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STATE-EMBEDDED ACTOR SYNDROME AND ORGANIZED CRIME TRENDS IN AFRICA

Sylvester Ndubuisi Anya* & Godson Chibuzor Asogwa**

Abstract

Organized crime is any serious crime committed by an organized criminal group within a state or across international borders for economic gain. State-embedded actor syndrome exists where state officials commit organized crimes. There is a trend in Africa whereby states with high resilience to organized crime simultaneously record high organized criminality. While arguing that high resilience should result in low criminality, this paper seeks to ascertain whether the state-embedded actor syndrome is responsible for the high-criminality and high-resilience organized crime trends in Africa. Accordingly, the question underlying this research is: Is state-embedded actor syndrome responsible for the high-criminality and high-resilience (HC-HR) organized crime trends in Africa? The objectives of the study are to ascertain whether state-embedded actor syndrome is responsible for the HC-HR trends in Africa and recommend ways of reversing or averting the trend. The paper uses quantitative and qualitative methods as well as a non-experimental design. Data for the research are collected from secondary sources and manipulated by quadrant analysis. The paper finds that state-embedded actor syndrome negates state resilience and that is why criminality increases despite high resilience. The paper recommends that African states should avoid holding onto the heavy police approach to combating organized crime, but adopt a comprehensive policy response that will boost state resilience and check organized criminality.

Keywords: Organized crime, Africa, state-embedded actor syndrome, high criminality, high resilience

1. Introduction

Organized crime is any serious crime committed by an organized criminal group internally within a state or across international borders for economic gain. States experience organized crime in various ways, for they have varying vulnerabilities and resilience factors. The market for organized crime in Africa includes human trafficking/smuggling and arms trafficking; trade in heroin, cocaine, cannabis and synthetic drugs; flora and fauna crimes; as well as non-renewable resource crimes.¹ The criminal actor types that operate in this market

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¹ Enhancing Africa's Response to Organized Crime (ENACT), 'Organized Crime Index—Africa 2019' <www.enactafrica.org> accessed 7 October 2020).

are the mafia-type groups, criminal networks, state-embedded actors and foreign criminal actors.² In bid to withstand and disrupt organized crime, states develop resilience factors ranging from leadership and governance, criminal justice and security, economic and financial mechanisms, as well as civil society and social protection.³

Criminality and resilience are thus two forces that interplay in organized crime trends in any state. The traditional trend in crime and criminal justice is that criminality reduces as state resilience increases. However, some unusual trends of organized crime have emerged mostly in Nigeria, Kenya and South Africa whereby, despite high state resilience, there is high organized criminality. In addition to these three states already in this high-criminality and high-resilience (HC-HR) trend, Ghana, Senegal and Morocco (currently having low-criminality and high-resilience) are at the brink of falling into the HC-HR situation with large economies, good infrastructure for trade and communications, but rising levels of corruption and socio-political unrest.⁴ Ascertaining the cause of this strange trend will help Nigeria, Kenya and South Africa reverse the trend, just as it will enable Ghana, Senegal and Morocco avert the trend.

While arguing that high state resilience should result in low criminality, this paper seeks to ascertain whether the state-embedded actor syndrome is responsible for the HC-HR organized crime trend in Africa. Accordingly, the question underlying this research is: Is state-embedded actor syndrome responsible for the HC-HR organized crime trends in Africa? The objectives of the study are to ascertain the cause of this unusual trend and make recommendations that will enhance the capacity of these African states to respond more effectively to organized crime. The paper uses quantitative and qualitative methods as well as a non-experimental design. Data for the research are collected from secondary sources and manipulated by quadrant analysis. The paper proceeds with a review of theory and existing literature. Data collection follows, leading up to the discussion, recommendations and conclusion.

2. Theory and Literature Review

2.1 *The Relationship between Criminality and Resilience*

Organized crime is a concept that is resistant to generally acceptable definition, although the various definitions emphasize on the elements of criminal activities and criminal organizations.⁵ The United Nations Convention against

² Ibid.

³ Ibid 13.

⁴ Ibid 100.

⁵ M Newman and C Elsenbroich, 'Introduction: the Societal Dimensions of Organized Crime' (2017) 20 *Trends Organ Crim* 1, 2; K von Lampe, 'Was ist organisierte Kriminalität?' (2013) 63(38/39) *Aus Politik Zeitgesch* 3; Van Duyne, 'Organized Crime, Corruption and Power' (1997) 26 (3) *Crime, Law and Social Change* 3.

Transnational Organized Crime (UNTOC) 2003 offers two baselines for a definition of organized crime: ‘organized criminal group’ and ‘serious offence’. The first baseline sees to it that only notable criminal associations or similar criminal actors qualify as organized criminal group; while the second ensures that only crimes qualified as ‘serious’ constitute organized crime. All the HC-HR African states and those at the brink have ratified UNTOC 2003. The Organized Crime Index—2019 defines organized crime as ‘illegal activities, conducted by groups or networks acting in concert, by engaging in violence, corruption or related activities in order to obtain, directly or indirectly, a financial and material benefit. Such activities may be carried out both within a state and across state borders.’⁶

Criminality with regard to organized crime comprises two factors: the criminal market and the criminal actor. The criminal market is a range of activities comprising the political and economic systems surrounding all stages of the illicit trade and/or exploitation of commodities or people. To be comprehensive, the criminal market should include cybercrime,⁷ money laundering, terrorism, and trans-border trade in live human blood,⁸ which incidentally were excluded in the Organized Crime Index –Africa 2019. These later set of crimes are rampant in Africa.

In spite of its rich content, the Organized Crime Index—Africa 2019 does not include terrorism as one of the criminal markets for organized crime. Terrorism is about the most serious crime committed by organized criminal groups against Nigeria and her people today.⁹ The terrorism in north-eastern Nigeria accounts largely for and is intertwined with arms trafficking in Nigeria. Terrorism is also prevalent in other African countries from Cameroon, Central African Republic, the Democratic Republic of Congo, Libya, Sudan, South Sudan, Kenya, to Somalia.¹⁰ The connection between organized crime and terrorism is a serious challenge and an evolving phenomenon.¹¹ Terrorism is deemed an ideological crime in the sense that it has political undertone and aims

⁶ ENACT ‘Organized Crime Index—Africa 2019’ (n 1) 27.

⁷ KAR Munro, ‘Cyberpayments: Internet and Electronic Money Laundering: Countdown to the Year 2000’ (1996) 4 (2) *Journal of Financial Crime* 159; M Daghar, ‘Is Kenya the new Playground for Cyber Criminals’, (4 February 2020) <<http://www.ocindex.net>> accessed 20 June 2021.

⁸ D Gumba and M Daghar, ‘Kenya’s Blood is hot Commodity for Regional Criminal Networks’ (27 August 2021) <www.ocindex.net> accessed 1 September 2021.

⁹ Institute for Economics & Peace (IEP), ‘Global Terrorism Index 2019: Measuring the Impact of Terrorism (Sydney, November 2019)’ <<http://www.visionofhumanity.org/reports>> accessed 2 April 2020, 8; C Felter, ‘Nigeria’s Battle with Boko Haram. Council on Foreign Relations’ (2018) <<https://www.cfr.org/backgrounder/nigerias-battle-boko-haram>> accessed 8 April 2021.

¹⁰ IEP (n 9).

¹¹ R Dhaouadi, ‘What Drives Illicit Trade in North Africa’ (5 July 2019) <www.ocindex.net> accessed 31 August 2020.

at terrorizing a government and her people without necessarily striving to make economic gain.¹² Organized crime, on the other hand, is deemed a non-ideological crime, with the criminal actors aiming only at economic gain. This distinction notwithstanding, both organized crime and terrorism are serious crimes committed by organized criminal groups within a state or across international borders. Terrorists also make economic gain¹³ in the sense of grabbing land on which they exert sovereignty, pillaging, and taking ransom money to release their kidnap victims. It is for this similarity that one may treat terrorism as a criminal market for organized crime.

