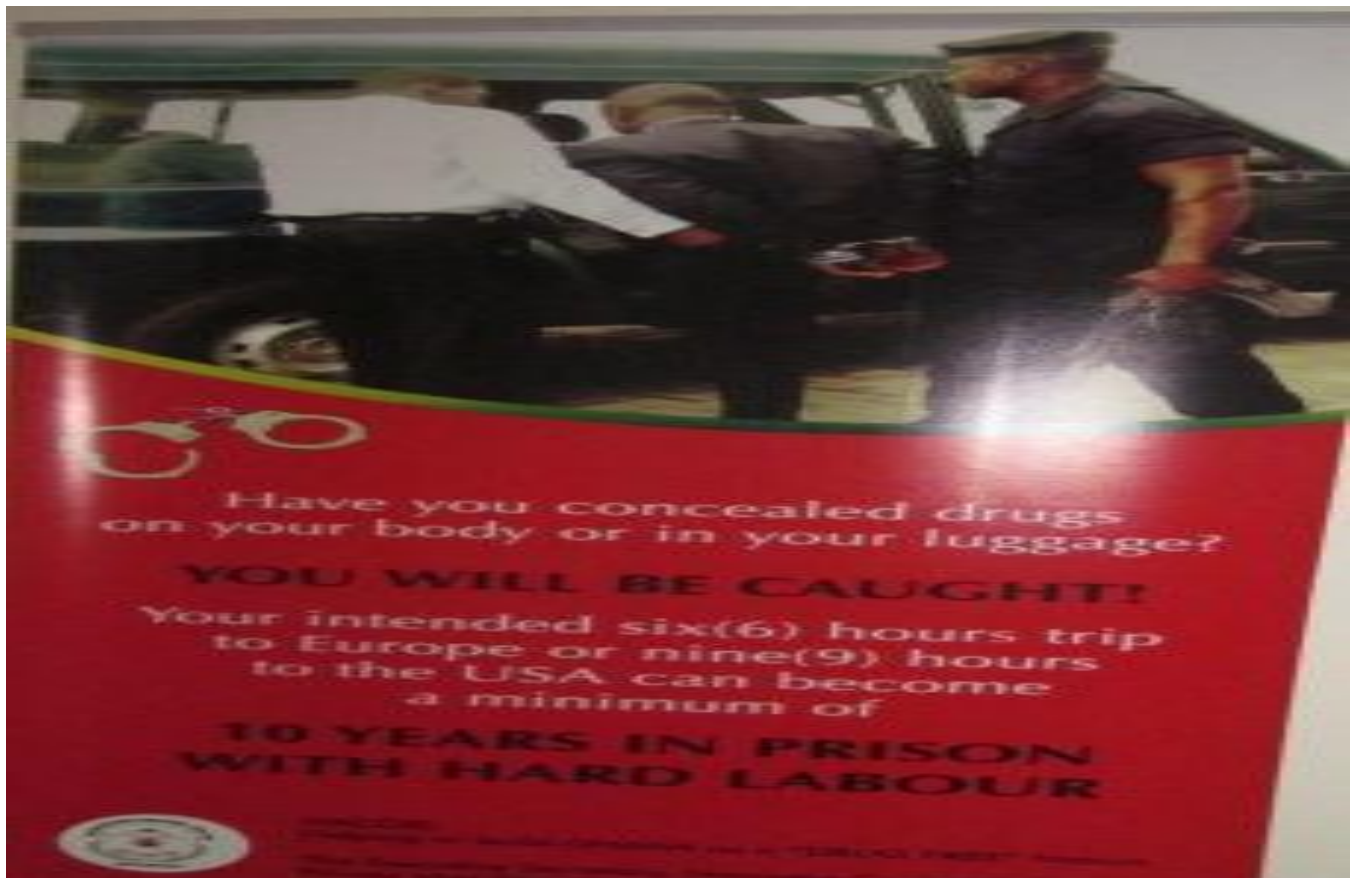


# **THE EFFECT OF THE DISTRIBUTION OF ILLICIT DRUGS ON A TRANSIT COUNTRY-A CASE STUDY OF GHANA**



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## **DEDICATION**

To my sweet mother, Mrs. Victoria B. Baah, my wonderful uncle Jones Nyarko and Aunt Kate Agyeiwaa. But for you three, my life story would have been different.

## ACKNOWLEDGEMENT

**Praise the Lord, O my soul, And all my inmost being, praise his holy name**

**Praise the Lord O my soul and forget not all his benefits**

**Who forgives all your sins and heals all your diseases. Who redeems your  
life from the pit and crowns you with love and compassion,**

**Who satisfies your desires with good things**

**So that your youth is renewed like the eagle's. (Psalm 103 vs. 1-5).**

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## **ABSTRACT**

The rise of Ghana as an important drug trafficking route recently has raised both serious domestic and international concern. For the country to be able to untag itself as a famous drug trafficking hub, the effective and efficient performance of state institutions like the Narcotics Control Board, the Ghana Police Service, the Customs Excise and Preventive Service and the Judiciary is very critical. But how does this become possible in the face of numerous already existing administrative vices?

This thesis argues that to a very great extent, corruption and interference by people at the helm of affairs are the main forms of interference in the work of the drug fighting institutions in Ghana. Corruption basically comes from drug traffickers and dealers themselves in the form of offering bribes to influence the decision of these law and order institutions. On the other hand the activities of politicians or high profile people are seen to be greatly affecting the effectiveness and efficiency of these institutions. Thus while dealers offer bribes for their freedom, the influential persons in society also use their positions to directly deal in drugs or indirectly influence the outcome of cases involving their relatives and friends. Politicians also use their offices to cripple the effective outputs of these institutions by their reluctance to provide the necessary training, logistics, equipment and an attractive salary structure for personnel.



## LIST OF ABBREVIATIONS

CEPS	Customs Excise and Preventive Services
CID	Criminal Investigations Department
GoG	Government of Ghana
GPS	Ghana Police Service
INCB	International Narcotics Control Board
MDA	Ministries, Departments and Agencies
MP	Member of Parliament
NACOB	Narcotics Control Board
NDC	National Democratic Congress
NGO	Non-Governmental Organisation
NPP	New Patriotic Party
NYEP	National Youth Employment Programme
PNDC	Provisional National Defence Council
UNDP	United Nations Development Programme
UNODC	United Nations Office On Drugs And Crime

# CHAPTER ONE

## 1.0 Introduction

*Governments that respect the will of their own people, that govern by consent and not coercion, are more prosperous, they are more stable, and more successful than governments that do not. This is about more than just holding elections. It's also about what happens between elections. Repression can take many forms, and too many nations, even those that have elections, are plagued by problems that condemn their people to poverty. No country is going to create wealth if its leaders exploit the economy to enrich themselves or if police -- if police can be bought off by drug traffickers. No business wants to invest in a place where the government skims 20 percent off the top or the head of the Port Authority is corrupt. No person wants to live in a society where the rule of law gives way to the rule of brutality and bribery. That is not democracy, that is tyranny, even if occasionally you sprinkle an election in there. And now is the time for that style of governance to end<sup>1</sup>.*

The illegal production, distribution and consumption of illicit drugs such as cocaine, heroin and Indian hemp have gained international concern over the years (Ellis 2009: 173; Shehu 2009:10-11; UNODC World Drug Report 2010 :7 and 11). The negative effects of these drugs including money laundering, human and state insecurity have created a kind of alertness throughout the international community (Mazzitelli 2007: 1073; Shehu 2009: 4-9). Different states play different roles in this illegal business. For example, Columbia produces the largest amount of cocaine, with Afghanistan being the biggest producer of heroin (CIA world fact book 2002; UNODC Report 2010: 18-20) while Indian hemp

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<sup>1</sup> Excerpts from President Obama's speech on his visit to Ghana, delivered on 11<sup>th</sup> July 2009 to the Ghanaian Parliament

grows in many areas including most states in Africa (Akyeampong 2005:432-435; UNODC World Drug Report 2010:25). After these drugs have been produced in their various places, producers and consumers must find a way to get connected, i.e. a means by which these drugs can be distributed worldwide. It is the distribution aspect of the trade that this paper is basically concerned with. Many countries in West Africa serve as routes for drug trafficking (Shehu 2009:10) and Ghana is one of such countries that have fallen victim to this menace.

Though relatively peaceful with an encouraging economic growth, the West African country is largely being used as a transit point for drugs to various parts of the world. As Ghana is not immune to the numerous institutional leakages that have engulfed most countries in sub-Saharan Africa, the goal of this thesis is to find out how the key institutions that have been charged with the responsibility of helping fight the drug menace in Ghana have fared so far<sup>2</sup>. In this regard, attention is given to four main institutions of the state namely the Narcotics Control Board (NACOB), the Ghana Police Service (GPS), the Customs Excise and Preventive Service (CEPS) and the Judiciary<sup>3</sup>. Though there are other institutions that work in dealing with the drug issue in Ghana like the Ghana Immigration Service, the Military and other bodies it became clear especially from the field work for this thesis and reviewing some literature on drug trafficking in Ghana that these four institutions form the core in the fight against drug trafficking.

Through the efforts of these institutions a number of arrests and seizures have been made at various entry points in the country. For example the 2008 NACOB report indicates that about 51 persons were arrested in connection with drugs and over 78 seizures made (NACOB Report 2008:20). Between 2005 and 2007 about 183 arrests and seizures were made with quite a large number of culprits serving various degrees of prison sentences (NACOB Narcotic Cases 2005-2007).

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<sup>2</sup> *Mazzitelli 2007: 1072-1073 outlines a number of political, economic and social problems faced by countries in West Africa.*

<sup>3</sup> *Narcotics Control Board is abbreviated both as NACOB and NCB and CEPS is now called the Customs Division of the Ghana Revenue Authority but throughout this thesis, the old name i.e. CEPS would be used*

Nonetheless, there still exist administrative loopholes in these institutions just like many of the kind in the sub region that hinder the smooth performance of their assigned duties. By focusing on the period between 2000 till date, this study makes an attempt at finding out what forms and the extent of interference in the activities of these institutions. The idea put forward by (Médard 1996) in his theory of neo patrimonialism and the concept of the criminalization of the state (Bayart et al. 1999) in addition to Chalfin's (2010) study of the CEPS in Ghana, would help in this study to reveal the extent that institutional and administrative problems affect the activities of these drug fighting institutions in Ghana.

### **1.1 Statement of the Problem and Research Question**

Drug trafficking in Ghana has seen a high increase since the 1990s. Ghana is being used as a transit and re-packaging point for drugs to Europe and the Americas. Even though the drug phenomena cannot be said to be a wholly new activity in the country, especially in the production of Indian hemp, the trafficking of cocaine and heroin through the Ghanaian borders increased in the 1990s and became a source of concern especially in the year 2000<sup>4</sup>.

Since 1993, the country's transition from a military to a democratic government was viewed with optimism both domestically and internationally. Ghana has since this period strived towards achieving political stability, good governance and economic growth. Nevertheless, various statistics as well as news reports point to the high corruption indices, inflation, poverty and institutional inefficiencies in the Police, the CEPS, the Judiciary and other related organizations (AFRIMAP Review Paper 2007: 1). Coupled with this is the fact that the country has recently discovered oil in commercial quantities. Mostly in West Africa, the existence of this resource has often become more of a curse than a blessing as has been exemplified by Nigeria (Obi 1997:8). With this in

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<sup>4</sup> Author's Field Interviews: 2010

view, it is essential that the country's security is considered an issue of critical importance in all its forms including the threat posed by drug trafficking.

The Government of Ghana (GoG) has not relented in its efforts at curtailing the drug menace. The most remarkable initiative is the establishment of the NACOB in 1990 with much autonomy to handle the drug issue in conjunction with the other security agencies namely, the GPS, the Military, the CEPS and other related bodies. Nevertheless, drug trafficking in Ghana seems far from over. The high prison sentence ranging from 10-15 years for offenders has neither deterred barons from still using the country as a transit route or couriers from swallowing pellets of cocaine or hiding them in their luggage (NACOB Report 2008:20) as arrests continue in various entry points in the country. It is worth noting that though there seems to be no obvious impacts at present in the country at least unlike that in Mexico, if the current trend continues it could impede the development of democracy and political stability to which Ghana aspires.

In its bid to fight the use of the country as a transit point therefore, the Narcotics Unit of the Ghana Police Service, the CEPS and the NACOB have been mandated to collaborate and arrest all offenders while the Judicial Service of Ghana implements its role as the interpreter of the law. The GPS, CEPS and the Judiciary are institutions that have existed for a very long time and are charged with the responsibility of maintaining law and order in the country. With the recognition of the use of the country's borders as successful trafficking points in the 1990s, the then Provisional National Defence Council (PNDC) government headed by Flt. Lt. Jerry John Rawlings established the NACOB in 1990 under the Narcotic Drugs (Control, Enforcement and Sanctions), Law 1990/PNDC Law 236 and tasked it with the responsibility of dealing specifically with drug issues. As has been mentioned, the GPS and CEPS already existed as general law enforcement agencies while the Judiciary interprets the law. Thus the NACOB became the main coordinating body and works closely with the GPS, CEPS and the Judiciary in conducting arrests of suspects and in making them face the law. Considering the fact that, the drug menace has rendered or almost rendered states such as Mexico stateless or weak, while in

Guinea Bissau, the state has almost been captured by drug barons while most government institutions have also been affected and in many other West African countries politics is highly influenced by ‘narco-cash’(Aning 2010:6-7; Bybee 2009:10-13; Ellis 2009: 172; Mazzitelli 2007: 1087; UNODC World Drug Report 2010:27) the question that comes to mind is:

*How and to what extent have these key law and order institutions in Ghana been resilient to the drug menace?*

An attempt is made to answering this question by looking at: *To what extent have these institutions been able to resist various forms of interferences/influences to their activities?*

Interference/influence in this regard refers to the degree that these drug fighting institutions have had the freedom to operate, in other words, how the activities of drug traffickers and the politics of the land hinder the effective performance of their duties in relation to drug trafficking.

In this regard, the six indicators of ‘the criminalization of the state’ by Bayart et al (1999), and Médard’s (1996) idea of neo patrimonialism would feature prominently.

## **1.2 Relevance of the research**

Literature on drug trafficking in general and the impact it poses to the developing world in particular is scanty. As Akyeampong (2007:429) rightly puts it “much of the existing literature on the trafficking of illicit narcotic drugs (cannabis, heroin, cocaine) has been from a policy perspective and funded by consumer countries in the West”. For Mangai Natarajan, (2010):

Most research on the supply of drugs has focused on retail or ‘street- level’ dealing. Consequently, a considerable amount is now known about the organization of drug dealing at this level...in contrast, much less is known from research about drug trafficking, which can be defined as the production, smuggling and wholesale distribution of drugs. This is partly because drug trafficking is a more complex process than drug dealing, but also because trafficking is much less open to ethnographic methods and thus more difficult to study and observe than street-level dealing.

Shaw also opines that, consumer countries are more concerned with their interest and not with how the criminal networks operate within the African context itself (Shaw 2002:292). Shaw believes in the difficulty of researching crime. He nonetheless advises that research into this area is of significant importance for understanding the trade and the strategic development by states (ibid: 315).

Comparatively, in recent times, Ghana is often mentioned as a very important country in West Africa in various aspects. The historic transition from a military rule to a democratically elected government in 1993 and the subsequent relatively peaceful elections have put the country in the lime light of international discussions. The country is cited as one of the most peaceful countries on the African continent. The Global Peace Index ranked Ghana as the number one most peaceful country in Africa and the 40<sup>th</sup> in the world in 2008. The country however dropped to the 3<sup>rd</sup> and 48<sup>th</sup> positions respectively in 2010. (Global Peace Index 2008:11 and 2010:17).

Economically, Ghana's performance has been quite encouraging and poverty levels have declined (Ghana Living Standards Survey mentioned in the UNDP Human Development Report, 2007:25). Considering the above, any research that focuses on issues that affect or threatens Ghana's relative security as this paper seeks to do is a step in the right direction.

Having lived in one of the main hubs of illicit drugs in Ghana for about 7 years and witnessing some of the negative effects that such a society is prone to, for example the petty thievery, internet fraud activities (locally called *sakawa*) among others, I was curious to find out what goes on beyond the locality to the country as a whole, the country as represented here by the key institutions that are at the forefront in curbing drug trafficking. Again, now that the country has struck oil in commercial quantities, the security of the state cannot be compromised and such institutions are very crucial in the attainment of the political stability that the country strives for. Thus, this paper is based on a personal motivation to find answers to the researcher's own curiosity and at the same

time add to the paucity of literature on illicit drugs especially those that focus on an African perspective. Shaw reiterates that trafficking in illegal drugs is the source of other resources that can be channeled into other criminal activities or legitimate businesses (Shaw 2002:299). Both of such consequences can be found in most countries where drug trafficking dominates. Terrorist networks and rebel groups are cited as having their source of funding mostly from illegal activities such as drug trafficking (Cook and Wyler 2009:4). In economic terms, money laundering exists in such societies (Cook and Wyler 2009:6-7; INCB Report 2010:1; Shehu 2009:4-5).

