag indicators is considered, can it be done in collaboration with counterparts across the border?
✓	Are there joint training activities, conferences or exchange visits for national authorities across borders? Are they sufficiently funded to deepen cooperation and enhance capacities?
✓	Are training activities designed to cover methods that ensure human rights are protected? Are they designed in a gender-responsive manner?
✓	Are training activities integrated in national authorities' regular training curricula?

## Building block V: Apply an organised crime lens

An organised crime lens acknowledges that trafficking networks are often embedded in larger structures. Being able to distinguish them from low-level

traffickers is key to choose suitable instruments to disrupt them. Relatedly, crime convergence (see Box below) helps to articulate more clearly the nexus between different flows (USAID, 2020) while revealing more concrete entry points for cross-border cooperation.

### Crime convergence (USAID, 2020)

- \ **Poly-criminality:** One group engages in multiple business streams to increase profits and diversify its portfolio to reduce operational costs, to be able to react to changes in supply and demand as well as buffer shifts of law enforcement efforts.

**Example:** In Africa, scholars have found human and arms trafficking to correlate significantly. The countries scoring highest in arms trafficking all show a score of seven or higher (with 10 being the highest) for human trafficking as well (Institute for Security Studies et al., 2019). Others have found human traffickers to be involved in drug trafficking, illegal fishing, environmental crimes or tobacco smuggling too (OECD, 2016, p. 32).

**Entry point:** Identifying vulnerable nodes of a network can help tackle various markets at the same time (WWF, 2020). For this to happen, sharing information on connected flows is key. Joint operations and border forces are one way of increasing such intelligence sharing (see building block II).

- \ **Transactional convergence:** Different groups purchase goods from each other without, however competing with each other.

**Example:** In Kenya, cars are often used for two trafficking purposes: Miraa—a local drug, also known as chat—is sent by jeep from Meru to Garissa and Moyale. The same car may carry arms as it returns (Mkutu, 2019).

**Entry point:** Connecting incoming and outgoing illicit flows is crucial to map illicit supply chains across borders. To this end, information-sharing between different border crossings, jointly designed risk assessment methods and joint operations are key (see building block II).

- \ **Common service providers:** Different criminal groups purchase the same good(s) from a shared service provider.

**Example:** Facilitators for Charles Taylor in Liberia enabled the trafficking of illicit timber, diamonds and weapons by arranging not only the logistics and paperwork but also offshore bank accounts to avoid tracing of financial flows (Farah, 2013, p. 79).

