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**Getting Smart and Scaling Up :  
*The Impact of Organized Crime on Governance in  
Developing Countries***

**A Case Study of Ghana**

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**Kwesi Aning**

**Sampson B. Kwarkye**

**John Pokoo**

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## ANNEX II - THE IMPACT OF ORGANIZED CRIME ON GOVERNANCE: A CASE STUDY OF GHANA<sup>1</sup>

### About the Authors

**Dr. Kwesi Aning** currently serves as the Director of the Faculty of Academic Affairs and Research (FAAR) at the Kofi Annan International Peacekeeping Training Centre, Accra, Ghana. Prior to taking up this job, he served with the African Union (AU) in Addis Abeba, Ethiopia. He has written extensively on conflict and security, and transnational criminality in West Africa.

**Sampson B. Kwarkye** is currently a researcher at the Directorate of Research & Planning of ECOWAS' Inter-Governmental Action Group against Money Laundering in West Africa (GIABA). Prior to joining GIABA, he was a research officer at New York University's Center on International Cooperation (NYU/CIC) where he provided research support to research projects on transnational organized crime and other transnational threats and their impacts on governance, security, and development in developing countries. Mr. Kwarkye holds an MA in International Development from the University of Kent's (Canterbury, UK) Brussels School of International Studies (Brussels, Belgium) and a BS in financial information analysis from Clarkson University (New York, USA, 2008). His research interests relates to issues of money laundering, terrorist financing, transnational organized crime, governance, and other issues pertaining to peace and security in West Africa.

**John Mark Pokoo** is Head of Regional Small Arms and Light Weapons Control Training Programme at the School of Research and Academic Affairs of the Kofi Annan International Peacekeeping Training Centre in Accra, Ghana (KAIPTC). He previously worked with the German Technical Cooperation/GTZ at the KAIPTC on the institutional strengthening and capacity development of the KAIPTC. In that role, he helped in the expansion of the KAIPTC range of training programmes and increased civil society partnerships with the KAIPTC and ECOWAS in the context of the collaborative design and delivery civilian-driven training courses in conflict prevention, peace and security. John has written on civil society and conflict early warning in West Africa and has co-authored papers on DDR and SSR processes in Liberia and also, the impact of drug trafficking on national and sub-regional security in West Africa with Dr. Thomas Jaye and Dr. Kwesi Aning respectively.

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1. Ed. Camino Kavanagh (2013), *Getting Smart and Shaping Up: Responding to the Impact of Drug Trafficking in Developing Countries*, NYU Center on International Cooperation

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## Introduction

Ghana is experiencing significant economic growth and continues to be viewed as a beacon of hope in a region that has been plagued by civil strife, ethnic violence, poverty, and inequalities. The country has remained resilient to the types of challenges that some of its neighbours have had to contend with over the past decades. At the same time, however, cracks in its own democratic system, including an increasingly expensive electoral process, weak accountability mechanisms, and a series of political economy and governance-related challenges, have rendered its institutions and citizens highly vulnerable to the influence of organized crime and the emergence of embedded 'mafias.' Pegging of political opponents to organized criminal activities such as narcotics trafficking is becoming commonplace in public debate, as are the frequent revelations of official involvement in narcotics trafficking, undermining the legitimacy of both formal and traditional governance institutions. Weak legislation on political party funding, campaign financing, and asset disclosure does little to assuage concerns that illicit funding is underwriting key political processes. Conversely, there is limited public space to discuss these issues in a non-confrontational policy-oriented manner; and academic institutions and civil society organizations find themselves increasingly constrained by what they can publicly raise on these matters.

Questionable relations between organized criminal networks and elected officials, the armed forces or security services are certainly not as obvious as in other countries in the sub-region, where organized crime has been used to spur domestic political contestation or elite interests, or where organized criminal groups manipulate weak systems for their own strategic gain. Yet, the important number of high-level officials and mid- and low-level cadres that have been found to be involved in organized crime in Ghana over the past decade, particularly drug trafficking and money laundering, *does* indicate deeper structural challenges. And while the state is not apparently involved in other emerging areas of organized (or 'disorganized') crime such as cyber and environmental crime or human trafficking, officials openly recognize that their capacity to respond to these complex challenges remains weak.

The infiltration of the Ghana Police Service (GPS), the Customs, Excise and Preventive Service (CEPS), the judiciary, and other institutions has provided an enabling framework for organized criminals to operate with considerable impunity in Ghana, seriously undermining the legitimacy of formal state institutions. In addition, like many countries struggling to deal with complex challenges, Ghana lacks the requisite institutional capacity and frameworks for fighting organized crime. Institutions are constrained by inadequate logistical, human and financial resources. Inter-agency coordination is limited, while personnel of the judiciary, agencies such as the Economic and Organized Crime Office (EOCO), and the GPS lack expertise for responding to the different forms of organized crime that have emerged in the country.

Drug trafficking in particular has intensified over the last decade and Ghana has remained an important transit country for cocaine trafficked from Latin America and South Asia en route to Europe and the United States. Reports have also noted an increase in heroin trafficking through Ghana, as well as evidence of methamphetamine production. There are also strong indications that a domestic market for the drugs that are being trafficked through Ghana is increasing; yet, the capacity to respond to an increase in drug use is limited. In addition, the lines between legitimate and illicit activity are becoming increasingly blurred, spurred on by the absence of checks and balances and strong accountability mechanisms. Compounding this situation is poor delivery of social services by the Ghanaian state, which allows political and economic elites involved in organized crime, especially drug trafficking, to derive legitimacy from their illicit activity. Trafficking networks with political connections, and political actors with trafficking connections have emerged as powerful intermediaries between the state and citizens' access to services.

Like many countries struggling to deal with complex challenges, Ghana lacks the requisite institutional capacity and frameworks for responding to organized crime. Institutions are constrained by inadequate logistical, human and financial resources as well as deeply entrenched patronage systems. Inter-agency coordination is limited,

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while personnel of the judiciary and specialized agencies lack the expertise for responding to the different forms of organized crime that have emerged in the country. Moreover, there appears to be limited political appetite to build strong checks and balances into the current systems of governance – both formal and traditional - as a means to delink them from organized crime. The latter will be key to Ghana's longer-term development perspectives. Meanwhile, however, the country continues to serve as a regional hub for planning and executing organized criminal activity.<sup>2</sup>

This case study presents findings of field research on the impact of organized crime on governance and development in Ghana. The objective is not to paint a negative picture of Ghana, but rather to highlight core structural weaknesses that enable organized crime to flourish largely uncontested, placing significant, albeit not immediately obvious, pressure on the democratic and development gains made over the past two decades.

### Case study methodology

Following an extensive literature review, the research team conducted field research between the period of 20th April and 10th May 2012 and additional field and desk work in April 2013. Fieldwork was conducted in the form of semi-structured interviews with some 50 interlocutors on the basis of strict confidentiality. Interviewees included traditional rulers, police and other law enforcement personnel at the national, regional and district levels, a number of civil servants (current and former), judicial personnel, civil society representatives, academics and experts, students, journalists, mining workers and representatives from the mining industry, medical professionals, social workers, taxi drivers and ordinary Ghanaians. Fieldwork was conducted in Accra, Kumasi, Sekondi-Takoradi, Cape Coast, and rural towns and villages in the Western and Brong-Ahafo Regions.

Sites for field research were chosen on the basis of reports of organized criminal activity in a given area, and on the basis of reports of the corresponding impact on governance and development. Interviews in the

capital, Accra, focused on understanding the dynamics of organized crime in light of the fact that it continues to be a major transit and re-packing centre for illicit drugs and for money laundering. Other interviews in the Western and Brong-Ahafo Regions focused on illegal mining and drug trafficking respectively, and their impact on development, particularly in terms of service delivery, health, and the environment. The Western Regions clearly exhibit the devastating impact of gold mining – both illegal and legal - on the environment, health etc. and a visit to Accra's main rubbish dump at the Agbogbloshie market shed light on many of the emerging challenges posed by illicit e-waste dumping, and the lucrative international illicit market behind it. Cybercrime, and its local derivative – Sakawa - became a central focus of many interviews with students, law enforcement representatives and ordinary citizens, with many marvelling at the low risks involved, and the ease with which victims (mainly Westerners) can be duped.

The case study is divided into five sections. *Section I* begins with an overview of the political context in Ghana, with specific reference to the emergence of democratic politics and the nature of the political economy in the post-independence era. It reviews trends in Ghana's economic development and governance since 1992, and examines the nature of formal and informal institutions and prevalent norms of behaviour. *Section II* examines the nature and scope of organized crime in Ghana, namely drug trafficking, money laundering, illegal mining, electronic waste dumping, cybercrime, human trafficking, and small arms trafficking and manufacturing. *Section III* focuses on the impact of organized crime on governance and development, while *Section IV* suggests some initial recommendations.

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2. Francois Soudain, *Coke en Stock*, Jeune Afrique, 28 avril au 11 mai 2013 (No. 2729-2730)

## I. Political, Institutional, Socio-Economic and Regional Context

Ghana is located in West Africa, bordering Burkina Faso in the north, the Gulf of Guinea in the south, Côte d'Ivoire in the west, and Togo in the east. It is populated by an estimated 24.7 million inhabitants representing a vast array of large and small ethnic groups such as the Akan, Mole-Dagbane, Ewe, Ga-Adangbe, Guan, Gurma, and Grusi.<sup>3</sup> A former British colony, Ghana attained independence in March 1957, being the first black African country to do so. Yet independence was followed by years of misrule and economic decline, resulting in the overthrow of its first post-independence government in 1966.<sup>4</sup> The turbulent years continued with a series of military coups, punctuated by two brief interludes of civilian rule between 1966 and 1992.<sup>5</sup> Ghana adopted a new constitution in 1992 that opened its political system to multi-party competition and ushered in a new era of civilian democratic rule.<sup>6</sup>

The emergence of democratic politics in Ghana occurred against the backdrop of sustained economic decline and popular displeasure with misrule characterized by restrictions on political and civil liberties and serious human rights abuses. Ghana's struggle for independence, characterized by sporadic violent confrontation between indigenes and colonialists, and eventual independence in March 1957 gave rise to high expectations among Ghanaians for unity, freedom, and prosperity. These expectations were only partially met and the country soon encountered severe economic difficulties provoked in part by structural adjustment measures introduced during the Kwame Nkrumah-led Convention Peoples Party (CPP) government between 1957 and 1966.<sup>7</sup>

3. Ghana Statistical Service (2012), 2010 Population and Housing Census: Summary of Final Results, (pp. 8; 14), at [http://www.statsghana.gov.gh/docfiles/2010phc/2010\\_POPULATION\\_AND\\_HOUSING\\_CENSUS\\_FINAL\\_RESULTS.pdf](http://www.statsghana.gov.gh/docfiles/2010phc/2010_POPULATION_AND_HOUSING_CENSUS_FINAL_RESULTS.pdf) (Accessed June 4, 2012).

4. See, for instance, Haynes, Jeff (1993). Sustainable Democracy in Ghana? Problems and Prospects. *Third World Quarterly*, 14(3), 451-467; and Ninsin, Kwame, *Political Struggles in Ghana: 1967-1981*, Tornado Publishers, Accra, 1985.

5. Gyimah-Boadi, Emmanuel, 'Confronting the Legacy of Human Rights Abuses in Africa: Lessons from Ghana', Unpublished Paper Presented at Conference on Transitional Justice in Africa: Future Directions, Organized by the International Centre for Transitional Justice, Bellagio, March 25-29, 2004.

6. For more on Ghana's transition to democracy, see for instance, Aidoo, Thomas M. (2006), 'The Context and Provenance of Democratization in Ghana (1990-1992)', *Historia Actual Online*, (pp. 7-16)

7. Not only did the Nkrumah government stifle political opposition, but also it passed the Preventive Detention Act (PDA) of 1958 and the Preventive Detention Order of 1959 which gave Nkrumah powers to detain persons without trial for up to 5 years (later extended to 10 years) if their conduct were deemed detrimental to the security of the country. Exercising his prerogatives

Challenges included an acute shortage of foreign exchange and consumer goods, high inflation, rampant corruption, and political and economic mismanagement. Ghana adopted a new constitution in 1960 that removed the Queen as the Head of State, abolished the Westminster-style parliamentary democracy, and replaced it with a Republican Constitution.<sup>8</sup> Moreover, in 1964, a constitutional referendum rendered Ghana a one-party state. The deteriorating economic conditions and Nkrumah's dictatorial tendencies provided a pretext for officers of the Ghana Armed Forces and the Ghana Police Service, supported by the Central Intelligence Agency (CIA), to overthrow his government in February 1966.<sup>9</sup>

Ghana alternated between military and civilian rule in the post-Nkrumah era. The National Liberation Council (NLC) government established by the coup makers abolished the 1960 constitution, along with the presidency and parliament and ruled by decree. It sought to tackle the country's economic challenges, particularly the balance of payment and inflationary pressures through foreign exchange controls, currency devaluation, and other measures.<sup>10</sup> In August 1969, the NLC returned Ghana to a multiparty system and organized elections that returned the country to civilian rule under the Progress Party (PP) government of Kofi Abrefa Busia. Yet the Busia government's introduction of austerity measures to address Ghana's economic challenges, including a ban on import of cars, televisions, and other goods, increase in the petroleum levy, abolition of grants to university students, and devaluation of the Cedi, proved unpopular particularly

under the PDA, Nkrumah detained various members of the opposition, some of whom were charged with planning to kill the president.

8. For details of the 1960 Republican Constitution, see for instance, Owusu-Dapaah, Ernest (2011). *An Exposition and Critique of Judicial Independence Under Ghana's 1992 Constitution*. *Commonwealth Law Bulletin*, 37 (3), pp. 546. Article 43 of the 1960 Constitution stated that the president could at any time 'for reasons which to him appear sufficient' dismiss a Supreme Court or High Court judge from office. Nkrumah exercised this prerogative by dismissing then-Chief Justice Sir Arku Korsah when the Supreme Court acquitted and discharged opposition members Tawiah Adamafo, Ako Adjei and Coffie Crabbe who had been charged with conspiracy to assassinate the president in August 1962.

9. The coup that overthrew Nkrumah was led by Lieutenant-General Emmanuel Kotoka and Brigadier Akwasi Amankwah Afrifa. See Apter, David E. (1968). *Nkrumah, Charisma, and the Coup*. *Daedalus*, 97(3), pp. 787. For instance, the Inspector General of Police, J.W. Hartley, in proclaiming the end of the Nkrumah government stated, '[w]e lived our lives perpetually afraid of prison, poverty, and unaware of our future. Glorious dreams were continually unfolded before our eyes. And this beloved country of ours was plunged into a dark night of misery and suffering. Nkrumah and his henchmen became rich, confident, and lorded it over us with all the ruthless instruments at their disposal - security forces, prisons, and torture. See also Biney, Ama (2009). *The Development of Kwame Nkrumah's Political Thought in Exile, 1966-1972*. *Journal of African History*, 50 (1), pp. 84.

10. For details, see Leith, J. Clark and Soderling, Ludvig (2003). *Ghana: Long Term Growth, Atrophy, and Stunted Recovery*. *Nordic Africa Institute, Uppsala* (pp. 22-25). The NLC also reduced government spending by reducing the capital budget and negotiated re-scheduling of short-term government debts. Despite the government's use of exchange and import-licensing controls, Ghana's foreign exchange reserve was rapidly depleting. This resulted in negative net foreign assets in the country's monetary system by the end of 1996.

among urban-based groups<sup>11</sup> This crisis provided a pretext for another coup by the Ghana Armed Forces in 1972, leading to the new National Redemption Council (later reconstituted as the Supreme Military Council) government.<sup>12</sup> The country's political evolution continued when a ten-member Armed Forces Revolutionary Council (AFRC) consisting of junior officers led by Flight Lieutenant Jerry Rawlings overthrew the SMC government in 1979, and returned Ghana to civilian rule under the Peoples National Party (PNP) government of Hilla Liman. Nonetheless, the PNP government failed to address the deteriorating economic conditions and widening gap between the rich and the poor leading Rawlings and his associates to launch another coup that overthrew Liman in 1981.<sup>13</sup> The officers established the Provisional National Defence Council (PNDC) government, dismissed the constitution, dissolved parliament, and banned political parties.

The democratic struggle intensified in the 1980s when pro-democracy forces, including the Ghana Bar Association and the National Union of Ghana Students, demanded greater political freedom from the PNDC government.<sup>14</sup> The PNDC, however, resisted these demands by mobilizing the support of alternative, albeit politically weak, groups such as the Ghana Private Road Transport Union (GPRTU) and the 31st December Women's Movement. Conversely, the creation of the Movement for Freedom and Justice (MFJ), an umbrella group of pro-democracy forces, created a common platform for the pro-democracy agenda and compelled the government to initiate the process of democratization in 1991.<sup>15</sup> The democratic transition included the adoption of a liberal democratic constitution, followed by multi-party elections in 1992 and the emergence of a new political dispensation.<sup>16</sup>

11. Ibid, (pp. 27). See also Coffey International (2011). Political Economy of Ghana and Thematic Strategy Development for STAR-Ghana. Inception Report for Dfid STAR-Ghana, (pp. A 3.1 1-14) and Aryeetey, Ernest et al. Economic Reforms in Ghana: The Miracle and the Mirage. Africa World Press, Inc, Trenton, NJ and Asmara, 2000, (pp. 34)

12. Aryeetey et al, 2000, (pp. 34). In particular, '[t]he significance of the...austerity measures lay largely in the fact that [coup leader Lieutenant-Colonel Kutu] Acheampong knew he could now appeal to the wider resentment in the officer corps over reductions in their amenities and allowances.'

13. For full treatment, see Hansen, Emmanuel and Collins, Paul (1980). The Army, the State, and the 'Rawlings Revolution' in Ghana African Affairs, 79 (314), (pp. 3-23).

14. Gyimah-Boadi, Emmanuel (1997). Civil Society in Africa: The Good, the Bad, the Ugly. CIVNET, 1(1)

15. It is worth noting also that external pressure played a role in the PNDC's return of Ghana to multiparty democracy. At the time when 'good governance' was increasingly assuming importance on the international development agenda and traditional donors were no longer preoccupied with the demands of the Cold War, Rawlings and the PNDC were compelled by donors to liberalize Ghana's political system in exchange for badly needed development assistance.