The second factor of criminality is the criminal actors committing organized crime. There are mafia style groups, criminal networks, state-embedded actors and foreign criminal actors. Mafia-style groups are durable, have strong organizational structure, jealously guard the territories they control, are prone to use violence, and may seek to legitimize their operations and proceeds.¹⁴ Criminal networks comprise a number of people who transact regularly in diverse markets,¹⁵ seek to control their supply chain, with a penchant for laundering their profits.¹⁶ On their part, state-embedded actors are a number of officials with significant level of state influence, acting with impunity in the use of their influence on the distribution of state resources.¹⁷ State-embedded actor syndrome rides on the back of corruption,¹⁸ which affects people's finances as well as their safety and security.¹⁹ State-embedded actor syndrome can get so entrenched that officials commit organized crimes,

¹² D Imhonopi and UM Urim, 'The Sceptre of Terrorism and Nigeria's Industrial Development: a Multi-Stakeholder Imperative' (2016) 9(1) *African Journal of Criminology and Justice Studies (AJCJS)* 20.

¹³ IEP (n 9) 6.

¹⁴ ENACT, 'Organized Crime Index—Africa 2019' (n 1) 66; D Gambetta, *The Sicilian Mafia: the Business of Private Protection* (Harvard University Press, 1996) 4.

¹⁵ P Williams, 'Transnational Criminal Networks', in J Acquilla and DF Ronfeldt (eds), *Networks and Netwars: The Future of Terror, Crime and Militancy* (Rand Corporation, 2001).

¹⁶ ENACT, 'Organized Crime Index—Africa 2019' (n 1); T Forrest, *The Advance of African Capital: The Growth of Nigerian Private Enterprise* (University Press of Virginia, Charlottesville, 1994) 12; EEO Alemika, 'Organized Crime: Nigeria', paper presented at UNODC seminar, Dakar, 2 April 2004, 8; Organisational Intelligence Unit, Federal Bureau of Investigation, *Overview of International Organized Crime*, 1995, 40; D Gumba, 'Armed Gangs are Perpetuating Mombasa's Narco-City Image' (9 September 2020) <www.ocindex.net> accessed 26 October 2020.

¹⁷ Ibid.

¹⁸ C Fijnaut, 'Empirical Criminological Research on Organized Crime: the State of Affairs in Europe', paper presented at the Round Table 'The "new" Field of Security in Europe: Internal and External Security Concerns', Centre D'Etudes Et De Recherches Internationales, Fondation National des Sciences Politiques, Paris 1996.

¹⁹ JB Yahia, 'Corruption is more than a Financial Threat' (3 May 2019) <www.ocindex.net> accessed 19 July 2020.

oblivious of their illegality.²⁰ This weakens state institutions and makes criminal networks emerge as service providers for the citizens.²¹ This panned out in Somalia where al'Shabaab has been designated a terrorist as well as an organized crime group.²² Lastly, foreign criminal actors comprise people from other states, who may enjoy some political protection as they operate in the criminal markets of host state and launder their proceeds in their home states. State-embedded actors constitute the dominant criminal actors in Africa, having significance in all aspects of society.²³ Criminal networks and foreign criminal actors have moderate while mafia-style groups have only little influence on the average on the continent.²⁴

Taken as a whole, criminality juxtaposes with resilience. Resilience means states' 'ability to withstand and disrupt organized criminal activities as a whole, rather than individual markets through political, economic, legal and social measures.'²⁵ The political measures of state resilience address the penchant of a state to cooperate with other states to disrupt organized crime; a state's ability to protect her territorial integrity; political leadership and governance; as well as government transparency and accountability. The economic measures relate to the economic regulatory environment and anti-money laundering. The Organized Crime Index—Africa 2019 does not recognize money laundering as a criminal market, but it includes anti-money laundering as a state resilience factor.²⁶ This is problematic, as this particular resilience factor has no criminal market with which to counteract. Money laundering is a notable organized crime in Africa²⁷ and its inclusion in the Index will enhance the measuring of the actual state of criminality on the continent. Since this is a crime mostly committed by state officials, data on it will help determine how the involvement of state-embedded actors influences resilience and its relationship with criminality. The legal measures of state resilience pertain to national policies and laws in place to withstand and disrupt organized crime, law enforcement,

²⁰ United Nations Office on Drug and Crime (UNODC), 'Transnational Organized Crime in the West Africa Region, 2005' <https://www.unodc.org/pdf/transnational_crime_west-africa-05.pdf> accessed 10 June 2021.

²¹ K Aning, SB Kwarkye and J Pokoo, 'Getting Smart and Scaling Up: The Impact of Organized Crime on Governance in Developing Countries – a Case Study of Ghana' (New York University, June 2013).

²² T Reitano, C Clarke and L Adal, 'Examining the Nexus between Organized Crime and Terrorism and its Implications for EU Programming,' (International Centre for Counter-terrorism, April 2017), <<https://icct.nl/wp-content/uploads/2017/04/OC-Terror-Nexus-Final.pdf>> accessed 5 May 2021.

²³ Ibid 45, 59.

²⁴ Ibid.

²⁵ Ibid 29.

²⁶ Ibid 9.

²⁷ UNODC(n 20).

prevention as well as judicial system and detention. Lastly, the social measures are about the role that non-state actors play to withstand and disrupt organized crime as well as measures put in place to support victims and witnesses. AS it relates to the criminality of state-embedded actors, its relationship with resilience is ascertainable and this paper seeks to ascertain it.

The difficulty in ascertaining the relationship between criminality and resilience arises from a failure to measure and mix state vulnerabilities into the equation of criminality-resilience relationship. State vulnerabilities are the economic, physical geography and natural resources, social cohesion²⁸ and conflict,²⁹ socio-demographics, and trade factors that make a state vulnerable to organized crime.³⁰ Robust oil production in a state can make her vulnerable to oil bunkering.³¹ A state with long and porous border is vulnerable to organized crime, arising from unregulated cross-border trade.³² Robust cross-border trade increases the opportunity for illicit trade to pass through channels meant for legal commerce,³³ thereby eliminating the luminal state between legitimate and illegitimate markets.³⁴ Large flora concentration may make a state vulnerable to illicit logging.³⁵ Some vulnerabilities like high youth population in a state and artificial restrictions to legitimate trade that warrant the exodus of people into illegal trade have significant impact on criminality.³⁶ Some other vulnerabilities like economic inequality, natural resources revenue allocation and internal conflict adversely affect the strength and real value of state resilience.³⁷

²⁸ C Okafo, *Beyond the Rule of Law: Grounded Law and Personal Responsibility as the Catalysts for Effective and Efficient Crime Control in Nigeria* (Professorial Inaugural Lecture) (Nsukka, Nigeria: University of Nigeria Press 2017).

²⁹ S Dudley and J Bargent, 'The Prison Dilemma: Latin America's Incubators of Organized Crime, January 2017', <<http://www.insightcrime.org/investigations/prison-dilemma-latin-america-incubators-organized-crime>> accessed 2 September 2021.

³⁰ ENACT (n 1) 86.

³¹ UNODC (n 20).

³² Gumba (n 16).

³³ UNODC, 'The Globalization of Crime: A Transnational Organized Crime Threat Assessment, 2010' <https://www.unodc.org/documents/data-and-analysis/tocta/TOCTA_Report_2010_low_res.pdf> accessed 1 September 2021.

³⁴ Alexeev and others, 'Taxation and Evasion in the Presence of Extortion by Organized Crime' (2004) 32 (3) *Journal of Comparative Economics* 375.

³⁵ ENACT, 'Razing Africa: Combating Criminal Consortia in the Logging Sector', (September 2018), <<https://enactafrica.org/research/research-papers/razing-africa-combatting-criminal-consortia-in-the-logging-sector>> accessed 10 October 2021.

