Border Security in Ghana: Challenges and Prospects

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LIST OF ABREVIATIONS/ ACRONYMS

AML Anti Money Laundering

AU African Union

BNI Bureau of National Investigation

CEPS Customs Excise and Preventive Service

CPS Customs Preventive Service

CIU Central Intelligent Unit

CTF Combating of Terrorism Financing

DHS Department of Homeland Security

ECOWAS Economic Community of West African States

EU European Union

GHAPOHA Ghana Ports and Harbours Authority

GIABA¹ This stand for the Inter-Governmental Action Group against

ML and TF

GIS Ghana Immigration Service

GSL Gateway Services Limited

JPCU Joint Port Control Unit

IOM International Organization for Migration

¹ Groupe Intergouvernmental d'Action contre le Blanchiment d'Argent en Afrique dei 'Ouest

IRS Internal Revenue Service

IBM Integrated Border Management

MFA Ministry of Foreign Affairs

ML Money Laundering

MOWAC Ministry of Women and Children's Affairs

OAU Organization of African Unity

PISCES Personal Identification Secured Comparison Evaluation System

PNDCL Peoples National Defense Council Law

TIP Trafficking In Persons

TF Terrorist Financing

UNHCR United Nations High Commission for Refugees

USA United States of America

Abstract

The threats that confront border security exist since the creation of borders by the colonial imperial powers. Unlike the developing world, the institutions in the developed world mandated to monitor their borders are often times able to confront these threats. In most developing world as well as Ghana, adequate institutional capacity to enforce the rule at the borders is one of the main challenges that face border security. This paper has therefore examined the dynamics as it pertains to Ghana and has identified among others that the institutional challenges centre around lack of modern border infrastructure and facilities, capacity building of the agents directly involved in border security and those that lend support to apprehend and deal with suspects. Lack of public knowledge on border issues also compounds the problem. Regarding the drawbacks, the paper has suggested that the states commitment to ensuring effective border security must go beyond legislation and be exhibited in the provision of border infrastructure. Other actors involved in the security issues at the borders are also to contribute their quota to enhance the state of security at the borders.

SECTION ONE: INTRODUCTION

Background

A border in the technical sense implies an area or region closer to a boundary.² As popularized in Anglo American literature it refers more commonly to the boundaries between politically sovereign territorial entities.³ In this perspective, it is viewed in terms of the main line that demarcates one country from the other. As such, they define geographical boundaries and legal jurisdiction of political entities such as sovereign states, federated state, governments and sub national entities. They are also regarded as a concrete representation of people's cultural value systems and statehood. However, for Africa, arguments have been advanced that the arbitrary nature of the borders as result of colonial exploitation has rather distorted the cultural systems of the people.⁴ Paradoxically, borders serving as the line that links and at the same time separates one country from the other could be a source of benefit and of detriment to a state depending on the extent to which they are secured. States therefore put the necessary measures in place to protect their borders on land, air and seaports.

In Africa, the existence of linear boundaries is linked to the Berlin conference of 1884-1885 where the European imperialist (Britain, France, Germany, Spain and Portugal) decided to divide African space between themselves as their sphere of influence. The period between 1880 and 1914 witnessed the scramble for and the partition of Africa. As indicated by Nuggent (2002),⁵ the process involved the normal pattern of verbal agreement and production of maps which were subsequently demarcated on the ground through a resort to a boundary

² A boundary could also imply a frontier. The two terms could be used interchangeably. See Prof. Ian Brownlie's African Boundaries: A legal and diplomatic encyclopedia (London: C Hurst, 1979). pp.3

³ From Asiwaju,s lectures on 'Borders' in a Border Management Course Held at KAIPTC on the 19th - 30th April,2010.

⁴Asiwaju (2004) identified this in his Partitioned Africans: *Ethnic Relations across Africa's International Boundaries*. *1884-1984* C. Hurst and Company, London, University of Lagos Press, Lagos Nigeria pp252-259.

⁵ Nugent P. Smugglers, Secessionists and Loyal Citizens on the Ghana-Togo Frontier: The lie of Borderlands since 1914(Athens Ohio University Press, 2002). pp 4

commission. The demarcations as we have them on land determines the one in space, maritime and the underground but for the purposes of border control, land barriers, airports, and sea ports are used.