16. For details, see Gyimah-Boadi, Emmanuel (1991). Notes on Ghana's Current Transition

Since 1992, Ghana has made significant advances in democratic governance. The country is highly regarded for its relative stability and democratic culture in a rather violent and unstable West African sub-region. Aside from a vibrant media and an increasingly assertive civil society, Ghana's democratic progress is evidenced by two decades of uninterrupted civilian rule, five successive multi-party elections without large-scale violence, and peaceful alternation of power between the two main political parties – the centre-right New Patriotic Party (NPP) currently led by Nana Addo Dankwa Akufo-Addo, and the center-left National Democratic Congress (NDC) led by incumbent President John Dramani Mahama<sup>17</sup> – in 2001 and 2009.<sup>18</sup> The two main political parties have dominated the Ghanaian political landscape throughout the Fourth Republic.<sup>19</sup> A third party, the Convention Peoples Party (CPP) led by Foster Abu Sakara, promotes Kwame Nkrumah's ideas of self-reliance and social justice but has consistently performed poorly in presidential and parliamentary elections.<sup>20</sup> Other smaller parties including the People's National Convention (PNC) and the Progressive Peoples Party (PPP) led by Paa Kwesi Nduom lack the requisite national reach to meaningfully impact elections and national policy.<sup>21</sup>

Despite their ideological differences, both the NDC and the NPP are practically identifiable by their ethnic character rather than their public policies. The NPP is perceived as an Akan (particularly Ashanti and Akyem)-based party as it is dominated by Akan elites and draws strong support from Ashantis and Akyems in the Ashanti and Eastern Regions, as well as Akan-speaking areas.<sup>22</sup> The NDC, in contrast, is

to Constitutional Rule. Africa Today, 38 (4); Hawley, Edward (ed.) (1991). Ghana: The Process of Political and Economic Change 1991-1992. Africa Today, 38(4).

17. The NDC was led by President John Atta-Mills, who passed away during the process of finalizing this case study in July 2012.

18. Nonetheless, Ghana narrowly avoided a major political crisis in early 2009 when then-ruling New Patriotic Party flirted with the idea of contesting the NDC's narrow victory.

19. The two parties currently control 221 of the 228 seats in parliament. Nonetheless, support for both parties is nearly evenly split, as evidenced by the less than 41,000 votes that decided the presidential election in December 2008. See Electoral Commission of Ghana (2008), 2008 Presidential Results Summary, at <http://www.ec.gov.gh/page.php?page=395&section=51&typ=1> (Accessed 18 June 2012). In the second round of the presidential election, Atta Mills received 4,521,031 while Akufo-Addo of the NPP received 4,480,446.

20. See Electoral Commission of Ghana (2008), 2008 Presidential Results Summary, at <http://www.ec.gov.gh/page.php?page=395&section=51&typ=1> (Accessed 18 June 2012); Electoral Commission of Ghana (2004), '2004 Presidential Results Data Sheet' at <http://www.ec.gov.gh/assets/file/2004PresidentialResults.pdf> (Accessed 18 June 2012). For instance, the CPP's presidential candidate Paa Kwesi Nduom received 1.34 percent of the vote in December 2008 while the party won only 1 parliamentary seat. The 2004 presidential candidate George Aggudey received 0.99 percent of the vote

21. The PPP was only launched in 2012 after an internal feud among the leadership of the CPP. Nonetheless, smaller parties are largely invisible to the Ghanaian electoral and mostly disappear from the political scene after an election period, only to resurface a few months before elections.

22. See Electoral Commission of Ghana, Presidential Results; Parliamentary Results In the 2008

overwhelmingly supported by Ewes in the Volta Region and does not have much support in Akan/Ashanti-dominated areas.<sup>23</sup> Maintaining these ties often translates into sustaining political representation. For example, having fared poorly in the Volta Region in the 2000 and 2004 elections, the NPP government of John Agyekum Kufuor, an Ashanti, is perceived to have marginalized Ewes by appointing Ashantis and other Akans to nearly 70 percent of ministerial positions.<sup>24</sup> To be sure, as votes in the Ashanti and Volta Regions alone are not sufficient to win presidential elections, both the NDC and the NPP must rely on other regions that are home to considerable numbers of non-Ewes and non-Akans.

Ghana adopted a highly centralized political economy from colonial rulers and successive post-1992 governments. The civil service was expanded and the Ghanaian state deepened its involvement in economic life including in banking, transportation and public utilities.<sup>25</sup> Underlying the expansion was the inability of the weak Ghanaian private sector, at the time of independence, to provide and sustain the capital investment and the managerial and administrative skills necessary to satisfy the popular desire for economic prosperity entrenched by egalitarian promises by nationalist leaders. This led the emergent ruling elite under Kwame Nkrumah to subscribe to the idea of state-led development.<sup>26</sup> Heavy taxation of earnings generated by export of Ghana's main cash crop, cocoa, through the Cocoa Marketing Board (CMB) and imposition of high export duties were thus considered necessary to meet the demands of national development.<sup>27</sup> Reflecting their belief in this ideology was an expansion of the Ghanaian public sector, including the creation of more than 40 state-owned enterprises by 1963, and the adoption of the Preventive Detention Act, the 1960 Constitution, and other laws that vested enormous

power and control over resources in the state.<sup>28</sup> Through the mid 1970s and 1980s, state involvement in economic life remained strong.<sup>29</sup>

The expansion of the Ghanaian state offered considerable political advantage in that it provided 'jobs for the boys' and placated, for instance, Nkrumah's most active political constituency, namely the vast number of educated and semi-educated Ghanaians who had completed university.<sup>30</sup> Nkrumah's policies created a large public working class that morphed into a powerful trade movement with a vested interest in maintaining the status quo. Likewise, despite their neo-liberal leanings and introduction of austerity measures, both the NLC and Busia governments maintained the Ghanaian state's domination of the economy by failing to dismantle SOEs built by Nkrumah.<sup>31</sup> In doing so, the Busia government in particular preserved an opportunity for the distribution of patronage.

### Formal and Informal Institutions and Prevalent Norms of Behaviour in Ghana

Today, the Ghanaian state remains a major player in economic life and the political economy continues to favour the political elite in that productive resources such as government contracts, loans, grants, business permits, import licenses, scholarships, development funds, property rights, jobs, and other public goods are concentrated in the state with little chance for oversight and effective enforcement of checks and balances regarding how these are distributed in practice.<sup>32</sup> While the 1992 Constitution represented an important step forward in democratic consolidation, significant gaps remain. Indeed, the Ghanaian political system exhibits serious structural weaknesses that have long encouraged

elections. <http://www.ec.gov.gh/page.php?page=395&section=51&typ=1>; <http://www.ec.gov.gh/page.php?page=395&section=51&typ=1&subs=400>

23. Ibid.

24. Langer, Arnim. (2007). *The Peaceful Management of Horizontal Inequalities in Ghana*. CRISE Working Paper No. 25, University of Oxford Department of International Development, London, (pp. 16-18)

25. This is evidenced by the creation of a series of state-own companies including the Electricity Company of Ghana (ECG), Ghana Water Company, Ghana Commercial Bank, Ghana Telecom, Ghana Post, State Transport Corporation, and among others.

26. Arguing that Ghanaian private capital could not provide and sustain the investments needed for national development, and that state-owned enterprises were needed to compete with foreign multinational corporations that had dominated the Ghanaian economy, the Nkrumah government pushed through parliament 1959 Statutory Corporation Act. The Act allowed the government to establish state-owned enterprises without recourse to parliament.

27. Coffey International (2011), op. cit

28. Ibid. The value of the public sector reached 25 percent of Ghana's GDP by the mid 1960s, and its share of employment was even higher. The PDA and other laws that not only abolished power-sharing arrangements between the central government in Accra and regional assemblies, but also transferred control of and interests in 'stool' lands from traditional chiefs to the government.

29. For instance, not only did the National Liberation Movement (NLC) government (1966-1969) fail to privatize or dismantle State Owned Enterprises (SOEs) established by Nkrumah, but the Progress Party (PP) government of Kofi Abrefa Busia (1969-1972) elected to retain a large number of them, thereby preserving an extensive network of patronage. Attempts by the NLC to private SOEs elicited a political storm. It is worth noting also, that the Busia government implemented austerity measures that sought to reduce the public sector wage bill by, for instance, abolishing vehicle maintenance allowance for civil servants and army officers and cutting budgetary allocations to the military.

30. See Aryeetey, Ernest et al (2000). *Economic Reforms in Ghana: The Miracle & the Mirage*. Trenton, NJ and Asmara: Africa World Press, pp. 34.

31. Ibid

32. Coffey International (2011), op. cit

corruption and patronage politics, weakened public institutions, and constrained good governance.<sup>33</sup> Although the Constitution provides for separation of powers under a hybrid presidential-parliamentary system, this arrangement has not been respected.<sup>34</sup> With near-complete concentration of power and resources in the Executive, presidential discretion is expansive and poorly regulated at best. The extent of presidential discretion is such that it penetrates all levels of governance in the country, with the president having the power to directly appoint 4,050 individuals, including chief executives of the 110 district assemblies and 30 percent of the members of local assemblies.<sup>35</sup>

Presidential patronage is thus perceived to be a norm of governance, as public contracts and official positions are frequently awarded to party loyalists and close associates.<sup>36</sup> Consequently, such discretion has also led to the politicization of the bureaucracy, often evidenced in the dismissal of civil servants and officers in the country's security apparatus upon the transfer of power from one party to another.<sup>37</sup> Furthermore, an excessively powerful presidency "has left the capture of the executive branch/ presidency the overwhelmingly dominant objective of multiparty competition," a situation that has only been intensified by the recent discovery of off-shore oil reserves in Ghana.<sup>38</sup>

Significantly, an excessively powerful executive has seriously weakened the ability of Ghana's unicameral legislature to provide effective oversight over government business. Parliamentarians, often the beneficiaries of presidential patronage via ministerial and deputy ministerial appointments show minimal interest in closely scrutinizing the executive agenda<sup>39</sup> The legislature lacks

the authority to initiate bills and is dependent on the executive for resources. It is plagued by many logistical constraints, including little or no access to research and inadequate office space and meeting rooms. As such, it has served more as a "talking shop" with little ability to meaningfully contribute to serious issues of public policy.<sup>40</sup> Indeed, many MPs appear to have little knowledge of parliamentary democracy or their duties in the governance system.<sup>41</sup> Further exacerbating this situation is the limited oversight role that non-governmental actors have played until relatively recently. An access to information bill has been collecting dust for more than eight years and both government and non-governmental experts interviewed in the field believe there is little likelihood that access to information legislation will be adopted in the coming years, not least because access to information would allow for more scrutiny of personal assets.<sup>42</sup>

The Ghanaian judiciary is generally referred to as independent of political influence. Notwithstanding, it exhibits some structural weaknesses, including slow and expensive processes, poorly paid judges and court personnel, inadequate facilities and weak capacity, especially with regard to responding to emerging challenges such as drug trafficking, money laundering, and environmental and electronic crimes. More importantly, the judicial system has long been plagued by corruption: a number of judgments in drug trafficking-related cases in recent years have raised serious questions about its independence from criminal influence and professionalism.<sup>43</sup>

The framework governing Ghana's political processes offers limited channels for active participation of the political opposition in governance beyond participation in and membership of, parliamentary committees. Political elites consolidate their power and influence by ensuring that benefits of status are extended to their family, clan

33. Throup, David W (2011). Ghana: Risks to Stability. Centre for Strategic and International Studies, Washington, DC, (pp. 4) at [http://csis.org/files/publication/110623\\_Throup\\_Ghana\\_Web.pdf](http://csis.org/files/publication/110623_Throup_Ghana_Web.pdf), (Accessed January 20 2012)

34. See Abdulai, Abdul Garafu (2009). Political Context-Study – Ghana. University of Leeds, United Kingdom Available at <http://www.polis.leeds.ac.uk/assets/files/research/research-projects/abdulai-ghana-political-context-study-jan09.pdf>, (Accessed January 20 2012)

35. Throup (2011), op. cit.

36. Ibid; Ghana Centre for Democratic Development (2009) 'Annual Report' Ghana Centre for Democratic Development, Accra, (pp. 5-6)

37. See for example, Aning, Emmanuel. K. (2011). 'Security and Crime Management in the wake of the Discovery and Exploration of Oil & Gas in Ghana.' Paper Delivered at International Conference on 'Oil Curse Avoidance in Ghana' at Capital View Hotel, Koforidua, 24 – 27 November 2011; Throup (2011), op. cit

38. Fride

39. Tsekpo, Anthony and Hudson, Alan (2009), Parliamentary Strengthening and the Paris Principles: Ghana Case Study. Overseas Development Institute and Parliamentary Centre, London, (pp. 11).

40. Ibid. Not only is the Ghanaian parliament is dependent on the executive for resources, but also its budget is limited by the constitution

41. Throup (2011), op. cit

42. While asset declaration is a legal requirement, public access to these documents, if and when submitted, is not.

43. Aning, Kwesi (2007). Are there Emerging West Africa Criminal Networks? The Case of Ghana. Global Crime, 8(3), (pp. 199); Reed, Quentin (2009). Squeezing a Balloon? Challenging the Nexus Between Organized Crime and Corruption. U4 Anti-Corruption Resource Center, U4, Issue, No. 7., (pp. 22) For instance, in 2004, Ghanaian police arrested an international drug smuggling gang with 675 kg of cocaine (with a street value of USD140 million). The suspects were released on bail of just USD 2,000.



and community over generations. This form of neo-patrimonial governance requires continuous access to power and resources, and therefore longevity in office. Political power thus serves as an instrument for personal, familial, and communal advancement. Hence, politicians and state agents tend to take advantage of public institutions and public policy insofar as it inures to their personal, familial, or communal advancement.

Ghanaian political life and governance are characterized by a deeply entrenched culture of patronage and clientelism. The country's winner-take-all politics has created an elaborate network of political patronage in which party loyalists and supporters are rewarded for their allegiance.<sup>44</sup> Patron-client relationships are particularly relied upon by parliamentarians and municipal and district political appointees in maintaining power, notwithstanding ongoing efforts to decentralize governance.<sup>45</sup> The strength of these relationships is such that there are times when formal rules are mostly disregarded; informal ties are more important than formal ones, creating opportunities for corruption and even organized crime. Bureaucracies run in parallel to patronage networks that fuel corruption and undermine administrative transparency and accountability. Despite anti-corruption efforts, petty and grand corruption is endemic in Ghana's civil service and among sections of its political elite.<sup>46</sup>

## Regional Context

Ghana's location in the West African sub-region also comes with its own series of challenges. It lies amidst a grouping of countries in which the legacy of civil wars, external interference, or political and economic mismanagement have led to diminished human capital, social infrastructure, and productive national development assets. Ghana is not immune to these dangers: it faces its own socio-economic challenges, the most notable of which are deep

developmental inequalities between the north and the south.<sup>47</sup> Despite strong economic growth in recent years, rising income inequality, poverty and unemployment – particularly among the youth – and underemployment in the informal sector remain a serious challenge.<sup>48</sup> The Ghanaian economy has failed to keep pace with the expanding youthful and working-age population, with most graduates migrating from rural to urban areas, and large numbers moving from the north to the relatively developed south – unable to find work.<sup>49</sup> Other long-term challenges are major infrastructural shortcomings, particularly in energy and water.

Many of these challenges are slowly being overcome, with countries across the region enjoying transitions to, and consolidation of, democratic rule in addition to positive economic growth. Yet, at the same time, new threats have emerged, compounding existing political and security challenges in West Africa. These threats include small arms proliferation, drug trafficking, and increasingly, drug consumption, as well as broader organized criminal activity such as human trafficking, illicit logging, illicit capture of resources, arms trafficking, cyber crime, piracy, money-laundering, and terrorism.

Ghana has remained largely resilient to the political and ethnic violence that has mired some of its neighbors over the past decade. Indeed it continues to be regarded as one of the countries in the region where democracy has taken deepest root; and more recently is experiencing high levels of economic growth. Despite these advances, Ghana appears to be exhibiting signs of vulnerability to the same organized criminal activity – such as drug trafficking, money-laundering, and electronic crime – as its less democratic and more conflict-prone neighbors, though unlike some of its regional neighbors, its territorial integrity has not been threatened by enclaves of non-state governance fuelled by criminal activity. The implication

44. Interview with civil society representative, Accra, May 2012

45. Patronage practices include politicians and state bureaucrats assisting their kinsmen or supporters to find jobs, places to stay, or contracts; paying their school, wedding, funeral, or utility expenses; distributing cutlasses and other farming equipments; distributing 'chop money' for daily subsistence; or providing personal assistance in dealing with government authorities such as the police, courts, school principals, local government officials, etc.

46. The 2009 Transparency International Corruption Perception Index identified Ghana as among the countries while high-profile corruption scandals that could undermine good governance and political stability. See Transparency International (2009) Corruption Perception Index 2009: Regional Highlights, Sub-Saharan Africa. Transparency International, Berlin. Corruption in the Ghanaian civil service has been largely attributed to poor conditions of public service, as acknowledged by the government of Ghana in its 2003-2005 Poverty Reduction Strategy

47. See Langer, (2007). The Peaceful Management of Horizontal Inequalities in Ghana, (pp. 8-10). Underlying the North-South divide is combination of factors, including the geographic concentration of most productive agricultural resources such as fertile farmlands and natural resources in the south. See also World Bank (2007). 'Ghana Meeting the Challenge of Accelerated and Shared Growth, Country Economic Memorandum'. World Bank Group, Washington, DC.