³⁶ Gumba (n 16).

³⁷ K Blackburn, KC Neandis and MP Rana, 'A Theory of Organized Crime, Corruption and Economic Growth' (2017) 5(2) *Economic Theory Bulletin* 1; Global Initiative, 'Organized Crime and its Role in Contemporary Conflict', Policy Note, September 2018; J Vorrath, 'Containing Illicit Flows at African Borders', (SWP International, July 2017).

State vulnerabilities generally take the toll off state resilience. A state may have adequate national policies and laws in place, but is unable to enforce them because the law enforcement process and system are either absent or grossly ineffective. Kenya banned the drug trade twice in a decade: first, via the enactment of the Prevention of Violence Act 2010 section 22(1) and second in 2016, yet the law is not implemented and the trade continues openly.³⁸ South Africa enacted the Public Services Act 1994, the Public Finance Management Act 1999 and the Prevention and Combating of Corruption Act 2004 to combat corruption. Yet, corruption and conflict of interest cases involving senior state officials continue unabated.³⁹ In spite of the existence of legal and institutional frameworks for anti-money laundering and economic regulatory environment, state-embedded actors in Nigeria still stash away public funds in overseas personal banks accounts.⁴⁰ Similarly, in 2011, Morocco included the goldfinch in Annex IV of the Convention on International Trade in Endangered Species of Wild Fauna and Flora and consequently enacted Law No. 29-05 on the protection of the goldfinch, yet the industrial poaching and trafficking of this noble songbird has continued because the laws are not enforced.⁴¹

The police are reactive⁴² and centralized,⁴³ hence poor at crime prevention; they still use illegal detention in most African states and the judiciary is not independent to the extent that a president can remove a chief judicial officer at will.⁴⁴ Most of these states pay only lip service to victim and witness support and this derogates from successful prosecution of organized crimes, leading to the re-victimization of the victims of these crimes. Governments in these states are hardly transparent and accountable, which accounts for the poor political leadership and governance. A state may sign and ratify organized crime treaties, giving a façade of international cooperation, but will refuse to domesticate them; or domesticate them without effectively enforcing them.⁴⁵

The states in the HC-HR trend and those at the brink have large borderline that they cannot control, making the infiltration of criminal markets and actors

³⁸ Gumba (n 16).

³⁹ R Chelin, 'The Rush for Cash during COVID-19 Highlights Conflicting Interests in South Africa' (5 October 2020) <www.ocindex.net> Accessed 10 October 2021.

⁴⁰ AA Nwankwo, *Nigeria, the Stolen Billions* (Fourth Dimension, Enugu, 1999).

⁴¹ JB Yahia and O Abaouss, 'Can Morocco Save the Mythical Goldfinch in the Maghreb?' (11 September 2019) <www.ocindex.net> accessed 20 October 2021.

⁴² L Johnston and CD Shearing, *Governing Security: Explorations in Policing and Justice* (Routledge 2003) 23.

⁴³ A Hills, *Policing Africa: Internal Security and the Limits of Liberalization* (Lynne Rienner, Boulder CO and London, 2000) 11.

⁴⁴ J Ogunye, 'Analysis: Suspension of Chief Justice of Nigeria Onnoghen: An Illegal Executive Coup against a Recalcitrant Chief Judicial Officer', *Premium Times* 16 January 2019.

⁴⁵ SN Anya, MC Anozie and JF Olorunfemi, 'Amid Domestication and Afriexit: Whither Nigeria and South African on the International Criminal Court?' (2020) 46 (1) *Commonwealth Law Bulletin* 1.

easy, directly or indirectly counteracting the state's resilience.⁴⁶ On paper, non-state actors like civil society organizations (CSOs) and non-governmental organizations (NGOs) may exist in some states, but are in reality cronies and appendages of government, which pays them off to be silent and inactive on issues they are supposed to pursue actively. Or government may just emasculate and gag them. This is why in Nigeria, for instance, the present administration of President Muhammadu Buhari (2021) has refused to constitute the board of the National Human Rights Commission; a body that ought to investigate human rights abuses and hardly anyone is talking about it.

These negativities operate at the background to sap state resilience factors of strength, with the result that these so-called resilience factors are indeed negative, not positive, resilience. Resilience can be positive or negative. Positive resilience is the attitudes, institutions and structures that create and sustain a state's ability to withstand and disrupt organized crime; whereas, negative resilience is a poor camouflage of resilience structure without the requisite ability to withstand and disrupt organized crime. Negative resilience is in fact a shade of criminality, which is why it can go high simultaneously with criminality. This can be likened to negative peace and positive peace.⁴⁷ So the reason a state with high resilience may simultaneously experience high criminality may be that the so-called resilience is negative resilience, not positive resilience.

2.2 Literature Review

Organized crime was hitherto not a term applied to Africa.⁴⁸ However, globalization dynamics and emerging political economy have made this crime rife on the continent.⁴⁹ Organized crime is dynamic and this manifests in evolving criminal markets, with discovery in February 2020 of trafficking in new synthetic cannabinoid called WIZ in Durban, South Africa targeted at schoolchildren.⁵⁰ Similarly, a brand of human smuggling is emerging in which unscrupulous football agents smuggle and exploit young African footballers in search of clubs in Europe and Asia.⁵¹ Kenya's blood is smuggled to Somalia, causing shortage in Kenyan hospitals.⁵² Elected political office holders engage

⁴⁶Gumba (n 16).

⁴⁷ Economist Intelligence Unit (EIU) Limited, 'Democracy Index 2019: A Year of Democratic Setbacks and Popular Protests' <<https://www.eiu.com>> accessed 20 March 2020, 66.

⁴⁸ M Shaw, 'Africa's Changing Place in the Global Criminal Economy', ENACT Continental Report, September 2017.

⁴⁹ EEO Alemika, 'United Nations Transnational Organized Crime Assessment Form: Nigeria' April 2004, 9.

⁵⁰ R Chelin, 'New WIZ Drug target South African Youth' (20 July 2020) <[ocindex.net](https://www.ocindex.net)> accessed 30 September 2021.

⁵¹ PR Oyono, 'African Young Footballers Caught in a Web of Crime and Abuse' (26 February 2019) <www.ocindex.net> accessed 20 September 2021.

⁵²Gumba and Daghar (n 8).

in corruption racket in Nigeria, where they steal government funds in the name of security votes.⁵³ These new brands of organized crime add to already high criminality.

This increase in criminality correlates with emerging crop of criminal actors. For instance, Niger-Delta militants, with the connivance of state-embedded actors and foreign criminal groups drive oil bunkering along the Gulf of Guinea.⁵⁴ State-embedded actors back criminal networks trading on drugs in Kenya.⁵⁵ State-embedded actor syndrome in South Africa manifests at the highest level, where Khusela Diko, former aid to South African President Cyril Ramaphosa is under investigation for corruption/conflict of interest in procuring personal protective equipment during COVID-19. Criminal networks illegally obtain commercial explosives in the Southern African Development Community (SADC) and smuggle them into South Africa, where they are used in cash-in-transit armoured-vehicle robberies, ATM bombings and illegal mining.⁵⁶ Organized criminal transactions on drugs are carried out in Africa by loosely organized criminal network, in contrast to Latin America where these transactions are dominated by highly organized mafia-type groups.⁵⁷ Criminal networks conspire with foreign criminal groups (Chinese and Ghanaians) to illegally mine gold in Kédougou and Niokolo-Koba Park in Senegal.⁵⁸

Organized criminal markets and actors are fuelled by interstate and intercontinental travel and transaction. Nigeria is a trans-shipment route for cargoes of heroin and cocaine produced in South Asia and South America respectively, which are destined for Europe and the United States.⁵⁹ Nigerian and Ghanaian cybercrime networks operate from Sierra Leone, and defraud victims anywhere in the world.⁶⁰ The heroin that makes South Africa a transit zone and consumption market for this drug is shipped from Central Asia.⁶¹

⁵³ JN Ezeilo, U Nwoke and SN Anya, 'Legal Structures for the Prevention of Misspending and Embezzlement of Security Vote' (2018) 62(2) *Jour of Afri Law* 45.