Again, in Africa, the initiation and perpetuation of cross border crimes have an inextricable link to the inherited colonial borders and its administration during the era. The barriers that exist in between countries necessitated the taxation on goods that cross the borders. Also, the differences in currencies and administrative policies of rival colonial governments of neighboring countries in trade restrictions and tax administrations⁶ presented opportunities that gave the impetus to evade tax and engage in the illicit exchange termed 'smuggling'.⁷

While smuggling became a problem, legislative and judicial provisions existed to regulate the movement of goods and people across the borders. In the case of Africa, the borders separating people belonging to the same culture, coupled with the counter restrictions mounted along the borders of rival colonial governments resulted in an ultimate disregard to the regulatory provisions.⁸ The end result therefore was an increase in smuggling and other border crimes which poses a challenge to border security.

In recent times, constant cycles of conflict within states in Africa with its consequences felt beyond borders in the form of refugee influx, proliferation of arms unemployment and increase in violence and crime have exacerbated the security challenges at the borders. In relation to Ghana, within the past two decades the country has experienced some spillover effects of the political turmoil of its immediate neighbours notably Togo, Cote D,lvoire and Liberia.

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⁶ In West Africa, the main colonial masters were the British and French. They have divergence in some of their administrative policies. For example the French policy of assimilation, direct tax and legalization of alcohol was at variance with the indirect rule, indirect taxation and prohibition of alcohol in British territory.

⁷ As Asiwaju has noted (op cit pp241), smuggling is a universal phenomenon common in frontier communities who take advantage of the international boundaries between them to make economic profit.

⁸ Ibid pp 243

Currently, the issue of border security has evoked concerns and debates. In line with modern notions of security, advocates⁹ have argued that security is meaningless unless it is linked with development where the focus of security extends beyond military and political capabilities to protect and include issues such as satisfaction of basic needs, sustainable environment and protection of cultural and religious identity and human rights which gives the individual the confidence from the fear of violence. All these are geared towards the improvement of life. In line with that, border security is entirely about border development where there is improvement in the issues and activities that enhance security at the borders.

In Ghana, there are complex issues confronting border security. The rise, sophistication and perpetuation of border crimes could be attributed to a host of factors which include poverty, lack of employment and improved technology. In addition, the response mechanisms instituted to address the problems do not meet the modern required standards to ensure effective security and the borders of Ghana have become major transit points for human, firearm and drugs trafficking as identified in the categorization of cross border crimes in West Africa.¹⁰

Krasner ¹¹ argues that "a state that cannot regulate what passes across its borders will not be able to control what happens within it." This line of argument underscores the need for Ghana to identify the challenges and tackle them to ensure effective security at the borders especially when issues that threaten border security such as money laundering, human, drug and weapon trafficking are on the increase. More so, tourism, foreign trade and investments are priority areas from which the government accrues more revenue and calls for a safer environment for these activities to be carried out. The discovery of offshore oil will also demand the strengthening of maritime security. The oil will definitely attract foreigners into

⁹ Such as Hutchful E. Understanding The African Security Crises in Musah A-F, and Kayode, F.(eds.), *Mecenaries: An African security Dilemma*, London: Pluto Press). (2000: 211) and Ball, N and Fayemi K.(ed) Security Sector Gorvernance in Africa: A hand book (Lagos: Centre for Democracy and Development) 2004 .pp3

¹⁰ In UNODC (Geneva) document on Transnational Organized Crime in West Africa, New York, 2005 in P. Addo, *Cross Border Criminal Activities in West Africa* KAIPTC Paper No. 12, May, 2006 pp5 Accessed on March 10, 2010.

¹¹ S. Krasner, *Sovereignty and Organized hypocrisy*, Princeton: Princeton University Press, (1999:13)

the country. Consequently, screening and monitoring them to ensure that they do not undermine the security of the state will begin at the borders, thus stressing the need for better border control measures.

Also, Ghana belongs to many International Organizations and has signed and ratified treaties in respect of peace and security in areas of effective border control and suppression of terrorist activities. Instances are the Algiers Declaration of 1999, a convention adopted by the African Union (AU) in combating terrorism and the ratification of the United Nations (UN) convention for the Suppression of Terrorism and Terrorist Financing in 2002 and Economic Community of West African States (ECOWAS) convention in 2006, on small arms and light weapons.