In short, the outcome of drug trafficking activities should be viewed with concern and research work such as this has the potential of exposing the weaknesses, inefficiencies and challenges faced by institutions tasked with the responsibility of fighting the drug menace. Bernstein in the introduction to his article '*Ghana's Drug Economy-Some preliminary data*' (1999:13) points out that even though for various reasons Ghana is interesting in the drug trade, "there are hardly any published sources of any kind on drugs" on Ghana.

### **1.3 Definitions/operationalization**

Generally, terms can denote different things in different context. Thus the basic idea of operationalization of concepts implies that one adopts a definition that suits the particular context within which he/she is working. The following terms have thus been operationalized.

**Illicit drugs** refers to drugs which the international community prohibits their production, market or consumption. In this paper the three illicit drugs that form the core of the discussion are cocaine, heroin and cannabis.

The word **traffic** basically implies illegal or immoral trade. Thus, drug trafficking may be perceived to mean illegal or unauthorized trade in illicit drugs.



**Drug abuse** is the use of drugs for purposes other than that which they are supposed to be used for. For our purposes however, drug abuse refers to the unauthorized and excessive use of the illicit drugs being discussed in this paper.

**Drug Phenomenon/Problem/Menace** is used to describe the three main illicit drug activities- manufacture, traffic and abuse.

#### **1.4 Research Design/Methodology**

Qualitative research method was employed to address the effect of the distribution of illicit drugs on a transit country. The research was conducted in Ghana from June-August 2010. The choice of the qualitative method of research was based on the importance of this method in studying the topic at hand. Ritter, in describing the essence of using qualitative methodology in the study of drug related issues points to the fact that:

The approach enables a rich picture of the market (for example the different roles and structures to the market), the marketplace (for example the interactions between actors) and social and cultural norms in individual illicit drug markets (Ritter, 2006-454).

Again, lived experiences of some informants (*street dealers*) were critical for analyzing the topic at hand. For this reason the qualitative research method served the purpose of allowing informants to share their experiences, thoughts and feelings (Bryman 2008). For the purpose of diverse opinions and views, it was also necessary to use different sources of data collection instead of only one which is referred to as triangulation (Bryman 2008:379). The idea is that employing different sources of data enhances the validity and reliability of the study. In case study which is often criticized for its non transferability/generalizability to other context (Silverman 2005:128; Yin 2011:98), triangulation is essential. This thesis thus relies on primary sources basically face-to-face interviews, secondary sources and participant observation.

## **1.5 Case Study**

Ghana is one of the few African countries that have earned a high reputation for extolling democracy and good governance. Though having borne its democracy out of a military regime, the country has to a large extent been consistent in improving her democratic credentials. As Yin (1994:13) reiterates, “a case study is an empirical inquiry that investigates a contemporary phenomenon within a real-life context”. In this direction, a case study approach proved a very credible means of analyzing the drug phenomenon in Ghana as it is one of the few countries in West Africa, though relatively peaceful, that have fallen victim to the drug menace.

Ghana therefore offers an avenue to analyze the issue of drug trafficking in another perspective i.e., being considerably peaceful does not immune a country from the activities of drug traffickers. Conversely, Ghana’s current position creates an enabling environment for drug traffickers to operate. The perceived peacefulness, its aspiring global hub with easy global connection rather makes it attractive to traffickers.

## **1.6 Sources of data**

This study makes use of both primary and secondary sources of data. Basically, the source of primary data for this work is through interviews. In selecting interview participants one sampling technique was paramount and that is purposive sampling. In his description of the purposive sampling technique, Alan Bryman (2008: 375) stipulates that this type of sampling has to do with the selection of units (which may be people, organizations, documents, departments etc.) which have direct reference to the research questions being asked. Similarly, according to Yin (2011:88),

In qualitative research, the samples are likely to be chosen in a deliberate manner known as purposive sampling. The goal or purpose for selecting the specific study units is to have those that will yield the most relevant and plentiful data, given your study topic.

Considering the basic objectives of this thesis, there were undoubtedly specific people and organizations that could offer the relevant answers to the research questions. These included, security experts/analysts, heads or representatives of the Narcotics Control Board, the Ghana Police Service, and the Customs Excise and Preventive Service. Others included the Media, NGOs, Members of Parliament (MPs) and Ministers, psychiatrists, drug users and dealers. Thus the researcher selected such units intentionally with the idea that such people/organizations could offer rich information that is relevant to the research objectives. As indicated above, informants varied significantly and for that matter, a varied set of semi-structured interview questions were prepared to suit each group. What is meant by group here is that, some participants shared a lot of similarities, for instance all the institutions that are at the center of this work could be called a group on its own different from security experts/analysts and academicians, etc. The interviews were predominantly face-to-face. Only one informant was interviewed on phone. Interviews were conducted in participants' offices and for some users and dealers, interviews were held in the hubs. For other users found at the psychiatric hospitals, interviews were held at the hospital premises.

This study also makes use of secondary sources of data. These include review of relevant data from books, journals, magazines, articles, newspapers and documents from some of the institutions under study. As would be explained later in this work, gaining access to various documents in these institutions was quite difficult thus the researcher only had few reports and one policy document but which have been very helpful in this study.

### **1.7 Participant observation and Positionality**

As already stated, the researcher lives in one of the main hubs in Accra and for the past years, as an ordinary resident. However from June to August 2010 during the data collection, this role changed as there was the need to become more observant of the

activities of drug users and dealers in the area. In this way answers from the field could easily be verified from such people.

Related to the above is the fact that either researchers self-position themselves as insiders or outsiders greatly affect the outcome of their research (Scheyvens and Storey 2003). It is important to note that, my role as a researcher was more an insider than an outsider one and an insider research implies that the researcher conducts his/her study with a group for which he/she is part of and that the researcher may have a common language, identity, and experience with the study participants (Kanuha 2000 cited in Buckle and Corbin 2009: 58; Asselin 2003, cited in Buckle and Corbin 2009: 58)

This membership role by researchers offers an amount of legitimacy and acceptance by participants who are often more open with researchers and this may allow a greater depth to the data gathered (Adler & Adler 1987, cited in Buckle and Corbin 2009:58; Buckle and Corbin 2009:58)

This is exactly what happened during this research. An initial perception that there would be much difficulty in getting the right people to talk to since they might not be willing to share the ‘secret and confidential’ information for security reasons was defeated when I finally got to the field. It rather turned out that most of the people that were contacted were willing to share their experiences and knowledge. This to a large extent could be explained by the fact that they saw the researcher as part of them.

Despite the importance of the insider role which I recognized during this study I made sure not to be over excited about the fact that I had an advantage by studying an area which I am part of. Rather I presented myself as a ‘learner’ and that my membership role did not have to influence the information that informants would have to offer. Besides, drug issues are not usually a topic that is open for discussion in Ghana, thus informants were aware that there were a lot of information that I might not be privy to and that there is much that they would have to provide regardless of me being a member of their group.

## **1.8 Research Assistant**

Due to the high sensitivity of the topic, the researcher found it less credible to engage the services of a research assistant except for a very short period. Fortunately also, most informants could speak English and ‘Twi’<sup>5</sup>. The selection of people who could speak ‘Twi’ was not deliberate but that even though there are over 60 languages spoken in Ghana, ‘Twi’, is the commonest especially in southern Ghana where the fieldwork was basically carried out and all informants who could not speak English chose to express themselves in ‘Twi’. Thus since language was not a barrier there was no need for an interpreter. The services of a research assistant only became critical during visits to some hubs which are often considered ‘no go areas’. This was based on personal security reasons. I therefore engaged the services of a journalist for one of the newspapers in Ghana as a research assistant, who is also a writer on drugs and could therefore lead me to the right places.

## **1.9 Tape Recorder, note-taking**

Even though I took notes intermittently, the use of the tape recorder was prominent throughout the interview process. The tape recorder proved very helpful since it allowed both interviewer and interviewee to concentrate on the topic of discussion. For the interviewer, the concentration helped to ask follow-up questions clearly since I listened very attentively to the interviewees. However, in situations where an informant declined to be recorded, I had no choice but to take notes.

## **1.10 Data Analysis**

The purpose of qualitative inquiry is to produce findings. The process of data collection is not an end in itself. The culminating activities of qualitative inquiry are analysis, interpretation, and presentation of findings (Patton 1990:371).

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<sup>5</sup> *Twi is also the researcher's mother tongue*

As stated in 1.9 above, interviews were mostly recorded, thus I transcribed all recorded data on my return from the field. Since the information from the field, was always quite voluminous (which became evident often after transcription), it was necessary for the researcher to analyze and synthesize the transcribed data in order to make meaning out of the huge information at hand. I therefore categorized the material based on some specific themes. These themes were not pre-determined but rather as codes/categories were assigned to the transcribed data, it helped in identifying such themes as they emerged from the fieldwork. The identification of these themes however, was highly influenced by the theoretical framework that underpins this work as well as other existing literature that relates to the topic, and with a view on how these themes would help answer the research questions. Organizing the data thematically was very important as it helped in avoiding unnecessary repetition since answers greatly overlapped. For example a question relating to the reasons why Ghana is chosen as a preferred route for trafficking illicit drugs brought answers that bothered on economic, social, political and other issues. Thus, answers were categorized or coded in this regard.

### **1.11 Research Ethics**

There are ethical issues to be considered in any research work. There is often tension that arises between the researcher's need for a good data and the rights of participants to maintain privacy. However, it is essential that the latter is highly considered even if it will be to the detriment of the former. In this particular work, ethical issues were very critical. As Shaw rightly indicates, (2002: 293) "it is to state the obvious to point out that interviews with people engaged in unlawful activities constitutes a research challenge and raise a series of both practical and ethical challenges". Even though most of the informants do not directly involve themselves in the crime of drug trafficking, they either dealt with criminals or on criminal issues. Thus, one could expect that ethics were high on the agenda. For Berg (2009:60), since social scientists "delve into the social lives of

other human beings’’ policies, practices and laws may arise. Researchers must therefore ensure the protection of the rights, privacy, and welfare of the people and communities that are being studied (ibid). Similarly, Punch (1994) indicates that ‘‘to a large extent, concerns about research ethics revolve around various issues of harm, consent, privacy, and the confidentiality of data’’ (Punch, quoted in Berg, 2009). The dominant issues relating to ethics that were worthy of consideration and to which prominence was given in this work are as follows:

### **1.11.1 Informed Consent**

Informed consent means the knowing consent of individuals to participate as an exercise of their own choice, free from any element of fraud, deceit, duress, or similar unfair inducement or manipulation (Berg 2009:87)

Inferring from the above, the idea of informed consent can be summarized as the freedom of people to participate in a given research. Thus researchers need to seek the approval of people that they intend to study. Upon arrival in Ghana in June, I already had in mind the kind of people that were to be interviewed and had in fact made contacts with some of them earlier. However, apart from phone contacts, almost all the institutions especially had their own procedures that needed to be followed before such interviews could be carried out. I presented the introductory letter from my supervisor to show the authenticity of my visit and the fact that it was academically based. It is based on these procedures that one gets the right person (s) to interview. When there was finally the chance to meet the right person (s), I made my intentions clear and those who accepted to participate were interviewed.

### **1.11.2 Confidentiality**

Researchers are required to make an attempt at removing from the research records any elements that might indicate the identities of subjects and it is also important to provide subjects with a high degree of confidentiality (Berg 2009:90).

In this work, a large number of informants declined the idea of their names being mentioned for obvious security reasons. Consequently, this thesis would contain as less names of persons and places as possible. The few people whose names would be used agreed to that effect.

### **1.12 Validity and Reliability**

In any academic research, ensuring its validity and reliability is of outmost importance. Reliability concerns the replicability of the scientific findings while validity concerns the accuracy of the scientific findings (Le Compte and Goetz 1982:3).

According to Hoyle et.al, “the results of social science research appear to be more contestable than the results of research in the physical sciences” (Hoyle et.al 2002:7). This is because, according to them, while the physical scientists use complex laboratory equipments, social scientists often use informal and unimpressive methods to measure abstract concepts like power, democracy etc. Second is the fact that, social scientists often deal with issues that affect peoples’ values, beliefs and political interpretations. Thus if the research findings contradict what the person already believes in, then the findings is contested (Hoyle et.al 2007).

In this work therefore, steps have been taken as much as possible to minimize biases and increase the validity and reliability of the research findings. First and foremost is interviewing a wide range of people which was intended to get diverse opinions on the issues at hand. To ensure that informants had the flexibility in expressing themselves, open ended interview guide was used and the same questions were presented to those falling in the same group. The open ended interview provided informants with the needed freedom and flexibility to share their views. Again, in order not to serve the personal biases of the researcher, asking leading questions was avoided.



Again, the use of different sources of data also serves to clear any doubts about the validity and reliability of this work. For instance, even though there was no representative from the Judiciary, the numerous literature that I reviewed concerning this institution has provided a replacement for information that may have been lost.

### **1.13 Limitations/challenges to the study**

There are a number of challenges and limitations that could be encountered in any research work and this one was not an exception.

First of all, the sensitive nature of the research area posed a huge challenge. There was difficulty in getting the relevant documents from especially government institutions where most documents are classified as highly confidential and top secret. The idea of secrecy also accounted for some informants declining to be recorded despite agreeing to an interview, which in effect meant I had to take notes. Though a bit tedious, the informants who actually declined any recording offered the researcher the needed time to write down every point<sup>6</sup>.

Thirdly, the bureaucratic nature of the public sector in Ghana made the collection of information an arduous task. Some of the introductory letters that were sent to some of these institutions asking for their consent to conduct interviews took as long as 1-2 weeks to have a response. I was particularly worried since there was very short time. However, I was able to meet with all informants who had agreed to an interview except those from the Judiciary. Again, some informants (*the users and street dealers*) asked for money before they would say anything. In such situations, I explained to them that, I am a student undertaking an academic exercise and could not honor their request. This explanation got down well with them and all finally participated without considering a pay back.

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<sup>6</sup> Two people from different institutions actually declined recording. While one of them allowed it depending on what he wanted to say at any point in time, the interview for the other continued the next day.

Moreover, as has been stated earlier, there was no participant from the Judiciary despite the fact that this is one of the main bodies under study. This is because it took quite a long time to be able to make contacts with any one from this institution and despite being given the assurance by two people from the Judiciary to participate in the interview, both of them disappointed me at a point when there was no opportunity again to make new contacts due to time constraints. Though diverse groups of people were interviewed (some with legal background or dealt with the Judiciary directly) and the researcher has also reviewed articles that concern the Judiciary to serve as a way to clear any doubt about the representativeness of this research, it would have been more insightful if a personnel from the Judiciary had participated.

Last but not least, my gender posed a little problem. Drug issues in Ghana seems to be 'reserved' for men and seeing a young woman conduct a study in such a crucial area was not taken lightly by some informants. The first question that I almost had to answer every where was 'couldn't you have chosen a more feminine topic for your research'? To which I usually answered by stating my disbelief in the reservation of a particular research area for either male or female. Rather, as long as the area needs to be researched, anyone could take up the challenge. Recognizing that I was not ready to give up on my study, these people rather turned to offer words of encouragement. This, almost 'automatic' question from informants, as I noticed was not a way to show their unwillingness to participate but rather were just being curious about the researcher's choice of topic. It is also noteworthy that, all informants in this research are male making this data unintentionally gender biased. The reason is that, all the institutions or organizations visited are male dominated and quite apart from that the heads of departments dealing in information about the research area or their representatives unfortunately happened to be all male so were all users and dealers that the researcher could contact.

Despite the above challenges, participants were made aware of the purpose of the research i.e., purely for academic and not for any legal purposes. Their participation was

thus very active and encouraging in the long run. However, since the researcher formulated her own research questions and analyzed responses by herself, personal biases cannot be ruled out entirely. Biases also stems from the fact that informants had their own interest and reason for participating even though covertly. Thus this study does not claim to be entirely objective.

#### **1.14 Organization of the study**

The above chapter has presented a general overview of the work including the methods for collecting the data. In Chapter two the study would discuss mainly Ghana as the context for this study but also with a brief focus on West Africa as a whole. The theory and concept/idea that would help to offer an empirical analysis of the research questions based on some specific themes would follow in chapter three; these include the theory of neo patrimonialism (Médard 1996), the concept of the criminalization of the state (Bayart et al. 1999) and an idea put forward by Chalfin (2010) which this researcher has decided to label ‘Sovereignty *cum* neo liberalism’.