48. Ibid

49. Sackey, Harry and Barfour, Osei (2005). Human Resource Underutilization in an Era of Poverty Reduction: An Analysis of Unemployment and Underemployment in Ghana, African Development Bank Review, 18(2), 221-247; Aning, Kwesi and Atta-Asamoah, Andrews. 'Demography, Environment and Conflicts in West Africa' in Jaye, Thomas, Garuba, Dauda and Amadi, Stella (Eds). ECOWAS and the Dynamics of Conflict and Peace-building. CODESRIA, Dakar, 2011

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of senior politicians, law enforcement officers and civil servants in much of this activity, particularly the drug trade does however suggest that organized, transnational criminal activity may be becoming intertwined with domestic patronage systems. This is the pattern that – in countries such as Italy and Colombia – has given rise to entrenched criminal mafias. These challenges, which are not so obvious to detect and surmount as the more obvious signs of governance failure in some of its more conflict-prone neighbours, are nonetheless increasingly seen by Ghanaians as a significant threat to governance and to Ghana’s longer-term development.<sup>50</sup>

50. Interviews with a range of actors in Ghana, May 2012

## II. The Nature and Scope of Organized Crime in Ghana

Of the types of organized criminal activity observed in Ghana today, drug trafficking continues to be the most significant. It is also the organized criminal activity that interacts most with Ghana’s political processes and state actors.<sup>51</sup> The following section provides insights into these activities, while also highlighting signs of other emerging forms of organized criminal activities such as money laundering, illegal mining, electronic and environmental crime, arms manufacturing and trafficking, and human trafficking.

### Drug Trafficking

Interviews with Ghanaian law enforcement, judicial personnel, medical professionals and social workers, political, and civil society actors for the purpose of this study confirmed that the smuggling of illicit drugs represents the main form of organized criminal activity in Ghana, and is nurtured by endemic public sector corruption. This confirms pre-existing observations of Ghana’s position as a key transit point for cocaine from Latin America and heroin from South and Southeast Asia en route to Europe, North America, and other destinations for the past thirty years.<sup>52</sup> Marijuana – which is grown across much of Ghana – is also trafficked to Europe and North America. Interviewees also pointed out that beyond being a transit country, consumption of hard drugs is on the rise in Ghana, and not just among the wealthy. While baseline data on drug consumption is still largely non-existent, a quick visit to some of the areas where small-time peddlers and addicts congregate revealed that crack cocaine and even heroin are also being consumed. The Ghanaian health system is currently not equipped to respond to these challenges and receives very limited state resources to support victims who are often stigmatized by their families and traditional support networks. At the same time, law enforcement officials noted with concern

51. Aning, Kwesi. ‘African Domestic and Cross-border challenges’ in Chester A. Crocker, Fen Osler Hampson, and Aall, Pamela, (Eds.). *Rewiring Regional Security in a Fragmented World*. United States Institute of Peace, Washington, DC, 2011

52. Aning, (2007), op cit.; Bureau for International Narcotics and Law Enforcement Affairs (2005). *International Narcotics Control Strategy Report*. Bureau for International Narcotics and Law Enforcement Affairs, Washington, DC.

the potential increases in crime and violence that could be propelled by market trends.

While dominated by Nigerians and other external players, notably from South America, the drug business has always counted on the involvement of Ghanaians and benefitted from weaknesses in governance, particularly high levels of corruption, a weak system of checks and balances, and as with states across the globe, limited capacity to identify and respond to emerging challenges. Over the past decade, the West African sub-region has become a key transit and re-packaging point for cocaine from Latin America en route to North American and European markets. The emergence of transnational criminal activity in Ghana can be situated in the 1980s, and the combined effects of massive state corruption, economic mismanagement, ill-conceived and poorly implemented structural adjustment policies, and related political crises. Those processes must, in turn, be understood in regional context. State decline and its resulting impact were particularly pronounced in Nigeria, not least because of the extent of corruption in its public sector as well as its size and population.<sup>53</sup> These difficult socio-economic conditions compelled Nigerians, Ghanaians, and other West Africans to look for criminal means of survival, including cultivation and export of cannabis in the face of increasing demand in Europe.<sup>54</sup> The implementation of draconian anti-drug measures, including introduction of the death penalty for drug trafficking in 1984 by Nigeria's then-military government, created a balloon effect, shifting emphasis to Ghana and an increase in the involvement of Ghanaians as couriers and intermediaries.<sup>55</sup> In the case of Ghana, economic difficulties in the 1990s – exemplified by high interest rates, collapse of the manufacturing sector, fluctuations in the value of the national currency (the Cedi) and the collapse of local businesses – served as a driver for more Ghanaians to turn to drug trafficking and other forms of organized crime and

to develop their own niche in these markets.<sup>56</sup> Between 1991 and 1995, more than 230 Ghanaians were arrested for drug offences in other countries; 42 were convicted and sentenced to various prison terms in Thailand, and 60 were awaiting trial in 1992 alone<sup>57</sup>

International drug smuggling gangs have since established stronger operational footholds in Ghana, with Ghanaian and Nigerian criminals overseeing well-developed distribution chains in the country. The Kotoka International Airport (KIA) in Accra, the Tema and Sekondi ports, and the Aflao, Elubo, and Sampa border posts located at the Togolese and Ivorian borders, respectively, are used to transit drugs into and throughout the country.<sup>58</sup> Cocaine is often smuggled via deep sea and in order to avoid entry via the major ports is then transported to coastal towns by local fishermen.<sup>59</sup> Heroin is also trafficked into Ghana and other West African countries through East Africa by land or via the southern cone. Traffickers or their local affiliates wait for the drugs in villages and transport them to urban areas, particularly the capital city Accra, for re-packing and shipment to the US, Europe, and other destinations.<sup>60</sup> The drugs are often hidden in containers or air cargos, although large consignments are divided into small quantities and given to couriers travelling through the Kotoka International Airport. Couriers or 'mules' generally swallow the drugs or conceal them in their luggage, hair, or other parts of their bodies.<sup>61</sup> The periodic arrest of Ghanaians in the U.S., Europe, and West Africa is indicative of the use of this method as is their periodic death, often provoked by the explosion of cocaine capsules in their intestines.<sup>62</sup> Nigerians are also involved in smuggling cocaine and heroin into Kumasi, Ghana's second biggest city, via road from Gambia and neighbouring Côte d'Ivoire through the towns in the Brong-Ahafo and Ashanti regions.<sup>63</sup> According to law enforcement officials interviewed, upon

53. Shaw, Mark (2001). Towards an Understanding of West African Criminal Networks. *African Security Review*, 10(4), (pp. 4)

54. Ellis, Stephen (2009). West Africa's International Drug Trade. *African Affairs*, 108(431), 171-196; United Nations Office for Drugs and Crime (2005). *Transnational Organized Crime in the West African Region*. United Nations Office for Drugs and Crime, New York, (pp. 4-6); Akyeampong, Emmanuel (2005). *Diaspora and Drug Trafficking in West Africa: A Case Study of Ghana*. *African Affairs*, 104(416), (pp. 435). Akyeampong cites reports that indicated that, '...as an income earner, cannabis was rated 50:1 against groundnut cultivation in Senegal, and 300:1 against cocoa cultivation in the Ivory Coast...[F]rom the 1980s about 50 percent of domestic production of cannabis in Ghana was destined for the export market.'

55. Bernstein, Henry (1999), Ghana's Drug Economy: some Preliminary Data, *Review of African Political Economy*, 26:79, pp. 20.

56. Akyeampong (2005), pp. 438

57. Ibid

58. Aning (2007), op cit.; US Bureau for International Narcotics and Law Enforcement Affairs (2005), op cit.

59. Interview with law enforcement official, Accra, April 2012. The official noted that the contracted fishermen or villagers often might not know what the drugs are.

60. Ibid, interview

61. Ibid, interview

62. Ibid; GhanaWeb, Ghanaian Busted in the UK for Cocaine, January 6, 2012, at <http://www.ghanaweb.com/GhanaHomePage/NewsArchive/artikel.php?ID=227074> (Accessed June 4, 2012); Perez, Evan. US Charges Nine in Africa Drug Traffic, *Wall Street Journal*, June 2, 2012. Available at <http://online.wsj.com/article/SB10001424052748704875604575280723641554624.html>. (Accessed June 4, 2012)

63. Interview with law enforcement official, Kumasi, April 2012.

arrival, local kingpins or barons distribute the drugs to sell in local markets.<sup>64</sup>

Several shipments of large consignments of cocaine have been intercepted in Ghana since 2003. Most 'known' seizures occurred in the middle of the past decade, but it is widely acknowledged that a significant amount of drugs still pass through Ghana.<sup>65</sup> In 2004, Ghanaian police arrested an international drug smuggling gang with 675 kilograms of cocaine with a street value of USD 140 million.<sup>66</sup> This was followed by the 2005 arrest of Eric Amoateng, a Member of Parliament for Ghana's then-ruling New Patriotic Party, in the US for conspiracy to transport and distribute heroin to the US.<sup>67</sup> Also in April 2006, a vessel - the MV Benjamin - carrying 77 parcels of cocaine arrived at dawn at the Tema Port. Acting on a tip that most likely came from within the security services, 76 of the 77 parcels were offloaded by local fishermen before being intercepted. In 2011, 42 drug trafficking cases were registered, hardly different from the 43 cases registered in 2010.<sup>68</sup> Based on the 2011 cases, some 66 arrests were made, implicating 29 Ghanaians, 15 Nigerians, 2 Beninois, 2 Singaporeans, 2 Ghanaian-Americans, 1 Ghanaian-Canadian, and 1 Ugandan.<sup>69</sup> In addition, anti-narcotics officials at the Tema Port seized three containers carrying hard drugs from Brazil, Ecuador, and Panama (via the US), while police in Kumasi recently intercepted a vehicle that had passed through the Brong-Ahafo region with an unspecified amount of cocaine.<sup>70</sup>

The drug trade poses serious challenges to political governance in Ghana. The lack of robust accountability mechanisms, particularly regarding the executive, the legislature, and political parties means that acquiescence or even involvement in the trade can become an irresistible source of funding, particularly at a time when

it is becoming more difficult to siphon off state resources through traditional patronage arrangements.<sup>71</sup> The degree to which drug-related accusations have permeated public discourse is alarming, with political parties routinely accusing each other of colluding with drug barons or cartels to buy political capital ahead of, during, and between elections.<sup>72</sup> In the absence of campaign financing and related regulation, such accusations do little to enhance the legitimacy of Ghana's political elite and destabilize existing governance arrangements.<sup>73</sup> The influx of drug money in the context of weak and corrupt institutions, porous borders, high youth unemployment, scarce economic opportunities, and poorly paid security officials is threatening to criminalize Ghanaian society and further undermine governance and the rule of law.<sup>74</sup> Criminal finance mixes with political strategy: drug (and other organized crime)-related illicit monies are frequently used to feed patronage machines, injecting much-needed funds into under-developed areas where formal government structures have been largely absent and where traditional patronage systems are prevalent.<sup>75</sup>

This is perhaps best exemplified by the arrest and subsequent sentencing of Eric Amoateng, a former Member of Parliament and traditional chief for the Nkoranza South District in November 2005 by US law enforcement officials for his involvement in drug trafficking. Subsequent public inquiries into this case revealed deep penetration of Ghana's political elite by drug trafficking networks. Amoateng, a former school teacher, and an accomplice, Nii Okai Adjei, were arrested in November 2005 in New York by US Immigration and Customs Enforcement (ICE) officials for possessing 136.4 pounds of heroin with a street value of more than USD 6 million. The drugs were concealed in '...a cargo shipment consisting of seven crates [that] arrived at Newark International Airport in Newark, New Jersey, from Great Britain...'<sup>76</sup> Both Amoateng and Okai Adjei were

64. Ibid, interview. The official noted that drugs smuggled into Kumasi are for internal consumption, with people from neighbouring towns such as Konongo and Offinso buying from local markets in the city. One 'wrap' of cocaine currently has a street value in Kumasi of one Cedi.

65. See Congressional Research Service (2009). *Illegal Drug Trade in Africa: Trends and US Policy*. Congressional Research Service, Washington, DC; Congressional Research Service (2010). *Ghana, an Emergent Oil Producer: Background and U.S. Relations*. Congressional Research Service, Washington DC, (pp. 29); and United Nations Office for Drugs and Crime, *UNODC Training Leads to Drug Seizure at Ghanaian Port*, Vienna, May 22, 2009. Available at <http://www.unodc.org/unodc/en/press/releases/2009/May/2009-22-05.html> (Accessed May 20, 2012)

66. Aning (2007), op cit

67. Aning (2009), op cit.

68. Interview with law enforcement official, Accra, April 2012, op cit.

69. Ibid, interview.

70. Interview with law enforcement official, April 2012; Interview with law enforcement official, Kumasi, April 2012, op. cit

71. Interview with civil society representative, Accra, May 2012, op cit.

72. Aning, Kwesi. 'West Africa's Security Dilemmas: State Fragility, Narco-terrorism and Oil politics' in *Africa South of the Sahara*. Routledge, London, 2012.

73. Aning, (2009), (pp. 5). In November 2005 Eric Amoateng, an MP for Ghana's then-ruling New Patriotic Party, was arrested by US law enforcement officials for conspiracy to transport and distribute USD6 million worth of heroine to the US. See also BBC News, *Drug Money 'Tainting Ghana Poll'*, 28 October 2008. Available at <http://news.bbc.co.uk/2/hi/africa/7695981.stm> (Accessed May 20, 2012)

74. Throup (2011), (pp. 11-12), op cit; Aning & Atta-Asamoah, op cit.

75. Interviews with villagers, law enforcement officials, and traditional leaders, Nkoranza and Busunya, April 2012

76. United States against Amoateng and Nii Okai Adjei, copy of charge sheet in author's possession

charged with conspiracy to distribute heroin in the US and arraigned before New York District Court in Brooklyn, New York. Following a plea bargain in March 2007 Amoateng was sentenced to a minimal prison term of '120 months, with five years' supervised release...' in a US district court in Brooklyn, New York<sup>77</sup>. He is currently serving his term at the Metropolitan Detention Centre in Brooklyn, New York.

The scandal prompted an investigation by Ghanaian law enforcement officials (supported by U.K. and U.S. law enforcement officials) into former Minister of Energy Albert Kan Dapaah on the grounds of his possible complicity via a charity organization run by him – the Kan Dapaah Foundation - in MP Amoateng's heroin trafficking venture. Investigators with the Ghanaian Narcotics Control Board (NACOB) discovered that a person called George Owusu, who facilitated shipment of ceramics to the United States on behalf of Amoateng, had also shipped ceramics from the United States to the Kan Dapaah Foundation in Ghana.<sup>78</sup> The minister had established the Foundation, to provide education to poor students in his constituency. Although the minister admitted to receiving donations of ceramics and clothing from Owusu, he denied knowledge or involvement in the drug trafficking business. However, it is still broadly perceived that drug money was being laundered through the Foundation.<sup>79</sup> Following questioning by NACOB investigators in the Amoateng case, Dapaah was appointed Minister of the Interior in a sudden ministerial reshuffle by then-President John Agyekum Kufuor, effectively stalling and discontinuing the investigation.<sup>80</sup> This was significant in that the Ministry of the Interior supervises NACOB. Also, several of the trained NACOB personnel implicated in the case were either dismissed or transferred to other positions and posts.<sup>81</sup>

Even more significant was a vigorous and sustained effort by Amoateng's political party, the NPP, to prevent his removal from parliament. An MP's membership of parliament is brought into question if he or she misses more than five consecutive sittings without providing

77. United States of America vs Eric Amoateng, Transcript for Criminal Cause for Sentencing Before the Honorable David G. Trager, December 21, 2007. Copy in author's possession

78. GhanaWeb, Another NPP Big Fish in Drug Deal, March 9, 2003. Available at Interviews, Ghana, May 2012

79. Interviews with judicial and law enforcement officials, Accra, May 2012

80. Text of Paper Presented by John Mark Pokoo at Inter-Regional Dialogue on Organized Crime and State Capture, February 2011, Lima, Peru

81. Ibid

justifiable explanation to the Speaker of Parliament.<sup>82</sup> Although the then-minority NDC parliamentary caucus was willing to impeach Amoateng for violating this constitutional provision (due to his detention in the U.S.) and the resulting violation of the Standing Orders of Parliament, their counterparts in the then-majority NPP presented a different interpretation of the provision arguing that Amoateng could not be removed until proven guilty by a court of competent jurisdiction.<sup>83</sup> Amoateng's removal was delayed for sixteen months, after which a by-election was held and a new MP, also a member of the NPP, was elected.

A number of cases in which cocaine has either disappeared or been replaced with other substances with complicity of senior police personnel have also been reported. Specifically, in 2006, Ghanaian security and law enforcement officials received intelligence that a vessel called the MV Benjamin entering Ghanaian waters was carrying a shipment of cocaine. Despite the notification, the officials failed to seize the cocaine.<sup>84</sup> Seventy six parcels of a total of 77 cocaine parcels seized subsequently disappeared and the vessel was set ablaze.<sup>85</sup> Investigation by a government-instituted commission of inquiry headed by Chief Justice Georgina Woode implicated several individuals including three of the vessel's crewmembers as having aided the importers and owners of the consignment.<sup>86</sup> Significantly, the investigation also implicated the Ghana Police Service's Director of Operations, then-Assistant Commissioner of Police (ACP) Kofi Boakye, and Detective Sergeant Samuel Yaw Amoah of the Ghana Police Service.<sup>87</sup> In a secretly recorded conversation at his house, ACP Boakye bragged

82. Article 97 (1c) of the 1992 Constitution states that, 'A Member of Parliament shall vacate his seat in Parliament if he is absent, without the permission in writing of the Speaker and is unable to offer a reasonable explanation to the Parliamentary Committee on Privileges, from 15 sittings of a meeting of Parliament during any period that Parliament has been summoned to meet and continues to meet'

83. Aning (2007), pp. 203

84. Georgina Wood Committee Report, pp. 2. On 21 April 2006, the Narcotics Control Board was alerted of MV ADEDE 2 vessels carrying narcotics was moving into West African waters. NACOB was supplied with aerial photographs, after which it sought assistance from the Ghana Air Force and the Ghana Navy to track down the vessel. The Ghana Air Force conducted reconnaissance exercises in the hopes of locating the vessel without success. The vessel eventually arrived at the Tema harbour on 27 April 2006 with only 1 of the 77 parcels left on it.

85. Ibid, pp. 3. Between 2-3am on 26 April, two armed fishermen '...collected seventy-six sacks of cocaine from the BENJAMIN and conveyed the consignment to a landing site at KPONE. It was subsequently '...delivered to ASEM DARKEI SHERIFF and KWAK SEONG...who had them packed into a waiting vehicle and driven away to an unknown destination.'