Aim and Structure

This paper intends to expose the challenges that chip away the efforts directed at boosting security at the borders and argues for the need to address them to lessen the state of insecurity at the borders. To gain a fair understanding of the challenges that confront border security requires an investigation of the root causes to border problems, the activities of the security personnels that enforce the rule at the borders and other factors that influence border management. The paper therefore, after tracing the source of the colonial boundaries and how they are connected to border crimes in Africa, also identifies the frontline agencies in Ghana mandated to monitor the borders with specific focus on the Ghana Immigration Service (GIS) and Customs Excise and Preventive Service (CEPS).

The paper combines information from primary and secondary sources. To ascertain a representative view from the three main types of borders (Sea, Air and Land) interviews were conducted with some of the personnels at the Tema Habour, Kotoka International Airport, and the Aflao border. Questionnaires were also used to elicit more information on the subject.

The paper is structured into four sections. The first segment deals with the background to the study. The second section discusses the peculiar issues that confront border security in Ghana. The third part identifies the institutions involved in border management and their distinctive roles; it also examines how the institutions deal with the issues of border security and the challenges they face. The final section highlights the key points of the debate and suggestions to consider in enhancing border security in Ghana.

SECTION TWO: ISSUES THAT CONFRONT BORDER SECURITY IN GHANA

The issues that pose a threat to the security at the borders of Ghana are not different from that which pertains to her neighboring countries because the crimes cut across national barriers. The crimes are also facilitated by the use of improved technology such as the internet and mobile phones.

Smuggling of goods

Smuggling is the main and lasting survivor forms of cross border crimes since the beginning of the definition and demarcation of boundaries. Smuggling could manifest in a 'plain' or 'concealed' form.¹² In Ghana, smuggling of illegal goods, natural resources and cash crops is very rife across the borders especially the land borders. This results in huge loss of revenue to the state and the stifling of local industries. What is smuggled also varies from one border post to the other. For instance, the smuggling of cocoa and rice is very common at the western border. Areas like Dabieso, Gono Krom, Kofi Badu, and Kwame Sie Krom¹³ are noted to be the smuggling depots¹⁴ At times the smuggling syndicate involves some corrupt security personnels and officials of licensed producer buying companies.¹⁵

Drug Trafficking

Despite the repeated campaign against its menace, drug trafficking is still gaining ground in the country. The porous nature of the borders has rendered them the distribution and exit

¹² Smuggling is 'plain' when the efforts to avoid being detected by officials of border enforcement is accomplished and becomes concealed if a smuggler manages to escape chargeable fees or do not disclose the actual content (quantity and quality) of the commodity in question. Asiwaju ibid p.6

¹³ These are communities closer to the western border. Smugglers are alleged to harbour their goods in these communities before transporting them across the borders.

 $^{^{14}}$ Ghana News Agency at http://www.modern.com/news/253709/1 cross-border-rice-smuggling-a-big-hole in ghanas htm. Accessed on June 14, 2010

¹⁵ Xah Francis. "Security Men in Cocoa Case Granted Bail" *The Ghanaian Times* on Thursday, April 29, 2010. Pp3 and also at http://news.myjoyonline.com Accessed on the June 23, 2010

points of drugs towards their markets in Spain, Portugal and the United States of America U.S.A. ¹⁶ and some individuals are involved in the trafficking network in neighboring countries. Some of the drugs such as cannabis are cultivated locally. According to the report of the US Bureau of International Narcotics and Law Enforcement Affairs in 2007, South American cocaine trafficking rings increased their foothold in Ghana between 2006 and 2008 causing a rise in drug trafficking cases. Several arrests were made but the extremely slow judicial procedures coupled with the lack of proper mechanisms to investigate the issues led either to the culprits being acquitted or that the cases were dropped for lack of evidence. However stringent provisions are available to sanction any victim found guilty. For instance illegal possession of narcotic drug attracts a minimum sentence of ten years imprisonments.