In discussing any organization or institution, a description of the current situation of such an organization/institution would help in order not to talk about it in a vacuum. Painting a picture of the core institutions that are at the forefront of the fight against drug trafficking in Ghana thus, follows in Chapter four. In chapter five, I interpret and discuss the research findings. This is where the basic themes that have been deductively derived from the fieldwork would be presented with the view that this would help in offering a vivid discussion of the data so as to find answers to the research questions. It is aimed that by the end of the discussion in Chapter five readers would have found out how and to what extent that the drug fighting institutions in Ghana have been resilient to the drug menace. The final part, chapter six follows with the conclusion which is basically concerned with the summary of the main points in the work as well as some few recommendations.

## CHAPTER TWO

### 2.0 Placing the study in context

Ghana, formerly known as the Gold Coast, is a country located in West Africa which was a British colony until her independence on 6<sup>th</sup> March, 1957 making Ghana the first country in sub-Saharan Africa to do so. From 1966 after the overthrow of the first president Osagyefo Dr. Kwame Nkrumah, Ghana suffered a number of political revolutions in the form of military coup d'états. In 1993, the country experienced a remarkable transition from a military government of the Provisional National Defence Council (PNDC) headed by Flt. Lt. Jerry John Rawlings to a democratically elected government under the same leadership but this time heading the National Democratic Congress (NDC). Since then, Ghana has experienced several peaceful elections and change of governments, notably in the year 2000 when power was handed to an opposition party, the New Patriotic Party (NPP) headed by John Agyekum Kuffuor and quite recently in 2008 back to the NDC under the leadership of Prof. John Evans Atta Mills.

A number of researches indicate that the country is one of the most peaceful in Africa with a remarkable economic growth. Internationally, Ghana is often seen as model of democracy for Africa. To a significant measure, Ghana could be said to be enjoying a high degree of political and economic stability comparative to most countries on the African Continent. A recent report by the Ghana Statistical Service indicates that Ghana has attained a middle income status. Economically, Ghana is thus improving considerably. According to the report, Ghana currently has the largest per capita income in West Africa (Ghana Business News, 6 November 2010) <sup>7</sup>. However, despite reports of economic improvement, Ghana remains highly dependent on foreign donors with poverty

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<sup>7</sup> This assertion has received a lot of criticism with some describing it as only a 'statistical hypothesis' as it is described as not confirming the current situation on the ground. Poverty, unemployment, child mortality etc. are still very high. For details on this refer to: [http://www.statsghana.gov.gh/docfiles/news/middle\\_income\\_status\\_is\\_just\\_statistical\\_hypothesis.pdf](http://www.statsghana.gov.gh/docfiles/news/middle_income_status_is_just_statistical_hypothesis.pdf) (Assessed on 25/05/11)

and unemployment still on the ascendency coupled with the fact that there is high inequality regarding the distribution of wealth in the country where only few people enjoy the benefits of the state whilst the larger number lives in poverty. The Ghana Living Standards Survey (2005/06, in the UNDP Human Development Report, 2007:23) “indicates that about 23 percent of the urban population and 51.6 percent of the rural population live below the poverty line”. Similarly, a more current report by the Bertelsmann Transformation Index (2010 :10) indicates that even though there is a stable socio economic situation with a steady economic growth “the gains associated with this growth are unevenly distributed in the population...therefore a great part of the population still suffers poverty, sometimes in its most extreme forms”.

## **2.1 The ‘Common’ Ghanaian’s Idea on Illicit Drugs<sup>8</sup>**

The general Ghanaian perception of drugs is a bit dicey. Most Ghanaians have a different attitude towards the use and sale of drugs and another towards drug trafficking in general. Ghanaians are generally religious. There are three main religions in the country namely Christianity, Islam and Traditional. In all these, the large number of adherents views the sale and use of drugs, even cigarette as evil and highly immoral. Even though smoking of cigarette is not illegal in the country, only few people who smoke it are bold enough to do so in public. This is because they face a lot of public resentment when they are seen with some mostly being tagged as criminals.

Again, Ghanaians also see and hear people experience mental problems as a result of the (ab)use of drugs and think that it is devastating. However, when it comes to drug trafficking, it is not viewed with the same level of resentment as the use and sale. Until quite recently, the idea among a large number of Ghanaians has been that drug trafficking is not a major problem for the country since the drugs, to them, just pass through the shores of Ghana to other destinations, a perception shared by most people in the sub

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<sup>8</sup> *Information got from interviews and as a Ghanaian myself*

region (Mazzitelli 2007:1085). Even though most Ghanaians are aware that people cultivate Indian hemp, very few, at least until quite recently, knew about cocaine and heroin. Thus, most Ghanaians have viewed drug trafficking as one of the many businesses which people conduct and do not see anything wrong with it. This explains why the constituents of Nkoranza North believed that their Member of Parliament (MP), Mr. Eric Amoateng who was arrested in 2005 for heroin possession was not being treated fairly by those who criticized the act<sup>9</sup>. To them, he was a generous man and was contributing to the development of the constituency. Such a person should not be treated as a criminal. He was a successful businessman that is all, and how he gets his money is not the issue but the contribution he offers to the many poor and needy people in his constituency in general.

Similarly, in a news report, residents of a suburb of Accra where a suspected drug dealer was arrested did not spare the Police when they started throwing stones and raising insults at the security officers and even smashed the Police car leading to the arrest of two other persons (TV3 Evening News on 19<sup>th</sup> May, 2011).

## **2.2 West Africa and Drug Trafficking**

Drug trafficking comparatively, in recent years has penetrated deep into the West African region (Cook and Wyler, 2009:1) affecting countries such as Guinea-Bissau, Guinea, Sierra-Leone, Nigeria, Liberia, Senegal, Cote d'Ivoire and Ghana (UNODC Report 2008: 23-24). Differences however exist concerning the time and extent of each country's involvement. For instance Nigeria seems to have started quite early. Shaw (2002:294) has reiterated that Nigeria took the lead in the current status of West Africa as a drug hub. The reason for this according to Shaw was the economic crises of the Nigerian state in the 1980s and this "crises of governance that affected Nigeria" according to him, "has now spread throughout West Africa, with impact in countries such as Liberia, Senegal, Cote d'Ivoire and Ghana" (ibid: 296). In a similar vein, Ellis (2009:173-181) vividly describes

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<sup>9</sup> *More insight is offered during the analysis and discussion of research findings*

Nigeria's emergence as one of the early hubs of the drugs trade and its eventual extension to other West African countries. In Guinea Bissau, the effect of the trade has been massive affecting most government institutions including the military (Ellis 2009: 191-192; UNDC World Drug Report 2010:242). Available evidence therefore suggests that in recent times international drug traders especially Columbian and Mexican drug cartels have chosen West Africa as an alternative route for the drug business (Cook and Wyler 2009:1) making the sub region very important in the international drug trade. A security expert succinctly describes the situation when he notes that;

A recent news report gives a disturbing picture of the extent of the activities of such groups with West Africa now described as 'the new "drug triangle"' which has become the chosen and preferred new alternative route for Colombian drug cartels (Aning 2007:194).

Disturbing as this may sound, most West African governments are known to have done little in terms of curtailing drug trafficking as it is often the case that in West Africa "security, unless materialized as external threat or insurgency, has never been considered a priority" (Mazzitelli 2007:1088) while in some instances, high government officials have been reported as abettors (Aning 2010:6-7; Ellis 2009: 173). The numerous arrests and reports of this crime which usually occur beyond the borders of the sub region appear to suggest ineffective security apparatus and an enabling environment that provides traffickers with facilities including banks, warehouses for storage and a number of safe houses (Aning 2010:2).

The following statement further shows how West Africa is highly being patronized by drug traffickers.

In 2004, Spanish authorities arrested 10 boats with 20 tons of cocaine, while Austrian officials arrested 1,171 Nigerians for drug-related crimes in the same year. Switzerland has neither escaped these developments. Four out of five arrested drug couriers were from West Africa, while in Germany, these same groups represented nearly a third of all drugs-related detentions between 2002 and early 2005. Even in the conflict-torn Basque region of Spain, out of 557 arrested traffickers in 2003, 45% claimed Guinea-Bissau

nationality. These figures, it can be argued, demonstrate a growing presence and dominance of West African criminal gangs in Europe (Aning 2007:194).

On one hand, it appears the impacts of the drug trade on these countries are ignored generally by consumer countries whose interest seem to lie in initiating policies that serve their greater benefit than those of these transit countries (Shaw 2002:292).

On the other hand, for most people in these transit countries, as happens in Ghana, the general perception is that the drugs are only passing through their territory to consumers elsewhere (Mazzitelli 2007:1085) thus no obvious impact would be felt . Nevertheless, it has become evident that despite the fact that civil wars have severely impacted on the economic, political and security developments of most West African states, the use of these states as transit points has also had a toll on the growth of the victim states and must not be relegated to the background.

The reduction of violent conflicts that engulfed West Africa especially in the 1990s should not make states as well as institutions that are mandated to fight crime and narcotics relax because drugs have presently become the ‘frontiers for Africa’s new wars’ (Aning 2010:3; Winter 2007 in Aning 2010:3).

A UNODC report also indicates that;

The crisis of drug trafficking in West Africa is gaining attention...Alarm bells are ringing about the volume of cocaine transiting the region (roughly 50 tons a year). West Africa...has become a hub for cocaine trafficking ... worth almost \$2 billion a year. This is more than a drugs problem. It is a serious security threat (UNODC 2008: 1).

The types of drugs labeled ‘illicit’ and which would form the focus for this thesis are cocaine, heroin and cannabis also known as Indian hemp. Cannabis or Indian hemp thrives well in most areas in West Africa. For cannabis, its production and consumption in most West African countries is enormous. However, cocaine and heroin are foreign to



these countries (Ellis 2009: 177). The irony is that, these drugs that are labeled illicit still find their way into other parts of the world just like other licit products do.

According to Cook and Wyler (2009:1) for example, sub-Saharan Africa played a peripheral role both in the transit and consumption of cocaine and heroin prior to the year 2000. Quite recently, however, the production trend still remains but West Africa is serving different and additional purposes. As has been said earlier, the sub region is at present a very efficient and effective transit point for drugs destined to various parts of the world. The loose security systems, poverty among a large number of populace, poor governance and ineffective government institutions in West Africa make the drug trade very attractive with a great number of people willing to serve as couriers while the countries' borders are also used with such impunity (Aning 2007:200; Ellis 2009:173; Shehu 2009:10).

The side effect of being a transit country has resulted in the other role of the sub region, an increase in domestic consumption/market of heroin and cocaine (Cook and Wyler 2009:22) that were hitherto unknown to them in addition to local cannabis. Countries like Gambia, Nigeria, Sierra Leone, Guinea, Guinea-Bissau Senegal and Ghana have thus fallen prey to the activities of drug traffickers at the change of trafficking routes. Though these countries do not produce cocaine and heroin themselves their role is very important as they serve as means through which consumers worldwide are assured of regular supply. Guinea- Bissau, one of the poorest nations in the world is sometimes referred to as the first narco-state in Africa (Bybee 2009:2) where basically, politics is played by the proceeds from drugs, Nigeria as has been stated earlier in this work, has for years been very active in this business prompting experts' assertion that most West African states and even South Africa were influenced by Nigeria.

For a number of states worldwide, especially the developed ones the threat posed by drug trafficking is highly recognized and measures have been put in place to tighten their security (Akyeampong 2005:435). However, according to Mazzitelli, West Africa's response to the serious threats posed by transnational organized crime in general is

limited as in most cases it concentrates on “updating national legislation and legal frameworks to bring them into line with the requirements of the international UN and other international and regional conventions and protocols” (Mazzitelli 2007: 1088), though he also recognizes that this approach by West African governments has “yielded mixed results” (ibid). By implication to Mazzitelli’s view, it could be said that though there might be in place various bodies and institutions in most West African countries that have been mandated to fight the drug menace, the existence of these institutions alone does not solve the problem, rather, what matters most is the effective and efficient implementation of their assigned duties. Thus the mode of recruiting into these institutions, knowledge, skills and capacity of personnel, incentives, resources available to them and independence of the institutions is another ball game (Shehu 2009:12). As Chabal and Daloz (2006:267) opine, this has often been the problem in sub-Saharan Africa. Due to clientelistic networks even when institutions are put in place, they rarely work in order to achieve their aims and objectives. Similarly, a security analyst indicates that though there are laws regarding the fight against drug trafficking in Ghana, they just do not work<sup>10</sup>.

According to the UNODC World Drug Report 2010:242,

At present, of the 15 nations of the Economic Community of West African States (ECOWAS), about half are experiencing some form of instability. Long-standing insurgencies are found in Côte d’Ivoire, Senegal, Mali, Niger and, arguably, Nigeria. Both Sierra Leone and Liberia are recovering from brutal civil wars.

The seriousness of the problem has created concern among diplomats and other international officials about the likelihood that West African countries that have been affected by the drug menace can develop to the degree as it is in Mexico where there is a clear relationship with drug gangs, political parties and violence related to drugs which has resulted in the death of many in the country yearly (Ellis 2009:172).

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<sup>10</sup> *Interviewed on 13<sup>th</sup> July, 2010*

Considering the numerous already fragile states in the sub region, it is quite worrying that another security threat, that of drug trafficking should permeate the region with little concern being paid to it.

### 2.3 Some modes of concealment<sup>11</sup>

Picture 1: cocaine in luggage



Picture 2: Heroin in a diaper, sanitary pad and belly band



Picture 3: Compressed Indian Hemp



Picture 4: heroine concealed

around a gear-box



Picture 5: cocaine wrapped around thread



Picture 6: cocaine Mixed with body cream



Picture 7: two men arrested for swallowing cocaine, one dies after confessing



Picture 8: cocaine concealed around an Ice chest

<sup>11</sup> Source of these pictures: NACOB and Newspaper Articles

## 2.4 Drug Trafficking - Ghana in Perspective

Ghana has recently become very important in the international drug trade. Though the raw materials for cocaine and heroin, *coca* and *opium poppy* respectively are not native to West Africa in general and Ghana in particular, that of marijuana-*Cannabis sativa* is a locally produced herb (Bernstein 1999:14). Cannabis, popularly known in Ghana as ‘wee’, ‘ganja’, ‘ntampi’ or ‘obonsam tawa’ (*the devil’s tobacco*) for centuries have been available in Africa and Ghana specifically. An article by Akyeampong reveals that cannabis has been on the African continent for centuries mostly from Sierra Leone while the specific case of the presence of cannabis in Ghana, then the Gold Coast was known in the 1930s at the Takoradi port by Sierra Leonean traffickers (Akyeampong 2005 :432-434). With the favourable conditions in Ghana, especially in the forest areas, the cultivation of cannabis started in earnest. The Brong Ahafo region of Ghana which is famous for its massive cocoa production and where farmers switched to the cultivation of maize when the cocoa was out of season now finds the cultivation of cannabis more lucrative than maize (ibid :435). Ghana is now “a major producer of cannabis (second only to Nigeria in West Africa)...with a large domestic market and large exports” (Bernstein 1999:14).

With the production, distribution and consumption of the herb reaching its peak in West Africa in the 1980s, cocaine and heroin were incorporated (Akyeampong 2005:435). Since then, the drug menace has gained important footing on the Ghanaian soil and Ghana has “since the late 1980s, become a significant transit route for cocaine from Latin America and heroin from Southeast Asia destined for North American and European markets, and lately for South Africa as well” (Bernstein 1999:19). Aning, (2010:4) while recognizing the involvement of other countries in West Africa, nonetheless reiterates the important role that Ghana and Guinea-Bissau play in the drug trade indicating that the sheer volumes of drugs has resulted in the carving out of the sub region by narco-barons into two hubs, with Guinea-Bissau servicing a northern hub while Ghana services the

southern hub (with both offering different opportunities, i.e., whilst Accra is a global hub, Bissau is not).

Among other things, the following are given as reasons for the choice of Ghana as an appropriate route for trafficking drugs<sup>12</sup>.

First, the current economic situation in Ghana is comparatively very conducive and ‘over’ liberalized. In Ghana’s quest to follow IMF and World Bank conditionality, the economy is ‘over’ liberalized inviting anybody with anything to enter the country. This is also linked with the quest for investment. People hide under the guise of transacting legitimate business while they are secretly dealing in drugs. For instance, two Venezuelans who were arrested at East Legon in Accra, in November 2005 for possessing 588 parcels of wrapped cocaine had created the impression that they were dealing in gold. Related to the above is the fact that, there are a lot of Banks operating in Ghana where huge money accrued from the trade could be deposited without a hint of how it came about. As Ellis indicates, “the recent emergence of a sophisticated financial infrastructure in Ghana and Nigeria” (Ellis 2009:173) also accounts for the choice of these countries as transit points.