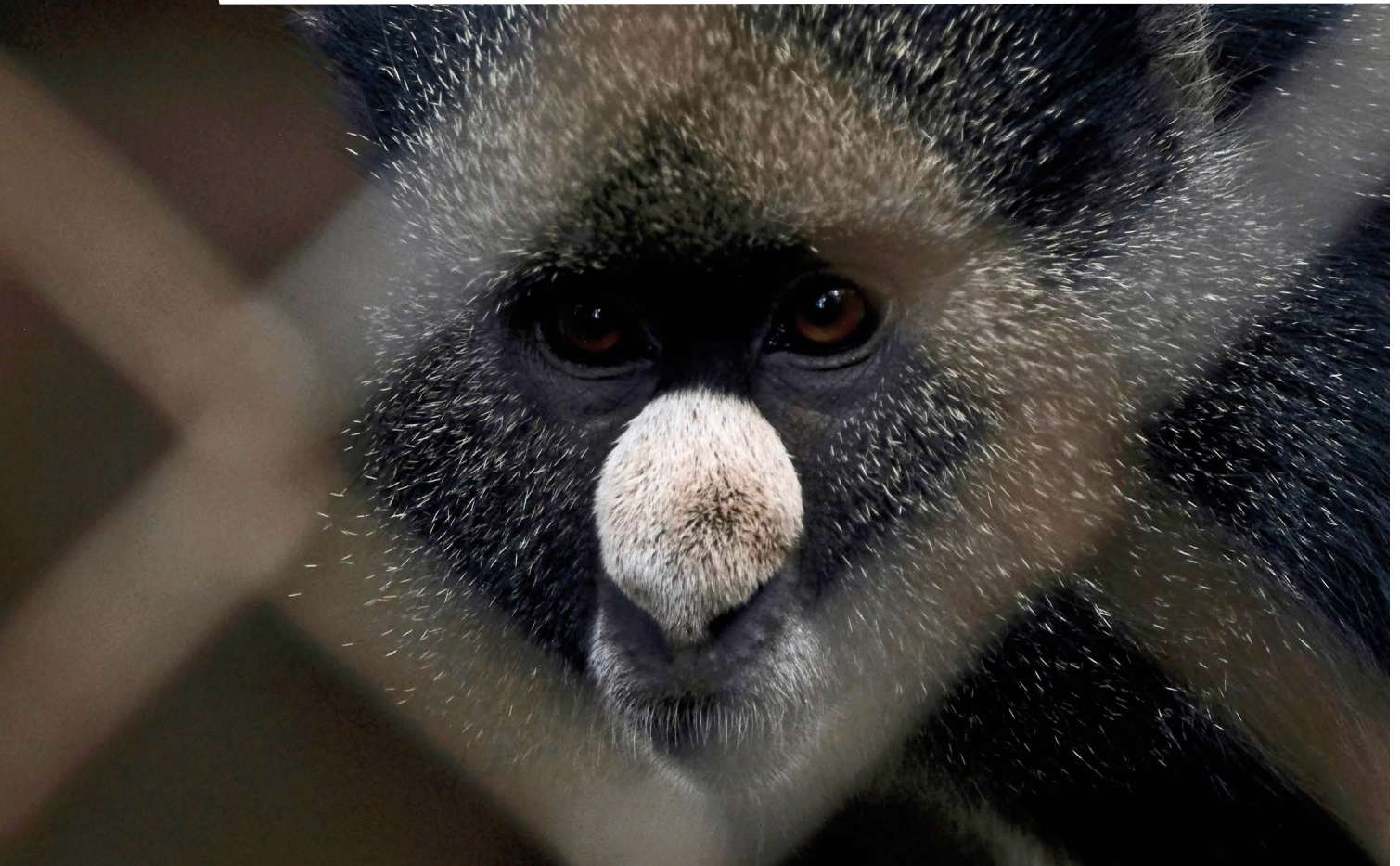
**Entry point:** Disrupting enabling service providers can help crack down on various trafficking networks at the same time. Building capacity on such investigation techniques (see building block IV) as well as private sector engagement in counter-trafficking efforts (see building block VI) are two ways of tackling this.

For programming to be more reflective of the interlinkages between networks, a more solid evidence base is often needed. Regular serious crime threat assessments, country profiles or baseline studies on illicit trafficking help gauge the level of threats, map trafficking activities and criminal actors as well as response capacities. Already several years back, UNODC published its last assessments of that sort on African sub-regions (UNODC, 2013a; 2013b).

Applying an organised crime lens to counter-trafficking efforts further means considering all types of trafficking as worthy of tackling. To some degree, this debunks the conventional notion that some types of trafficking are more serious than others. While this is, of course, true per se—human trafficking as a violation of human rights is disproportionately graver than other illicit activities such as cigarette

smuggling—it easily lets us overlook that low-profile crimes are often necessary or convenient activities that bolster organised crime groups' portfolios. This has, however, not yet engendered a shift of donor attention away from those flows that most harshly affect the global North (such as human and drug trafficking) and towards those that have been neglected but nonetheless have a detrimental effect on the region such as trafficking of arms or counterfeit pharmaceuticals (Koroma et al, 2013). Wildlife trafficking is a good example. Because wildlife poaching and trade are comparably low-risk and lightly penalised crimes, criminal networks tend to test routes and modus operandi with wildlife products before employing them for higher-stakes criminal activities (WWF, 2020). States continue to turn to forest and park departments and wildlife authorities to craft responses. However, these services are

A near threatened greater spot-nosed monkey intercepted in Kenya en route from Cotonou, Benin into the live pet trade in the Middle East now living at the Kenya Wildlife Service Orphanage in Nairobi, Kenya. Illegal cross-border trafficking of high-value natural resources is deeply intertwined with the illicit arms trade, providing a significant source of revenue for some non-state armed groups





neither equipped to design the strategies to combat organised crime nor do they have the investigative instruments to track syndicates down (Meegan-Vickers, 2020). Similar tendencies might hold true for other low-profile crimes such as trafficking of timber, stolen goods or cultural property. Cross-border cooperation can increasingly harness joint capacities to capture the wider picture of how different types of illicit trafficking are interconnected and how to best combat them.