Arms Trafficking

Again, the borders of Ghana are also classified as one of the transit points for illicit Small Arms and Light Weapons (SALW) to neighboring countries such as Nigeria, Liberia Côte d'Ivoire and Sierra Leone. Most of these weapons are manufactured locally. Research reveals that there is flourishing artisanal industries of local arms manufacture in Ghana.¹⁷ In each of the ten regions of Ghana, workshops that manufacture farming hard wares also manufacture local arms which are the most lucrative due to its sophistication. Ghana has therefore become the net supplier of guns to other part of the West African sub region.¹⁸ The gun culture in Africa and rural Ghana where locally made guns are used in hunting, farming, chieftaincy rites, funerals and festivals aids its proliferation and transportation across borders. These weapons become the major tools used in armed robbery, ethnic and civil conflicts.

¹⁶UNODC International Relations Institute of the University of Michigan, In Amado Philip de Andres *West Africa Under Attack: Drugs Organised Crime and Terrorism as a New Threat to Global* Security. (2008). At http://www.fride.org/publication/425 organised –crime-drug-trafficking-terrorism. Accessed on March 11, 2010

¹⁷ Aning, E.K. "The Anatomy of Ghana's Secret Arms Industry" pp79-102 in Florquin, N.and Eric G. Berman. *Armed And Aimless: Armed Groups, Guns, and Human Society in the ECOWAS Region, Small Arms Survey*: Geneva), 2005 in Addo P. *Cross –Border Criminal Activities in West Africa Options for* Effective Responses .KAIPTC Paper No.12, May 2006 pp6.

¹⁸ At http://www.international-alert .org/pdfs/MISAC- Ghana study.pdf Accessed on May 15, 2010 12

Human Trafficking

With the issue of human trafficking, the U.S Department of State report on Trafficking in Persons (TIP) in 2009 has identified Ghana as a source, transit and destination country for human trafficking. Women and children of poor social status are often the victims. The human trafficking business is estimated to accrue \$7-12 billion a year and is fast catching up with the profits made from drugs trafficking. External trafficking to the developed world mostly involves younger women who are taken to countries such as America, Italy, and the Netherlands with the understanding that they have been recruited for jobs in those countries. Upon disappointment, a lot of them end up in prostitution. The children are often trafficked through the land borders to neighbouring countries where a lot of them are used as cheap laborers in activities such as farming, fishing, and street hawking and at times forced to engage in begging under religious instructors.

Besides the external trafficking, there is also the internal one from rural to urban areas within the country. In Ghana, there is a high prevalence of internal trafficking than that of external. The current figure is pegged at 68.9% ²¹ Children form majority of those trafficked internally. Chief causes for this trend include poverty and a traditional practice where children are entrusted to wealthier relations or families in the urban centres for either education or a better living condition. Parents, relatives and family friends are often involved in the process. The victims within this category are also promised job opportunities and better prospects of life. In reality, such promises turn out to be false and they end up becoming victims of sexual exploitation, prostitution, street children and hazardous conditions of life.

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¹⁹At http://allafrica.com/stories/20100211564htm Accessed on 4th March,2011

²⁰ A statement from the Executive Director of Rescue foundation in Ghana, Sylvia Hinson-Ekong, in public Agenda on April 30, 2010 At http://allafrica.com: Ghana Accessed on June 23, 2010.

²¹ Akwasi Fredua "Government's Financial Commitment to Child Trafficking Too low" *Public Agenda* April 30, 2010 A report by Mr. Kyei-Gyamfi, a senior research fellow at the Department of Children's Affairs of MOWAC. At http://allafrica.com: Ghana Accessed on June 23, 2010.

Terrorism

After the terrorist attack on the World's Trade Centre in U.S on (Sept. 11, 2001), the issue of counter terrorism has assumed much priority in border security in Ghana and other countries especially when terrorism is assumed to be external in origin and emanates typically as a cross border and transnational security threat. Generally, Africa is perceived as an incubator of terrorism based on the existing conditions such as bad governance, war, poverty diseases and corruption. In Africa, it is very difficult to identify what constitutes terrorism as a lot of the struggles of the people in pursuit of their acknowledged national cause and liberation were done through violent means. International Organizations at the global and regional levels such as the European Union (EU) and African Union (AU) has established that, the act of terrorism should be prohibited.²²

In Ghana, terrorism was first criminalized under the Criminal Offences Act of 1960 (Act 29). Hijacking and attack on international communications are considered criminal. Presently, the Anti-Terrorism Act of 2008 addresses much wider issues which include provisions for the confiscation and repatriation of terrorist funds and assets.