⁵⁴ M Ogbonnaya, 'Is Nigeria's New Anti-Piracy Law enough to Combat Piracy?' (7 May 2020) <www.ocindex.net> accessed 2 September 2021.

⁵⁵ Gumba (n 16) 119.

⁵⁶ R Chelin and W Els, 'South Africa's Growing Threat of Explosives Smuggling is a Ticking Time Bomb' (2 September 2020) <www.ocindex.net> accessed 20 September 2021.

⁵⁷ J Bello-Schünemann and L Wellborn, 'Responding to Drug Demand in West Africa', ISS, August 2019.

⁵⁸ M Kane, 'How Corruption is fuelling Illegal Mining in Senegal' (22 August 2019) <ocindex.net> accessed 3 September 2021.

⁵⁹ UNODC (n 20) 13.

⁶⁰ M Lengor, 'United Nations Transnational Organized Crime Assessment Form: Sierra Leone', April 2004, 11.

⁶¹ S Haysom, P Gastrow and M Shaw, 'The Heroin Coast: A Political Economy along the Eastern African Seaboard', (2018) <<https://globalinitiative.net/wp->

Timber illegally logged in the Congo Basin region is shipped to Asian Markets.⁶² Nigerian ladies are being increasingly trafficked to Mali, where they are forced into prostitution.⁶³ Donkey rustled in Ethiopia, Tanzania, Somalia, Uganda and South Sudan are taken to Kenya, where they are killed and their skin shipped to China for the production of medicine and cosmetics.⁶⁴ Morocco's rare fossils are trafficked and end up in auctions and collections in faraway Paris and Mexico City.⁶⁵ Cocaine shipped from Brazil and destined for Europe transits the Autonomous Port of Dakar, Senegal.⁶⁶ Illegal migrant from Senegal, destined for Spain, are smuggled via Morocco.⁶⁷ Children trafficked from Guinea-Bissau are forced to beg in Senegal.⁶⁸ This interconnectivity of crimes and places means that measuring criminality in states gives the best result when done in recognition of the transnational nature of organized crime.

Again, the prevalence of one organized criminal market may correlate with that of another. Human trafficking, for instance, correlates highly with human smuggling,⁶⁹ indicating that people being smuggled can be exploited as situations arise. This can be exploitation for prostitution,⁷⁰ forced labour services, slavery or organ harvest.⁷¹ There is high correlation between human trafficking and trafficking in arms, indicating that people who are being trafficked also traffic arms alongside or arms are taken together to facilitate human trafficking.⁷² The point here is that measuring criminal markets in isolation may yield wrong or indeterminate result, and this can be avoided by paying attention to the correlations between markets.

content/uploads/2018/07/2018-06-27-research-paper-heroin-coast-pdf.pdf.> accessed 14 October 2021.

⁶² ENACT (n 35).

⁶³ M Kane, 'Trafficked from Nigeria for Sex Work in Mali' (25 October 2019) <www.ocindex.net> accessed 22 October 2021.

⁶⁴ M Daghar, 'Donkey Rustling in East and Horn of Africa' (13 October 2020) <www.ocindex.net> accessed 20 October 2021.

⁶⁵ JB Yahia, 'Morocco's Surging Trade in Fossils' (7 January 2019) <www.ocindex.net> accessed 1 September 2021.

⁶⁶ M Kane, 'Is Dakar the new Destination of Choice for Drug Traffickers?' (16 January 2020) <www.ocindex.net> accessed 24 October 2021.

⁶⁷ M Kane, 'Senegal's Multimillion-Dollar Migrant Smuggling Trade Goes On' (15 January 2020) <www.ocindex.net> accessed 12 September 2021.

⁶⁸ M Kane, 'Trafficked from Guinea-Bissau and Forced to Beg in Senegal' (24 October 2019) <www.ocindex.net> accessed 22 October 2021.

⁶⁹ International Organization for Migration (IOM), 'World Migration Report 2018'; UNODC, 'Global Report on Trafficking of Persons 2018'; ENACT (n 1) 64.

⁷⁰ UNODC, 'Trafficking in Persons: Global Patterns, the UNODC Anti-Human Trafficking Unit Report 2006', 1.

⁷¹ Alemika (n 49) 36-37.

⁷² L Bird and T Reitano, 'Trafficking in Persons in Conflict Contexts: What is a Realistic Response from Africa?' ENACT, June 2019.

Criminality and resilience do not stand alone, but have to be coupled with state vulnerabilities to give accurate result on the organized crime status of a state.⁷³ Organized criminal groups exploit conditions like armed conflict, absence of social cohesion, social and economic inequality, porous border to bolster their activities. Economic crises pave way for organized criminal organizations to infiltrate businesses.⁷⁴ A state's business regulatory environment determines investment risk therein.⁷⁵ A strong business regulatory environment can make it conducive for citizens to pursue legitimate businesses and shun organized crime.⁷⁶ Such environment, when too restrictive and coupled with economic inequalities,⁷⁷ may serve to edge out willing businesspeople and turn their interest to organized crime.⁷⁸

No existing literature to the best of authors' knowledge has pursued the research question posed in this study. This study is therefore the first to do so. Data are collated and analysed below to answer the research question.

3. Data

Empirical data for criminality and resilience are obtained from the Organized Crime Index—Africa 2019. Data scores range from one to ten. For criminality, a score of one represents a perfect situation where criminal markets and criminal actors do not exist or have negligible impact; a score of ten, on the other hand, signifies the worst situation where criminal markets and actors permeate every facet of society.⁷⁹ The scores for resilience have the inverse value as one represents the weakest resilience and ten signify the strongest resilience.⁸⁰

⁷³ Global Initiative (n 37) 86; Vorrath, (n 37) 86; Blackburn et al (n 37) 86.

⁷⁴ Global Agenda Council on Organized Crime, 'World Economic Forum 2011' <http://www3.weforum.org/docs/WEF_GAC_OrganizedCrime_Report_2010-11.pdf> accessed 26 September 2021.

⁷⁵ World Bank Group, 'Doing Business 2017: Equal Opportunity for All Report, 2017' <<http://www.doingbusiness.org/~media/WBG/DoingBusiness/Documents/Annual-Reports/English/DB17-Report.pdf>> accessed 10 October 2021.

⁷⁶ R Locke, 'Organized Crime, Conflict and Fragility: A New Approach' (International Peace Institute, July 2012) <https://www.ipinst.org/wp-content/uploads/publications/epub_organized_crime_conflict_fragility.pdf> accessed 2 October 2021.

⁷⁷ Blackburn et al (n 37); Global Initiative, (n 37); Vorrath (n 37).

⁷⁸ Vulnerabilities to Trafficking, <http://www.labourexploitation.org/sites/default/files/publications/Vulnerabilities%20to%20trafficking_final.pdf> accessed 3 September 2021.

⁷⁹ ENACT (n 1) 45.

⁸⁰ Ibid.