Again, Accra the capital of the country could be described as an international hub. At the country’s main Airport, Kotoka, there are flights to numerous destinations of the world. Within few hours, one could be connected from Kotoka International Airport, to the USA, UK, Norway, Canada, the Netherlands among others. This makes transiting a bit easy as the journey is short.

Furthermore, the high poverty and unemployment rates in the country make the drug business very attractive for most Ghanaians in particular and West Africans in general who are often willing to serve as couriers (Aning 2007:200). In most of sub-Saharan Africa, those at the helm of affairs are noted for using the resources of the state as well as their positions for their personal benefits. There is a kind of patron-client

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<sup>12</sup> Source for the reasons why Ghana is chosen as a preferred route is from field interviews unless otherwise stated

relationship where networks are formed (Chabal and Daloz 2006). Positions are used to extort money from those who are not part of this network, that is, those belonging to different religion, ethnic groups, political party etc. whilst the patron extends ‘a helping hand’ to those that he/she might know creating a situation of ‘we’ versus ‘them’. The ‘them’ feeling alienated, try to find ways to survive in the system and in this regard, anything goes. This makes it difficult to draw a distinction between what is legal and what is not as most people begin to accept that the situation is one of the survival of the fittest and whatever one does to survive does not really matter. After all, others are using what is supposed to benefit all citizens instead for their private interests<sup>13</sup>.

According to Chabal and Daloz (2006:243), in Africa “within a particularistic political order, accountability rests essentially on the rulers’ ability to meet the demands of the communities and factions that support them”. As has been indicated elsewhere in this paper, there is an unequal distribution of the wealth of the country and very few people seem to be benefiting with a large number lagging behind. Again, benefit to the poor and the unemployed seems to be selective as those in government are often criticized as only helping those people that belong to their group either politically, socially, religiously etc. In Ghana this is often exemplified during any change of government, when personnel of various institutions and organizations including social welfare programmes instituted to benefit a large number of Ghanaians like the National Youth Employment Programme, the National Health Insurance Programme etc. are dismissed (Peace FM Evening News, 16<sup>th</sup> February, 2010). The bottom line is that those people who suffer this discrimination undoubtedly try to find other means of survival, thus the sale of illicit drugs, serving as a drug courier etc. become one of the default options<sup>14</sup>.

Most drug users and dealers interviewed indicated that, they have no jobs thus the sale of drugs is their source of income. In fact, they believe that they should not be treated

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<sup>13</sup> *More insight on this assertion is given on Chapter 2 which presents the theoretical and conceptual framework for this thesis*

<sup>14</sup> *Almost all informants believed that indeed there is high inequality in the country and only few people are enjoying the benefits of the state*

as criminals. If someone kills or steals that is criminal, but selling drugs to make a living is to them ‘obviously’ not a crime. In short, Ghana has in various ways become effectively involved in the drug business and the effect has been felt in the society. For instance, users of illicit drugs have increased considerably in recent years.

An interview with the Medical Director of the Accra Psychiatric Hospital Dr. Akwasi Osei revealed that about 80 percent of mental health cases reported at the hospital lately are drug related<sup>15</sup>. He pointed out that, Ghanaians are gradually becoming highly involved in illicit drug consumption and was worried about the fact that, the youth who form the core of the society are the most affected ones. One other thing, which is what this thesis seeks to explore is its effect on key state institutions.

My thesis therefore is that for a country to serve as a transit point means more than just that. The effect is rather massive. Among other things, is the evolution of a strong domestic market for these drugs as it is usually the case that local traffickers are paid either in kind by international dealers in the form of the drugs “or buy directly from foreign traffickers consignments of up to a couple of hundred kilograms” (Mazzitelli 2007:1075-1076) which find corresponding users locally. This partly explains the increase in the users of these drugs in the country. As one informant, Eli told me “after taking the ‘herbs’ for a while, I decided to ‘graduate’ to taking cocaine since my friends began teasing me that I was only interested in cheap goods”<sup>16</sup>. Currently therefore, one can conveniently say that Ghana is playing three different roles in the international drug trade.

- First, as a producing country for cannabis,
- Second, as a transit country for cannabis, heroin and cocaine

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<sup>15</sup> Dr Akwasi Osei was interviewed on 28<sup>th</sup> July, 2010

<sup>16</sup> Eli (not his real name) is a Senior High School graduate who got himself involved in drug abuse. After some years, he decided to visit the Psychiatric hospital for rehabilitation and has since been there receiving treatment. He is not mentally affected though but he believes that the drug use has affected his entire life making him feel useless. He says he feels so embarrassed when he sees some of his classmates who have been able to make a decent living. What he kept saying throughout the interview was ‘I have indeed wasted my time’.

- Third, as a consumption/market country for cannabis, heroin and cocaine

It is worth noting that, Ghana has often been seen in relative terms, as one of the most peaceful countries in Africa. However, the continuous use of the country as a transit point for illicit drugs leaves much to be desired. A very brief comparison between Ghana and Guinea-Bissau indicates that, though both countries are considerably being used by traffickers, they lie at different ends of the spectrum. While Guinea-Bissau is still battling with civil wars, Ghana is considerably peaceful. Thus one can say that each country offers different opportunities for traffickers. The instability in Guinea-Bissau that has made various institutions including the security apparatuses virtually ineffective (Bybee 2009:10) has sometimes been argued as offering a very attractive environment for traffickers while there is much stability with more effective and efficient government institutions in Ghana. What both countries have in common is the fact that, they are attractive points for drug trafficking whilst offering different comparative advantages to drug traffickers.

The fight against drug trafficking, as is usually said, is an international agenda. A single state cannot succeed in eradicating it (Dziedzic 1989:543; UNODC World Drug Report 2010:94). However, it is also imperative that, states on their own try as much as possible to put in mechanisms that would help in attaining some measure of success (UNODC World Drug Report 2010:241). In Ghana, the main bodies charged with the task of fighting drugs include the GPS (specifically, the Narcotics Unit), the CEPS, the Judiciary and the NACOB who collaborate in the fight against drug trafficking. These institutions have been able to achieve some successes even in the face of numerous difficulties. By employing the theory of neo patrimonialism with the concept of the criminalization of the state, this thesis attempts to find out the kind and the extent of external influences that have hindered the effectiveness of these important institutions in their fight against the drug menace. Both the theory of neo patrimonialism and the concept of the criminalization of the state are context specific in the sense that they purport to describe politics as it pertains to Africa in general and sub-Saharan Africa in



particular. An article by Chalfin further highlights the claims made by Bayart et al. and Médard by its description of the activities of one of the institutions being discussed in this work. The combination of these three ideas by the various scholars presents a holistic picture of ‘an African economic and political system’ which will further help to explain the rise and effect of drug trafficking on a transit country, Ghana.

## CHAPTER THREE

### 3.0 Theoretical Approach and Conceptual Framework

#### Introduction

This chapter presents the theory and other concepts that would be used in analyzing the thesis based on the thematic presentation of the ideas of this work. This thesis employs the theory of neo patrimonialism as well as the concept of the criminalization of the state in this analysis. The choice of this theory and concept is based on the fact that they offer an in-depth description of politics particularly on the sub-Saharan region whilst unearthing the reasons why criminal activities seem to prevail in this region. The comprehensive nature of these theory and concept makes them all the more attractive for the kind of analysis to be carried out in this work. Both the theory and concept offer a broad understanding of the societal peculiarities of this region namely the culture of the people that has in various ways aided the growth of such activities. The theory of neo patrimonialism and the concept of criminalization of the state are very much interlinked offering a systematic argument which could be put simply as ‘neo patrimonialism facilitates the criminalization of the state’.

Furthermore, an idea put forward by Chalfin (2010) which has been dubbed ‘*sovereignty cum neoliberalism*’ in this work talks specifically about Ghana and about one of the institutions being studied in this thesis, i.e. the CEPS. Though not in itself a concept, the article reinforces the claims that are made by Bayart et al. (1999) and Médard (1996) in the criminalization of the state and neo patrimonialism respectively. Thus it portrays how through the activities of CEPS a clear criminal activity is modified to look legal and acceptable.

### **3.1 Theoretical Approach- *Neo Patrimonialism***

Neo patrimonialism is a theory developed by Jean-François Médard (1996). Médard, building upon Max Weber's theory of patrimonialism seeks to unveil the characteristics associated with politics in sub-Saharan Africa. In Weber's account, there are three types of domination namely legal rational, charismatic and traditional in which legitimacy is based on the belief of the sacred character of ancient traditions which means a combination of discretionary power and submission to traditional norms and customs. Traditional domination in itself also takes three forms namely, patriarchal, patrimonial and feudal. In patrimonialism, the patrimonial chief or leader extends his leadership to include other people outside his family or kinsmen but then for administrative ease, power is delegated to others who basically consist of relatives, servants, slaves or clients of the leader. In this sense, power is exercised among a select group of people (who in a sense belong to the same household) who exercise authority over others. Thus, power revolves around the same group of people.

The organized group exercising authority is, in the simplest case, primarily based on relations of personal loyalty, cultivated through a common process of education. The person exercising authority is not a superior but a personal chief. His administrative staff does not consist primarily of officials but of personal retainers (Jean-François Médard, in Henrik Secher Marcussen 1996:79).

Even though power is extended beyond the domestic household in patrimonialism, there is still no separation between what is private and what is public in any aspect. This forms the basis of Médard's neo patrimonialism which purports to describe the kind of politics that takes place in Africa in general and sub-Saharan Africa in particular. Though most states in sub-Saharan Africa have established modern bureaucratic structures, the irony is that, these states rather combine bureaucracy with patrimonialism creating a system of a (new) kind of Weber's patrimonialism which Médard calls neo patrimonialism. Africa having borrowed the institution of bureaucracy from colonialism has created formal bureaucratic structures, with written laws and a formal recruitment system for public and

civil servants “but there is no real state of law and the functioning of the state is largely patrimonialized” (Jean-François Médard, in Henrik Secher Marcussen 1996:80-86).

In the first place, power is personalized, that is, it is made the property of the office holder instead of being institutionalized in the sense that there is no differentiation between the office and the person in charge of the office. Despite the fact that the offices are formally and structurally differentiated, they do not function as such. The holder of the particular office uses it as his/her personal possession and this happens at every level of administration, that is, from top to bottom. “The state does not exist as an abstraction. Every agent of the state uses his public position to extract resources from the state or from the people” (ibid: 87). It is this access to power that holders use to amass wealth for themselves (ibid: 87) and with the strong kinship ties that permeate all African societies one cannot help but yield to the demands of people he/she may know in any form by using his/her position. One does not live as an individual but as a person responsible to a lot of other people who have either directly or indirectly influenced his/her life. This does not just refer to members of one’s family but extends to the ethnic group, the religious affiliation, relatives of one’s school mate etc. Nepotism, clientelism, patronage and corruption thus become the order of the day.

Even though there are a number of bureaucratic institutions in Ghana, their efficiency and effectiveness raise many questions. Scholars have mostly described the situation in the country as one that tribalism and nepotism highly prevail at all levels of administration (Agyekum-Dwamena 2003; Aryee, 2001:4-5). The code of conduct of the Civil Service of Ghana entreats all civil and public servants to ensure that

In carrying out public business including making public appointments, awarding contracts, or, recommending individuals for rewards and benefits, Civil Servants should make choices based solely on merit (Office of the Head of Civil Service).

In practical terms however, this is rarely the case as recruitments into the Service have often been characterized by tribalism and nepotism, the ‘whom-you-know’ syndrome, as

it is commonly called in Ghana. Recruitments to especially most public sectors in the country are based on patron-client relations (Chabal and Daloz: 2006). The trend is often that one has to be a friend or relative or know a ‘big man/woman’ to survive in the system. Experts including Agyekum-Dwamena and Aryee offer a critical analysis of the Public and Civil Services in Ghana. To them tribalism, nepotism, questionable security of tenure and anonymity and neutrality, poor conditions of service and massive corruption are the characteristics of the Ghana civil and public Services (Agyekum-Dwamena 2003; Aryee, 2001:4-5).

In this sense, on one hand one must know somebody in a higher position to get hired while on the other, people use their office to help those they know either in cash or in kind while extorting from those who are not part of their patrons. It is a general idea in Ghana that, being a graduate from the University, Polytechnic etc. is not enough for one to gain employment. It pays much to know someone who can ‘fix’ you. In an interview with Dr. Kwesi Jonah, a senior research fellow at the Institute for Democratic Governance (IDEG) and Head of the Political Science Department, University of Ghana he pointed out that “‘most of Ghana’s institutions are weak because of tribalism and nepotism. The right people are not selected for jobs because of whom you know’” (Adom FM Morning Show, 23<sup>rd</sup> February, 2011: 09 15hrs).

The bottom line is that, African societies according to Médard are characterized by a system in which there is fusion between the public and the private and even when this distinction is clearly made, it is never obeyed.

### **3.2 The Concept of the Criminalization of the State**

In support of the above theory, is the concept of the criminalization of the state developed by Bayart et al. in their book *‘The Criminalization of the State in Africa’*, (1999). This concept specifically discusses the current prevalence of illicit businesses in sub-Saharan Africa. Most African countries are endowed with various natural resources including gold, oil, cocoa, etc, but ironically, Africa is the continent with the highest form of

political and economic decline. While accepting the relative nature of defining what is and what is not criminal, Bayart et al. in their view regard as criminal;

Those political, social and economic practices which are the object of a 'primary criminalization' either by the laws and other texts of the states which are under discussion or more particularly in international law, or according to international organizations or acknowledged guardians of international morality and especially the financial and economic morality which accompanies the current trend towards the globalization of the economy (Bayart et al. 1999:15).

According to the above quotation, such activities like the trade in human beings, drugs, nuclear material and works of art, piracy and banditry, various forms of economic or financial practices or malpractices, the illegitimate use of the state's coercive resources or of resources of violent coercion which are private and hence illegitimate can thus be considered as criminal and especially when those activities are highly organized and in collective terms and has a relationship with tenure of political power or the institutions of state (ibid:15). When those at the helm of affairs have been able to use their positions to help themselves and their patrons, the rest of the people fight for survival. In such a situation people engage in unlawful activities so as to catch up with others. This behavior then gains acceptance by everyone else. With the huge economic decline coupled with the insatiable desire for material things (at least to catch up with modernity) in sub-Saharan Africa, people are less concerned with how somebody makes his/her money. Money is glorified and cherished as it is the main source of power in the sub region and vice versa.<sup>17</sup>

This explains why the people of one constituency in Ghana, Nkoranza North in the Brong Ahafo Region were not perturbed when in 2005 their Member of Parliament (MP) was arrested for possessing an illicit drug. After all, he was a very generous person and that was more important to them. He paid the school fees of some children and gave huge donations at funerals. According to a newspaper report

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<sup>17</sup> Interview with Dr. Kwesi Aning :30/06/2010 and Dr. Vladimir Antwi Danso :14/7/10

He was currently sponsoring more than 100 students in basic, senior secondary and tertiary educational institutions whose fate now hanged in the balance... and he single-handedly financed a number of development projects across the length and breadth of the district including the rehabilitation of feeder roads. (Daily Graphic, 23<sup>rd</sup> November, 2005)

Bayart et al. propose six inter related indicators of the criminalization of the state while emphasizing that different states exhibit these in different forms<sup>18</sup>.

First and foremost, is when people in authority use the legitimate organs of state as instruments and strategies to accumulate wealth for themselves. Second is the existence of a hidden and collective structure of power which surrounds and controls the person who occupies the most senior political office and which also benefits from the privatization of state power or is able to have access to a private and illegitimate apparatus of violence especially in the form of organized gangs. Third, the participation by this collective and semi-clandestine power structure in economic activities that are considered to be criminal by international law. Fourth is the insertion of these kinds of economic activities in international networks of crime. Fifth, an osmosis between a culture that has been historically constituted and which is specific to the conduct of such activities and the changing cultural repertoires which serve as vehicles for processes of globalization and lastly, when these activities attain macroeconomic and macropolitical importance, as distinct from the occasional or marginal role of such practices on the part of power-holders and of these activities of accumulation in the overall architecture of a given society (Bayart et al. 1999: 25-26).