Though there are incidents of armed robbery, ethnic clashes and clashes between discontented groups and the state, Ghana has not experienced any notable terrorist activity. Global statistics of terrorism based on injuries per one million people from (1968-2006), ranked Ghana at the (36th) position which is the lowest level with no record of injury.²³ Nevertheless, the country is at risk of threat of external terrorism, terrorist financing and a possible use of the country as a haven for terrorists. This is because the act is nurtured secretly and becomes glaring only when it is accomplished. Recently, there was an alleged incident involving a foreigner suspected to be a bomber using the Airport as a transit point.²⁴

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²² See definitions in The OAU Convention on the Prevention and Combating of Terrorism, Algiers, 1999, Article 1(3) (a)-(b) in Addo, P. The War on Terrorism and Africa's Peace and Security Agenda *Conflict Trends* 3(2004) pp 13

²³Terrorism Knowledge Base at http://www.nationmaster.com graph-percept 1968-2006 injuries- per-capita Accessed on June 24, 2010

There are however, strategies and steps being put in place to avert its occurrence. For instance, the government has set up a committee against terrorism which works in collaboration with the security agencies to closely monitor international developments and alert the government on what to do in any possible national skirmishes orchestrated by terrorist.²⁵

Money laundering

Closely linked to all the border crimes is the issue of money laundering. It relates to how monies are illegally transferred to criminals through legitimate means into assets that cannot be traced back to the underlying crime. The phenomenon thrives in countries where there are flexible security rules, ineffective monitoring, thriving black market, limited assets seizure and confiscation authority and established non banking institutions. It is estimated that money laundering flows in excess of one trillion US Dollars a year by drug dealers, oil bunkering, arms trafficking and other criminal activities. Its persistence in a country can have an economic consequence by causing excess liquidity in the system.

Money Laundering is the end result of a successful and profiting criminal act. Most often, it is not easily detected unless the financial dealings in suspected criminal cases are delved into. difficult As such its influence is subtle and to determine. serve as a means used to perpetuate the cycle of other Also, money laundering could criminal activities especially where they fund and support the very illegal acts they gain their proceeds from. Rich drug kingpins and lords are noted to train and arm security men to guard their illicit activities.

Though Money Laundering is not regarded as a major threat in Ghana, a report produced by Inter - Governmental Action Group Against Money Laundering and Terrorism Financing in West Africa (GIABA)²⁶ on Ghana's efforts in Anti Money Laundering and the Combating of

²⁴ Thewillnigeria.com at http://wwwfreerepublic.com/ focus/f.n 2420223/posts-Monday 28 Dec, 2009. Accessed on June 22, 2010

http://www. human right initiative.org/new papers/blay.pdf Accessed on the July16, 2010

²⁶ This stands for Groupe Intergouvernmental d'Action contre le Blanchiment d'Argent en Afrique dei 'Ouest

Terrorism Financing (AML/CTF) in 2008, reveals its manifestation in the country through the following indicators: increasing incidence of drug trafficking accompanying huge cash flows, suspected to be laundered funds, the surge in expensive real estate purchases paid in cash in US dollars, the perception of Ghana as a weak AML jurisdiction and the lack of public awareness on the phenomenon of ML and its harmful effects and the existence of large informal financial sector with substantial circulation of money which encourages Money Laundering. ²⁷ The report has also established that the principal source of money laundering is the proceeds from illicit drug trafficking.

The close association between Money laundering and other crimes point out that the fight against Money Laundering would go a long way to reduce and eliminate other cross border crimes because this can serve as a disincentive to the criminals once they cannot profit from their activities. Steps are however been taken in Ghana to stem its surge.²⁸

Refugee Influx

Displaced persons seeking asylum across borders also pose a threat to border security. The displacement of people could occur anywhere in the world for natural or manmade reasons. In Africa, armed conflict, civil strife and political instability are the chief causes of social dislocation. Six of the world's major refugee producing countries is in Africa and millions of Africans live as refugee in foreign land. ²⁹

Apart from the perennial northern clashes and other minor skirmishes of conflict, Ghana has enjoyed some political stability close to thirty years and therefore not sparred of refugee influx. The country hosted some refugee populations in West Africa. The main groups were

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²⁷ In a lecture given by John Hardy QC at the British Council in Accra on Tuesday 9 March, 2010 At http://news.myjoyonline.com/tools/prints/printnews.asp?contended =43261. Accessed on June 9, 2010 ²⁸ See 'institutional response' to border crimes within the text for the measures taken in Ghana.