86. Ibid, pp. 3-4

87. Report of Committee of Inquiry into the Police CID and NACOB Petition to the Chief Justice Over 'Washing Soda Cocaine', (pp. 4.). Available at <http://media.myjoyonline.com/docs/201201/FINAL%20REPORT%20OF%20THE%20COMMITTEE%20ON%20THE%20ISSUE%20OF%20COCAINE%20TURNING%20TO%20WASHING%20SODA.pdf> (Accessed May 29, 2012)

that he had raided the vessels with his men and stolen the cocaine.<sup>88</sup> The tape further revealed that ACP Boakye was asked to 'stay in the background and sort out' the owners of the drugs in the event that they proved difficult.<sup>89</sup> The Commission discovered from the tape 'other acts of corruption, abuse of office, professional misconduct and unsatisfactory service on the part of ACP Kofi Boakye' and recommended his arrest and prosecution.<sup>90</sup>

In response to the Commission's recommendations, the government of Ghana arrested and prosecuted some of the suspects. Some received sentences of up to fifteen years.<sup>91</sup> The most notable exception, however, was ACP Boakye; he was instead given leave, during which he studied at the Ghana Law School and later passed the Bar exam. The Deputy Director and Head of Operations of the Narcotics Control Board, Ben Ndego was also sent on leave. The Police Council, comprising of the Vice President, Minister of the Interior, Attorney General and Minister of Justice, and the Inspector of General of Police initiated an investigation into ACP Boakye's conduct, subsequently clearing him of wrongdoing. On its last day in office in January 2009, the outgoing NPP government under John Agyekum Kufuour ordered the Council to reinstate him with full benefits.<sup>92</sup> In the same year, however, and acting on the recommendation of a newly established Police Council under the chairmanship of the new vice president, the NDC government, under John Atta Mills, removed ACP Boakye from office again and indicated its intention to conduct a service enquiry into his involvement in the case.<sup>93</sup> In October 2009, ACP Boakye was nonetheless reinstated and appointed Director of the Police Education Unit.<sup>94</sup> He was subsequently promoted to the rank of Deputy Commissioner of Police (DCOP) and Director of Education at the Police Training School in Accra.<sup>95</sup> He has

88. Ibid

89. Ibid

90. Ibid, (pp. 5-6) The Commission also found that Detective Sergeant Amoah, who possessed important information that could have led to the immediate arrest of one of the traffickers, withheld such information in exchange for a bribe of USD 3,000.

91. Myjoyonline.com, 'Tagor, Abass Jailed 15 Years Each', September 14, 2011. Available at <http://edition.myjoyonline.com/pages/news/200711/10871.php>, (Accessed May 29, 2012).

92. Modern Ghana, 'Kofi Boakye Reinstated', 6 January 2009, at <http://www.modernghana.com/news/197584/1/kofi-boakye-reinstated.html>, (Accessed May 29, 2012)

93. Ghana Pundit, 'Police Council to Consider Kofi Boakye's Reinstatement', July 28, 2009, at <http://ghanapundit.blogspot.com/2009/07/police-council-to-consider-kofi-boakyes.html> (Accessed June 4, 2012). See also, Peacefmonline, 'Mills Probes Kofi Boakye', October 10, 2009, at <http://news.peacefmonline.com/news/200910/28779.php> (Accessed May 29, 2012)

94. Ghana Daily News, 'Kofi Boakye Heads Police Depot', October 9, 2009. Available at <http://www.ghanadailynews.com/1085/kofi-boakye-heads-police-depot/> (Accessed June 4, 2012)

95. Myjoyonline.com, 'Kofi Boakye Promoted to DCOP', January 16, 2012. Available at <http://edition.myjoyonline.com/pages/news/201201/79771.php> (Accessed June 4, 2012)

since been nominated to the position of Western Region Police Commander.<sup>96</sup> According to a leaked US diplomatic cable, former US Ambassador Pamela Bridgewater stated "it [was] unclear why Boakye was not charged, although some contacts have suggested that Boakye may have some incriminating information on other individuals, causing the Attorney General (Joe Ghartey) not to prosecute him."<sup>97</sup> A broad range of people interviewed for the purpose of this project noted that such decisions have only served to undermine the credibility of the Ghanaian police.

In response to many of these organized crime related challenges, Ghana has sought to increase and strengthen its capacity to respond to drug trafficking and fend off criminal influence over its rule of law institutions. Specifically, it has created the Narcotics Control Board (NACOB) with the mandate of protecting the country from being used as a transit point for drugs by way of coordinating anti-drug efforts among security and law enforcement institutions.<sup>98</sup> In 2010, the Ghanaian parliament passed the Economic and Organized Crime Act. The Act replaced the corrupt and dysfunctional Serious Fraud Office (SFO), renaming it the Economic and Organized Crime Office (EOCO), and broadened its mandate to include fighting organized crime, drug trafficking, and other serious crimes.<sup>99</sup> Parliament also passed the Money Laundering Act and established the Financial Intelligence Centre (FIC), mandated to collect, analyze, and report information on suspicious financial transactions.<sup>100</sup> After many years, the parliament is finally considering the Right to Information Bill, aimed at increasing transparency in governance institutions.<sup>101</sup> Additionally, Ghana has signed

96. The nomination was made on 1 April in line with a series of structural changes introduced by the new AG IGP Mr. Alhassan.

97. <http://www.ghanaweb.com/GhanaHomePage/NewsArchive/artikel.php?ID=218517> (Accessed June 4, 2012)

98. Narcotic Drugs (Control, Enforcement and Sanctions) Law (PNDC Law 236). Copy available at <http://ghanalegal.com/?id=3&law=538&t=ghana-laws> (Accessed May 17, 2012); Interview with law enforcement official, Accra, May 2012. The official noted that NACOB was not created to rival the Ghana Police Service but to coordinate anti-drug efforts. He noted further that the coordination element was evidenced by the appointment of KB Quantson, who had held several positions including as Director-General of the Criminal Investigations Department (CID) and as National Security Coordinator, as its head. Quantson understood different perspectives within the law enforcement community.

99. Economic and Organized Crime Act, 2010 (Act 804), pp. 5

100. See Sections 3, 4, 5, 6 and 7 of the Anti-Money Laundering Act, 2008 (Act 749). Copy available at <http://ghanalegal.com/?id=3&law=538&t=ghana-laws> (Accessed June 4, 2012)

101. Freedominfo.org, Ghanaian House Leader Says RTI Bill Be Approved, May 18, 2012. Available at <http://www.freedominfo.org/2012/05/ghanaiian-house-leader-says-rti-bill-be-approved/>, (Accessed May 22, 2012); see also Government of Ghana Official Portal, Right Information Bill to Pass in December – Majority Leader, May 17, 2012. Available at <http://www.ghana.gov.gh/index.php/news/general-news/12992-right-information-bill-to-passed-in-december-majority-leader>, (Accessed May 22, 2012). However, some civil society groups have criticized parliament for unduly

and ratified a series of regional and international anti-drug instruments, including the 1988 UN Drug Convention, the UN Convention against Transnational Organized Crime, the UN Convention against Corruption, and the AU Convention on Preventing and Combating Corruption, among others.

NACOB and other Ghanaian law enforcement agencies have collaborated with the US Drug Enforcement Agency (DEA), resulting in a considerable increase in seizure of cocaine and heroin passing through the country. Through the establishment of a 'vetted' Sensitive Investigative Units (SIUs), the DEA is also helping NACOB build integrity and resilience against corruption, and develop formidable investigative capacities within the unit to handle complex drug trafficking cases, particularly for cases in which drugs are being trafficked to the United States.

With the support of the UK's SOCA and the US DEA, in 2010 NACOB seized over 80 kg of heroin, over 220 kg of cocaine, over 3,000 kg of cannabis, and arrested some 47 individuals between January and October 2010; the Ghanaian police also made 286 arrests in the same period.<sup>102</sup> Likewise, a joint operation on passenger and cargo profiling between Ghanaian and British customs officials stationed at the Kotoka International Airport, known as Operation Westbridge, also increased interdiction and seizure of drug shipments through Ghana.<sup>103</sup> With US assistance, a body scanner to detect drug swallows and couriers has been installed at a climate-controlled room built by the US Africa Command at the airport. These efforts resulted in a decrease in the number of airport seizures, although both national and international security officials have stated that corruption at the airport is still rampant. The seizure in London's Heathrow Airport of approximately 1.5 tonnes of cannabis with a street value of GBP 4.3 million on an airplane from Ghana was a clear example of how significant the challenge is.<sup>104</sup>

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delaying passage of the bill

102. Ibid

103. Operation Westbridge is a joint project set by HM Revenue & Customs (HMRC) in conjunction with the Ghanaian narcotics authorities to catch drug smugglers using Accra airport as a gateway to the UK and other European countries. It was launched in November 2006 and HM Revenue & Customs (HMRC) officers give technical & operational expertise to the Ghanaian government.

104. <http://www.ghanabusinessnews.com/2012/09/27/biggest-cannabis-haul-valued-4-3m-flown-from-ghana-seized-in-uk/> (Accessed February 2012).

The US and the UK are also providing training and technical assistance to Ghanaian justice personnel on anti-money laundering techniques and prosecution of drug-related cases.<sup>105</sup>

Nonetheless, Ghana is struggling to stem drug trafficking. Most arrests in recent years have involved low-level drug peddlers, and less progress has been made in dismantling sophisticated trafficking networks and holding accountable those in public office that have enabled the operation of these networks. Interviews with NACOB and police personnel revealed that judges and police officers, including those based in smaller towns outside Accra, lack understanding of, and capacity to respond to, the drug situation. The police still lack the requisite skills or equipment for investigating and prosecuting drug cases, thereby leading to poor preparation for, and loss of, many drug-related cases.<sup>106</sup> Compounding this is a painstakingly slow legal process, as trials normally drag on for years with limited regard for the cost to the public purse.<sup>107</sup> Additionally, inter-agency coordination remains a serious challenge. Security and law enforcement agencies, including NACOB, the Narcotics Unit of the Ghana Police Service's Criminal Investigations Department (CID), the Bureau of National Investigations (BNI), the Ghana Navy, the Ghana Immigration Service, the EOCO, and CEPS, do not share information with each other and often present conflicting figures on drug-related arrests to the government and the public.<sup>108</sup>

NACOB itself is an umbrella body under the supervision of the Ministry of the Interior with staff seconded by member institutions. It is still under-resourced and under-staffed. Members can be re-assigned to other lowly portfolios and locations without recourse. The Board does not have the

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105. Ibid. For instance, the US Treasury has seconded an advisor at the Financial Intelligence Centre to assist it in training its staff on anti-money laundering. A legal advisor from the US Department of Justice also provides technical advice and assistance to the Ghanaian ministry of justice.

106. Ibid, interview. According to a Ghanaian security expert, the lack of expertise within the Ghana Police Service is such that officers prosecuting drug-related cases are often asked by judges to go back and properly prepare their cases. This has led to low prosecution and conviction rates, especially outside Accra.

107. Interview with law enforcement officials, Kumasi, April 2012. The officials noted that the legal process of a drug-related case often takes as long as five years, especially if the suspect hires a lawyer.

108. Bureau of International Narcotics and Law Enforcement Affairs (2011). 2011 International Narcotics Strategy Report. Bureau of International Narcotics and Law Enforcement Affairs, Washington, DC; Interview with Ghanaian journalist, Accra, April 2012. The journalist noted that NACOB often presents figures to government agencies, only to be contradicted by the GPS and the BNI). More importantly, although the police have had considerable success in gathering data, law enforcement officials generally rely on personal relations to gain access to information.

kind of autonomy and technical capacity that it requires to function effectively. For example, NACOB has not been able to finalize the process for confiscating Amoateng's assets though the law requires it.<sup>109</sup> Likewise, his accomplice has returned to Ghana after serving his sentence, while none of his assets have been confiscated.

## Money Laundering

Ghana is becoming an important regional financial center. At the same time however, it has also become an important hub for money laundering. Trade-based money laundering in particular is growing in importance, and is sometimes used to repatriate 'profit' and also for tax evasion or payment of lower customs duties and other taxes.<sup>110</sup> Informal financial activity continues to represent approximately 45 percent of the total Ghanaian economy and fiscal accountability mechanisms remain weak, rendering this form of money laundering extremely difficult to counter. Weak compliance systems (particularly regarding provision of standard documentation and fixed addresses) in Ghana make it easy to hide illicit monies. Fake addresses are easily provided when opening bank accounts, and easily corruptible compliance officers allow for funds to be transferred out of a bank swiftly when suspicion is raised.

Most of the money laundering in Ghana involves illicit funds stemming from narcotics, various forms of fraud, and public corruption. Its continuing position as an important transshipment point for cocaine and heroin transiting to Europe and the United States only serves to exacerbate this situation, with criminals laundering illicit proceeds "through investment in banking, insurance, real estate, automotive import, and general import businesses, and reportedly, donations to religious institutions."<sup>111</sup> Hundreds of suspicious bank accounts containing vast sums of monies transferred from various countries have been frozen over the past two years. Between January and early May 2012 alone, the Economic and Financial Crimes Court authorized the freezing of more than 250 bank accounts on suspicion of money laundering, often

related to cyber crime, a staggering increase from the 300 accounts frozen in the whole of 2011.<sup>112</sup> Ghana has reportedly taken steps to improving its anti-money laundering regime, including through the adaption of Anti-Money Laundering Regulations (LI 1987); the drafting of an amendment bill to the 1960 Criminal Offences Act (Act 29), a draft Immigration amendment bill and a draft Extradition amendment bill; the adoption of the Economic and Organized Crime Office (EOCO) Act (Act 804) and related regulations; and the establishment of the EOCO; the establishment of a Financial Intelligence Center (FIC); the development and launching of several compliance manuals; and the recent ratification of the UN Convention on Transnational Organized Crime. According to authorities, in 2011 USD 9.12 million and €3.5 million were frozen following the receipt of Suspicious Transaction Reports (STRs), and USD 2.5 million were confiscated.<sup>113</sup>

Failure to fully adhere to robust banking and financial regulatory frameworks continues to make Ghana particularly vulnerable to money laundering. Compliance officers continue to allow deposits of vast amounts without requesting proof of origin of the funds, and without processing STRs as per its commitments under its AML/CTF Action Plan. EOCO and the Economic and Financial Crimes Court face serious resource and capacity constraints.<sup>114</sup> The process leading to the passing of the Anti-Money Laundering Act and establishment of the Financial Intelligence Centre is particularly illustrative. Despite evidence of money laundering in the country and the need to gather, monitor, and report suspicious transactions, the executive and legislature were slow in drafting and passing the Act and establishing the FIC. The Anti-Money Laundering Act is centred almost entirely on the establishment of the FIC. The Act also fails to fully criminalize money laundering, relies on an obsolete framework for extraditing suspected criminals, and does not include provisions for the confiscation of

112. Interview with senior judicial official, Accra, May 2012. The official noted that the smallest of the accounts contained a balance of USD17,000

113. Interviews with police and law enforcement officials, Accra, Ghana, May 2012

114. Nonetheless, EOCO has embarked on a series of capacity building reforms with the support, with material and financial support provision of vehicles and increased budget from the government of Ghana. The Court, however, does not have its own budget and relies on the judicial service for funding. Its electronic gadgets are dysfunctional and their staffs rely on personal relationships with staff of other government agencies to gain access to information.

109. PNDC Law 236, op cit. (Accessed May 17, 2012)

110. 'Know Your Country: Ghana', June 22, 2012. Available at <http://www.knowyourcountry.com/ghana1111.html>. (Accessed July 19, 2012)

111. Interviews with law enforcement officials, Accra, May 2012.



funds related to money laundering. More importantly, while the FIC has relayed information on hundreds of bank accounts suspected to be used for money laundering to EOCO, and the Economic and Financial Crimes Court (EFCC) has not authorized their freezing, and the lack of political commitment and complicity of state officials has prevented prosecution of the suspected money launderers.<sup>115</sup> According to the Anti-Money Laundering law, when accounts are frozen, the decision can be appealed after one year; yet, accounts are often 'unfrozen' after one week.<sup>116</sup>

As noted by interviewees, the EFCC does not have its own budget; therefore, its ability to try money-laundering cases and deliver timely judgements is hampered by serious resource and capacity constraints.<sup>117</sup> Not only has this resulted in an increase in money laundering and other criminal activities, it also led to Ghana being placed under review by the Financial Action Task Force (FATF) in February 2012 for non-compliance with anti-money laundering standards and failing to make "sufficient progress in implementing its action plan."<sup>118</sup> The country was however, removed from the FATF's list of high risk countries later that same year after it enacted various legislations to criminalize money laundering and fight the crime.<sup>119</sup>

In addition to the FATF framework, one of the biggest concerns voiced by interviewees regarding the effective implementation of anti-money laundering efforts relates to the role that corruption plays in thwarting these efforts. Public corruption itself serves as "a major source of money laundering in Ghana, occurring mainly through public procurements and the award of licenses," and the monitoring and effective implementation of the anti

money-laundering legislative framework continues to be "hindered by the very corrupt people being 'checked' thereby corrupting the 'gatekeepers' themselves."<sup>120</sup> A survey of professionals conducted in 2011 on money laundering and financing of terrorism in Ghana already captured many of these testimonies and reports, noting that "[w]hile there is palpable commitment to the fight against money laundering and terrorist financing, lip service is paid to bribery and corruption. This menace is woven into the very fabric of society, and requires not just committed individuals at the helm of affairs determined to change the status quo, but a network of determined groups and individuals.