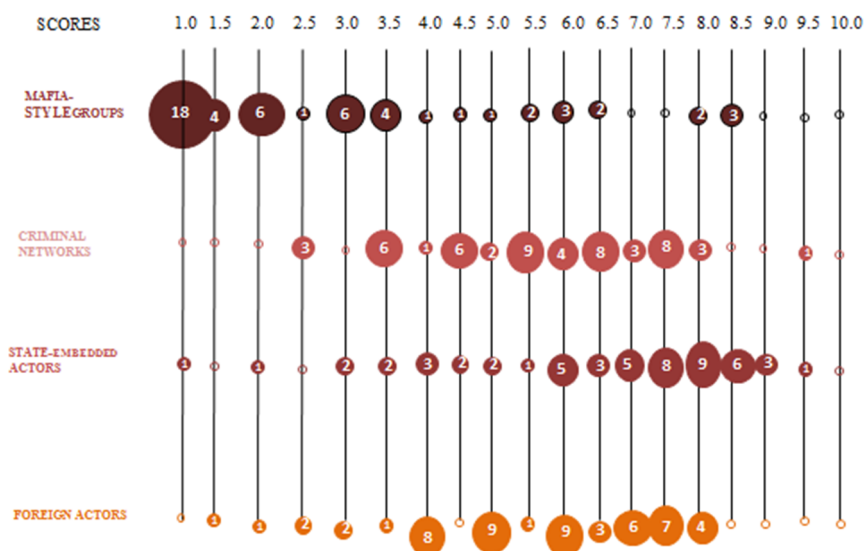


Figure 1: Criminal Actor Score Distribution. Source: ENACT, Organized Crime Index—Africa 2019.

Figure 1 shows that 42 out of the 54 African states (77.7 per cent) score one to five (low) on mafia-style criminal actor groups,⁸¹ indicating that this criminal actor group has non-existent, negligible or moderate impact on criminality. Out of the remaining 12 states, the impact of mafia-type groups is significant in seven states and severe in five states. No state in Africa scores above 8.5 on this criminal actor type. The inference is that the impact of this criminal actor type, without high state-embedded actor scores will not skew the relationship between criminality and resilience to the HC-HR trend.

Conversely, only 18 out of the 54 African states (33 per cent) score between one and five on criminal networks. Criminal networks have non-existent or insignificant influence in three out of these 18 states, and moderate influence in 15 states. Out of the remaining 36 states, criminal networks have significant influence in 24 (44.4 per cent) and severe influence in 12 (22.2 per cent). Only one African state scores above 8.0 on criminal network. The inference here is that criminal networks, without the overbearing influence of state-embedded actors are unable to generate the HC-HR organized crime trend.

Although foreign criminal actors are the least prevalent on the continent, it is only in six out of the 54 states (11.1 per cent) that this criminal type has non-existent or negligible influence on organized crime. In 18 out of the 54 states (33.3 per cent), foreign actors score 3.5—5, having little or moderate influence. In the remaining 30 states, foreign actors have significant influence in 26 (48.1

⁸¹ Ibid.

per cent) and severe influence only in four states (7.4 per cent). No African state scored above 8.0 on foreign criminal actor type.⁸² The inference is that, owing to the non-prevalent nature of foreign criminal actors on the continent, this actor type, without the connivance of state-embedded actors cannot slant the relationship between criminality and resilience to the HC-HR trend.

Then comes the state-embedded-actors, who are the most prevalent criminal actor type, with just four out of the 54 states (7.4 per cent) having non-existent or insignificant impact on criminality. State-embedded actors have moderate influence in nine out of the 54 states (16.6 per cent), with scores of 3.5—5.⁸³ Interestingly, state-embedded actors are the most prevalent criminal actors in 40 out of the 54 African states, scoring 6 to 10 on criminality, having significant or severe influence on the continent. This is the only criminal actor type that has severe influence in up to 19 African states (35.1 per cent). Only state-embedded actors and criminal networks record a score of 9.5 each in a state. The foregoing criminal actor scores are hence particularized to states under study and merged with the criminal market score to get the criminality scores, which are juxtaposed with resilience scores below.

State	Criminality Score	Criminal Market Score	Criminal Actor Score	Resilience Score
Nigeria	7.70	7.65	7.75	5.67
Kenya	6.14	5.65	6.63	5.04
South Africa	6.16	5.20	7.13	5.58
Ghana	4.89	5.15	4.63	5.48
Senegal	4.60	4.45	4.75	6.04
Morocco	4.88	4.50	5.52	6.33

Table 1: Criminality and Resilience Scores of select States. Source: Adapted from ENACT, Organized Crime Index—Africa 2019.

Of the ten indicators of the criminal market in Nigeria, none has non-existent or little influence, just like none has moderate influence on society. The least score for any of these indicators in Nigeria is 6.5 on heroin trade and cocaine trade, which still has significant influence on criminality. Five out of these ten criminal markets score above 8.0, having severe influence on criminality. Out of these severely influential five, non-renewable resource crimes have the highest score of 9.00.⁸⁴ This most prevalent criminal market in Nigeria is dominated or engineered by state-embedded actors, who illegally award to themselves oil wells in the Niger-Delta and illegally mine gold in

⁸² Ibid.

⁸³ Ibid.

⁸⁴ Ibid.

Zamfara State and some other states of northern Nigeria.⁸⁵ The inference is that state-embedded actors dominate the most widespread criminal market and this militates against positive resilience.

Six out of the 12 resilience indicators score between 4.0 and 5.5, being moderately effective in Nigeria. These are political leadership and governance, government transparency and accountability, judicial system and detention, territorial integrity, victim and witness support as well as prevention. These are resilience indicators anchored directly by state officials, and their mere moderate effectiveness indicates that Nigerian state officials are lax in the performance of their duties at resilience-building. Non-state actor resilience is sufficiently effective in Nigeria (6.5),⁸⁶ indicating that the CLOs and NGOs are ready to play their parts when state officials seriously face the duty of resilience-building. Nigeria's highest score on the 12 resilience indicators is 8.0 on national policies and laws, showing that she has a robust set of laws to counter organized crimes.⁸⁷ However, these laws are not effectively enforced, largely because senior state officials are themselves the dominant organized criminals (8.0), partnering criminal networks (9.5), whose interests are protected by deliberately ineffective law enforcement.

Kenya has a criminal market score spectrum slightly different from Nigeria. Unlike in Nigeria where five out of the ten criminal markets have severe influence on criminality, no criminal market in Kenya has severe influence on criminality. However, five out of the ten criminal markets, to wit: human trafficking, human smuggling, fauna crimes, non-renewable resource crimes, and cannabis trade have significant influence on criminality, with scores between 6.0 and 6.5.⁸⁸ Arms trafficking and heroin trade top the list, by scoring 7.0 on criminal market; and only cocaine trade and synthetic drugs trade have moderate influence (4.0) in the East African state.⁸⁹ Arms trafficking in Kenya make weapons available for ethnic crisis and election conflicts, and these conflicts are engineered or sponsored by senior state officials for political gain.⁹⁰ State-embedded actors (7.5) lead criminal networks (7.0), foreign criminal actors (6.0) and mafia-style groups with significant influence on criminality in Kenya. The prosecution of President Uhuru Kenyatta and Vice President William Ruto at the International Criminal Court following the 2008

⁸⁵ Ibid.

⁸⁶ Ibid.

⁸⁷ Ibid 124.

⁸⁸ Ibid.

⁸⁹ Ibid 118.

⁹⁰ SJ Ndlovu-Gatsheni, 'Beyond the Equator there are no Sins: Coloniality and Violence in Africa' (2012) 28(4) *Journal of Developing Societies* 419.

post-election crises, though botched,⁹¹ is a testament of the role that state-embedded actors play in aggravating criminality and vitiating state resilience.

This averment is vindicated by the fact that no resilience indicator for Kenya is highly effective. Only non-state actors and national policies and laws score up to 7.0, showing that Kenya makes anti-organized crime laws that are not enforced, and that there are viable CLOs and NGOs ready to partner the state in resilience-building. The fact that Kenya's laws are not enforced reflects in her poor score of 1.5 on prevention,⁹² which shows that the laws are extremely ineffective at crime prevention. Kenya's law enforcement score of 6.0 is mere negative resilience. The extreme ineffectiveness of Kenya's laws⁹³ is also indicated by her low score (2.0) on victim and witness support. A criminal justice system that is unable to support victims of crime and protect witnesses will only fare poorly at crime prevention and prosecution. The resilience indicators of political leadership and governance, government transparency and accountability, judicial system and detention, territorial integrity, anti-money-laundering systems, as well as economic regulatory environment have only moderate effectiveness in Kenya. The poor scores on these core government functions potentially bolster criminality, just as they testify to the unwillingness of the state to build positive resilience, and this is traceable to the effect of state-embedded actor activities.