²⁹ United Nations High Commission for Refugees (UNHCR) Global Report of 2004 in Nyaradzo M *In Search of Solution: Advancing Refugee Protection in Twenty-first Century Africa* Conflict Trends (2) 2005 pp10

from Liberia, Togo, Côte d'Ivoire Sudan and Mali.³⁰ They were however assisted by the United Nations High Commission for Refugees (UNHCR). The recent political crisis in Côte d'Ivoire has resulted in a lot of refugees fleeing into the Ghanaian territory.

Apart from the mass exodus of people into the country as a result of war, there are other organized individualized groups who come in through unapproved routes to accomplish their own personal agenda. A notable instance is the entry of Sudanese refugees in April, 2005. Their presence was not noticed at any of the country's borders until they openly declared themselves at a police station to regularize their stay.³¹ The latest incident is the infiltration of a group from Niger Delta (Nigeria) into the country whose status is yet to be established. They are considered a great security threat to the country because of their history of causing mayhem and violence in the Niger Delta.³²

Refugee influx has implications for internal security. They put strain on the economy, environment and social infrastructure, and can be predisposed to crime especially those coming from civil war situation. They could bring their weapons and use them for criminal activities. During the recent Cote D lvoire crisis, some weapons were intercepted at the Ghana- Cote D lvoire border. The owners were believed to be combatants and security officials ³³

Also, a lot of the refugees, after getting integrated into the system, refuse to go home even when the situation is improved in their country. The prolonged stay of too great an influx could alter the ethnic, cultural, religious and linguistic composition of a country. Also, it could create a political constituency for immigration control. With the Ghanaian experience,

³⁰UNHCR Global Report of 2007- Ghana at http://www.unhcr.org/ 4849001 a2.html

Ghana News Agency at http://www.ghanaweb.com/ghana home page/crime/ artikel. php? ID-79399 Accessed on July 3, 2010

World News at http://article.wn.com/view/2010/06 Accessed on July 3, 2010

³³ Dapatem Donald Ato "Ivorian Weapons Seized" *Daily Graphic* on Monday April 18 2011 pp1 and 3.

there were occasions where the government decided to repatriate refugees as was the case with the Liberian refugees in 2008. This however received protest from the Liberian camp.

Animal Movement

Another issue worth noting is the movement of animals across the borders which in most instances are perceived as a threat to national security.³⁴ This phenomenon occurs mostly at the northern borders where a lot of Fulani herdsmen in search of pasture invade the region through unapproved routes. They settle mostly in the farming areas in the Upper East and West, Eastern Volta and the Ashanti region which ensue conflict between them and the local farmers. Far back in July 13, 2003 this issue attracted attention in parliament when the then Minister for Food and Agriculture Major Courage Quashigah proposed an identification exercise for both the owners and their cattle to help identify the illegal ones.³⁵ Recently there was an occasion when the Ghana Immigration officials at the Ghana –Togo border arrested five Fulani herdsmen and drove their 700 cattle back to Togo on the charge of illegal entry. ³⁶

However, it is established that the animals crossing the borders into the country are only a security threat if the ECOWAS protocol on Transhumance³⁷ is not properly applied to regulate their entry and movement within the country.³⁸

³⁴ Interview with the Border Patrol Section of the Ghana Immigration Service on July14, 2010

³⁵ Ghana News Agency At http://wwghanaweb.com/g/homepage/economyartikel/php?D=39509 Accessed on July13, 2010.

 $^{^{36}}$ IRN At http://allafrica.com/stories /201004 290567 This incident was reported by IRIN on April 24th. Accessed on the July 16, 2010

³⁷ This refers to the ECOWAS regulation regarding the movement of Animal within region.