### Illegal Mining

Ghana is Africa's second largest gold exporter. The sector currently employs more than 100,000 Ghanaians to work the shafts. Over the past decade, illegal mining, known locally as 'galamsey,' has gained traction in Ghana. There is emerging evidence, although tenuous, that drug trafficking and galamsey may be loosely linked in that miners in the Ashanti region are increasingly using cannabis and cocaine when working underground to numb the long working hours, or to deal with nausea and claustrophobia.<sup>121</sup>

The 2006 Minerals & Mining Act allows Ghanaians to establish small-scale mining companies and spells out penalties such as jail terms and confiscation of equipment in the case of illegal mining, or the withdrawal of mining licenses of artisanal operators who engage foreign nationals in their mining operations. Despite these provisions, galamsey is widespread throughout the country and is currently receiving much attention due to the damage it is causing to the environment and agriculture in general, and due to perceptions that illegal miners are increasingly using drugs and arms to facilitate their activities.<sup>122</sup> Galamsey is particularly acute in mining towns such as Tarkwa, Obuasi, and Konongo in the Western and Ashanti regions respectively, and is provoked

115. Interview with senior judicial official, Accra, May 2012., op cit. During the interview, the official told interviewers that he suspects some EOCO officers and staff at the Attorney-General's Department were colluding with suspected money launderers, resulting in non-prosecution of cases. The interviewee also mentioned that he had decided not to authorize the freezing of any more accounts.

116. Interview with law enforcement official, Accra, May 2012.

117. Ibid

118. The FATF also noted that moving forward, Ghana needs to: "i) adequately criminalize money laundering and terrorist; ii) establish and implement adequate measures for the confiscation of funds related to money laundering; iii) establish a fully operational and effectively functioning Financial Intelligence Unit; and iv) establish and implement adequate procedures to identify and freeze terrorist assets. See FATF Public Statement of 22 June 2012 and FATF Public Statement of February 2012 at <http://www.fatf-gafi.org/documents/repository/fatfpublicstatement-22june2012.html>

119. Improving AML/CFT Global Compliance: On-going Process - 19 October 2012 <http://www.fatf-gafi.org/countries/d-i/ghana/documents/improvingglobalamlcftcomplianceon-goingprocess-19october2012.html>

120. Quaye, Robert and Coombs, Hugh (2011). The Implementation of Anti-Money Laundering, Terrorist Finance and Corruption Laws in Ghana, International Journal of Governmental Financial Management, 50-59.

121. Interview with law enforcement officials, Kumasi, April 2012. This practice is particularly prevalent in Konongo in the Ashanti region.

122. Interview with mining workers, Axim Road, April 2012; Interviews with law enforcement officials, Kumasi, op cit.

by a combination of factors including the existence of significant gold and other mineral deposits; widespread poverty and high youth unemployment; lack of viable economic opportunities; the financial and material benefits of the illicit activity; and widespread community acceptance of the riches that successful miners can plough back into their local communities in terms of real estate development, land acquisition, and the conferment of traditional titles.<sup>123</sup> Although agriculture continues to be the mainstay of rural communities, rural inhabitants are discouraged by the financial investment and hard labour required particularly when compared to the quick returns associated with galamsey.<sup>124</sup>

While the extent to which galamsey is controlled by transnational networks is unclear, foreigners – mostly Chinese migrants – have recently been identified as major promoters of the activity, and often collude with local leaders for access to mining areas.<sup>125</sup> For example, some 27 Chinese migrants were arrested earlier this year for involvement in galamsey in the western region, while the Dikoto village chief was brought before the Minerals Commission where he received a warning for hosting illegal Chinese miners.<sup>126</sup> In northern Ghana's Ashanti region, especially in the Obuasi Municipality, large gangs of Chinese miners are engaged in galamsey operations and use Ghanaian contract labour.<sup>127</sup> The involvement of large numbers of Chinese citizens may suggest some level of transnational organization in operating galamsey businesses.<sup>128</sup> The migrants arrive in Ghana on tourist visas and go underground when they expire. By colluding with local chiefs and law enforcement officers, they acquire long-term land leases, after which they recruit young men and provide them with various machines and equipment for mining.<sup>129</sup>

At the same time, it is important to recognize that the presence of these Chinese miners is often linked to the increasing commercialization of mining in China, which in

turn has made millions of artisanal miners redundant and who are intent on seeking similar alternatives elsewhere. Following a series of incidents involving illegal Chinese miners, Ghana and China have resolved to establish a high-powered working committee to review circumstances leading to the influx of illegal Chinese miners to Ghana; determine a road-map for stemming the flow; and explore appropriate mechanisms to promote the mining industry as one of the key areas for co-operation to enhance Ghana-China relations.<sup>130</sup>

### Illicit E-Waste

Over the past five years there has been a registered increase in the amount of illicit dumping of electronic waste (e-waste). This increase can be situated in the context of a dramatic spike in the use of high-tech electronic devices across the globe. Countries lack effective schemes for e-waste disposal and recycling and while companies can export used devices for re-use or refurbishment, such trade is still poorly regulated and taken advantage of by organized criminal groups who have found a lucrative niche in the trade. The latter poses risks for those developing countries that have limited capacity and oversight mechanisms to prevent hazardous e-waste being dumped on their territory and even less capacity to respond to the associated environmental, health, and security impacts.<sup>131</sup>

In recent years, Ghana has emerged as a major destination for an underground trade in e-waste.<sup>132</sup> Containers of old computers first began arriving in Ghana, as donations to help bridge the digital divide. However, it soon became clear that some of these "donations" contained untreated waste, much of it hazardous. Today an estimated 600 40-foot containers carrying waste items such as obsolete and second-hand laptops, TV sets, DVD players, VCRs, and sound systems arrive daily at Ghana's main port at Tema,

123. Interview with mining workers, op cit.

124. Ibid

125. Ibid.

126. Interview with law enforcement official, Sekondi-Takoradi, April 2012. About 17 of the migrants have been deported

127. Interviews with locals, Obuasi, July 6-8, 2012

128. There is no official data on the number of Chinese migrants involved in galamsey in Ghana

129. Interviews with locals, Obuasi, July 6-8, 2012

130. A high-level meeting between the two countries was convened on the issue in April 2013. Representatives from the Ministries of Lands and Natural Resources, Interior, Local Government & Rural Development, Attorney-General and Ministry of Justice, Foreign Affairs and Regional Integration, Chieftaincy and Traditional Affairs and Environment, Science & Technology as well as the Chinese Embassy, Minerals Commission, National Security and Ghana Immigration Service, will constitute the committee. See <http://graphic.com.gh/General-News/ghana-china-move-to-stem-influx-of-illegal-chinese-miners.html> (Accessed 16 April 2013)

131. Although the 1989 Basel Convention on the Control of Trans-boundary Movements of Hazardous Wastes and their Disposal was amended by the 1998 Basel Ban, the main international instrument for regulating and controlling e-waste disposal outlawed export of hazardous waste especially from OECD countries, it has been denounced by environmentalists as an instrument that legitimizes hazardous waste trade

132. Interview with law enforcement officials and ordinary Ghanaians, Accra, May 2012

and Takoradi. The consignments come principally from the US,<sup>133</sup> as well as the UK, Belgium, Canada, Denmark, Germany, Italy, the Netherlands, and Spain.<sup>134</sup> The capacity to sift through these shipments to determine whether they fit existing standards and regulations is limited and therefore much of the e-waste ends up in the Agbogbloshie dump on the outskirts of the capital, where it is then sold on to scrap merchants for repurposing or re-use.

The Agbogbloshie dump has become one of the biggest digital dumping grounds in the world, provoking a range of problems. First, in Ghana, like in many other developing countries, scores of people make a living from collecting and recycling discarded material found in rubbish dumps and are therefore exposed daily to the hazardous material it contains.<sup>135</sup> Second, this material can have a strong impact on the environment. In addition, when disposed of improperly, some of the materials end up in water supplies. Already the Agbogbloshie dump sits on the banks of the Korle Lagoon, which has been known to be “one of the most polluted bodies of water on earth.”<sup>136</sup> Sometimes the electronic waste is burned, releasing poisonous chemicals into the air and harming those who live in the proximity of the dump or those involved in recycling the material.<sup>137</sup>

Electronic waste disposal also carries important security risks, including for the US, not least because companies trading in discarded e-waste do not always comply with data-wiping agreements or standards. In Ghana, many of the discarded computer hard drives have been found to contain important personal, business, and government data, carrying serious implications for private users and governments. According to one analyst, “breaches of Western information security driven by a rise in electronic waste circulation have been particularly pronounced in Ghana, where a number of tech-savvy youths have taken to searching out information on Westerners’ old hard

drives for extortive purposes.”<sup>138</sup> Notable cases in Ghana confirmed by interviews on the ground include finding hard drives containing top secret material related to US Congressmen,<sup>139</sup> Northrup Grumman, the US Army, the Washington Metro Transit Authority,<sup>140</sup> and ironically, the US Environmental Protection Agency (EPA).<sup>141</sup> One particular drive purchased on e-bay from a Ghanaian seller (and traced back to the Agbogbloshie dump) contained “information on the testing procedures for the US military’s Terminal High Altitude Area Defence ground-to-air missile defence system, essentially an Iraq-based operation that was developed to shoot down SCUD missiles aimed at the US and ally targets.”<sup>142</sup>

### Cybercrime and Sakawa

Over the past decade, and increasingly since the laying of fibre optic cables along the West African coast in particular, and the exponential increase in the number of computer and smartphone users, the sub-region (notably Ghana, Nigeria, and Cameroon) has experienced a significant growth in Information and Communications Technology (ICT)-based businesses and services including electronic government, electronic commerce, teledemocracy, telemedicine, electronic banking services, and as noted above, electronic waste. The increase in use of ICTs for business, personal, and public use has however, been met by a simultaneous increase in cyber-related criminal activity. Along with Nigeria and Cameroon, Ghana has emerged as one of the countries in the world where cybercrime and the related trend, sakawa, is most prevalent, leading to the black listing of Ghana from purchasing items from some key commercial sites in the United States and Europe.

Interviews with police and law enforcement officials in Accra and Kumasi in May 2012 confirmed reports that

133. There is no accurate data on the amount of electronic waste being exported from the US or elsewhere.

134. Frandsen, Ditte Maria, Rasmussen, Jakob and Swart, Maren Urban (2011). What A Waste: How Your Computer Causes Health Problems in Ghana. DanWatch, Copenhagen, (pp. 6; 10)

135. Up to 36 different chemical elements can be incorporated into certain e-waste items and a typical monitor may contain as much as 6% of lead by weight

136. Boadi, Kwaku Owusu and Kuitunen, Markku (2002). Urban Waste Pollution in the Korle Lagoon, Accra, Ghana. *The Environmentalist*, 22 (4), 301-209

137. E-waste black-market rackets extract the valuable materials from the dismantled computers and gadgets, and then proceed to burn the materials, which can cause disease. Black-market slave labor is also employed in some countries, including Ghana to extract valuable substances at a high health cost.

138. Warner, Jason (2011), Understanding Cyber-Crime in Ghana: A View from Below, *International Journal of Cyber Criminology (IJCC)* ISSN: 0974 – 2891 Jan – July 2011, Vol 5 (1): 736–749

139. In this case, U.S. Congressman Robert Wexler (Democrat-Florida) was contacted by a Ghanaian, who attempted to blackmail him with information stolen from one of Wexler’s discarded hard drives that had found its way to Ghana’s secondhand computer market. Abugri, S. (2011) Ghana: Internet criminals cashing in on e-waste. *New African*. Retrieved January 24, 2011, from <http://www.sydneyabugri.com/Home2/features/217-ghana-Internet-criminals-cash-in-on-e-waste-dumping.html>.

140. The drive found in this case contained information about some US\$22 million-worth of top-secret U.S. government contracts related to the Transportation Security Administration, NASA, and other federal agencies. PBS Frontline (2010).

141. Warner (2011)

142. Ibid

cybercrime and sakawa – a form of advance fee fraud (commonly known as 419 scams) blended with voodoo practices – are prevalent in Ghana.<sup>143</sup> The nature of its organization and the extent of West African and foreign involvement in Ghanaian forms of cybercrime remain unclear, yet there are increasing reports that Ghanaian cybercrime ‘dons’ commandeer regional and country-specific teams operating across the region, are much more organized than originally believed, and can far outpace state operatives in terms of tech-saviness and capacity to adapt to, and adopt, new technology, software, and malware to further their interests.<sup>144</sup> More recently, 419 scams in West Africa have spread from national-level operations to regional syndicated interfaces, with foreign nationals relocating their activities to neighbouring countries.<sup>145</sup> This trend has rapidly intensified, especially with groups in Ghana and Nigeria. In Ghana the cybercrime arena continues to be dominated by young Ghanaian males from Accra suburbs such as Nima, Maamobi, and Kotobaabi who tend to view it as a means to economic empowerment and inaccessible luxury goods.<sup>146</sup>

Two primary types of cybercrime are prevalent in Ghana and can be implemented by either groups or individuals. The first and most common type relates to Internet-related advance fee fraud (419 scams) in which criminals browse social networking and dating sites and contact foreigners interested in dating Ghanaians or Africans.<sup>147</sup> Photos, either of a female accomplice or downloaded from the Internet, are used to create profiles and a ‘relationship’ is established with the victim. The fraudsters then lure their prey into dating and marriage scams by extracting various amounts of money, ostensibly for marriage preparation.<sup>148</sup> A 2010 case referenced during interviews involved a Ghanaian man named Maurice Asola Fadola who defrauded a British

woman of GBP 1 million through a dating scam. Posing as a US soldier serving in Iraq (a ruse frequently used by 419 scammers), Fadola established a relationship with his victim. Following several months of ‘dating’, Fadola told his victim that he intended to retire from the army and wanted to meet her. He subsequently fabricated a series of stories, including a series of ‘problems’, convincing her to ‘help’ him. The ruse resulted in several money transfers. Fadola was eventually arrested during a joint UK-Ghana sting operation.

As noted above, the Ghanaian gold mining industry is one of the most important in Africa, but with it comes a series of challenges, including Internet-related fraud. In many cases, Ghanaians contact foreigners via e-mail fronting as companies, banks, or government agencies with offers to invest in Ghana’s gold mining industry or with offers to sell gold at relatively low prices. Victims are then asked to deposit a certain amount of money as a first investment step and invited to travel to Ghana to meet with their supposed ‘business partners’ and sign documents related to their ‘investment.’ In anticipation of identity verification requests, criminals work assiduously to create fake documents including import and export receipts, bank statements, business letterheads, air tickets, passports, visas, and house and land titles, interacting along the way with an array of online and offline criminal rackets.<sup>149</sup>

Cybercrime in Ghana is not limited to identity fraud alone. It also includes a complex web of pyramid fraud schemes, electronic theft, credit card fraud and involvement in underground ‘carding’ networks, the establishment of fraudulent Internet banking sites, phishing, and ATM fraud. In recent years popular media, radio, TV series, and cinema in both Ghana and Nigeria have often glorified these forms of criminal activity, attracting a huge body of unemployed youth. The entry barriers for engaging in these forms of illicit activities are extremely low as are the risks, particularly since both the legal framework and state capacity to respond to the challenges remain weak. Furthermore, as noted by many interviewees, there are too few employment incentives to sway young people away from engaging in this form of low risk criminal activity.<sup>150</sup>

143. Interviews with law enforcement officials, Kumasi, op cit.

144. Ibid

145. . Appel, Michael, ‘South Africa: Internet, Cyber Crime to Take Centre Stage at Conference’, allAfrica.com, June 17, 2008. Available at <http://allafrica.com/stories/200806170593.html> <http://allafrica.com/stories/printable/200806170593.html>. See also Abugri, S. ‘Ghana: Internet Criminals Cashing in on e-waste’, New African, January 24, 2011. Available at <http://www.sydneyaugri.com/Home2/features/217-ghana-Internet-criminals-cash-in-on-e-waste-dumping.html>.

146. Interview with senior police officer, Accra, April 2012. When asked to describe the nature of cybercrime, officer responded that he was not sure whether not the phenomenon is run by a group or network. Interview with law enforcement officials, Kumasi, op cit.

147. For example, as part of the ritual, priests instruct the young criminals to carry empty coffins at dawn without wearing clothes, sleep with mentally ill or ‘made’ women, kill pregnant women and take their babies or vaginal fluid for sacrifice, desist from having a bath or wearing a ring on a particular finger. Interview with senior police officer, Accra, May 2012. See also Boateng, Richard et al (2010). Cyber Crime and Criminality in Ghana: Its Forms and Implications, AMCIS 2010 Proceedings. Available at <http://vivauniversity.files.wordpress.com/2011/04/cybercrime.pdf>

148. Ibid

149. Warner (2011), pp. 739

150. Interviews with judicial and law enforcement officials, Accra and Kumasi, April-May 2012

In the years preceding 2008, Ghanaian law enforcement officials mostly treated cybercriminals as mere fraudsters as there were no laws explicitly outlawing cybercrime. Since then however, the government of Ghana has recognized the serious threat posed by the phenomenon. In 2008, the Parliament passed the Electronic Transactions Act (Act 772), which criminalized cybercrime, including computer hacking, and empowered the police to deal with cybercriminals. The Ministry of Communications is drafting a Cyber Security Strategy that would establish a Ghana Computer Emergency Response Team (GH-CERT) and lay the groundwork for responding more effectively to cybercrime.<sup>151</sup> The government also aims to set up “[an information] security architecture to provide an increased level of confidence for online commerce, communication and collaboration over an increasingly insecure Internet.”<sup>152</sup>

Nonetheless, with sustained advances in technology and greater use of computers, smartphones and the Internet, huge capacity constraints, and a corruptible bureaucracy, Ghana will continue to face enormous challenges in tackling the problem of cybercrime. In particular, mobile phone ownership and access is expanding dramatically, dwarfing access to traditional landline phones, while access to the Internet continues to increase.<sup>153</sup> Of particular significance are likely changes in the patterns of mobile phone usage with increasing availability of smartphones and access to mobile banking services.<sup>154</sup> If current indicators are anything to go by, such increased access is likely to result in increased cybercrime activities, placing significant pressure on the public purse and exacerbating existing governance challenges in Ghana.

This situation poses a threat to the long-term development aspirations of Ghana. Its ranking as one of the world’s top countries for cybercrime, serves as a major disincentive to investment in the country and its ability to do business

globally – even local businesses find their emails are automatically blocked, simply because they originate on a Ghanaian or a Nigerian server.<sup>155</sup> The easy access to money and luxury goods that cybercrime provides is resulting in a loss of human capital in both the public and private sectors. The latter can hardly compete with the benefits that a short dip into the cyber underground provides. The capacity to respond to these types of crimes in terms of alternative incentives remains limited. In addition, a highly un-regulated financial system through which many of these illicit proceeds flow freely led to Ghana being under review by the Financial Action Task Force. Although Ghana has since been taken off the FATF ‘blacklist,’ the FATF public statement was a hard blow. In a sub-region as volatile as West Africa, where several countries are emerging from or immersed in conflict, and where organized crime, trafficking, money-laundering, and terrorism increasingly nurture each other, a lax approach to the prevalence of cybercrime vis-à-vis other forms of illicit activity may turn into a bigger problem in the years to come.