### Tools to address crime convergence

The non-profit Center for Advanced Defense Studies (C4ADS), estimated around 50 to 75 per cent of the worldwide wildlife trade to originate, transit and terminate through less than 25 ports and to use as little as 15 major shipping companies as well as five pre-shipment inspection companies. Such consolidation is indicative of the wildlife trade's embeddedness in transnational organised crime (Miller et al., 2015). Similarly, vast quantities of drugs, arms or cultural property are most effectively trafficked through organised networks. The wide array of existing tools to investigate organised crime is not yet exhausted to tackle illicit trade across sectors.

'Follow-the-money' techniques are one example. Finances behind some illicit flows are more simplistic than others. Especially those that are more straightforward present a soft underbelly that can be tackled to reveal larger trafficking networks (USAID, 2020). Law enforcement seldom uses this tool to further investigate low-profile types of trafficking. As a cross-cutting technique, financial investigation training is one tool that can be strengthened to investigate different trafficking types. DNA analysis of wildlife products or weapons and ammunition tracing are further instruments that, when applied more often or in a combined fashion, can more effectively disrupt trafficking. Practitioners often lack the necessary training or resources to either employ such techniques themselves or initiate them. Building the capacity of police, customs, border guards, investigative journalists and others would help close this gap. The lack of funding for this type of training is one

possible reason why they are not yet being implemented as widely.

Lastly, viewing trafficking as an organised crime forces us to look at what greases the mechanics of all organised trafficking networks, namely corruption. Border authorities are at the forefront of being targeted by corruption. Specialised training and sensitisation must be complemented by fair payment to reduce susceptibility (Seniora & Poitevin, 2010). Beyond this, political buy-in and a pronounced commitment of the highest political levels has been found to be paramount when it comes to setting the tone in anti-corruption efforts. However, counter-trafficking efforts should also be aware of its immediate limits and might, in some cases, opt for a more strategic and gradual approach. Countering all facets of organised trafficking at once may stir the pot just about too much and cause political backpedalling. If the disruption of many corrupt relationships simultaneously incurs high political risks, taking a step at a time has been found to be the more strategic approach (USAID, 2020).

Generally, security-oriented approaches can easily end up criminalising vulnerable groups without thinking about alternative livelihoods or the larger socio-economic context that people involved in smuggling are faced with. Distinguishing different parts of illicit supply chains is one remedy to prevent this from happening. For instance, criminalising ivory hunters that often receive as little as three per cent of the end-value (Vira & Ewing, 2014, p. 10), drug mules or humans forced to smuggle arms without looking at the larger socio-economic context (see building block III) that drives these individuals into such activities sets a wrong focus. Disrupting those parts of the network where larger profit margins lie will more likely have a longer-lasting effect and avoid unintended effects.

In sum, this building block provides a collection of tools and techniques that reveal the larger organised networks that underlie illicit flows and can more effectively be put to use in cross-border cooperation.

**Checklist**

✓	Is there an evidence base on the interlinkage between different illicit flows and associated criminal networks? Do matching funding lines exist to potentially strengthen it?
✓	Are regular national or, ideally, regional serious crime threat assessments conducted?
✓	Does programming also cover lower-profile illicit flows or those that have an ostensibly lower impact on donor countries but an equally detrimental effect on the targeted countries?
✓	Is regular anti-corruption training for frontline and high-level national authorities streamlined in training curricula? Can training capacities be built that eventually make external interventions obsolete?
✓	Are frontline border authorities paid fairly to prevent corruption?
✓	Is high-level political commitment to anti-corruption and counter-trafficking efforts secured and communicated publicly?

### **Building block VI: Sensitise stakeholders and push for due diligence**

Apart from addressing governments, law enforcement agencies and border communities, a closer look at who moves illicit goods and their financial proceeds and who can push for due diligence, is warranted. A stakeholder analysis as part of the initial baseline assessment can help answer these questions. This building block looks at why and how the private sector and other stakeholders should be involved in counter-trafficking efforts across borders.