For South Africa, flora crimes, cocaine trade and cannabis trade have non-existent or little influence on society as they score 3.0 and below.⁹⁴ Human trafficking (3.5) and human smuggling (4.0) have only moderate influence on criminality.⁹⁵ Four out of the 12 criminal markets have significant influence on criminality; they are arms trafficking (7.0), fauna crimes (7.5), heroine trade (7.0) and synthetic drugs trade (7.0). The criminal market that has severe influence on society in South Africa, just like in Nigeria, is non-renewable resource crimes (8.0).⁹⁶ State-embedded actors (7.5) participate most actively in this market either alone or in conjunction with foreign criminal actors (7.5) and criminal networks (7.0), with the implication that state resilience is destroyed from within.

⁹¹ Amnesty International, 'Crying for Justice: Victims' Perspectives on Justice for the Post-election Violence in Kenya' (2014) <<https://www.amnesty.org/en/press-releases/2014/07/kenya-victims-still-seeking-justice-post-election-violence>> accessed 23 September 2021; C Meloni, 'Kenya and the ICC: a Boomerang Effect?' (May 2014) <https://www.academia.edu/6972975/Kenya_and_the_ICC_A_Boomerang_Effect> accessed 29 September 2021.

⁹² ENACT (n 1) 125.

⁹³ Gumba (n 16).

⁹⁴ ENACT (n 1) 118.

⁹⁵ Ibid.

⁹⁶ Ibid 19.

South Africa's resilience table vindicates this averred complicity of state-embedded actors, as only the non-state actors resilience indicator scores up to 7.0;⁹⁷ kudos to South Africa's viable CLOs and NGOs. South Africa scores poorly on victim and witness support (3.0) as well as prevention (2.0), on which she has non-existent or extremely ineffective resilience. Her resilience indicator on international cooperation is only moderately effective (5.5),⁹⁸ which suggests that she is yet to maximize her potentials to galvanize cooperation among the SADC states and beyond, to combat organized crime. Although slightly better than Nigeria, South Africa is not highly effective on the core state function of building resilience through political leadership and governance, government transparency and accountability, national policies and laws, judicial system and detention, law enforcement, territorial integrity, anti-money-laundering systems and economic regulatory environment. The minus on this point is an indictment on state-embedded actors and it goes to show that these actors, through complicity and inaction, deliberately bolster criminality and stifle resilience.

The three states at the brink of the HC-HR trend (Ghana, Senegal and Morocco) share similar criminal markets and resilience features with Nigeria, Kenya and South Africa, which puts them at a risk of also entering this trend. Ghana's non-renewable resource crime score of 7.5 is her highest score for criminal market.⁹⁹ This crime has the tendency to deepen state-embedded actor syndrome and escalate criminality, thereby bringing Ghana into the HC-HR trend. State-embedded actors are already the most dominant players in Ghana (6.5) followed by active criminal networks (6.0).

Senegal has a current criminality score of 4.60, with flora crimes (7.0) and fauna crimes (6.5) having significant influence on society. Flora and fauna are naturally occurring criminal markets that promise to inure, coupled with emerging indications that Senegal is the new destination of choice for drug traffickers,¹⁰⁰ which have a tendency for increasing criminality. Beyond this, none of the criminal markets has non-existent or little influence in Senegal. With foreign criminal actors having significant influence and criminal networks having moderate influence, there is a chance that these actors will consistently exploit these markets and increase criminality in Senegal, and thereby push her into the HC-HR trend. It is imperative for Senegal to make a law pursuant to the Protocol to Prevent, Suppress and Punish Trafficking in Person, especially Women and Children 2000 Article 5, to criminalize human smuggling, as a strategy to reduce her criminality.

On her part, Morocco's cannabis trade score of 9.0 is her highest for criminal market. She is among the world's largest producer and consumer of cannabis. This coupled with the significant influence of cocaine trade, synthetic

⁹⁷Ibid 25.

⁹⁸Ibid.

⁹⁹Ibid 119.

¹⁰⁰Kane (n 66).

drug trade and human smuggling (all at 6.0), has propensity to bolster her criminality from the current 4.88 to 5.0 and above, thereby plunging her into the HC-HR trend. The fact that criminal networks (6.5), state-embedded actors (7.5) and foreign criminal actors (6.0) currently have significant influence in Morocco only guarantees speedy degeneration of the North African state into high criminality.

4. Discussion

4.1 Quadrant Analysis

Quadrant analysis is used here to place the states into four categories to discuss their criminality-resilience relationships. Accordingly, they are states in the high criminality and low resilience, low criminality and low resilience, high criminality and high resilience, as well as low criminality and high resilience trends. The first two trends are not central to the objectives of this paper and receive only tangential explanation here. Twenty African states have high criminality and low resilience to counter the threat.¹⁰¹ Most of the states in this trend are experiencing conflict, which suggests that conflicts in states increase chances of organized criminality and lower the states' resilience to counter the threat. Similarly, 20 African states have low criminality and low resilience. This implies that criminal markets and actors are absent in these states and government see no need to put resilience mechanisms in place. The right approach however will be for such states to build resilience all the same, as criminal actors, sensing the existing low resilience may seek out or develop criminal markets in these states, where they can operate and be protected under the low resilience scenarios.

Nigeria, Kenya and South Africa are arguably the biggest economies of their regions as well as the states with strong democratic traditions and institutions. Yet the trio has high organized criminality and high resilience. It means that these states know of the prevalence of organized crime within their borders, have made laws and policies among other resilience factors to the point that they are recognized as high resilience states, yet they continue to experience increased organized criminality. The implication is that the states have reached a saturation point where their high resilience no longer effectively counters criminality. Thus, these states have perfect examples of cases of the concept of negative resilience discussed above. The states' laws are weak and inadequate. Yet, the states do not effectively implement the laws or do not implement them at all? The states should amend existing laws to make them sufficiently pragmatic to curb organized criminality. The relevant law enforcement machinery in the state should be strengthened. Since the prevalence of state-embedded actors has correlation with this HC-HR trend, the states should go tough on state officials and purge the public service of corrupt elements that spearhead or partner other criminal actors to increase organized criminality.

¹⁰¹ ENACT, 'Organized Crime Index—Africa 2019' (n 1) 13.

Nigeria leads West Africa on criminality with a score of 7.70. Nigeria has the highest scores on criminal markets (7.65) and criminal actors (7.75) in the region. The on-going armed conflict between Boko Haram insurgents and government security officials¹⁰² as well as prevailing banditry in Nigeria¹⁰³ may further increase her criminality scores. Illegal mining of gold in north-western Nigeria, sponsored by Chinese criminal networks backed by state officials, is driving non-renewable resource crime.¹⁰⁴ Despite Nigeria's recent Suppression of Piracy and other Maritime Offences Act 2019, oil bunkering and piracy thrive along the Gulf of Guinea.¹⁰⁵ Close neighbours of Nigeria, to wit: Ivory Coast (6.23), Guinea (5.39), Niger (5.74), Sierra Leone (5.00) and Togo (5.56) are already high criminality states, with a tendency that this may spread further and worsen Nigeria's criminality rating. Nigeria's high resilience score of 5.76 is unable to withstand and disrupt organized crime in the state because she has a prevalence of state-embedded actors at score 8.0 and their collaborating criminal networks at score 9.5. The way forward for Nigeria is to sanitize the public service by flushing out corrupt state officials and effectively enforcing the law against organized crime. To be able to achieve this, Nigeria need to strengthen her inadequate law enforcement machinery by sufficiently funding the police and other relevant law enforcement agencies as well as making the judiciary truly independent and autonomous.