Bayart et al. thus think along the same line as Médard in the sense that for all of them the idea is that in sub-Saharan Africa, politics is highly privatized and operates informally. Those who find themselves in power in various forms try to use it to benefit themselves and their families while the larger number of the citizenry is left to wallow in poverty, alienation thus sets in and people generally feel neglected and cheated. What

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<sup>18</sup> Reference for the six indicators: Bayart et al. 1999:25-26

happens then is that every one strives to survive in the system by using any means possible, either legal or otherwise.

In Africa public administration and institutions are weak as a result of the rhizome-like nature of the state and of the organization of public power in general. Administrative procedures and legislative or institutional rules are only one channel among many which the public authorities use to manage the country's affairs. Personal relations and personal networks whether of an economic, political, religious or regional nature frequently offer far more effective instruments of public management. The relaxation or abolition of controls of various sorts encourages the development of corruption and a general administrative laxity and enhances the opportunities for discretionary interventions. The latter are made easier because of the existence of various administrative loopholes (Bayart et al. 1999:91).

Most governments in the sub continent have become incapable of effective and efficient administration because they themselves are part of the criminalization process and in fact, have been the creators. Thus, even though there are established bureaucratic institutions, efficiency and effectiveness have become an illusion.

As Bayart et al. mention, drug trafficking is one of the activities that is considered criminal internationally.

The high prevalence in the use of Ghana's borders by drug traffickers has raised concern quite recently, with various governments trying to exhibit some kind of willingness to curtail it. Bureaucratic institutions such as the GPS, CEPS, NACOB and the Judiciary have therefore been mandated to lead this fight. As has been briefly mentioned in parts of this chapter, Ghana like most of her sub-Saharan counterparts seem to have experienced both Médard's neo patrimonialism and the criminalization of the state as described by Bayart et al. This thesis however, takes it to another level, that is to discuss which forms that these have been manifested in relation to the fight against drug trafficking.

Discussing the whole of the sub continent by these writers as a common entity ignores the peculiarities of particular countries, as Bayart et al. themselves admit that different states exhibit criminalization in different forms. It appears that various



governments in Ghana have shown commitment (at least overtly) to fight the drug menace. An attempt is made to exploring how this has been achieved or not by paying attention to the main institutions that are in charge of this agenda. Would one conclude that, well, neo patrimonialism and criminalization to a large extend are ‘an African characteristics’ and for which no matter how serious or dangerous a situation is, would always dominate? Ghana, often credited with espousing democracy and the rule of law, with maximum freedoms, a somewhat enviable economy (at least compared to some states in sub-Saharan Africa), and a relatively stable and peaceful society finds herself battling with the problem of drug trafficking.

This is however, not the only country on the continent or the sub region to do so but compared to most other countries in West Africa that find themselves in the same problems, Ghana seems to be in a greater position to at least reduce it considering the credentials enumerated above. It however appears that despite the hard work that these institutions are doing exemplified by the numerous arrests and seizures, it is also observed that, Ghana has not been able to escape from what Bayart et al. and Médard would conveniently describe as ‘the African characteristics’ and that much more needs to be done if the fight against drug trafficking in Ghana is to be successful.

### **3.3 Sovereignty *cum* Neoliberalism**

In almost a similar vein and with context specificity like Bayart et al., Chanlfin in her presentation of the CEPS in Ghana describes how the state has asserted its sovereignty in the face of neoliberalism. According to her, neoliberalism puts some kind of limit on the sovereignty of states especially by its insistence on the freedom of the economy, thus making states find other means to exercise their sovereign influence. The CEPS, a legacy through British colonialism in Ghana, have thus been extolled and in effect helping the state exercise its sovereignty in a different form.

In her very authoritative book, *Neoliberal Frontiers: An Ethnography of sovereignty in West Africa (2010)*, Chalfin provides quite a vivid description of how the CEPS works with regards to one major luxury product in Ghana, car. Considering the activities of CEPS in relation to how cars are cleared at the main harbour, Tema, the exertion of state's influence on what should rather have been a private life/ property becomes all too clear and presents how this 'new' state sovereignty is manifested. Cars are usually imported into the country from other countries and the CEPS is responsible for ensuring that the right thing is done in relation to this. However, the arduous tasks that one has to go through to clear a car at the Tema harbour shows how neoliberal governments could still be so powerful. The CEPS has a very strong influence in determining which car enters the country and which one does not. Through their very long procedures at the clearing points, sanctions could be put on 'suspected' cars and in situations where deadlines are disobeyed by car owners, CEPS has the mandate to auction those cars at low prices. It is during such instances that the real 'criminality' is revealed as these supposedly suspected cars are mostly selected by government and its officials in the name of the interest of the state, creating bitterness in car owners.

The point therefore is that, some of these importation acts by car owners that are considered immoral by the government represented by CEPS tends to be acts condoned by government. These suspected cars end up being used by the influential people of the land including MPs and Ministers. Meanwhile, these governments have been preaching transparency and accountability as the reason for their acts. People thus become so embittered and alienated. In effect, it could be said that, the government is indulging in activities that itself has described as criminal. As Chalfin reiterates,

The hidden political entailment of Customs' sovereign ascendance in neoliberal times especially apparent in the workings of the 'good governance' agenda that has emerged as the central plank of the second generation of neoliberal reforms in which Ghana is deeply enmeshed. Contradicting their professed aims of increasing accountability and promoting democratic values...this program has fanned the flames of authoritarianism and closed off opportunities for participatory governance (Chalfin 2010:232).

The above statement reinforces President Obama's speech quoted at the beginning of this work that states that, holding elections alone do not make countries democratic but rather what happens in between elections is what really matters. When after elections few people enjoy the benefits of the state to the neglect of the large majority, then that government is more authoritarian than it is democratic. In the neoliberal tenets, the economy is supposed to be free. However, as pointed out by Chalfin, through the activities of CEPS in Ghana, the state exercises maximum power even on the acquisition of material goods like cars and other domestic products, which the officials in turn, use as if they were their own in the name of transparency and accountability. They have in effect, created laws to legitimize something which they themselves consider as criminal.

### **3.4 Chapter Summary**

This chapter has presented the theoretical analysis and the conceptual framework that would be used in analyzing the data. As has been mentioned, both the theory of neo patrimonialism and the concept of the criminalization of the state are similar in many respects. Both describe how politics is played on the African continent and consequently, the rise in activities that are internationally recognized as illegal. In order not to argue in a vacuum, Chalfin's article has been discussed so as to present a full picture of what this thesis is all about. As Chalfin's discussion is centered on one of the main institutions that forms the focus of this thesis, viewing it through the mirror of the theory and concept presented above makes the picture very clear.

## CHAPTER FOUR

### 4.0 Brief Description of the Key Law and Order Institutions<sup>19</sup>

#### Introduction

As part of efforts to curtail the constant use of its borders for drug trafficking, the government of Ghana since the 1990s recognized the need for outlining effective mechanisms to achieve this desired objective. Also considering the fact that, fighting drugs is not an issue that can be handled solely by one state or government working on its own, the government of Ghana has joined the international community in ratifying important treaties and conventions that further enhances the capacity to fight the drug menace and to solicit international support when the need arises. Ghana is thus, signatory to the following UN protocols and Conventions on drugs: *The 1961 Single Convention on Narcotic Drugs, the 1971 Convention on Psychotropic Substances, the 1972 Protocol Amending the 1961 Single Convention, the 1988 Convention against Illicit Traffic in Narcotic Drugs And Psychotropic Substances*. This is to ensure collaboration and co-operation among states and to ensure that the drug phenomenon is reduced significantly (NACOB Annual Report 2008:5). In a similar vein, Operation Westbridge, launched in 2006 is a collaboration between Ghana and UK drug enforcement agencies to help Ghana solve its drug problems which has eventually resulted for example in the seizure of drugs worth £214 million at the Kotoka Airport (Daily Graphic, April 5<sup>th</sup> 2011).

In all these efforts, four main institutions of the state have been very prominent. It is nonetheless worth saying that in Ghana the fight against drug trafficking has been the responsibility of all the security agencies in the country including the Military, the Navy, the Immigration Service, the CEPS, GPS, the NACOB and the Judiciary which exercises its interpretative role. It however came to light during the field work for this study and

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<sup>19</sup> Most information on the institutions are either from their website or from the fieldwork

readings from various literature on the drug issue in Ghana that the CEPS, GPS, NACOB and the Judiciary are the four main law and order institutions that are spearheading the fight against the illegal drug trade in the country. Apart from the Judiciary, personnel of the three other institutions are often spotted at almost all entry posts in the country. Aside from the NACOB also, the other institutions have already been in existence performing traditional roles of enforcing law and order in various circumstances and have thus only been mandated and empowered to pay more vigilance to the activities of drug dealers in the country. Although these institutions to a larger extent work hand in hand with one another, a brief description of each of them would serve to present any peculiarities of the individual institutions. The following section therefore briefly describes these institutions in order to shed more light on their activities particularly in relation to the fight against drug trafficking.

#### **4.1 The Ghana Police Service**

To help in curbing drug trafficking and use, the Ghana Police Service has established the Narcotics Unit of the Criminal Investigations Department (CID). This department and the GPS in general are responsible for arresting criminals engaged in the drug business. In Ghana, the GPS is one of the main law enforcement agencies but which in both the past and present times, have been seen to be synonymous with bribery and corruption. The impression among the Ghanaian public is that, the police officer is a corrupt public servant. They are touted for often taking bribes from drivers, who commit various road offences as well as from other criminals.

Though the GPS has helped in various ways to ensure law and order in the Ghanaian society, the common perception is that there are a lot of criminals who go unpunished because the police take bribes from them and help them to abscond. Though the Police often refute these allegations, the service has however in a number of times accepted this as one of the major problems that it is facing but have also been quick to cite

poor conditions of service and lack of motivation as the main causal factor (Daily Guide, 9<sup>th</sup> April 2011).

On the issue of drug trafficking, the police have neither been spared by critics who often believe that the ‘traditional corrupt’ character still persists. For example the missing cocaine parcels at the Police CID headquarters in Accra in 2006 and the somewhat involvement of a senior Police officer in the MV Benjamin cocaine scandal are often cited as evidence. In both cases and others, the Police have vehemently denied any connections with such allegations. The senior Police officer who was involved in the MV Benjamin cocaine scandal though interdicted by the service for a long time has since September, 2010 been promoted as the Head of Training of the Ghana Police Service, whilst his two other accomplices have also been acquitted and discharged (joy online 28<sup>th</sup> March, 2008; Ghana News Agency, 24<sup>th</sup> July, 2009; joy online, 28<sup>th</sup> September, 2010).

#### **4.2 The Customs Excise and Preventive Service (now the Customs Division of the Ghana Revenue Authority)**

The Ghana Customs Excise and Preventive Service is one of the security apparatuses in Ghana initially established under the Civil Service in 1839. It however became an independent body in 1986 and operated under the CEPS Management Law, PNDCL 330, 1993. It is currently part of the Ghana Revenue Authority<sup>20</sup>. CEPS duties include the collection of various taxes including Import Duty, Import VAT, Export Duty, Petroleum Tax, among others.

A summary of the role of CEPS is given as follows;

It traditionally fulfills a three-fold mission: A fiscal mission, of collecting revenue for the State; an economic mission of helping businesses to be more competitive and compiling foreign trade statistics; and a mission of protecting society which involves combating fraud, smuggling, terrorism and organized crime,

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<sup>20</sup> <http://www.gra.gov.gh/> (Assessed on 28<sup>th</sup> October, 2011)

counterfeiting, piracy, human and drug trafficking, etc. CEPS also implements government policy on the order to ensure compliance with national and international regulations in force regarding the environment.<sup>21</sup>

CEPS officials are stationed in almost all the entry points of the country including the Airports, harbours and borders in order to ensure that goods and persons that enter the country at every point in time are genuine and acceptable and through the laid down procedures. CEPS has been at the forefront when it comes to dealing with the pertinent issue of drug trafficking. CEPS officers are stationed at the country's airport, and various borders to check the import and export of illicit drugs. The organization is empowered to regulate the country's borders and in many instances, have aided the other institutions in arresting drug traffickers/offenders.

However, CEPS is often accused of administrative malpractices including bribery and corruption. It is frequently reported that, CEPS officials just like the Police instead of reporting crime rather demand money from offenders and set them free. Two videos taking by the famous Ghanaian investigative journalist, Anas Aremeyaw Anas have revealed the irregularities of the Service and have served to provide some evidence for the numerous accusations<sup>22</sup>. The first video, dubbed 'Cocoa Smuggling in Ghana' shows how Customs officials aid people to smuggle cocoa from Ghana to Cote d'ivoire. The second called '*Enemies of the Nation*' concerns officers of the same institution engaged in massive bribery and corruption at the Tema Harbour that has resulted in the loss of huge revenue to the country. Such pieces of evidence have undoubtedly led to the loss of trust that Ghanaians had in CEPS<sup>23</sup>.

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<sup>21</sup> [http://www.ghanacustoms.gov.gh/about\\_us.htm](http://www.ghanacustoms.gov.gh/about_us.htm) (Assessed on 15/09/10). This thesis maintains the old name under which the study was conducted)

<sup>22</sup> Anas Aremeyaw Anas is a Ghanaian investigative journalist whose aim is to bring to the fore the activities of various institutions in Ghana. He has so far conducted undercover investigations into the Osu Children's Home, the erstwhile CEPS among others.

<sup>23</sup> <http://www.modernghana.com/news/271295/1/watch-anas-video-of-cocoa-smuggling-in-ghana-part-.html>, <http://ghanaweb.com/GhanaHomePage/NewsArchive/artikel.php?ID=202138> (both assessed on 11-10-11)

### 4.3 The Narcotics Control Board

The Narcotics Control Board (NACOB or NCB) was established under the Narcotic Drugs (Control, Enforcement and Sanctions) Act 1990/PNDC Law 236 which came into effect the following year. NACOB is the central coordinating body that deals with the drug problem. There were signs of an increase in the drug menace in the 1990s and the government realizing this, thought it necessary to set up this special board with a high degree of autonomy to exercise its responsibilities. Among others, NACOB is responsible for collating and collecting information on drug for use by the government, it receives and refers for investigations cases and complaints of allegations, or suspension of any prohibited drug activity, liaise with international bodies on narcotic issues, educate the public on the dangers of drug use or involvement. NACOB visits public places like churches, mosques, schools and the media to educate the public on the dangers associated with illicit drugs. This has resulted in creating awareness in most Ghanaians which hitherto was not the case.

The Executive Secretary is the head of the Board working with other staff with various assigned duties. NACOB officers are stationed at Ghana's international Airport, various ports, harbours as well as other entry posts. Since its inception and in collaboration with the GPS and CEPS, NACOB has been quite successful. A number of arrests of drug traffickers have been made possible by the intelligence of NACOB. NACOB has gained public confidence as a very credible institution in Ghana and through its public education, has created awareness that never existed among a great number of Ghanaians. However, the arrest of some NACOB officers in August, 2011 for allegedly collaborating with drug traffickers has raised a lot of concerns about the credibility of the main drug fighting institution<sup>24</sup>.

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<sup>24</sup> <http://www.modernghana.com/news/348725/1/another-suspect-nabbed-over-nacob-cocaine.html> (assessed on 11-10-11. This case is still under investigation; therefore no further comment would be made except stating that it is an issue that has come up.



#### **4.4 The Judicial Service of Ghana (Judiciary)**

The Judicial service of Ghana is one of the most important arms of government. It consists of the various courts of the land which includes the Supreme Court, the Court of Appeal, the High Court and Regional Tribunals. The basic responsibility of the Judiciary is to dispense justice. The Judiciary thus deals with all kinds of cases including drug trafficking. In Ghana, there is a long imprisonment for drug dealing that ranges from 10-15 years and the courts are responsible for ensuring that the due process of the law is followed and the appropriate sentence given if convicted.

A discussion paper on the Justice Sector and the rule of law in Ghana, (A review by Afrimap and the Open Society Initiative for West Africa and the Institute for Democratic Governance, 2007:7-15) has offered an in-depth description of Ghana's judicial system. According to the paper, the Judiciary faces a high degree of political interference in prosecutions and in some instances some court rulings have not been fully respected or attempts have been made to overturn them in ways other than through the normal appeal procedures. The paper goes on to emphasize that the combination of the positions of the Attorney General and the Minister of Justice in one person who is also a government appointee raises a lot of concerns. Hence, separation of powers, a prerequisite for democratic states is not evident. This affects the independence of prosecutions that involve decisions on high-profile cases. Thus, the system becomes highly politicized and the due process of the law is severely threatened. Equality of the law though the constitution emphasizes is generally not respected. Prosecution of government officials in power is very rare despite a number of allegations of various criminal offences by such people.