#### **Private sector, public concerns?**

In examples such as the one presented by C4ADS above, cross-border engagement must include the private, in this case, the transport sector, that is often misused or even colludes with criminal groups to move illicit goods across borders. Logistics companies and their staff often lack sensitisation on different types of illicit cargo, procedures for detection and reporting, and overall due diligence. “Due diligence is the process enterprises should carry out

to identify, prevent, mitigate and account for how they address [...] actual and potential adverse impacts in their own operations, their supply chain and other business relationships” (OECD, 2018, p. 15). Adverse impacts relate, for example, to disclosure, human rights, the environment or bribery. More practical guidance for transport companies with contributions from experts on different trafficking types could be one way of supporting their due diligence. At the same time, including transport agents and trade associations whenever stricter border regulations are developed can be of benefit. This can prevent inadvertently creating barriers for legitimate flows of commodities and labour across borders. Considering their concerns when planning counter-trafficking measures has been found crucial to foster legitimate movement across borders while impeding illegitimate ones (cf. United Nations, 2018).

In 2011, the United Nations estimated financial flows connected to transnational organised crime to be worth 1.5 per cent of the global GDP (Economist, 2019). All illicit flows of goods and humans create financial flows, and those dealing with high profit margins, seldom use cash. Instead, they exploit complicated money laundering systems, shell com-

panies, foreign bank accounts and other schemes for their illegal transactions. These leave virtual paper trails that can be used to trace and map trafficking networks. However, the financial dimension of illicit trafficking is often overlooked, or resources are lacking to conduct such investigations. The Financial Action Task Force and its regional bodies in Africa have created a series of standards and recommendations to guide action in this field. However, relevant practitioners such as law enforcement, judicial authorities, banks, NGOs and investigative journalists often lack training in asset recovery and financial intelligence to be able to ‘follow the money’. Such training could include modules on different illicit flows and how their respective financial systems are designed.

#### Can civil society and the media play a role?

Beyond the private sector, civilians crossing borders each day play a complementary role in detection. A low-cost measure for airlines, bus companies, airports or border crossing-points to implement could be to use posters or videos sensitising travellers for frequently trafficked goods and human trafficking. Those should indicate which signs to watch out for and secure and direct ways to report to authorities.

Additionally, investigative journalism and civil society organisations can act as watchdogs by exerting pressure on the private sector and national and subnational governments. Although many journalists and civil society organisations (CSOs) often focus on one specific type of trafficking, partnerships across the board could strengthen a more holistic approach that this *Knowledge Note* puts forward. Past initiatives have shown that bringing together multi-national consortia of journalists or CSOs can engender a more significant impact beyond national borders. If the private sector or government on one side of the border delivers responses, then their counterparts are more likely to follow suit.

**Examples from practice 5** | A joint investigation project between the BBC<sup>12</sup> and the non-profit Environmental Investigation Agency (EIA) revealed that, since 2017, trafficking networks had moved more than 300,000 tonnes of Senegalese rosewood from the Gambia to China. This equals around half a million trees. Rosewood, both in volume and value, is the world’s most trafficked product among flora and fauna despite its protection status under the Convention on International Trade in Endangered Species of Wild Fauna and Flora. EIA stated the Gambian timber sector was “plagued by opacity and corruption, it provides the perfect ecosystem for criminal networks to thrive”. In response, the world’s fourth-largest shipping company, Compagnie Maritime d’Affrètement Compagnie Générale Maritime (CMA CGM), halted all its timber shipping until further notice thereby also exerting pressure on the Gambia and its due implementation of the ratified treaty. While NGOs continue to be crucial watchdogs contributing immensely to pushing the private sector as a whole towards compliance, individual companies’ responsibility and pioneers that pave the way for others are equally important.

This last building block presents essential stakeholders, from the private sector, civil society and the media. It also shows how to involve them in counter-trafficking efforts across borders.

12 \ See BBC (2020). [Shipping firm halts timber exports over smuggling.](#)

**Checklist**

✓	Which national legal provisions are in place that require the private sector (particularly the transport and financial sector) to conduct due diligence? Are breaches sanctioned appropriately?
✓	Have logistics companies and their staff been sensitised and trained on illicit cargo, enhanced detection and reporting procedures?
✓	Is related practical guidance available?
✓	Are law enforcement, banks, specialised NGOs, and investigative journalists trained sufficiently on 'follow the money' approaches? Are applicable funding lines available?
✓	Do airlines, bus companies, airports or border crossing-points sensitise and inform travellers on trafficking and ways of reporting securely?
✓	Are specialised NGOs and investigative journalists enabled concerning trafficking to take over their watchdog role <i>vis-à-vis</i> the private sector? Is matching funding available?
✓	Is cooperation between NGOs and media that focus on different flows enhanced and funded?