Similarly, in Kenya, state-embedded actors dominate organized crime. These actors control blood trafficking in Kenya,¹⁰⁶ back criminal actors trafficking in drugs in Kenya¹⁰⁷ and participate actively in fauna crimes in the East African state.¹⁰⁸ Thus, although, Kenya scores high (5.04) on resilience,¹⁰⁹ it is but negative resilience without actual capacity to roll back criminality. Kenya is surrounded by neighbours with high criminality and low resilience. For instance, Somalia's criminality-resilience ratio is 6.40:1.42. South Sudan's is 6.40:1.50. Sudan's is 6.38:2.83.¹¹⁰ These are very poor and dangerous rankings, with propensity to spread criminality into Kenya and worsen her

¹⁰² O Adetayo, 'Boko Haram: Buhari approves Release of \$1bn for Security Equipment' *Punch Newspapers* (2018), available at <<https://punchng.com/breaking-boko-haram-buhari-approves-release-of-1bn-forsecurity-equipment>> accessed 8 September 2021.

¹⁰³ DE Agbibo, 'Boko Haram and the Global Jihad: Don't Think Jihad is Over. Rather, Jihad Has Just Begun' (2014) X(X) *Australian Journal of International Affairs* 1.

¹⁰⁴ M Ogbonnaya, 'Illegal Mining Drives Nigeria's Rural Banditry and Local Conflicts' (28 May 2020) <www.ocindex.net> accessed 10 October 2021.

¹⁰⁵ Ogbonnaya (n 54); A Ebo'o and D Olorunyomi, 'Data Conundrum in the Gulf of Guinea' (25 July 2019) <www.ocindex.net> accessed 10 September 2021.

¹⁰⁶ Gumba and Daghar (n 8).

¹⁰⁷ Gumba (n 16).

¹⁰⁸ Daghar (n 64).

¹⁰⁹ ENACT (n 1) 73.

¹¹⁰ Ibid.

situation.¹¹¹ The fact that East Africa has the lowest average regional resilience score on the continent¹¹² proves that Kenya's is but negative resilience without the actual ability to roll back criminality.

On her part, South Africa leads the Southern African region on criminality with a score of 6.16.¹¹³ This score could have been higher if South Africa had not legalized private-use cannabis¹¹⁴ and the score for this criminal market was added to her overall criminality. The discovery in February 2020 of new synthetic cannabinoid called WIZ targeted at school children in Durban,¹¹⁵ the growing threat of explosives smuggled into South Africa¹¹⁶ and the deadly impact of the smack of heroin on development in South Africa¹¹⁷ – all poised to increase criminality in South Africa. Recurrent street violence damages social cohesion and threatens peace, which may invariably worsen South Africa's criminality rating in the future. South Africa's resilience of 5.58 is bolstered by active non-state actors like the civil society and the media, which play a role in withstanding and disrupting organized crime. The contribution of these non-state actors is technically wiped out by the prevailing activities of state-embedded actors, who score 7.5. Then President Jacob Zuma's role in a corruption case in 2019 indicates a link between senior state officials and criminal networks; it is particularly damaging in this regard,¹¹⁸ as it serves to negative resilience. This negative trend has not abated as a former aide to current South African President Cyril Ramaphosa is under investigation for corruption/conflict of interest on how government procured personal protective equipment during COVID-19.¹¹⁹

Ghana has low criminality and high resilience, with high propensity for increased criminality in the future.¹²⁰ In the literature review section, it was noted that organized crime in one state easily spreads into neighbouring or even far-flung states. West Africa has the highest average score for criminal markets (5.22) among all the five regions of the continent.¹²¹ On the average, West Africa scores 5.29 and 5.35 for overall criminality and criminal actors

¹¹¹ ENACT, 'Heroin is now a Major Urban Development Challenge in Africa' (13 August 2020) <www.ocindex.net> accessed 20 September 2021.

¹¹² ENACT (n 1) 73.

¹¹³ Ibid 75.

¹¹⁴ A Harding, 'Court Brushes aside Opposition' (18 September 2018) <www.bbc.co/news/world-africa-45559954> accessed 20 September 2021.

¹¹⁵ Chelin (n 50).

¹¹⁶ Chelin and Els (n 56).

¹¹⁷ ENACT, 'The Smack of Heroin: Deadly Impact of an Illicit Market on Development' (12 August 2020) <www.ocindex.net> accessed 20 September 2021.

¹¹⁸ ENACT (n 1) 99.

¹¹⁹ Chelin (n 39).

¹²⁰ ENACT (n 1) 91.

¹²¹ Ibid 66.

respectively, coming second only to East Africa.¹²² Nigeria has the highest score for criminality in Africa.¹²³ The propensity for criminality to spread from Nigeria and indeed other high criminality West African states like Ivory Coast, Guinea, Mali, Togo, Niger, and Sierra Leone to Ghana is high, putting Ghana at a very high risk of increased criminality. Criminality is equal to criminal market and criminal actor. Interestingly, Ghana's score for criminal markets (5.15) is already high. It took a low score of 4.63 on criminal actors to bring Ghana down to a low average of 4.89 on criminality.¹²⁴ The criminal market is already there waiting for sufficient criminal actors to engage it. Being at a criminality score of 4.89, it will take just a little for Ghana to hit five points and cross over to a high criminality state. This is the basis for the prediction that Ghana may soon enter the HC-HR trend.

This analysis for Ghana largely applies to Senegal, also a West African state. However, Senegal has a criminality score of 4.60, and a low state-embedded actor score of 4.0,¹²⁵ so it will take more for Senegal than for Ghana to hit five points and cross over to a high criminality state. Moreover, Senegal's resilience point (6.04) is higher than Ghana's; and if the resilience were positive, Senegal may have stronger capacity than Ghana to push back criminality.

Morocco is indeed at the brink of falling into the HC-HR trend. With poor governance, corruption and porous border constantly escalating illicit trade in the region, Morocco comes third on criminality in North Africa, scoring 4.88 (low).¹²⁶ This score is so close to the five point's threshold that Morocco can easily cross over to a high criminality state. Morocco and the Maghreb have no dedicated strategy to address industrial poaching of the mythical goldfinch, which is poised to increase the criminal market for fauna crime in the region.¹²⁷ The cannabis market is robust in North Africa, with Morocco reckoned as one of the highest cannabis producing states of the world.¹²⁸ The cannabis trade has a criminal market score of 9.0 in Morocco and its consumption is high among Moroccans,¹²⁹ predisposing them to criminality. Similarly, Morocco's criminal market for synthetic drugs trade (particularly tramadol) scores high at 6.0. Being a transit hotspot to Europe, Morocco already scores high (5.75) on the human

¹²² Ibid 76.

¹²³ Ibid.

¹²⁴ Ibid 77.

¹²⁵ Ibid.

¹²⁶ Ibid 70.

¹²⁷ Yahia, 'Will the Melody Linger on? Morocco Moves to Save the Goldfinch' (20 March 2020) <www.ocindex.net> accessed 12 October 2021.

¹²⁸ UNODC, 'World Drug Report 2019' <<https://www.unodc.org/unodc/en/frontpage/2019/June/world-drug-report-2019>> accessed 17 October 2021.

¹²⁹ ENACT (n 1) 70.

trafficking/smuggling criminal market.¹³⁰ State-embedded actors are the most prominent criminal actors in Morocco, scoring 6.33. These criminal state officials benefit from the criminal market and are expected to do little or nothing to withstand and disrupt growing criminality in the Sahara state. As it stands, there is little or nothing on the way to stop Morocco from joining the HC-HR trend, as her resilience score of 6.33, although the highest in North Africa, is but negative resilience, where state-embedded actors are the major players in the criminal markets.