There have been instances involving drug dealers where the Judiciary has been criticized severely. Mostly, drug dealers are granted bail based on an insignificant amount of money considering the kind of job and the profit that they accrue from it. For instance, in 2004, a smuggling gang that was arrested for importing 675 kilograms of cocaine that

was valued at 140 million USD was released on bail of 200,000 USD. This obviously had a lot of people complaining about the work of the Judiciary (Aning, 2007: 202 in Aning 2009:5).

Aning (2009:4-5) opines that;

The efficiency with which transnational crimes are sometimes executed presupposes the involvement of some states' officials and/or institutions. Drug barons infiltrate democratic institutions-primarily parliaments, the Judiciary, political parties and the executive offices of government...while it may be true that the fragility of states in West Africa and the weaknesses of state institutions mandated to combat the drug menace has contributed to the upsurge of TOC in recent times, the complicity, active or passive, of state officials in the region and outside cannot be ruled out.

#### **4.5 Chapter summary**

The four institutions mentioned above are at the forefront in dealing with issues that relate to drug trafficking. These institutions therefore collaborate in performing their duty. The NACOB, the GPS and CEPS patrol the country's borders and other places and arrest drug traffickers and dealers. Cases are then referred to the Judiciary which interprets the law. In short, the inconsistencies that already exist in these institutions have to a significant degree affected their outputs in relation to drugs. This thesis thus attempts to find out the extent that one can say that these institutions have exercised resilience or otherwise in their fight against drug trafficking. In this direction, I explore themes such as bribery and corruption, political interference and the rule of law in order to unearth the general extent of the drug phenomenon on the Ghanaian society as a whole. The assumption is that if these institutions that are in charge of curtailing the problem are also found to rather be part of it, the efforts of the fight against the phenomenon would be defeated and consequently, the general Ghanaian society would suffer a great deal.

## CHAPTER FIVE

### 5.0 Discussion of Research Findings

#### Introduction

This chapter focuses on an analysis of the findings from the fieldwork. This will however relate the data and findings to existing ideas and literature and to the conceptual and theoretical framework most importantly to the six indicators of the criminalization of the state put forward by Bayart et al. that have been presented earlier in this work. The main focus here is to attempt to find answers to the research question, i.e. the extent to which the drug fighting institutions in Ghana have resisted influences to their activities and this would be done by analyzing certain specific themes namely bribery and corruption, political interference and the rule of law in relation to the fieldwork data.

#### 5.1 Bribery and Corruption

It is an accepted fact that, bribery and corruption derails or defeats the objectives of any organization. The simple reason is that, it influences people's decisions mostly negatively. Thus at the national level, it is expected that in the execution of their duties, public and civil servants perform to the best of their ability without being influenced by way of bribery and corruption. This can be interpreted in many ways. However, the simplest interpretation is that civil and public servants, who form the core of every state's administration, should not use their office in any way to extort favours from their clients in order to enrich themselves.

As a public servant, one has to use his/her office to serve all and sundry irrespective of who they are or where they are coming from. Corruption can take the form of taking physical money and even gifts for the exchange of something else, and in this case, in exchange of services that public servants are supposed to render to the public.

The fight against drug trafficking is in many ways considered a security duty and

those in charge are supposed to perform their task to the best of their ability and in honesty. However, it is also common knowledge that in sub-Saharan Africa, there are a lot of malpractices in the fight against drug trafficking, one of which is corruption of the law and order institutions which form the core of this fight. As the (INCB 2010) report points out;

Nothing has a more debilitating effect on efforts to curtail the illicit drug trade than the successful attempts of criminal organizations to intimidate and corrupt public officials. Nothing undermines international drug control efforts as much as the numerous cases of corrupt officials who facilitate or participate in drug trafficking. Yet violence and corruption are integral parts of illicit drug markets (INCB 2010, Report: 1).

Dealing with drug traffickers obviously entails dealing with people with huge sums of money. Mazzitelli's (2007:1074) view of the fact that "...drug trafficking remains by far the most lucrative transnational criminal activity" is shared by many. Even if some individual couriers are not themselves very rich, they belong to networks of very rich men and women. Thus, money is one very easy and simple thing that can be used to corrupt the law and order institutions that fight against them. Since drug trafficking is seen as a serious monetary business, fighting against drug trafficking means fighting against other people's source of income which obviously is resisted by those involved in the business. These drug traffickers aware of the administrative loopholes in West Africa try to use them to their advantage<sup>25</sup>.

In Ghana, the key law and order institutions that are in charge of fighting drug trafficking apart from the NACOB are mostly the already existing institutions namely the GPS, the CEPS and the Judiciary, which have in various ways been touted as corrupt. Based on the fieldwork data, personal observation and on other existing literature, it can be argued that the key law and order institutions in Ghana that fight against drug trafficking are still showing signs of being corrupt, and even massively<sup>26</sup>. Various

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<sup>25</sup> All informants expressed the same view. Also refer to Shehu 2009:3, (Naylor 1997, 20-21 and Cornell 2006, 40-42 quoted in McGuire 2010:10)

<sup>26</sup> Massive because they deal with rich people who never want to face the law

interesting revelations emerged especially during the field work. Though most informants acknowledged the important role that these institutions are playing, they nonetheless expressed concern about the level of corruption that has so far engulfed these institutions. Interestingly, there were few contrasting views on the issue of corruption. While many thought that corruption has seriously affected these institutions, others had a contrary view. For instance a personnel of one of the key law and order institutions was very positive about corruption and the fight against drug trafficking. In his view drug trafficking has been recognized as a serious security threat and all efforts are being made by these institutions to reduce it and if possible, eliminate it entirely. Thus, these institutions are very careful not to fall victim to any administrative vices like corruption. Despite accepting the fact that these institutions lack the basic logistics and the poor conditions of service of personnel, he nonetheless maintained his stance that these institutions are not corrupt by pointing out that:

In matters of drug trafficking, we are very careful not to be trapped. We know the consequences of drug trafficking on a developing country like Ghana. Though Ghana is not listed as a major consumption country, current statistics indicate a rise in the use and abuse of drugs including cocaine and heroin and institutions like these cannot afford to compromise (Interview with a personnel officer of a key institution: 10/08/10).

The impression that one could draw from the above excerpts is that, the law and order institutions are not necessarily uncorrupted but rather are very careful not to be caught in the web of corruption in their fight against the drug menace since drug trafficking is considered a serious issue. Thus, generally, drug trafficking has been seen in some measure, as a very serious threat to the peace and security of the nation at least, by the agencies in charge<sup>27</sup>. However, it seems rather less convincing that this reason alone could be a motivating factor for preventing these institutions from taking bribes or being

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<sup>27</sup> Most Security Experts interviewed highly disagreed with this perception. They indicate that security wise, Ghana is seriously trailing behind and the country regards the drug menace just like any other normal issue. They believe that the writings are clearly on the walls to see. Governments have refused to resource the institutions that fight drugs and the institutions themselves do not show much seriousness in the execution of their duties.

corrupted. Though all informants recognize the fact that drug trafficking can deteriorate to a very serious degree like it is in Mexico, almost all of them were of the view that the situation has not reached that extent in any measure. To them, so far, the correlation between drug trafficking and violence in Ghana is very minimal and the current relative peace and stability does not seem threatened at the moment. The agencies confirmed that so far, there has been no case (s) of drug traffickers applying violence. This reason alone could make the institutions relax and allow themselves to be influenced by drug traffickers.

Again, in a situation where the logistics are not enough or are absent, the security agencies have a very good excuse for their inefficiencies by hiding behind this lack of logistics when the real reason could be that they are taking money and letting people go free, after all, there are no scanners on borders to detect that people are carrying drugs. Considering the monthly salaries that these personnel receive and the fact that these drug dealers are very rich and can offer as much as \$2000 as bribe, it will take very few people like this informant to resist this temptation for severe beatings. He recounted his story;

In a personal experience, I have received severe beatings from some drug dealers for the simple reason that I have refused on several occasions to accept money from them so I could influence a case involving one of their members. Threats have been part and parcel of our work. We are at least lucky that no one has died yet but it is still scary especially if you don't want to compromise (Interview with a personnel officer of a key institution: 10/08/10).

Apart from the above informant who decried any involvement in bribery and corruption by these institutions, the rest thought otherwise.

The fact is that, some people especially those in government are enjoying. Fighting drugs is a risky job. One feels that despite all these risks that one is most likely to encounter, he/she is rather paid less. In such a situation, such a person would want to take his/her share of the national cake through other means, and mostly dubious. When one is dealing with rich businessmen and women like drug traffickers, an obvious opportunity has been created for exploitation (Interview with a security analyst: 12/07/10).

It obviously cannot be easy in the face of poor salary structure as was pointed out by all informants and the fact that those at the helm of affairs seem to ignore the risks involved

in fighting money makers whilst they on the other hand seem to be enjoying. One security analyst in giving the reasons for the choice of Ghana as a transit country lamented that, “there is a political class that is greedy, that is selfish and criminal” (Interviewed: 12/07/10).

In the first of Bayart et al’s six indicators of the criminalization of the state for example, the authors indicate that in sub-Saharan Africa, the common thing is that those in authority use the legitimate organs of the state as instruments and strategies to accumulate wealth for themselves. On one hand, as has been indicated by informants, those at the helm of affairs, in this case, the rulers, the government officials and other influential people use their offices both directly and indirectly in various ways to enrich themselves.

On the other hand personnel of the key law and order institutions can hardly be content with the meager salaries that they receive considering the kind of risk involved in the execution of their duties. Thus, it seems at least normal to use one’s office to get something more in addition to the little that he/she already receives. A very good opportunity has definitely been created for such a person who is already dealing with people who are very rich and are ready to give anything for their freedom. Quite apart from these rich big traffickers, some personnel of these law enforcement agencies extort money from those in the jungle or the common street dealers who acquire their monies mostly through dubious means like the sale of drugs in addition to stealing from the public. These common street dealers obviously do not offer security officers much money but as the popular Ghanaian saying goes *‘ketewa biara nsoa’*, literally, nothing is too small (half a loaf is better than none), these security officers make do with anything that such people are able to give.

One street drug dealer Ozaa 39 years who has been in the business for 25 years had this to say:

My sister (referring to the researcher) most of these police men who come here to arrest us have been taking money from us. When they come they threaten to take us to the police station. Then we talk with

them and when we are able to organize something for them, they go away. They usually come here. As for the NACOB people they will arrest you. But even when they take us to court, they often think that we are mad. I have been taken to prison uncountable times but they always come and tell me to go home because I am not normal but I am very normal. I still do my business (Interviewed 6/08/10).

Another street dealer Joseph alias big Joe 52 years also recounted;

As for me when I see the Policemen I don't run away because I can talk to them and give them something small. When I see people not in uniform, like when I saw you (referring to the researcher and the research assistant) walking towards our jungle I try to take cover because they are usually the NACOB people and they don't spare us. If they catch you they will definitely take you away (Interviewed: 13/08/10).

These assertions from the above street dealers have been confirmed by Bernstein's study of Ghana's drug economy who also mentions involvement by Police officers and CEPS officials. According to him his interviewees had indicated that Police men even those in uniform come to take some marijuana without paying, whilst many others also take money from these dealers. He further stipulates that an OGD report (1997) had indicated that CEPS officers at border posts take money from traffickers importing cocaine and heroin and that a single bribe can be equivalent to a month's salary of customs officers (Bernstein 1999:28). Officers thus take bribes both in cash and in kind.

To a large extent, the Judiciary has also been affected. Personnel of the other three key law and order institutions especially indicated that by and large, they are losing trust in the Judicial Service's handling of drug cases in the country and mentioned that they suspect that some members of the Judiciary are often influenced with money.

This point has been buttressed by Aning (2007:201) who indicates that during an interview with some law enforcement agencies it became apparent that the "Judiciary has in no small way thwarted the zeal and ability of the security apparatuses" as it has become obvious that judgments in drug cases by some particular judges are showing a pattern that creates suspicion especially when judges grant bail to drug suspects with sureties that are less than the drugs seized (ibid).

The NACOB nonetheless to some extent seems to have gained public trust at least in matters of corruption as most informants indicated. An informant opined that, to a large



extent the NACOB can be exonerated when it comes to corruption though not totally immune. As was also indicated by Ozaa and Joseph above, when the ‘NACOB people’ see them, they take them to the appropriate quarters and will not take money from them. This has created some level of fear and trust for the NACOB. However, in a 2008 newspaper report by Albert Salia, some staff members of the NACOB were aggrieved over poor conditions of service and were threatening a strike action if things remained unchanged. According to the report one worker was quoted as saying that: “it was not surprising that suspects were now accusing NACOB staff in open court for collecting bribes from them” (Daily Graphic June 19<sup>th</sup> 2008). Considering the above statement, there is an indication that the NACOB itself has been caught under the web of corruption. The story continues to highlight the fact that according to the workers, those occupying big positions in the organization are however receiving huge sums of money to the neglect of the others, who are mainly the fieldworkers<sup>28</sup>. This has caused some workers to point out that “we are highly discouraged, demoralised and embittered” (ibid).

A senior officer in one of the institutions likewise bemoaned the poor salary structure that has existed for years. His worry was that, this does not auger well for an effective and efficient execution of responsibilities by personnel since they could easily be tempted to take monies and gifts from drug barons and help them to abscond. He stated that:

The poor salary structure and lack of motivation makes it rather impossible to rule out corruption entirely. Imagine that a drug dealer offers to give a security officer an amount of 2000 USD. This is more than 20times what this officer receives in a month. In fact, it is an amount that this person will never dream of having by remaining in the service for years. It is very difficult to avoid such temptation. It only takes self discipline to avoid it and few people truly possess this. When we talk of drug business, it is serious monetary business. Drug barons are very rich and can therefore easily influence people including personnel of these important institutions (interviewed: 25/06/10).

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<sup>28</sup> *These people are most of the time those who do the bulk of the work i.e. they are mostly stationed at the various entry points while others consist of the administrative and secretarial staff, and mostly highly educated.*

These claims seem to have been enforced when in August 2011 some staff of the NACOB were arrested for aiding drug traffickers to import and export drugs. Though the case is still in court and much cannot be said about it here, it raised a lot of questions about the main drug fighting institution which has until this time gained much public confidence than the other drug fighting institutions. In his study of '*West African Criminal Networks*' (2007), Aning indicates that Ghana is not a producer or a major consumer of cocaine and heroin making the drug situation in Ghana a mild one. He however indicates that;

Between 10-15% of every trans-shipment, either in the form of the drug or money remains in the country to cover recurrent expenditure like storage, transportation, bribery and protection rackets. So far, both the Narcotics Control Board (NCB) and the GPS could not give any specific cases where any group had used violence. Rather, methods of enticement like bribes are the usual means of exerting influence (Aning 2007: 201).

Similarly, in a study by Bernstein, all the senior officers that he interviewed indicated that the low salary levels especially in the lower ranks have undoubtedly created corrupt practices (Bernstein, 1999:28).

An informant from one of the institutions gave a description of what could probably be called the modus operandi of these drug dealers to corrupt the agencies. He said;

In Ghana, the drug dealers corrupt the law and order institutions. They intentionally buy some personnel of these institutions. Unconsciously, personnel can be bought. When someone comes he/she will never say that he/she is a drug dealer so take this money or that thing. No! They start by giving gifts. For example, the person will say, this is Christmas and I just want to give you this. The next time he/she will come and say I am just passing by and decided that since it is Easter, I should give you something. Then finally one day this same person comes or calls you and says I have a problem. What is the problem? Then he/she tells you, I have to take these drugs outside this country or I have been arrested for possessing illegal drugs and I need your help. That is when you know the kind of person that, that gift giver truly is. But you have already compromised yourself when you started taking the gifts from him/her. So now how do you say no? (interviewed: 28/06/10).

At a meeting held in Katsina, Nigeria on 28<sup>th</sup> July to 1<sup>st</sup> August 2009 by the Inter-Governmental Action Group Against Money Laundering in West Africa (GIABA), the Director General, Dr. Shehu pointed out the destructive nature of corruption and the fact

that it scares international investors especially genuine ones away. It was thus essential that corruption is fought wherever it exists and in any manifestation (Shehu 2009:8).

From the above analysis, the bottom line is that two interconnected issues have given rise to bribery and corruption in these key law and order institutions. These are poor salary structure and alienation. Personnel of these institutions have observed with discontent, the high prevalence of inequality in the country that they live in. They recognize that those at the helm of affairs, at least, are able to make ends meet while for them, their salaries are nothing to write home about. Since they deal directly with money makers like drug traffickers they can use that opportunity to better their lives. Thus, their positions and offices though legitimate institutions become instruments and strategies that can be used to amass wealth. As the (UNODC World Drug Report 2010:242) shows, in West Africa,

Law enforcement officials can be offered more than they could earn in a lifetime simply to look the other way. This extreme leverage has allowed traffickers to operate with very little resistance from the state, and therefore, there is little need to resort to violence.