### Arms Trafficking and Manufacturing

Concern is mounting about the extent of the proliferation and trafficking of small arms and light weapons in and through Ghana, yet there is still a general lack of reliable information on the extent of the problem. Interviews on the ground for the purpose of this project were unable to shed light on the extent of arms trafficking in Ghana, and whether it simply represents a local ‘disorganized’ illicit market or whether flows are part of broader transnational and organized arms trafficking networks. What is clear, however, is that the easy availability of arms throughout the country is resulting in more violent outcomes in localized conflicts, particularly those related to land.

In addition, the country’s long-standing culture of gun manufacturing has produced a large pool of Ghanaian gunsmiths with capacities to manufacture various weapons including pistols, single-barrel guns, double-barrel shotguns, and AK-47 assault rifles.<sup>156</sup> This has raised concern about the potential of Ghana as an exporter of weapons, particularly as Ghanaian weapons are known in

151. Modern Ghana, ‘Ministry Fights Cyber Fraud’, January 25, 2012. Available at <http://www.modernghana.com/news/374148/1/ministry-fights-cyber-fraud.html> (Accessed June 5, 2012). It is worth noting, however, as of writing this report, there is no indication that the ministry has completed or released the strategy or established the GH-CERT.

152. Ibid

153. Bowen, Hannah (2010). Making Connections: Using Data on Ghanaians’ Media Use and Communication Habits as a Practical Tool in Development Work. InterMedia, Accra, Washington, London, (pp. 25). The survey indicated that the number of Ghanaians using cell phones is now 10 times those with landlines in their homes and that mobile subscriptions have increased from 2 per 100 people to 32.

154. See, for instance, MTN Launches MTN Mobile Money’, MTN Press Release, at <http://www.mtn.com.gh/NewsArtDetails.aspx?AID=112&ID&CID=38&MID=11&FirstParentID=1> (Accessed 5 June 2012)

155. Aning, (2011), op cit.

156. Aning, Kwesi (2005), ‘The Anatomy of Ghana’s Secret Arms Industry, in Florquin, Nicolas and Berman, Eric (eds.). Armed and Aimless. Small Arms Survey, Geneva, (pp. 79, 81).

the West African sub-region for their effectiveness, price competitiveness, and accessibility.<sup>157</sup> Ghana's porous borders are considered an important transit point for trafficking of illicit weapons not only to conflict-prone areas of the country such as the northern towns of Bakwu, Yendi Gushegu, and Bunkpurugu-Yunyoo, but also to neighbouring countries such as Côte d'Ivoire and Nigeria.<sup>158</sup> Periodic interception of vehicles carrying weapons to armed groups such as Boko Haram in Nigeria suggests a transnational element.<sup>159</sup> Takoradi, the capital of Ghana's western region bordering conflict-prone Côte d'Ivoire, has served as a key route for smuggling Ghanaian weapons to armed groups. Bakwu and Bolgatanga in the upper east region, bordering Burkina Faso, are northern Ghana's main weapons trading centres.<sup>160</sup>

Of particular concern are the social and political ramifications of the easy availability of weapons, particularly on dispute resolution and political contestation. For example, in northern Ghana, arms are increasingly used in long-standing ethnic, chieftaincy, land, and resource-related conflict, and there is evidence that gunsmiths in the towns of Tamale and Kumbungu have found a ready market among ethnic Dagomba fighters in Yendi who are involved in a long-standing chieftaincy dispute in Dagbon.<sup>161</sup> Indeed, there has been a marked increase in violent inter-ethnic clashes, particularly among Mamprusis and Kusasis in Bakwu, and Abudus and Andanis in Yendi, often resulting in government imposition of long curfews.<sup>162</sup> In the past, armed gangs and 'macho men' hired by political leaders have used locally manufactured weapons to attack and intimidate their opponents during electoral campaigns. In light of the recent violence that surrounded the voter registration process, there is concern that easily accessible weapons might have an impact on the 2012 elections.<sup>163</sup> Civil society groups have urged

political parties to dismantle any vigilante groups affiliated with them, adhere to the political party code of conduct, and make greater efforts to control the circulation of small arms and light weapons.<sup>164</sup>

Since 1962, Ghana has been passing legislation to respond to illicit weapons manufacturing and trafficking. The first bill to be adopted was the Arms and Ammunition Act of 1962 (Act 118), which banned possession and use of arms and ammunition as well as the manufacturing of small arms, and included registration obligations.<sup>165</sup> The law was amended by the Arms and Ammunitions Decree of 1972 (NRC9). Other instruments such as the Locksmith Act of 1994 (Act 488) and the Arms and Ammunitions Act of 1996 (Act 519) further reinforced the previous laws. In 2005, and in light of the continuing proliferation of small arms and light weapons, the government established a National Commission on Small Arms and moved to consolidate legislation on the production, export, import, and transit of weapons. Periodic exercises to retrieve unauthorized small arms and light weapons, and to destroy surplus arms are conducted as awareness raising campaigns against small arms proliferation country-wide. More recently, and in line with regional developments, Ghana voted to ratify the ECOWAS Convention on Small Arms and Light Weapons to deal with persisting challenges related to arms manufacturing and trafficking in and from Ghana to the broader sub-region.<sup>166</sup>

## Human Trafficking

Human trafficking remains a significant challenge in West Africa. Like other countries in the region, Ghana is an origin, transit, and destination country for trafficking of women and children particularly for forced labour and commercial sexual exploitation.<sup>167</sup> It takes place in both internal and external (i.e. export) forms, although trafficking of humans within Ghana's border is more prevalent in Ghana than trafficking to other countries.<sup>168</sup> Some forms of trafficking

157. Ibid, pp. 79

158. Interview with journalist and senior police officer, Accra, May 2012.

159. Interviews with law enforcement officials in Kumasi, April 2012.

160. Aning (2005), pp. 93

161. The potential electoral fallout is particularly significant, as there are perceived links between certain ethnic groups and political parties. See, for instance, GhanaWeb, 'Kusasis in the Diaspora Respond to NPP', May, 11, 2010. Available at <http://www.ghanaweb.com/GhanaHomePage/NewsArchive/artikel.php?ID=181868> (Accessed July 26, 2012)

162. GhanaWeb, 'Yendi Sits on Time Bomb', April 23, 2012. Available at <http://www.ghanaweb.com/GhanaHomePage/NewsArchive/artikel.php?ID=236719>. (Accessed May 29, 2012); GhanaWeb, 'Curfew to be Lifted in Tamale, Yendi', February 18, 2004. Available at <http://www.ghanaweb.com/GhanaHomePage/NewsArchive/artikel.php?ID=52021>, (Accessed May 29, 2012)

163. Aning (2005), op. cit.

164. Spyghana.com, 'IEA Warns Against Using 'Macho Men' During Ghana's Elections 2012', March 15, 2012, at <http://spyghana.com/ghana-general-news/headlines/iea-warns-against-using-macho-men-during-ghanas-elections-2012/> (Accessed May 29, 2012)

165.

166. Interviews with government officials, Accra, May 2012

167. United States Department of State (2009) Trafficking in Person Report. United States Department of State, Washington, DC. (pp. 142)

168. United States Department of State (2011), 'Trafficking in Persons Report, 2011. United States Department of State, Washington, DC. The internal trafficking often involves the trafficking of persons within a country's borders, most often from rural to urban communities. External

may be attributed to the nature of the country's extended family support system, which can unintentionally serve as an enabler of human trafficking.<sup>169</sup> Additional enablers include high levels of poverty and unemployment, which compel people to leave their home communities in search of jobs.<sup>170</sup> Gender inequality and discrimination, low levels of education, bad governance, political crises, and harmful cultural practices also contribute.<sup>171</sup>

In the case of domestic trafficking, boys and girls are trafficked from rural to urban areas or between rural communities such as farming and fishing communities.<sup>172</sup> Those who are trafficked bolster the small armies of street beggars and hawkers or are forced to labour in agriculture, fishing, kente,<sup>173</sup> weaving,<sup>174</sup> or as porters (*kayaye*).<sup>175</sup> The discovery of oil and the influx of foreign oil workers in the western region has raised concerns that trafficking networks could traffic poor women, young girls, and children in and out of Ghana for prostitution and other purposes, and interviews conducted for the purpose of this project suggest that this is already happening.<sup>176</sup>

On the external side of human trafficking, women and children are trafficked from Ghana to Côte d'Ivoire, Nigeria, Togo, Burkina Faso, Gabon, the Gambia, and Western European countries for sexual exploitation.<sup>177</sup> More recently, Chinese women have been trafficked into Ghana for sexual exploitation.<sup>178</sup>

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trafficking involves the movement of persons from their country to another. See Olateru-Olagbegi, Bisi, 'Brief Overview of the Situational Analysis of Human Trafficking in West Africa', Paper Presented at Seventh African Regional Conference on Women, A Decade Review of the Implementation of the Dakar and Beijing Platforms for Action, Addis Ababa, 6-10 October, 2004.

169. See 'An Overview Of The Human Trafficking Act, 2005 (Act 694). Rules And Regulations Of Ghana'. Available at [www.jtighana.org/Links/.../Hit\\_Overview%20human.Docx](http://www.jtighana.org/Links/.../Hit_Overview%20human.Docx). (Accessed July, 11 2012). The extended family system makes it acceptable for a child or relatives to be placed with other relatives who are well to do and most often resident in the big cities to afford the child better opportunities of development.

170. Sertich, Manda and Heemskerck, Marijn (2011). Ghana's Human Trafficking Act: Full Report on Successes and Shortcoming in Six Year of Implementation. Human Rights Brief, 19(1), 2-7.

171. Michael Fleshman, Africa Fights the 'people trade': Scourge of Human Trafficking Ensnares Hundreds of Thousands, Africa Renewal, October 2009, (pp. 6). Available at <http://www.un.org/en/africarenewal/vol23no3/233-people-trade.html>. (Accessed July, 11 2012). See also IOM Newsletter, 'Combating Child Trafficking Freeing the Fishing Children of Ghana', Issue 1, January, 2007.

172. Trafficking in Persons Report, 2011, op cit.

173. Kente cloth or Akan Kente, known locally as nwentoma, is a type of silk and cotton fabric made of interwoven cloth strips and is native to the Akan of Ghana. It is a royal and sacred cloth worn only in times of extreme importance and was the cloth of kings.

174. Trafficking in Persons Report 2009 – Ghana., op cit.

175. Ibid

176. Interview with law enforcement officer, Sekondi-Takoradi, April 2012

177. Trafficking in Persons Report – Ghana 2009, op cit

178. See United Nations Office for Drugs and Crime, 'President Obama Praises Conviction of Human Traffickers in Ghana', July 11, 2009. Available at <http://www.unodc.org/unodc/en/human-trafficking/2009/president-obama-praises-conviction-of-traffickers-in-ghana.html>. (Accessed July 11, 2012). See also, GhanaWeb, Three Chinese Jailed for human trafficking, June, 23 2009. Available at <http://www.ghanaweb.com/GhanaHomePage/NewsArchive/artikel.php?ID=164179>. (Accessed July 11, 2012).

Interviews on the ground also confirmed reports that some sporting activities serve as a platform for trafficking children in Ghana. Football is a favoured sport in the country (and across the sub-region), not least because of the lucrative gains involved for those who strike it lucky in the game. Criminal dons and their collaborators at local football academies, the majority of which are illegal, exploit poor Ghanaian boys as young as seven with dreams of becoming the next Michael Essien or Didier Drogba. People fronting as football agents recruit young boys across West Africa with enticing offers of football opportunities in Europe.<sup>179</sup> Families borrow vast sums of money to pay the agents, after which the boys are taken away to illegal academies in Accra, Côte d'Ivoire, or Europe. The boys often end up selling fake goods on the streets of Europe or as male prostitutes. Victims of these illicit networks have limited prospects of legalizing their situation, yet most are unwilling to go back home because they lack the money to purchase air tickets, or because of the stigma attached to returning empty handed, especially when their parents have incurred large debts to send them away to the alleged football academy.<sup>180</sup>

As evidenced, human trafficking is both an organized and "unorganized" crime in Ghana. While it often stems from family-to-family agreements, traditional apprenticeships, or external family structures in Ghana, it is also promoted through organized partnerships between local and international human trafficking networks and security agencies.<sup>181</sup> The multiple actors and players involved make these types of crimes difficult to resolve and prevent. And as noted by several interviewees, the lack of available data on human trafficking in Ghana and within West Africa in general makes it quite difficult to ascertain the trend and extent of the phenomenon within the country and the sub-region.

As part of its strategy to address human trafficking, in 2005 the government adopted a National Human Trafficking Act (Act 694) that recommends inter alia, the protection of

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179. Interview with Ghanaian broadcast journalist, Accra, May 2012

180. Ibid, interview

181. Oguua, Emelia and Dawson, J. Study of Fishing in Yeji Fishing Communities. Ghana Universities Press, Accra, 2001. Also see Okate, Annuska (1998). Reintegration of Young Victims of Trafficking in Cambodia. International Organization for Migration and Centre for Advanced Study, Geneva and Phnom Penh.; Rescue Foundation Ghana (2006). Child Trafficking in Ghana: A Training Manual.

women and children against trafficking, the prosecution of offenders, and the rehabilitation and reintegration of trafficking victims.<sup>182</sup> In 2009, the government amended the legislation through the adoption of the Human Trafficking Act (Act 785) although it has still to ratify the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons especially Women and Children (also known as Palermo Protocol).

To support the implementation of the Act however, the Economic and Organized Crime Office, the Anti-Human Trafficking Units (AHTU) of the Ghana Police Service, the GPS' Domestic Violence Victims Support Unit (DOVVSU) and the Ghana Immigration Service have been tasked to enforce the law and investigate human trafficking cases in the country.<sup>183</sup> As of November 2011, six trafficking cases have been prosecuted, out of which four convictions were obtained, with eighteen cases still being investigated by both the ATHU of the GPS and EOCO.<sup>184</sup> Despite these efforts though, a number of challenges remain, including adoption of the legislative instrument (LI) required to ensure full implementation of the Act, while an amendment to the Immigration Act is also required to address migrant smuggling. As noted by interviewees, under-development, and public sector corruption, as well as limited funding, logistics, and facilities for government institutions charged with responding to the phenomenon also pose serious challenges to implementation.<sup>185</sup>

182. Ghana Human Trafficking Act (Act 694)

183. Trafficking in Persons Report, 2011, op cit

184. "Ghana Records Lower Human Trafficking Cases", op cit.

185. Ibid.

### III. The Impact of Organized Crime on Governance

As noted in Section II, entrenched patronage networks and widespread corruption continue to underpin Ghana's system of governance. Successive post-1992 governments have pledged to improve governance by strengthening institutional and legal frameworks and protecting them against corruption, as evidenced in more recent years in the establishment of anti-corruption bodies and the adoption of anti-corruption legislation.<sup>186</sup> Yet these efforts have produced mixed results and there is still a widespread perception among Ghanaians that corruption is rife in the police, judiciary, political parties, and parliament.<sup>187</sup> At the same time, the World Bank has also reported a decline in political stability over the period covering 2005-2010.<sup>188</sup> Corruption has provided an excellent lubricant for all forms of organized crime and illicit activity in Ghana and an increased blurring of the boundaries between the legal and the illicit. There are signs that it is also creating conditions conducive to the emergence of entrenched criminal networks and mafias, particularly through the increasingly close relationship between drug trafficking and political actors.

#### Organized Crime, Political Governance, and the Rule of Law

The involvement of elected officials, parliamentarians, law enforcement officials, and other public sector workers in drug trafficking, other forms of organized criminal activity, and forms of 'disorganized' crime has at times tainted the legitimacy of both formal and informal governance institutions in Ghana. It appears to be placing increasing pressures on the political system and inter-party relations. For example, following the arrest and detention of sitting MP Eric Amoateng for trafficking heroin to the US, the 2008 general election campaign was accompanied by persistent and vitriolic allegations and counter-allegations

186. Ghana's anti-corruption efforts have included creation of the Commission for Human Rights and Administrative Justice, the Serious Fraud Office (now the Economic and Organized Crime Office), and promulgation of the 2003 Public Procurement Act and the 2007 Whistleblowers Act.

187. Ibid

188. This could be attributed to the highly competitive nature of the 2008 elections, which resulted in then-opposition National Democratic Congress (NDC)'s narrow defeat of then-ruling New Patriotic Party (NPP). Claiming many of its supporters and polling agents had been prevented from voting or overseeing the counting process, the NPP unsuccessfully sought a court order to restrain the Electoral Commission from declaring the election results.



between the two main political parties, with each accusing the other of involvement in the lucrative drug trafficking trade or using the spoils of drug trafficking to fund their electoral campaign. The NDC particularly referred to close associations between leading members of the ruling NPP and convicted drug barons, and the failure of the NPP government to prosecute the latter and confiscate their assets.<sup>189</sup> The spending of large amounts of money during the 2008 campaign season also led to allegations of involvement of some political leaders – including ministers and presidential and parliamentary aspirants – in the drug trade.<sup>190</sup> Indeed, there is still deep-seated suspicion among former and current officials that some politicians are influenced by drug dealers and are using drug money to gain advantage ahead of the 2012 elections.<sup>191</sup>

Since the 2008 elections, the interface between drug money and politics has featured significantly in the Ghanaian media. Radio programs and news sites have often featured denials from politicians of accusations that they have received funds from convicted cocaine barons.<sup>192</sup> Subsequent to a recent cocaine-turned-baking soda scandal<sup>193</sup> involving the Deputy Superintendent of Police (DSP), Deputy Director of the Commercial Crimes Unit (CCU), and the DSP in charge of the Narcotics Unit (NU) of the Ghana Police Service, reports emerged that the ruling NPP intended using the scandal as propaganda against the opposition in the 2012 elections.<sup>194</sup> Other reports have emerged calling for the NPP's presidential candidate, Nana Addo Dankwah Akufo-Addo, to respond to allegations of drug use and association with drug barons.<sup>195</sup>

The fact that sources of political party and campaign financing are not made public only serves to exacerbate the situation. Under a specific provision of the Constitution and the Political Parties Act of 2000, public officials must submit their asset declarations to the Auditor General's office and political parties are required to submit their audited financial reports to the Electoral Commission (EC) for publication.<sup>196</sup> Not only does the Act fail to require candidates to declare their assets, but it does not spell out penalties for failure to declare assets or submit and publish audited financial reports. Also, while the EC has the power to withdraw parties' registration, it appears unwilling to insist on strict compliance with political finance laws on the grounds that smaller parties would not survive. These fragilities within the system provide windows of opportunity for organized criminals to influence state actors and public policy decisions.