Kenyan Border Police Unit walking through a village at the Kenya-Somalia border, an area in which many children have grown up in armed violence and conflict. Community-level participation throughout all phases of cross-border cooperation initiatives is vital

## Conclusion

Experience has shown that illegal cross-border flows converge and reinforce each other significantly. Practice still lacks the necessary tools and guidance to tackle these links in an integrated fashion. Cross-border cooperation initiatives across Africa are uniquely positioned to mitigate illicit trafficking, and yet there is no model that would guide such endeavours. This *Knowledge Note* seeks to bridge this gap through six building blocks for cross-border cooperation to tackle illicit trafficking

Six preliminary building blocks could help conceptualise and guide future work on cross-border cooperation geared towards reducing the illicit trafficking of SALW and ammunition.

**Building block I:  
Regulatory frameworks facilitate cooperation formats**

An enabling framework of international to national norms capture a common understanding of the problem, put forward available counter-strategies and provide a framework for mobilising resources. Reviewing regulation that unnecessarily hampers cooperation, balancing reactive norms with those tackling root causes of trafficking, and harmonising frameworks with international instruments creates an important basis for cross-border cooperation (CBC).

**Building block II:  
Tailoring cooperation formats to local contexts of border regions and existing relations is essential**

CBC initiatives can draw on a range of existing cooperation formats that aim at building trust and aligning efforts against trafficking. Partners should assess previous efforts to build on and then customise cooperation formats to the given context. Sometimes improving cooperation within borders is needed first.

**Building block III:  
Communities' participation is vital**

Border communities should actively participate in all stages of CBC initiatives. External actors must be open to learning about and adapting solutions to the root causes of trafficking, communities' interests and their capacity to contribute to solutions.

**Building block IV:  
Sharing skill sets, resources and responsibilities is key**

Border management often needs to step up technical training or equipment. Training, technical engagements and joint use of resources and information with neighbours enhance capacities, efficient use thereof and deepen cooperation and trust.

**Building block V:  
Strike a balance between an organised crime lens and a do-no-harm perspective**

Understanding the convergence of illicit flows and acknowledging their embeddedness in wider criminal networks is key. To avoid heavily security-oriented counter-trafficking efforts, a do-no-harm perspective can help reconcile security on the one hand with local livelihoods or cultural practise on the other, among other things, to sustainably fight illicit trafficking.

**Building block VI:  
Apply an all-stakeholder approach**

Initiatives need to also consider the private sector, the media, civil society, research and high-level political actors for participation and sensitisation. Securing political buy-in and due diligence is essential to forge sustainable approaches.

Next to these building blocks, it is essential to make sure cross-border cooperation initiatives are sensitive to conflict and gender and consider human rights protection—from early planning to evaluation. At this stage, this model is still designed for external actors such as BICC to assess and identify potential areas of engagement. Practice needs to test, apply and develop it further so that it can also be an apt tool for local authorities, communities or their partners to plan and engage in cross-border cooperation.

## List of acronyms and abbreviations

ATT	Arms Trade Treaty
AU	African Union
AU Stg PoA	AU Silencing the Guns Plan of Action
AUBP	African Union Border Programme
BICC	Bonn International Centre for Conflict Studies
CBC	Cross-border cooperation
CSO	Civil society organisation
C4ADS	Center for Advanced Defense Studies
EAPCCO	Eastern Africa Police Chiefs Cooperation Organization
ECOWAS	Economic Community of West African States
EIA	Environmental Investigation Agency
MoU	Memorandum of Understanding
RB	Regional Body
REC	Regional Economic Community
RECSA	Regional Centre on Small Arms
SALW	Small arms and light weapons
SARCOM	Sub-Regional Small Arms Control Mechanism
SARPCCO	Southern African Regional Police Chiefs Cooperation Organization
SSR	Security sector reform
UNODC	United Nations Office on Drugs and Crime
UNTOC	UN Convention against Transnational Organized Crime
WCO	World Customs Organization
WFPD	Women for Peace and Development

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