4.2. Is State-embedded Actor Syndrome responsible for the HC-HR Trend?

Evidence from Central Africa suggests that the state-embedded actor syndrome does not necessarily cause HC-HR trend. The region scores the highest on state-embedded actors in Africa with an average of 7.09, with Burundi (8.5), Equatorial Guinea (9.0) and Angola (8.5) scoring extremely high on this criminal actor type. Yet, none of these states is in the HC-HR trend. It is instructive however, that Burundi and Equatorial Guinea with very high state-embedded actor scores have non-existent or extremely ineffective resilience scores at 1.88 and 2.04. This corroborates the notion that high state-embedded actor situations detract from the effectiveness of state resilience. However, despite their high state-embedded actor scores, Burundi and Equatorial Guinea score lowly 3.5 and 2.5 respectively on criminal networks, which suggest that high state-embedded actor scores need correspondingly high criminal networks score to be able to cause the HC-HR trend. It is a combination of state-embedded actors and criminal networks that dominate organized criminality in Africa.¹³¹ State actors play direct as well as indirect roles in organized criminality. By direct roles, state officials participate in organized crimes,¹³² such as the participation of Maurice Ibekwe, then serving member of the Nigerian House of Representatives in 2003 in defrauding the International Finance Banco Nordeste in São Paulo, Brazil of US\$240 million.¹³³ By indirect participation, state official corruptly aid, procure or abate criminal networks.¹³⁴ All the three African states on the HC-HR trend as well as Columbia and Albania also on the HC-HR trend (but outside Africa) have high scores for state-embedded actors correlating with high scores for criminal networks. This suggests that it may take a correlation with criminal networks for the state-embedded actor syndrome to cause the HC-HR trend. Ghana and Morocco at the brink of the HC-HR trend also have similar correlation between state-embedded actor and criminal networks.

¹³⁰ Ibid.

¹³¹ Ibid 18.

¹³² Gumba and Daghar (n 8).

¹³³ Alemika (n 49) 15.

¹³⁴ Gumba (n 130).

Again, the breadth of the criminal market may be an underlying reason why state-embedded actor syndrome will cause the HC-HR trend. For instance, the states with the highest criminality in Africa are Nigeria, the Democratic Republic of Congo and the Central African Republic. Yet, each of these three states shows the highest breadth of criminal markets.¹³⁵ The implication of this for Nigeria is that the breadth of the criminal market correlates with the HC-HR trend. This explanation does not however hold for the Democratic Republic of Congo and the Central African Republic, who do not share the HC-HR trend with Nigeria. This leads to another significant correlation, to wit: high score for non-renewable resource crimes as well as flora and fauna crimes in a state with high score for state-embedded actors may enhance the emergence of the HC-HR trend. Nigeria, Kenya and South Africa have high scores for non-renewable resource crimes; they also have high score for either flora or fauna crime or both. This correlates with high scores for state-embedded actors. Outside Africa, evidence from Columbia (a HC-HR state) shows high scores for non-renewable resource crimes (9.5), flora crimes (8.0) and fauna crimes (6.5), which correlates with a high score for state-embedded actor (8.0). The same correlation is found for Albania (another HC-HR state outside Africa) with a high state-embedded actor (7.0) and a high score for non-renewable resource crimes (6.0).¹³⁶ These are resources that yield high revenue, exploited by state-embedded actors in cahoots with criminal networks.¹³⁷ It therefore seems that criminal state officials find it easy and lucrative to illegally exploit these state-owned-and-controlled resources for private gain and they stifle state resilience from within to achieve their goal.

State-embedded actors undermine the resilience factors built by the state to reduce criminality. Acting as insiders, state-embedded actors directly water down policies and processes aimed at reducing criminality. They will truncate political leadership and governance by refusing to take action to withstand and disrupt organized crime. They will pervert criminal justice and divert funds meant to equip security agencies with necessary technology to fight crime.¹³⁸ Through corruption, they will commit economic and financial crimes, such as money laundering. By administrative sensor or brazen intimidation, they will muscle civil society who could have spoken up and thus, eviscerate social protection. When the foregoing is the case, of course, organized criminality by state-embedded actors heightens, and this will embolden criminal networks. The state's resilience factors will be nothing but empty shells, dogs that cannot bark,

¹³⁵ ENACT (n 1) 15.

¹³⁶ Ibid 119.

¹³⁷ A Vines, 'Light Weapons Proliferation in West Africa' paper presented at UNODC seminar, Dakar, 3 April 2004; Alemika (n 16) 8.

¹³⁸ JS Ojo et al, 'Enemy within the State: the Pathology of Boko Haram Insurgency, Military Corruption and Fallacy of Arms Procurement in Nigeria' (2020) 43(12) *International Journal of Public Administration*.

and white elephant projects merely present to adorn the scenery but incapable of reducing criminality.

5. Conclusion

The paper finds that state-embedded actor syndrome does not ordinarily cause the HC-HR trend. However, this syndrome may cause the trend when two correlating conditions are present. The first condition is that in addition to high score on state-embedded actors in a state, the state also has to score high on criminal networks for the state-embedded actor syndrome to be able to cause the HC-HR trend. The second condition is that the state-embedded actor syndrome will cause the HC-HR trend only in states with high scores for non-renewable resource crimes, flora crimes and or fauna crimes. These two conditions are present and correlate with high scores for state-embedded actor scores in the three HC-HR trend states in Africa (Nigeria, Kenya and South Africa), as well as the only two HC-HR trend states outside Africa, to wit: Columbia and Albania. These two conditions are also present and correlate with high scores for state-embedded actors in Ghana and Morocco, indicating that these two states may soon join the HC-HR trend. Incidentally, these two conditions are not present in Senegal, for she scores low on state-embedded actors but high on criminal networks. Senegal scores high for flora and fauna crimes but low for non-renewable crimes. These scores leave the result indeterminate as to whether Senegal will soon join the HC-HR trend.

The HC-HR trend in Nigeria, Kenya and South Africa indicates that the states have done their best at resilience-building, but their best is not good enough to roll back organized criminality. These states should aim at dismantling state-embedded actor syndrome as strategy to turn their negative resilience into positive resilience. This can be achieved by sincerely combating corruption, ensuring the independence of the judiciary and entrenching the rule of law. This will require political will, committed leadership and good governance. If an effective means of checking infraction is established, senior state officials will think twice before engaging in organized crime. When these officials no longer engage in or benefit from organized crime, they will develop the moral strength to push for the prosecution of other criminal actors, especially, criminal networks. Upon achieving this, these states should work to overcome their respective vulnerabilities by stifling the criminal markets, especially the non-renewable resource crime as well as flora and fauna crimes. This will reduce criminality and boost resilience.

There is need for these states to attenuate heavy police and security frameworks, which, by the way, they never meant to be effective, for softer response mechanisms that integrate political, sociological, economic and environmental factors to militate against criminality. They should deploy modern technology to guard their long and porous borders. They should adopt an approach to resilience that integrates social, economic and political measures.

They should pursue bilateral, regional and international cooperation on extradition, intelligence gathering, and asset forfeiture, mutual assistance in criminal, judicial and legal matters with renewed commitment, including adopting a moratorium on the importation, exportation and manufacture of light weapons. Law enforcement agencies of these states should cooperate to strengthen and improve national capabilities, including technical assistance and strategic coordination to combat organized crime. The states should invest heavily in building the capacity of and protecting the media, CLOs and NGOs so that these non-state actors can partner with state officials in developing positive resilience to organized crime. This will ensure that resilience focuses on the wider ramifications of criminal actors and markets. Strong state resilience to organized crime can only be built by a multi-faceted approach. When resilience becomes positive, criminality will naturally drop. This will help to reverse the HC-HR trend for Nigeria, Kenya and South Africa as well as avert the trend for Ghana, Morocco and possibly Senegal.