Successive post-1992 governments have pledged to improve governance by strengthening institutional and legal frameworks and protecting them against corruption, as evidenced in more recent years in the establishment of anti-corruption bodies and the adoption of anti-corruption legislation.<sup>197</sup> The World Bank reported initial progress in Ghana's ability to control corruption, as the country rose from the 25-50th percentile from 1996 through 2005 to 50-75th percentile in 2010.<sup>198</sup> The quality of rule of law in Ghana also improved by the same measure between 1996 and 2010.<sup>199</sup> On political stability, however, Ghana declined from the 50-75th percentile in 2005 to the 25-50th percentile in 2010.<sup>200</sup> Meanwhile, the Transparency

189. The Statesman, Spio: NDC Will use Cocaine Propaganda, September 10, 2006. Available at [http://www.thestatesmanonline.com/pages/news\\_detail.php?section=1&newsid=874](http://www.thestatesmanonline.com/pages/news_detail.php?section=1&newsid=874), (Accessed May 17, 2012)

190. BBC News, Drug Money Tainting Ghana Poll, op. cit, Ghanaian security experts Kwesi Aning suggested notes, 'Some of these guys [namely those running for parliament, who are ministers, wanting to run for president] were my mates in school and they were not too successful, and they've been in politics for less than 10 years... You don't make that kind of money in 10 years.'

191. See, for instance, Myjoyonline, 'NACOB Boss Refuses to Name Politicians on Narcotic Money List', September 14, 2011. Available at <http://edition.myjoyonline.com/pages/news/201106/68340.php> (Accessed May 17, 2012). The executive secretary of the Narcotics Control Board, Yaw Akraasi Sarpong, stated that 'loud-mouthed or flamboyant...even influential politicians were on the list of those suspected drug dealers on NACOB's watch list.

192. Myjoyonline.com, Ex-cocaine Convict is neither NPP Financier no Member –Sir John, September 29, 2011. Available at <http://politics.myjoyonline.com/pages/news/201109/73696.php> (Accessed May 29, 2012)

193. The deputy head of the Commercial Crimes Unit of the police was arrested in 2012 by the Bureau of National Investigations on allegations that she played a key role in a case in which cocaine exhibit was switched for baking soda. She was alleged to have connived with the prime suspect in the cocaine swap scandal and was granted bail and re-arrested many times over the matter. She was acquitted of all charges at the end of June 2012.

194. Myjoyonline.com, NPP Vows to use Recent Cocaine Saga for Propaganda but NDC says 'bring it on', December 19, 2011. Available at <http://politics.myjoyonline.com/pages/news/201112/78448.php>. (Accessed May 29, 2012)

195. Peacefmonline.com, NDC Hits Back at Akufo-Addo's 2012 Mantse Agbona Rally Effusions, February 22, 2012. Available at <http://elections.peacefmonline.com/politics/201202/96515.php?storyid=100&>. (Accessed May 29, 2012)

196. Article 286 (1) of the 1992 Constitution states, '[a] person who holds a public office mentioned in clause (5) of this article shall submit to the Auditor-General a written declaration of all property or assets owned by, or liabilities owed by, him whether directly or indirectly; (a) within three months after the coming into force of this Constitution or before taking office, as the case may be; (b) at the end of every four years; and (c) at the end of his term of office. Copy available at [http://www.judicial.gov.gh/constitution/chapter/chap\\_24.htm](http://www.judicial.gov.gh/constitution/chapter/chap_24.htm). (Accessed July 26, 2012). Section 13 (1) of the Political Parties Act 2000 states, '[e]very political party shall, within ninety days after the issue of it of a final certificate of registration under section 11 or such longer period as the Commission may allow, submit to the Commission a written declaration giving all its assets and expenditure including contributions or donations in cash or in kind made to the initial assets of the party by its founding members. Section 14 (1) also states, '[a] political party shall, with twenty-one days before a general election, submit to the Commission a statement of its assets and liabilities in such form as the Commission may direct.' Copy available at <https://www.aswat.com/files/Ghana%20Political%20Parties%20Act%202000.pdf>. (Accessed July 26, 2012)

197. Ghana's anti-corruption efforts has included creation of the Commission for Human Rights and Administrative Justice, the Serious Fraud Office (now the Economic and Organized Crime Office), and promulgation of the 2003 Public Procurement Act and the 2007 Whistleblowers Act

198. The World Bank's 'Worldwide Governance Indicators'. Available at [http://info.worldbank.org/governance/wgi/sc\\_chart.asp](http://info.worldbank.org/governance/wgi/sc_chart.asp) (Accessed February 3, 2012)

199. Ibid

200. This could be attributed to the highly competitive nature of the 2008 elections, which resulted in then-opposition National Democratic Congress (NDC)'s narrow defeat of then-ruling New Patriotic Party (NPP). Claiming many of its supporters and polling agents had been prevented from voting or overseeing the counting process, the NPP unsuccessfully sought a court order to restrain the Electoral Commission from declaring the election results.

International (TI) Corruption Perception Index records improvement in Ghana's score of 3.3 out of 10 in 1998 to 3.5 in 2005, and 3.9 in 2009.<sup>201</sup> Ghana's score, however, dropped from 4.1 in 2010 to 3.9 in 2011.<sup>202</sup> The 2010 TI Global Corruption Barometer notes that 60 percent of Ghanaians surveyed believed there was corruption in Ghana in the previous three years.<sup>203</sup> The survey also noted widespread perceptions that corruption was rife in the police, judiciary, political parties, and parliament.<sup>204</sup> Indeed, according to the Baseline Survey of the Justice Sector in Ghana prepared for the Ministry of Justice and the UNDP in 2012, some 90 percent of respondents perceived the judiciary as corrupt, and some 70 percent of respondents had made unofficial payments (bribes) to officials in the justice sector for services rendered.<sup>205</sup>

Compounding this challenge is the fact that electoral democracy in Ghana is still in its early stages, as are core institutions of checks and balances. As voiced by a significant number of interviewees, the number of votes won by politicians during an election and the level of support they maintain when voted into power is not necessarily a function of their position on national policy issues. Rather, it is largely based on their ability to raise considerable amounts of money for campaigns, distribute money and gifts to their supporters and 'foot soldiers', and provide much needed development projects to their communities.<sup>206</sup> The latter creates a huge financial burden on politicians, particularly when state funding for political parties is non-existent, and development funds such as those allocated to Members of Parliament and District Chief Executives (DCEs) for development in their districts remain low.<sup>207</sup> However, they do not avail of instruments at

their disposal to remedy these imbalances in the system, and instead resort to corrupt practices to sustain their political activities.<sup>208</sup>

Customs officials, police, and personnel of other state institutions generally responsible for up-holding the rule of law are also suspected of abetting traffickers in transferring drugs through the country.<sup>209</sup> According to interviewees and recent US diplomatic cables regarding joint UK-Ghana anti-drug trafficking operations such as Operation Westbridge, Ghanaian law enforcement personnel have consistently acted to circumvent or sabotage anti-trafficking efforts.<sup>210</sup> It was discovered that personnel working with UK officials would tip off traffickers on the best time to travel to avoid detection, provide them access to the security-exempt VIP lounge, and sabotage detection equipment.<sup>211</sup> The US Embassy and Ghanaian officials have confirmed the extent of official collusion in drug transfers through the country's main airport.<sup>212</sup> Indeed, as noted, the institutions in charge of fighting trafficking have been successfully and consistently infiltrated by traffickers to the effect that people at several levels of public service have been suspected of involvement in trafficking.<sup>213</sup> Persisting challenges within the judiciary, particularly the prosecution service, have meant that many of these cases have generally gone unresolved.<sup>214</sup>

The manner in which members of the Ghanaian judiciary have performed, for example by thwarting anti-drug efforts and issuing questionable judgements in drug-related cases has also served to undermine the rule of law. For instance, while Ghanaian law does not permit granting of bail to suspects involved in certain cases, including those related to narcotics, judges have often granted bail in such cases, often with sureties far below the street value of the drugs seized.<sup>215</sup> For instance, when Ghanaian

201. Transparency International (1998). Corruption Perception Index (1998). Available at [http://www.transparency.org/policy\\_research/surveys\\_indices/cpi/previous\\_cpi/1998](http://www.transparency.org/policy_research/surveys_indices/cpi/previous_cpi/1998); Transparency International (2005). Corruption Perception Index 2005. Available, [http://www.transparency.org/policy\\_research/surveys\\_indices/cpi/2005](http://www.transparency.org/policy_research/surveys_indices/cpi/2005); Transparency International (2009). Corruption Perception Index 2009. Available at <http://media.transparency.org/imaps/cpi2009/>. (Accessed February 3, 2012).

202. Transparency International (2011). Corruption Perception Index 2011. Available at <http://cpi.transparency.org/cpi2011/results/>; Transparency International (2010). Corruption Perception Index 2010. Available [http://www.transparency.org/policy\\_research/surveys\\_indices/cpi/2010/results](http://www.transparency.org/policy_research/surveys_indices/cpi/2010/results)

203. Transparency International Corruption Perception Barometer 2010 Report, Available at [http://www.transparency.org/policy\\_research/surveys\\_indices/gcb/2010/results](http://www.transparency.org/policy_research/surveys_indices/gcb/2010/results)

204. Ibid

205. 2012 Baseline Survey of the Justice Sector of Ghana, Law and Development Associates, for the Ministry of Justice and Department of the Attorney-General and the UNDP.

206. Interviews with civil society representatives and national and local authorities, Accra, April 2012.

207. Precisely, Ghana allocates a minimum of five percent of its national revenue to the District Assemblies' Common Fund, from which 90 percent of funds are allocated to districts based on an approved complex formula. 5 percent of the fund is allocated to 230 MPs for constituency projects, 2.5 percent to Regional Coordinating Councils (RCCs), and 2 percent for contingency

expenditures. See District Assemblies Common Fund, 'How the Fund is Distributed'. Available at [http://www.commonfund.gov.gh/how\\_fund\\_is\\_distributed.html](http://www.commonfund.gov.gh/how_fund_is_distributed.html), (Accessed May 30, 2012)

208. Interviews with civil society, media and government representatives, Accra, Ghana, May 2012.

209. Interview with senior police personnel, Accra, May 2012. Police officers complained that criminals have infiltrated the Ghana Police Service and the Narcotics Control Board

210. FN on Westbridge

211. Aning, (2012), op cit.

212. Interviews with police and law enforcement officials, Accra, May 2012. See also Robert Booth, Wikileaks Cables: Ghanaian Police 'Helped Drug Smugglers Evade Security'. The Guardian, December 14, 2010. Available at <http://www.guardian.co.uk/world/2010/dec/14/us-embassy-cables-ghana-airport-drugs>.

213. Aning, (2012) op cit

214. Interviews with Ghanaian and British law enforcement officials, May 2012.

215. Interview with law enforcement officials, Kumasi, op cit.

police and custom officials arrested an international drug smuggling gang in 2004 in possession of 675 kilograms of cocaine worth USD 140 million, the suspects were released on bail with USD 200,000 sureties.<sup>216</sup> Of equal concern is the fact that state officials are either unwilling or lack the capacity to track and confiscate the assets of convicted drug deals as stipulated by law. With prosecutors waiting until they achieve conviction before tracking assets of convicts, corrupt officials, particularly officials at the Lands Commission offices in Accra, often colluded with traffickers or their associates by changing documentation on ownership of seized assets.<sup>217</sup> This is evidenced by several claims of ownership of the properties of Ibrahim Sima, a convicted drug dealer.<sup>218</sup>

These dynamics have entrenched citizen perceptions that Ghana's political elite lacks the commitment to effectively respond to drug trafficking. Contacts in the GPS and the Office of the President told US officials that they know the identities of major drug barons but the government lacks the political will to go after them.<sup>219</sup> Even more dramatic was the attempt by certain members of the ruling elite to obstruct or simply stop the trial of known drug barons by exerting pressure on senior law enforcement officials. During an interview, former head of the NACOB and former Director General of the GPS/CID KB Quantson stated that people in authority had exerted enormous pressure on him in an effort to discontinue different cases, albeit without success.<sup>220</sup>

Finally, the preference of previous governments to appoint military and police officers as heads of NACOB has meant that, until recently, it focused almost exclusively on the punitive measures aimed at reducing the transit and supply of illicit drugs, and neglected the socio-economic dimensions of the trade, including increased rates of hard drug consumption, particularly heroin, crack cocaine and

methamphetamines.<sup>221</sup> Successive governments have touted the number of drug-related arrests as evidence of success, despite the unreliability of using such indicators as a sign of success and the fact that most arrests leading to conviction appear to involve lower level operators.<sup>222</sup> The current government has yet to fulfil its anti-drug promises, including the targeting of high level targets in significant drug cases, and ensuring that law enforcement efforts are coupled with efforts aimed at supporting victims of the drug trade.

### Delivery of Basic Services

As Ghanaian society is characterized by strong informal relationships and patronage networks, limited popular access to power and resources, and poor delivery of social services by government, drug trafficking and other criminal activities are often seen as legitimate sources of funds for development and survival. In a sense, people turn to criminal activity because they do not have alternative livelihoods, while mafias emerge as brokers between society and states, giving the state access to people and the criminal markets they work within, and people access to public services and state institutions. In fact, the distribution of criminal proceeds has often legitimized political and economic elites involved in criminal activities, not least because they fill substantial gaps in provision of services that the state has been unable or unwilling to fill.

The context of the former MP Eric Amoateng case is particularly illustrative. Prior to its elevation to a district in 2004, Amoateng's community – a small village called Busunya in the Brong-Ahafo region – had been largely isolated from the central government in Accra, not least in terms of distribution of funds for much needed development projects.<sup>223</sup> The vacuum left by the government propelled Amoateng to provide much needed support through philanthropic initiatives such as funding road construction, providing tractors free of charge to

216. It is worth noting that in the aforementioned case, the state objected to the bail and the court eventually ruled in its favour.

217. Interview with senior judicial official, Accra, May 2012

218. Interview, op cit.

219. Robert Booth, Wikileaks Cables: Ghanaian Police 'Helped Drug Smugglers Evade Security', op. cit.

220. Interview with KB Quantson, Accra, May 2012; Aning (2007), op. cit. Aning quotes Quantson as stating, '[i]n between the arrest and trial, tremendous pressure was exerted on me from all over to drop the case against the suspect. I stood firm that the case should proceed.

221. Interviews with medical professional and law enforcement official, Accra, May 2012. The interviewees noted as a matter of significance that the executive secretary of the Narcotics Control Board, Yaw Akraasi Sarpong, is a professional pharmacist and the first civilian to head the agency.

222. Interview with journalist, Accra, April 2012. The journalist noted that since high figures deepens perception of more drugs passing through the country, there are on-going efforts by security agencies to suppress them.

223. The creation of districts is a way to elevate and provide more development funds to communities. 5 percent of Ghana's national budget goes into a Common Fund, from which development funds are allocated to districts based on a certain formula.

plough farmlands, sponsoring poor students, supporting young people to register as voters, providing interest-free loans to poor villagers, and giving awards to outstanding students, teachers, and schools in the community.<sup>224</sup> Indeed, in an attempt to plead for a lenient sentence when on trial in the US, Amoateng stated in court, “[y]our honor, (...) I come from a very impoverished community in Ghana, where a lot of children drop out of school, in the middle of their schooling. There are no hospitals, no clinics, nothing to live on. In fact, I have tried my best to work hard on my farms, to get money to service these people to enter into schools and then to keep my community coming up.”<sup>225</sup> In the same vein, his counsel stated “[t]he man is like a one-man Peace Corps for this area of Africa. He did more things for his people than probably his government did.”<sup>226</sup>

Despite the state prosecutor’s attempt to argue against the philanthropic nature of Mr. Amoateng’s character, not least by highlighting the damage the heroin he was trafficking into the country would do to communities in the US, the circuit judge trying the case in the US demonstrated a more lenient approach toward the defendant when presented with insights into poverty and other development challenges in Ghana.<sup>227</sup> Some of the development projects were abandoned after the arrest and incarceration of Amoateng and remain uncompleted to date. Amoateng’s ‘generosity’ endeared him to constituents as a generous philanthropist and development-oriented person, an image he has maintained even today despite his incarceration.<sup>228</sup> His arrest in the US led to major demonstrations in his district, even after it became known that he was trafficking an illicit substance, and important personalities in his Nkoranza district – including the paramount chief – initially discredited news of his arrest in the US<sup>229</sup> In 2011 Amoateng was honoured by the chiefs

of his district for contributing to the socio-economic development of the area and a road has been named after him.<sup>230</sup>

## Health

Interviews with senior police and health personnel also confirmed increasing evidence of drug consumption and abuse as a residual effect of the drug trafficking business in Ghana. In particular, cannabis, crack cocaine, heroin and methamphetamines were identified as the primary drugs consumed in the country.<sup>231</sup> While cocaine and heroin use is still low, concern that greater quantities are entering local markets or being used as in-kind payments during and after re-packaging is mounting.<sup>232</sup> At present, cannabis is reportedly the most commonly used drug in Ghana, not least because it is widely grown in the country, particularly in the forest zones and interiors of the Ashanti and Brong-Ahafo regions where peasant farmers are contracted – and often tricked – by business-minded criminals to cultivate the drug (which they convince farmers is tea) in exchange for money.<sup>233</sup> It is used so extensively in the country, including for hair products, that one high-level police officer suggested that an empirically informed public and participative debate on the legalization of cannabis be fostered in the country.<sup>234</sup>

Regarding hard drugs, heroin and crack cocaine use is particularly prevalent in the ghetto areas of major neighbourhoods in Accra and Kumasi, namely Tudu, Alabar (nicknamed Tinka), New Tafo (nicknamed ‘Colombia’), Suame, Ash Town, Mayanka, Aboabo, Akwatia Line, and the ‘Zongu’ communities.<sup>235</sup> Even so, it is difficult to know the true extent of use in the country, since very little baseline data exists and drug users are still considered mental health patients.<sup>236</sup> Despite increasing consumption

224. Interview with law enforcement officials and school teacher, Nkoranza South District, April 2012. The research team was shown examples of development projects funded by Amoateng, including a road that was named after him subsequent to his arrest.