## **5.2 Political Interference**

### **Introduction**

Another important tool for an effective and efficient administration regards the freedom of institutions to operate. In democratic states especially, these institutions are assumed to be established by the general populace themselves and thus it is very important that they work in accordance with the rules and regulations that established them. Freedom in this regard refers to non-external influences especially from the powers that be, namely politicians and government officials. In the 1992 Constitution of the Republic of Ghana, as well as various Acts that established them, such institutions like the security agencies are expected to execute their functions without any external interference. The idea is that this would enable them to perform their duties without fear or favour.

Over the years however, there have been various instances of external influences in different forms in the general administrative processes of various institutions in the country. What usually happens is that when a new government assumes power, personnel in the various institutions are either transferred or dismissed outright. The notion behind this is that such persons cannot be trusted since they have worked under the previous administration<sup>29</sup>. The NYEP, the National Health Insurance Scheme, the School Feeding Programme among others, have all experienced these things under the incumbent government (Peace FM Evening News, 16<sup>th</sup> February, 2010). The GPS, the CEPS and even NACOB experience major shake ups during any change of government. Nii Okai Adjei and Mr. Africanus Owusu Ansah of the CEPS have suffered such dismissals in 2001 and 2008 respectively<sup>30</sup>. As for the NACOB, the Executive Secretary has often been a government appointee. There is some kind of suspicion that governments aside from dismissing personnel also directly influence such institutions in their decision making.

With the above in mind, this section places emphasis on the one hand, on how these four institutions under discussion have been accorded the necessary freedom to operate regarding the fight against drug trafficking and on the other hand, how politicians themselves have been influenced by the drug trade and how this has in turn affected the institutions. Just like the issue of corruption discussed earlier in this chapter, alternative views came up during the interviews which are worth considering. Whilst most informants were convinced that there is maximum political influence in the activities of

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<sup>29</sup> [http://www.publicagendaghana.org/index.php?option=com\\_content&view=article&id=253%3Afrederick-asiamah-&Itemid=38](http://www.publicagendaghana.org/index.php?option=com_content&view=article&id=253%3Afrederick-asiamah-&Itemid=38) (Assessed on 19<sup>th</sup> May, 2011)

<sup>30</sup> <http://www.modernghana.com/news/244660/1/ceps-boss-sues-governmentover-wrongful-dismissal.html> (Assessed on 21st May, 2011)

<http://www.modernghana.com/news/28694/1/ceps-boss-sacked.html> (Assessed on 21st May, 2011)

these institutions, others believed that these institutions have the maximum freedom to operate. This seems to confirm the statement that “...it is intriguing that most security personnel quickly fence off any suggestion that some drug traffickers might be influencing politicians” (Aning 2007:202).

Personnel of one of the institutions thus had this to say

It is very hard to say that politicians are involved. This is because these drug dealers are very intelligent and smart. It is possible that their politician friends do not even know the real business that they do. So when you arrest them they tell lies and in most cases since their friends trust them, they try to plead on their behalf which they may succeed (Interview with a personnel officer of a key institution: 12/07/10).

While for another;

Those stories of political interference are only rumors. Sometimes we don't understand the Ghanaian public. When we are arresting more drug dealers, they say we are dealing in drugs ourselves. But it rather shows how serious we are as security agencies. Our systems are working. In fact at the moment, we the security agencies are on top. In matters of drug trafficking, we are free from any outside influences (Interview with a personnel officer of a key institution: 13/08/10).

However, in general, the observation that was made during the field work was that there is maximum political interference in the drug issue. It could be deduced from the answers that there are two ways of political influences, namely direct and indirect.

### **5.2.1 Direct Political Interference**

This takes two forms. The first refers to the type of political influence that takes the form of direct political involvement in the narcotics trade. Though no concrete evidence could be provided, almost all informants were of the view that there are some Ghanaian politicians who either carry drugs themselves or have their accomplices. In Ghana, most of the claims that there are politicians who are drug dealers have almost always been rumours normally from members of the two main political parties- the NDC and the NPP. Though no concrete evidence has been provided to support these claims till date, the arrest of Eric Amoateng of the then ruling party in 2005 who also served as MP for

Nkoranza North Constituency for carrying \$6million worth of heroine seem to indicate that there are politicians involved in the drug trade<sup>31</sup>. When asked about his view on the various allegations of politicians who are involved in the drug business, a personnel officer of one of the security agencies stated that;

There are the very big men involved in the drug trade and what I mean by this is that, they either do the business themselves or have their employees doing it on their behalf and this in either way makes our work very difficult (Interviewed: 22/07/ 2010).

This assertion is in line with the third indicator of the criminalization of the state, i.e. the participation by a collective and semi-clandestine power structure in economic activities that are considered criminal in international law (Bayart et al. 1999:25).

A statement from one other personnel officer confirmed the above, specifically, the fact that they might be using other people when he said that security personnel who are assigned to go for a search upon a tip off some times go and find some kind of pictures and documents in the suspect's room that surprises them so much and in which case they might be forced to discontinue the case (Interview with a personnel officer of a key institution: 4/08/10). A report on Ghana and drug trafficking indicates how the current President of Ghana, Prof. John Evans Atta Mills expresses his belief that some elements of his NDC led government are involved in the drug trade and hoped that all government officials would be made to go through the scan and other departure formalities at the Airport (Daily Graphic, 7<sup>th</sup> May 2009). Again, with both the majority and minority in parliament arguing over whose era was much cocaine driven, there seems to be evidence to suggest that there is some kind of political involvement in the drug business (Ghana News Agency, 11<sup>th</sup> March 2010).

The first of the direct political interference as discussed above again exhibits similarities of Bayart et al's second indicator of criminalization which points to the idea that there often exists in sub-Saharan Africa a hidden and collective power structure that

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<sup>31</sup> Aning 2010:7

surrounds and even controls the person who holds the most senior political office and also benefits from the privatization of the legitimate means of coercion or is able to resort to a private and illegitimate apparatus of violence notably in the form of organized gangs (Bayart et al. 1999:25).

Some reasons have been offered to explain why this has become possible.

For example, in Aning's view the unregulated election campaigns could be a reason for politicians' participating in criminal activities including drug trafficking. Because of this lack of campaign regulation "drug money becomes an asset that can't be turned down" (Aning 2009:5).

Security agencies and experts shared the same view during the interviews. There is the general belief that since political parties are not funded by the state, members find their own means of funding and this can mean anything. An International Relations expert, Dr. Vladimir Antwi Danso reiterated the fact that Ghana seems to be playing money politics lately and this has resulted in the numerous criminal activities in the country including drug trafficking. He expressed worry about the fact that, the Ghanaian society has become so money conscious and consequently, Ghanaians would do anything for money. More so, Ghanaians do not care about where someone gets his/her money as anti money laundering mechanisms are very ineffective. This seemingly Ghanaian character has therefore dominated the political life and has started to show itself in many negative ways. He mentions the splendor and affluence exhibited during both Parliamentary and Presidential election campaigns in Ghana where mostly a considerable number of people contest, thus money inevitably becomes a very decisive instrument for the outcome of the elections. He points out that;

The politics of Ghana before the 1990s especially has changed dramatically. Ghana is now in a kind of system where politics has become highly monetized. Political campaigns are extravagantly organized and only the very rich men and women are able to participate in the politics of the country. To make matters

worse, the state does not fund political parties and political campaigns are unregulated. Politicians are therefore at liberty to seek for funds anyhow. This is dangerous (Interviewed: 14/07/10).

Ghanaians have become more money conscious in order to catch up with modernity and this makes it difficult to have a clear cut distinction between what is legal and what is not. This is in line with Médard's idea that, in sub-Saharan Africa, money is the source of power and people would do anything to get it. The state becomes criminalized when the apparatuses of the state are themselves engaged in dubious activities making them quite ineffective in fighting the problem.

The other aspect of direct influence is where a person in a high position happens to know a drug dealer and tries to influence the law enforcement agency (agencies) in the execution of its duties. The relationship could either be that the drug dealer is a relative, a friend or even an accomplice of the politician. Most of the personnel of the security agencies expressed worry about the rate at which some politicians have been showing interest in the execution of their duties. Their worry stems from the fact that, on one hand, these politicians seem to show much concern when 'ordinary' people are arrested on drug charges and on the other hand try to interfere negatively when someone they might know is arrested on a similar charge. A security personnel officer expressed this worry when he mentioned that;

There are instances where we arrest a suspected drug dealer in the morning and by evening you receive a call from a 'big man' telling you to drop the case and release the suspect because he/she is the relative. In such a circumstance it hinders our progress and it means that those dealers who know people in high positions would continue to be in the system (Interviewed: 20/07/10 and 21/07/10).

In a related instance, Mr. K.B Quantson, a former NACOB head is quoted by Aning concerning the arrest of a drug suspect and the political interference thereafter as saying; "in 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". (Aning 2007:202). An informant while neither accepting nor denying any political involvement could not hide his worry though when he noted;



Well, as for me I always wonder if there is no amount of truth in the various accusation and counter accusation by members of the main political parties in the country even though the evidence is not as yet very clear. Even though the politicians always deny any involvement, I personally do not think things can happen the way they do if these drug dealers don't have connections with people in high positions. (Interview with a security expert: 15/07/10).

Surprisingly, one dealer also had this to say:

We don't spend the money we earn from this business alone. Some of us also play key role in politics as our money forms part of the campaigns that the politicians run. So when they win, they also compensate us by protecting us from being jailed if arrested or helping us to get out of jail if convicted. They know what we are doing and are part of it. Do you think they don't know that we are operating here? (Interview with an average drug dealer: 17/07 2010).

There was much publicity in the MV Benjamin cocaine scandal where a ship containing 77 parcels of cocaine got lost at sea but the events turned and later the prime suspects Alhaji Issah Abass and Kwabena Amaning alias Tagor were acquitted and discharged. The reason that was given by the spokesperson for the then president, as a newspaper report indicates, was simply that the state was no more interested in continuing the case. The Senior Police officer involved in this case, who was interdicted has since been reinstated and is the current head of the Ghana Police Training School. (Ghana News Agency, July 24<sup>th</sup> 2009).

The above indicates that, truly in Ghana, Médard's neo patrimonialism is being manifested to a significant degree. There are personal networks of patrons and clients that seem to exert a high degree of influence on the activities of the institutions that have been mandated to fight drugs. After 'criminalizing' the state through their own activities, those at the helm of affairs use their office and position to interfere in the work of the bureaucratic institutions by way of choosing who and who should not be made to face the law of the land. This further enforces Bayart et al's fifth indicator of the criminalization of the state, a combination of a culture that has been historically constituted and which aids in the conduct of such activities and the changing cultural repertoires which serve as vehicles for processes of globalization (Bayart et al. 1999:26).

The historical culture of community living that permeates all aspects of the Ghanaian society makes it very possible for the manifestation of the ‘whom-you-know’ principle which has in no small measure affected the fight against a serious threat like drug trafficking. These assertions also have a positive correlation with why the law and order institutions appear to be weak and losing the battle in their fight against drugs. The officers aware of all these also decide to compromise their work in exchange for money because when they risk their lives to do their work, the powers that be annul their efforts by using their powers through the back door to protect and free these drug traffickers.

### **5.2.2 Indirect Political Interference**

Indirectly, political influence is also exhibited. Assertions that came up during the interviews regarding this centered on the non provision of adequate resources and the poor salary structure of these key law and order institutions. Fighting drugs is indeed a serious venture that requires a lot of adequate and appropriate technology. The drug barons are themselves very sophisticated and well equipped and must therefore be faced in much the same way (INCB Report 2007:10-11; Author’s field interviews 2010). Ironically, however, the agencies in charge of fighting these people are not equally well equipped or sophisticated enough (Author’s field interviews 2010). Former NACOB boss, Mr. K.B Quantson, has indicated that, indeed, drug traffickers are a step ahead of the authorities in Ghana that are fighting them (Joy online, 26<sup>th</sup> June, 2008). Informants bemoaned the lack of scanners at the various border posts, communication gadgets that are sophisticated enough to tap and monitor suspects’ conversations, vehicles, etc. This, they claim has been the result of the reluctance of various governments to provide these institutions with the required logistics and even expertise. Security personnel and analysts believe that special training is required for personnel involved in the drug fight, but in Ghana, this kind of training is so insignificant while most security personnel could not even recall any time that any of such training was organized for them. Put together, the conclusion is that there is lack of political willingness.

This political unwillingness is considered a way to cripple the effective and efficient administration of these institutions. First, some of these politicians are themselves involved directly in the business and secondly, some drug barons have various connections with some big men (Author's Field interviews 2010). A similar claim is made concerning the low salaries that personnel of these institutions are paid as well as the lack of motivation.

There is political influence and sometimes indirect. For example, the non provision of important resources and logistics is questionable when governments are aware that those are the things that we need in order to work efficiently and effectively. Again, just think about the low salaries that we receive. This is simple analogy: Our agencies are supposed to be fighting against something that is the source of other's income including some politicians. So obviously, personnel of these agencies won't be motivated to fight against their employers (Interview with a personnel officer of a key institution: 30/07/10).

Moreover, it is also true that heads or representatives of these institutions are appointed by the government and this alone makes their autonomy questionable. For instance, the head of NACOB, the main drug fighting agency is a government appointee. This makes them less autonomous and serves as a way by which governments can easily interfere in the activities of these institutions because the appointees, to a significant degree, have to work to satisfy the whims and caprices of the appointing power to protect their work without regard to professionalism. Informants were very categorical about this. For instance a head of a civil society organisation made it clear by stating that;

None of these institutions is autonomous. It is the government that appoints, promotes and dismisses. Government truly wields a large amount of power on these institutions and this doesn't auger well for the achievement of their objectives (Interview with an NGO Representative: 4/08/10).

It is in relation to this that Mr. K.B. Quantson recommends a non-partisan Parliamentary Commission while stating that at present the country's approach to fighting drugs is 'ad hoc and ineffective' (Joy online, 26<sup>th</sup> June, 2008,).

In concluding this section, it is observed that politicians or the big men/women as they are mostly referred to are either involved in the business directly, that is doing the

drug business themselves or knowing people who happen to be their relatives or friends who are doing the business and try to infiltrate the activities of the institutions mandated to fight drugs. In both instances, the institutions are put in a difficult position. In the first instance, it becomes very difficult or rather impossible to arrest or implicate a politician. The reason is that, this person if he/she is part of the ruling government is seen as the employer of the personnel in these institutions or if he/she is in opposition is regarded as a potential employer. These high personalities by virtue of their positions are usually not obliged to observe departure formalities for example going through the scan at the Airport.

Indirectly, there is lack of political willingness on the part of the powers that be and this is manifested by their reluctance to provide adequate logistics, resources and training that would enable these institutions to put up their best. This consequently, cripples their efficiency and effectiveness. In addition, while personnel of these institutions are exposed to a high degree of risk, they are neither well-paid nor motivated. The consequence of this is the high prevalence of bribery and corruption and lack of motivation on the part of these personnel. The following statement by Ellis summarizes the whole idea in this section. He opines that;

Ghana, often seen by donors as a 'virtuous' state (high growth rate, freedom of speech, and democratic politics), has been extensively penetrated by drug money. According to Ghanaian law-enforcement officers, many of the country's politicians have interests in the drug trade, and some of Accra's impressive building boom is being financed with the proceeds of drug deals (Ellis 2009: 192-193).

### **5.3 The Rule of Law and the fight against Drug Trafficking**

An inscription on a poster at the NACOB and the Kotoka International Airport reads:

*Have you concealed drugs on your body or in your luggage? You will be caught!*

*Your intended six (6) hours trip to Europe or nine (9) hours to the USA can become a minimum of 10 years in prison with hard labour!*

This message would definitely send shivers down the spine of any one carrying drugs or contemplating doing so and using the borders of Ghana to transport them, especially if that person knows or has ever read or heard about the conditions in Ghana's prisons. It is however, dicey when the rule of law is to be interpreted for all who are found guilty of drug offences as there seems to be major inconsistencies in this regard.

A comprehensive description of the concept or principle of the rule of law is utterly impossible in this volume. Nonetheless, it is worth mentioning that the basic import of the rule of law is the doctrine that every person is subject to the ordinary law of the land. Likewise, people should only be punished for their wrong doing. In this direction most democratic countries establish an independent Judiciary that is responsible for interpreting the law. Chapter 11 of the 1992 constitution of the Republic of Ghana embodies an in depth description and provides for an independent Judiciary. The assumption is that, an independent Judiciary would execute its duties to ensure that there is no discrimination, that is, there is equality before the law and neither ethnicity, religion, colour, race nor friendship should influence the interpretation of the law. As Chapter 4 of this work indicates, a simple assessment of the Judiciary in Ghana shows a rather high level of inconsistency. In some instances, the Judiciary though seen as the embodiment of the rule of law has been characterized as corrupt, linking judges and lawyers to bribery and corruption.