225. *Transcripts from United States of America vs. Eric Amoateng, December 21, 2007, Brooklyn, New York.*

226. *Ibid*

227. *Ibid*

228. Interview with law enforcement officials Nkoranza South District, April 2012. The officials noted that Amoateng’s popularity among his constituents is such that he would easily win back his MP seat should he run.

229. See Modern Ghana, *Brong Ahafo Citizens Stunned*, November 23, 2005. Available at <http://www.modernghana.com/news/90686/1/brong-ahafo-citizens-stunned.html>. Significantly, the Chief of Nkoranza Traditional Area said “Akan names are identical. Maybe someone sharing a similar name with Eric Amoateng might have been mistaken for the MP...”

230. Interviews with villagers and law enforcement officials, Nkoranza South District, op cit. Myjoyonline.com; Nkoranza Honours Amoateng, September 14, 2011. Available at <http://edition.myjoyonline.com/pages/news/200704/3307.php>. See also, GhanaWeb, *Street Named After Amoateng*, April 10, 2007. Available at <http://www.ghanaweb.com/GhanaHomePage/NewsArchive/artikel.php?ID=122201>

231. Interviews with medical professional and law enforcement official, Accra, April-May 2012

232. Interview with law enforcement officials, Accra, May 2012

233. Interview with medical professionals, Kumasi, April 2012. An estimated 40 percent of Ghanaians are deemed to be cannabis users. Interview with officials of the Kumasi Cheshire Home revealed that 80 percent of drug abuse cases reported to the Home are related to cannabis consumption.

234. Interview with law enforcement official, Accra, Ghana, April 2013.

235. Interviews with law enforcement officials, Kumasi, op. cit.

236. Interview with medical professionals who noted that the number of abusers seen in hospitals is only a tip of the iceberg, as there are very few psychiatric hospitals and drug treatment centres. Also, for instance, staff at the Accra Psychiatric Hospital does not always collect accurate

levels, however, treatment for drug abuse victims remains limited. In addition, despite its positive health record on other illnesses, Ghana has adopted a strictly punitive approach to drug use. According to Ghanaian law, if arrested, drug users can face prison sentences of 1-5 years; while those in possession or trafficking (even if engaged in small time peddling to sustain drug use), face sentences of 10 years to life imprisonment. A large number of users that end up in conflict with the law tend to come from underprivileged areas, and rarely have the means to pay their way out of pre-trial detention like others. Middle- and upper-middle class users often end up in these areas after being shunned by their families.<sup>237</sup>

The government has not adopted any formal policy aimed at supporting users through the provision of treatment and harm reduction services and post-treatment support, and continues to rely on under-resourced and overburdened psychiatric hospitals as the only source of official treatment for users.<sup>238</sup> Faith and charity-based NGOs lend stop-gap support in some urban locations.<sup>239</sup> The latter do not appear to have proved a successful remedy for problematic users as the incidence of relapse tend to be high.

Meanwhile, the US is enhancing its counter-narcotics efforts in Ghana and the broader sub-region along the lines of its Central America counter-narcotics efforts.<sup>240</sup> The latter has been seriously questioned not least because of the US' predominant focus on punitive measures and interiction, and because if the scant attention paid to much needed governance, health and social efforts. If the same approach is taken in Ghana and limited attention is paid to drug-related public sector corruption and the health impacts of increased drug use, Ghana may well find itself in a much more difficult situation in the decades to come. That said, a recent shift in US drug strategy coupled with a recently-published USAID Drugs and Development Programming Guide may help counter some of the negative impacts of the traditional counter-narcotics

support that has been implemented to date, and bring US efforts more in step with policy changes that other regions have been calling for.<sup>241</sup>

The presence of precious materials including gold, silver, copper, and aluminium in e-waste, and the low-level skills required to extract them makes the e-waste recycling and refurbishing sector a source of employment for the poor and unemployed as well as a source of cybercrime. Workers, including children, use hammers, chisels, stones, and other rudimentary tools to disassemble devices and extract metals while fire is often used to burn cables and wires to extract copper. The instant cash received after sale of these metals to local dealers has attracted a lot of children and poor adults, especially from the three northern, upper east, and upper Wwst regions, where poverty, hunger, and underdevelopment are more severe, to the e-waste business.<sup>242</sup> A large number of them have settled in Accra, particularly in and around the Agbogbloshie rubbish dump, where numerous small-scale electronic repair and refurbishing workshops are located.<sup>243</sup>

E-waste contains several poisonous and toxic chemicals including lead, mercury, beryllium, and cadmium. The lack of proper processing, recycling, and disposal implies severe health hazards, environmental pollution, and social problems. People directly involved in e-waste-related activities as well as vulnerable cities and communities are particularly affected. A test of soil and ash samples on a range of sites including a produce market, church headquarters, and a football field near Agbogbloshie scrap yard revealed that there were significant levels of lead, cadmium, and other life-threatening chemicals.<sup>244</sup> In the absence of protective masks and other safety measures, citizens or workers exposed to lead fumes are at risk of various gastrointestinal, neurological, and cardiovascular diseases.<sup>245</sup> Likewise, exposure to cadmium means workers

information, leading to recording of inaccurate information or mistaken diagnosis.

237. Interviews, Tudu, Accra, April, 2013.

238. Interview with medical professionals, law enforcement officials, Accra, Ghana, May, 2012.

239. Interview with medical professionals, Kumasi, April 2012.

240. New York Times, U.S. Drug War Expands to Africa, Newer Hub for Cartels, July 21, 2012. Available at <http://www.nytimes.com/2012/07/22/world/africa/us-expands-drug-fight-in-africa.html> (Accessed July 26, 2012).

241. See National Drug Control Policy Fact Sheet released by the Office of National Drug Control Policy on 24 April 2013. See also, USAID The Development Response to Drug Trafficking in Africa: A Programming Guide April 2013.

242. Prakash, Siddhart and Manhart, Andreas (2010). Socio-economic Assessment and Feasibility Study on Sustainable E-waste Management in Ghana. Eko-Institute e.V, Berlin, (pp. 20-22). Dealers often pay the equivalent of between USD1 to USD2.5 for a discarded PC, and USD1.5 to USD5 for a refrigerator. They often do not pay anything at all, and dismantle the devices themselves. See also, The Daily Beast, 'Digital Dump', 25 July 2011

243. Ibid, pp. 21

244. United Nations University, 'High Toxic Levels Found at School, Market Neighbouring Informal E-waste Salvage Site in Africa', October 30, 2011. Available at [http://www.eurekalert.org/pub\\_releases/2011-10/unu-htl102511.php](http://www.eurekalert.org/pub_releases/2011-10/unu-htl102511.php) (Accessed June 6, 2012)

245. DanWatch, 'European E-waste Dumped in Ghana', November 23, 2011. Available at <http://www.danwatch.dk/en/articles/danmark-stor-eksportør-af-el-affald-til-ghana/155> (Accessed June 6, 2012)

are at risk of kidney failure, lung cancer, and other serious respiratory diseases.<sup>246</sup>

## Water

Both legal and illegal mining operations have corrosive environmental and development effects in Ghana. However, because most of it goes unchecked, illegal mining (gamalsey) is potentially more destructive since the unapproved chemicals used by miners are seriously polluting water bodies and degrading farmlands, while indiscriminate digging has diverted the course of water bodies, leaving scores of people without access to water.<sup>247</sup> Citizens and officials interviewed in the town of Busua in Ghana's western region complained that water bodies had been rendered undrinkable by illegal miners in surrounding communities, while several radio and TV documentaries have highlighted the impact in other regions of the country.<sup>248</sup> Significantly, the Ghana Water and Sewage Authority spends large sums of money purifying water polluted by galamsey; however, chemicals used in the process are alleged to be affecting the health of people in the western region.<sup>249</sup> For instance, in March 2012, Ghana's Minister of Water Resources, Works, and Housing, Enoch Teye Mensah, reported a 92 percent increase in the cost of chemicals for water treatment. The minister partly blamed illegal mining activities around water bodies.<sup>250</sup> As noted in the previous section, e-waste is also contaminating water supplies in Ghana, and if left unchecked, will continue to have a serious impact on the environment.

## Social Development

High unemployment rates and limited economic opportunities as well as entrenched socio-cultural norms that underpin sakawa, have given rise to a massive spike in cybercrime. As noted, Ghana is ranked among the world's top countries for cybercrime, which serves as a major

disincentive to investment in the country.<sup>251</sup> According to the Minister of Communication and a broad range of interviewees, it is "endangering the safety, use and growth of ICT" in Ghana, which in turn is delaying economic growth."<sup>252</sup> At the same time, the easy access to money and luxury goods that cybercrime provides is resulting in a loss of human capital in both the public and private sectors. The latter can hardly compete with the benefits that a short dip into the cyber underground provides. The capacity to respond to these types of crimes in terms of alternative incentives remains limited.

251. Aning, (2011), op cit.

252. Interviews with Ghanaian authorities, Accra, April-May 2012.

246. Hellstrom, L. et al. (2001). Cadmium Exposure and End-Stage Renal Disease. *American Journal of Kidney Diseases*, 38 (5), 1001-1008

247. Interviews with traditional leaders and law enforcement officials, Western Region, April 2012.

248. Interviews with traditional leaders, Busua, April 2012

249. Interview with law enforcement officials, Sekondi-Takoradi, op cit.

250. GhanaWeb, Cost of Water Treatment Inches up 92 per cent in 2012 – Minister, March 23, 2012. Available at <http://www.ghanaweb.com/GhanaHomePage/NewsArchive/artikel.php?ID=233611> (Accessed May 30, 2012).

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## V. The Donor Context

Most external support aimed at countering organized crime is implemented by special agencies such as the US's FBI and DEA, the UK's SOCA, regional bodies such as ECOWAS's GIABA, or international bodies such as UNODC. Agencies such as SOCA have made some important progress working with their Ghanaian counterparts, but the agencies themselves are shackled by important limitations. For obvious jurisdictional reasons, overall regional presence is restricted to two or three countries, and agents have limited capacity and capabilities to link operations inter-regionally on the basis of more strategic efforts to counter transnational organized crime. The US provides significant support to counter-narcotics efforts in Ghana, and appears to be stepping up the tempo on law enforcement initiatives in this regard.<sup>253</sup> As noted earlier, such efforts would be more effective if linked to 'softer' governance and development goals.

UNODC has developed an ambitious regional programme to support implementation of ECOWAS's efforts to fight crime and drugs. The regional programme includes supporting individual countries to develop a National Integrated Programme (NIP), which tends towards a more balanced approach, focusing on law enforcement, health, and governance. Ghana now has its own NIP but according to Ghanaian officials to date, financial support from donors to implement it has been slow to materialize.<sup>254</sup>

In general, traditional development assistance has largely shied away from the topic of organized crime despite increasing indicators of how political and civil society interact with it. Violence is increasingly used as an indicator to assess the degree to which organized crime, particularly drug trafficking is impacting a country. Since violence is not a manifestation of organized criminal activity in Ghana and a large part of the broader sub-region, it is generally not seen as a substantial threat. Yet there is a risk that development assistance providers will not fully grasp the deep connections between organized crime and political dynamics, including the leverage that organized criminals

can have over political and civil society on the one hand, and the leverage that corrupt public sector officials can have over organized crime on the other. Ghana's positive economic growth, progress on certain development indicators, and its branding as a donor "success story" have tended to distract from worrying underlying dynamics and the need for a broader inter-linked development and security strategy aimed at tackling organized crime, its enablers, and its related impacts in Ghana.

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253. New York Times, U.S. Drug War Expands to Africa, Newer Hub for Cartels, op cit.

254. According to national officials, apart from the UK, which has withdrawn its pledge of £100,000 in support of the NIP, no other country currently supports the Program.

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## VI. Recommendations

As noted at the outset, Ghana is making significant strides in economic growth and development and is viewed as a beacon of hope in a region plagued by civil strife, ethnic violence, poverty, and entrenched inequalities. The country has remained resilient to the types of challenges that some of its neighbours have had to contend with over the past decades. At the same time however, cracks in its own political system, weak rule of law, and a series of political economy and governance-related challenges make its institutions and citizens highly vulnerable to the influence of organized criminal activity. Pegging of political opponents to organized criminal activities such as narcotics trafficking is becoming commonplace in public debate, as are the frequent revelations of official involvement in narcotics trafficking, undermining the legitimacy of both formal and traditional governance institutions. Weak political party, campaign financing and asset declaration regulatory frameworks do little to enhance perceptions that illicit funding has become a strategic asset of political parties in particular.

Connections between elected officials, the military, or security services and organized crime are certainly not as obvious as in other countries in the sub-region, where organized crime has been used to influence domestic political contestation or elite interests, or where organized criminal groups manipulate weak systems for their own strategic gain. Yet the number of high-level officials and mid- and low-level cadres that have been found to be involved in organized crime-related incidents over the past decade, particularly drug trafficking and money laundering, does indicate deeper structural challenges. And while the state is not apparently involved in areas of organized (or 'disorganized') crime such as cyber and environmental crime or human trafficking, its capacity to respond to these complex challenges is weak at best.

An embedded culture of corruption, patronage, and clientelism underpins this scenario, which is already impacting the lives of ordinary citizens and placing pressure on the legitimacy of Ghana's nascent democratic institutions.

## Recommendations

Efforts to counter organized crime in Ghana today are generally focused on strengthening law enforcement and are rarely linked to other core areas of support. Multi-pronged strategic interventions that go beyond mere law enforcement measures to also ensuring transparent political processes, improving governance, strengthening the capacity of oversight institutions, enhancing delivery of services in strategic areas, and providing incentives for unemployed youth are key to breaking the growing relationship between organized crime, politics, governance and society. More specifically and in the short-term, particular attention should be placed on:

- **Ensure more effective interdiction efforts**, including through effective and sustainable vetting of specialized agencies and focusing interdiction efforts on high-level targets with the greatest capacity to corrupt and disrupt.
- **Increasing transparency and integrity** by strengthening existing political party funding, campaign financing, and asset declaration frameworks. Particular attention must be given to amending the Political Parties Act to require candidates to declare their assets and include enforceable penalties for those who fail to do so, as well as for parties that fail to submit and publish their financial records. The asset declaration law must require state officials to annually declare their assets to the Auditor General's office, and the office should be given the authority to publish assets declared. Donors could be particularly helpful in increasing transparency by not only offering assistance to parties that lack the resources to undertake comprehensive auditing of their records,<sup>255</sup> but also investing in mechanisms that could help cross-check and verify the validity of assets declared by state officials and reports submitted by parties. Donors could also condition provision of further development assistance on passage of a right to information law.

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255. The Electoral Commission has refused to strictly enforce campaign finance laws because it argues doing so would disadvantage smaller and less resources parties.



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- **Addressing socio-economic challenges as a means to prevent organized crime.** Anti-organized crime efforts should comprehensively address conditions of poverty, inequality, unemployment, and underemployment, especially among the youth in urban areas as well as marginalized communities. This requires an updated and comprehensive national youth policy that gives particular attention to youth employment and development in the national development agenda, as well as improving and expanding service delivery through increased allocation of development funds to especially to deprived communities. Donors could assist youth development by increasing investments in microfinance and venture capital schemes that provide financial, logistical, and technical assistance to youth-led ventures.
  - **Building civil society resilience against organized crime.** Donors can support civil society efforts to build resilience against organized crime. For example, the support of popular celebrities and morally upright public figures and opinion leaders should be enlisted to help increase public awareness with focus on the dire political, economic, social, and health implications of organized crime and drug trafficking. Given their enormous power and loyalty at their command in Ghanaian society, traditional rulers in particular should be encouraged to feature anti-crime and anti-drug messages in festivals, durbars, and other interactions with members of their communities. For example, gaining their support for efforts to sensitize banking and financial operators including forex bureaus and local 'susu' collectors on the nature and effects of laundering money is likely to yield positive results. Such efforts can also serve the double objective of sensitizing traditional leaders to the longer-term impacts of organized crime as a means to disincentivize encouragement of organized criminal activity. Donors can also lay down support to develop the capacity of investigative journalists on organized crime-related issues. Ensuring sufficient safeguards are put in place will be imperative.
  - **Strengthening the empirical base as a means to inform domestic policy.** Donors should support efforts to gather, analyze and regularly update baseline data in major gap areas such as drug consumption and treatment, violence and organized crime, and public sector corruption and organized crime. Such data are imperative for monitoring trends and formulating appropriate policy responses that are in tune with domestic and regional needs circumstances.
  - **Investing in innovative approaches to education and training.** Rather than just traditional skills training, donors could support the implementation of innovative, interactive courses on the nature and dynamics of organized crime, drug trafficking, money laundering, and the impact of these phenomena on society. Specialized training tailored to the social and cultural realities of Ghana on intelligence gathering, criminal intelligence and data analysis, criminal investigation, and prosecution are equally important. Courses should especially target law enforcement and judicial units outside Accra, as well as political parties, parliamentary committees, social services agencies, and civil society groups.
  - **Strengthening the rule of law.** Finally, these recommendations will only be effective and productive if they seriously consider the duality in the Ghanaian legal and governance systems, namely the existence of the modern/formal state based on legal concepts that are often viewed as alien to the Ghanaian way of life alongside a powerful traditional/informal state that embodies Ghanaian customs and traditions and wields the allegiance of the populace. Traditional chiefs, elders and family heads, queen-mothers, and opinion leaders should be consulted and mobilized; and interventions must be carefully tailored to reflect existing ethnic and cultural norms.
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