Again, judgments by some judges have received serious criticism and mostly with people holding the suspicion that there was an external force that influenced such decisions. It is important to note however that, the fact that judgment by some judges do not favour all and sundry, does not necessarily imply that a particular judge has been influenced. However, sometimes circumstances surrounding the release of especially drug traffickers seem very controversial prompting the suspicion that *“there is no smoke without fire”*<sup>32</sup>. As has been stated earlier in this work, among the key law and order institutions it is only the Judiciary that is mandated to dispense justice. In the 2008

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<sup>32</sup> Source: Author's field interviews, 2010.

Annual report of the NACOB, a total number of 129 arrests and seizures were made while about 183 arrests and seizures were made in the period between 2005 to 2007. This notwithstanding, it is one thing arresting law breakers and another making them to face the law. Punishing those guilty of the law is assumed to serve as an example for others not to do the same thing. Thus, it is important that justice prevails in all circumstances. The general observation about the rule of law during the field work however, indicates that the two issues discussed above namely corruption and political interference constitute the main threats to the rule of law in Ghana, especially as it pertains to the fight against illicit drugs. Thus, this section of the paper would be quite brief as the characteristics discussed earlier are the same as those that fall under the rule of law. Though most informants lauded the Judiciary for the many improvements, they nonetheless indicated that there are a lot of inconsistencies in dealing with high profile drug cases.

In the first instance the general observation is that despite the numerous arrests that the rest of the security agencies conduct, the general conception is that, the Judiciary has been tampering with justice in the sense that some of these drug dealers have not been rightfully punished but are rather able to offer bribes for their freedom. As has been indicated earlier, drug dealers are rich people and for that matter are able to use their resources to influence decisions. A member of one of the security services sharing his view on the justice system in the fight against illicit drugs said;

Most of the time, the problem we (law enforcement agencies) have is the court system, that is, after someone has been arrested. The people involved I mean the Judiciary, the lawyers and others, try to infiltrate. The drug dealers often ask them for their help. They pay money, physical money I mean bribe and because it has something to do with money, anything can happen (Interview with a personnel officer of a key institution: 3/08/10).

The above assertion however, suggests a pertinent question on the capacity of the law enforcement agencies themselves i.e., if they are able to prepare a good case to the court. The Judiciary of course does not just convict a suspect because he/she has been brought by a law enforcement agency. There are codified laws and norms to be followed and law

enforcement agencies need to present their case well enough for such suspects to be convicted. Perhaps this is what law enforcement agencies also lack. This also goes to be part of the indirect influence and political unwillingness to halt drug trafficking on the shores of Ghana.

Again, most informants were especially worried about the fact that probably because of bribery, some judges offer bail on an insignificant amount of money which could be the reason why 90% of drug criminals abscond according to statistics that cover the period 2001-2004 (Daily Graphic 22<sup>nd</sup> August, 2005). In a similar vein, Aning's work (2007:202), describes how law enforcement officers were frustrated about the activities of some judges especially those who give bail on a small amount of sureties which end up for those who bail out drug suspects to easily pay off the bail when the suspects abscond. According to him, "it is obvious that drug trafficking networks in Ghana increasingly have the capacity to corrupt and infiltrate the government officials and influence the outcome of the criminal justice and political processes" (ibid).

Bernstein (1999:26) also argues along the same line when he says that "when charges are brought, there appears to be little consistency with courts exercising wide discretion".

Apart from corruption, informants also mentioned the fact that, some people at the helm of affairs have been interfering in the judicial process just like they do with the other law and order institutions that conduct arrests.

The long delays in dealing with cases that are brought to the courts have been interpreted by many as a way of hatching deals either in the form of bribery and corruption or political interference. An informant stated that

The court procedures are too long, sometimes taking years. In such a situation a lot of people including the public might lose focus and this is where the Judiciary can do anything including taking bribes from suspects or politicians intervening (Interview with a security expert: 30/08/10).

This same view came up during Bernstein's study about 15 years ago and nothing much has changed since. He states that;

Long delays in bringing cases to trial are also common, and similarly differentiated. Prisoners on remand (whether refused bail or unable to afford assurances on bail offered) often wait three to four years before trial... while long delays in bringing to trial more substantial accused, who are released on bail, stimulate popular suspicion of deals being hatched (Bernstein 1999: 26).

As evidenced by the results of the field study, almost all informants were of the view that the rule of law as it pertains to dealing with drug related cases is highly compromised. Informants expressed their frustration over the issue and the fact that it discourages law enforcement personnel from putting up their best. This has generated a loss of trust in the Judiciary by many especially in relation to high profile cases. The observation is that, a major problem that these law and order institutions face has to do with the Judiciary. In a situation where people are arrested for drug related offences but are either left unpunished or given short prison sentences, it does not scare others from engaging in similar activities while discouraging the law enforcement agencies as well. The two issues that have been discussed above, namely corruption and political interference therefore mainly account for the inconsistencies in the Judiciary. An important point is made in the INCB 2010 report as "when members of the Judiciary are compromised, the legal and institutional mechanisms designed to curb corruption are neutralized" (INCB 2010 Report: 11). It is therefore imperative that the Judiciary is seen as working within the framework of efficiency and effectiveness especially in its dealings with drug related cases.

## **5.4 Chapter Summary**

Considering the above analysis, it can be concluded that the law and order institutions in Ghana in charge of the fight against drug trafficking in various ways are exhibiting various kinds of inconsistencies and the two main forms of interference to their activities are corruption and politics. First, drug traffickers are able to influence the decisions of the



law and order institutions by offering them bribes and secondly, politicians interfere either directly or indirectly in the activities of these institutions.

To a large extent, the results of this study seem to confirm both the theory of neo patrimonialism and the concept of the criminalization of the state. The privatization of the economy and politics in Ghana, like most of her West African counterparts is highly influenced by the culture of the land. One is not only responsible for him/herself but to a large group of other people who share a commonality in religion, ethnicity, kinship among others. In Ghana this is greatly manifested and it is not uncommon to see or hear that those at the helm of affairs only help those they have some kind of connection with. Thus the benefits of the state revolve around the same group of people. Those on the other side of the spectrum feeling somewhat cheated and abandoned, also try to find other means of survival both legal and illegal. Illegal activities including drug trafficking are then ‘legalized’ as people tend to consider it as one of the many businesses that people conduct. Even here, the big men do not exempt themselves and institutions that are mandated to fight the menace get entangled in the circumstances of the land including corruption and interference by those at the helm of affairs rendering these institutions less effective and efficient. In Ellis’s opinion on West Africa’s fight against the drug menace, “many officials throughout the region are deeply concerned by the effects of the drug trade, but are often confronted by people and networks more powerful than they, with other priorities’ (Ellis 2009:173).

## CHAPTER SIX

### 6.0 Conclusion

This study has been an effort at contributing to the few existing literature on drug trafficking in general and its effect in particular on a transit country. Specifically, it has been an attempt at exploring the extent to which the key law and order institutions which are mandated to fight the drug menace namely the GPS, CEPS, NACOB and the Judiciary have been resilient to the activities of drug traffickers on the shores of Ghana in comparatively recent times. The numerous negative effects of drug trafficking on the economy, health, society, and politics among others highly informed the author's decision to take this challenge. This study heavily relied on primary sources of data, basically face-to-face interviews with people who matter to the discussion at hand, participant observation and a review of existing literature on the topic.

The law and order institutions mandated to curb drug trafficking in Ghana, have in various ways achieved considerable successes that need to be acknowledged. The first and foremost has been the public awareness that has been awakened in the area of drug trafficking. The long existent conception among most Ghanaians that drugs were only passing through the shores of the country to be used elsewhere has to some extent been debunked and many more Ghanaians have become aware of the dangers of this activity. These law and order institutions especially NACOB have through the media and visits to public places such as schools, churches, mosques etc. been educating the public on the dangers of drug trafficking. Secondly, the enforcement function of these institutions has been quite remarkable. There have been a number of arrests that would have probably gone unnoticed some years back.

Despite these remarkable achievements, this study has also revealed a number of inconsistencies in the activities of these drug fighting institutions. It has become evident through this work that despite the fact that the various Acts/laws that establish these institutions have called for their freedom to operate without any external influence, these

institutions have experienced interference in two main forms. The first form of influence to the activities of these institutions is corruption. Corruption has been greatly manifested in the workings of the institutions as this thesis reveals. Drug dealers, by using their resources in the form of money are able to influence decisions of these institutions. The simple analogy is that on one hand are rich ‘business men’ whose businesses are highly considered illegal and thus very unacceptable worldwide. On the other hand are institutions whose personnel are poorly paid and a single bribe from a drug dealer can amount to more than 20 times the personnel’s monthly salary. It therefore becomes quite easy for traffickers to bribe and corrupt personnel who might end up helping them to abscond either during their arrest or during the interpretation of the law.

The second form of interference/influence is political. This kind of influence is two-fold; direct and indirect. The direct form of interference also takes two main forms. First of the direct influence refers to the involvement of politicians or those at the helm of affairs in the drug business themselves or with their accomplices, and second is when politicians or those at the helm of affairs try to infiltrate the workings of these institutions in drug cases that involve their accomplices, friends and relatives. Both forms of direct interferences by politicians pose a great hindrance to the effectiveness and efficiency of these institutions as it becomes highly difficult for them to implicate their own bosses or potential bosses.

Indirectly, non provision of the necessary training, equipment and poor salary structure are mentioned as ways that the activities of the institutions are crippled. In fighting sophisticated and well equipped people like drug traffickers, these institutions likewise need to be well equipped and more sophisticated. However, as the situation is in Ghana, the institutions are no match at all to these drug traffickers. Thus, the poor salary structure and lack of the necessary equipment and training, which can be simply called the lack of political will is seen as a deliberate attempt by leaders to cripple the effective and efficient performance of the duties of these institutions. The simple reason being that, these influential people might either be doing the business themselves or have their

accomplices and relatives doing it. How then does one fight his/her own source of income?

The third form of external influence regards the rule of law. As evidenced by the results of this study, the main forms of interference to the Judiciary which represents the rule of law are corruption and political interference. The Judiciary which is supposed to dispense justice has not been spared from corruption and political interference in drug related cases. This, as informants hinted, defeats the aspirations of the law enforcement agencies who believe that their hard work is often not rewarded because some judges are discriminatory probably because they are bribed or instructed on what to do.

To a very large extent, the results of this thesis indicate that the law and order institutions in charge of the fight against the drug menace in Ghana have not been resilient to the drug menace. They have experienced various forms of interference both from drug traffickers and from politicians.

It is very important to also note clearly that the various forms of interference namely corruption and political influence are not as a result of the drug menace itself, but an ignition of problems that are long existent in the Ghanaian society. By the application of the theory of neo patrimonialism and the concept of the criminalization of the state, it is revealed that such activities already exist but only become all the more pronounced as these institutions deal with rich criminals who would give anything for their freedom. As Chalfin's article also shows the activities of CEPS have created an opportunity for exploitation both for CEPS personnel themselves and influential people in the country. The bottom line is that, wherever there is an opportunity personnel of the various institutions do not hesitate to use it to their advantage in the form of massive exploitation. Thus, as McGuire (2010:3) notes, drug trafficking "is not a cause of state fragility and political corruption but is rather a symptom of the preexistence of these conditions in West Africa".

It is true the drug situation in Ghana has not deteriorated to a very serious level and for some participants in this study, the current relative peace and security is not being

threatened by the activities of drug traffickers. It is however believed that these institutions must not relent in their efforts at fighting the menace as any reluctance on their part could make the problem escalate. Nonetheless, the seriousness with which these institutions seem to approach their work is thwarted by the most influential people in the country as well as by the drug dealers themselves who by and large interfere and corrupt these institutions. There seems to be some level of trust for the NACOB than for the other agencies and the reason could be that these other institutions have traditionally been seen as corrupt institutions and also the fact that NACOB appears to be more independent than the others.

Another observation through this study is that there has been an evolvement of a strong domestic market. This is because some of these drugs remain in the country as dealers often do not pay in cash but in the form of the drugs which find corresponding users. Thus, Ghana is currently serving three main purposes in the international drug trade namely as a production, transit and consumer country. The explanation for this is that the cultivation of Indian hemp has existed for decades and it is still produced on a large scale. Cocaine and heroin are also transited through Ghana to other parts of the world. These two put together have created a large domestic market with a large number of users of all these drugs.

The activities of drug dealers have also made the institutions more prone to the already existing problems of the land. Corruption of these institutions by traffickers cannot be denied while politicians are also seen to be directly or indirectly involved in the business. Obviously, as this work reveals, serving as a transit country for illicit drugs means more than just that, transit countries pay a huge price and once a country's leaders become involved in such criminal activities, the greater the danger it poses to the security of the country. It could get to a point where the whole administration of the country would be in the hands of drug barons and this obviously would hinder peace and security as various barons would fight for survival and violence will ultimately become inevitable. Drug trafficking must be seen as a serious security issue and efforts at curtailing it must

not be tampered with.

If Ghana as a country and the Ghanaian government want to ensure that drug trafficking, sale and use in the country is eradicated, not only should that be done through enactment of laws and establishment of institutions but it should also create the environment for the institutions enforcing the laws to work with minimum challenges. Presently, the strength of legislations governing drug trafficking are very weak creating the room for the traffickers to always be many steps ahead of the operational strategies of the security agencies.

From a general legal perspective, laws are made to be obeyed by the members of the system the laws are guiding. They are not just codified norms. Even though codification matters in institutions, compliance is another thing that should not be taken for granted in making laws. Compliance of laws is dependent on the acceptability of the laws. Also the validity of the state institution(s) entrusted to watch over compliance of these laws should be very sensitive and robust to deter people from going contrary to them but at the moment the opposite is true for Ghana. This puts Ghana at a cross road in her quest to fight the drug menace which is gradually permeating into the society. For the country to strengthen her democratic credentials, to create a very strong society that believe in themselves and others and in the very moral values Ghanaians have lived with for centuries, more serious measures must be put in place. If this fight is not given the attention it deserves, Ghana which is seen as the hub of democracy on the continent of Africa would be stripped off the real values of democracy. Success would not come automatically but can only be achieved if the Ghanaian government does not just talk its commitment and political will but walk it by providing the necessary equipment needed to crack down drug dealers at all levels and also improve drastically the condition of service of the security personnel regarding salary, capacity building, institutional independence, provision of sophisticated equipments and finally inculcating into them the spirit of nationalism. Any attempt to overlook these, would make the dream of winning

the fight against drug trafficking and of solidifying the pillars of the country's young democracy a mere long sweet dream.

## **6.1 Recommendations**

Based on the analysis and findings of this research, the following are recommended.

First and foremost, the poor salary structure and conditions of service of the personnel of the law and order institutions is a major problem that needs to be looked at. Similarly, the provision of logistics and equipment including scanners, communication gadgets, office accommodation, vehicles etc. and adequate training of personnel would further improve the work of these institutions.

Furthermore, the establishment of a non-partisan Parliamentary Commission that would be responsible for the appointment of the heads of such important institutions especially the NACOB is very essential for ensuring the independence of the institutions so that these institutions would not have to succumb to the dictates of a particular government. This is when they can truly execute their duties without fear or favour.

Moreover, there should be an increased attention for demand reduction as the control of demand will undoubtedly reduce supply. In this regard, there is a call on the international community to extend some resources that will go into educating the public on the dangers of drug usage and sale, the rehabilitation and reintegration of drug addicts.

Similarly there should be improved collaboration between these agencies for adequate information dissemination as well as an increased international collaboration in fighting the drug menace.

Indeed, much research is needed in the area of drug trafficking especially with focus on Africa at large and West Africa in particular. Future researchers could also consider applying theories and concepts that center on security. As has been mentioned in parts of this work, most West African countries have limited concern towards security and this can be mentioned as one reason why policies in this direction are mostly weak.

Additionally future researchers could also consider the influence on communities

that drug trafficking/use dominates in order to unearth the effects of the drug menace on such communities.



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Appendix C: Ghana Civil Service in Context: A Constraint or an Opportunity for Improving Performance in Public Organizations?" (2003) Nana Kwasi Agyekum-Dwamena, Head, Performance Management Monitoring Evaluation Division, Office of the Head of Civil Service (2010, November, 29<sup>th</sup>) [online].-URL:  
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