WANEP in: IRN At http://allafrica.com/stories /201004 2905 Accessed on the July16, 2010 18

ECOWAS Free Movement Protocol

The open border policy, (ECOWAS free movement protocol) within ECOWAS member states, though a fundamental priority that will drive the sub-regional integration, is seen to be aiding the cross border crimes alongside the fact that it is not achieving its intended purpose. This can be linked to the lack of complementary economic structures in most member states, and the divided allegiance of the French speaking countries to a similar integration at the French front.³⁹ The lack of appropriate education on the free movement protocols and mal functioning of state institutions to enforce compliance has resulted in the abuse of the provisions,⁴⁰ extortions and official corruption at the borders. Another deficiency is the enforcement irregularities due the lack of harmonization in implementing the policies within the member countries. A classic example is the acceptance of ID cards as a legal travelling document in French countries as against the preference for passports in English speaking territories, a major stumbling block to the ECOWAS free movement protocol.

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³⁹ UEMOA- West African Economic and Monetary Union for French speaking countries in the sub region

⁴⁰ Crafty individuals often abuse the 90 days provision of the ECOWAS movement protocol. They enter the country, accomplish their mission without getting the necessary documents and leaves before the 90 days expires, returns again to enjoy another 90 days until they are detected. **Source:** Interview at the Aflao border on the 17th of September, 2010.

SECTION THREE: BORDER MANAGEMENT IN GHANA

Border management ensures that all the resources available are employed to regulate the movement of people and goods across the borders. Its effectiveness depends to a large degree on the rules and procedures established to enforce the conditions under which entry is permitted including commitment to locating and removing those that breach the conditions of their stay. There is the need for balancing the two security imperatives that is facilitating the movement of legal persons and goods to enable the country to benefit from the open relationship with the rest of the world and at the same time preventing the situations that threaten the security of the state.

Defining Ghana's Borders

Ghana is bordered by Côte d'Ivoire to the west at a distance of 668km, Togo to the east at 877km, Burkina Faso to the north at 549km⁴¹ and the southern shore washed by the Gulf of Guinea of the Atlantic Ocean. The demarcations are by means of concrete pillars and wire mesh and the space in between the pillars is referred to as "beats". The three countries that surround Ghana are all Francophone countries. This purports that Ghana experienced counter administrative policies in relation to her neighbours during the colonial period. The Ghana Togo border has more vehicular and human traffic than the borders shared with Burkina Faso and Côte d'Ivoire. This could be explained by the fact the border is closer to the Administrative capital of Togo where there is much activity unlike the Côte d'Ivoire and the Burkina Faso where there is a relative distance from their capital cities to their borders. Also, it serves as the main route to the countries in the eastern corridor that enter the country by road.

⁴¹ At http:// www.nationmaster.com. /country/Ghana Accessed on June 20, 2010

⁴² The beats are areas in between the pillars which are closer to the border communities. At the Ghana Togo border for example the beats end at pillar 13. Source: Field observation at the Aflao border.

⁴³ See footnotes at pp 6 within the text for some differences in the administrative policies of the British and French colonial masters.

The Institutions Involve in Border Management in Ghana

In Ghana within the broader context of national security, there are many institutions that are involved in border security management. Some are directly authorized to use force; which implies the power to arrest, detain and prosecute offenders. The Police Service, Customs Excise and Preventive Service (CEPS) and the Ghana Immigration Service (GIS) fall within this category. They are the main agencies directly involve in border security together with the Ministry of Foreign Affairs (MFA). The MFA's involvement in border security is by virtue of the fact that it authorizes the issue of visas to foreigners who enter the country. The GIS, CEPS and the police are stationed at the entry points of the country.

The three main types of borders, (land, sea and air) have their unique characteristics and therefore require different modes of control and the presence of some specialized security agencies. For example the Navy is needed to protect the maritime borders and the Air force the air borders. The air and the sea borders have bodies that supervise all activities within their domain; the Civil Aviation at the Airport and Ghana Ports and Harbours Authority (GHAPOHA) at the sea ports. However, for the land borders no agency has yet been mandated to supervise its activities. It is therefore envisaged that in the near future, the border patrol unit of the GIS, will be given that responsibility by an act of parliament.

The GIS originated from a number of institutions. It was initially absorbed into the police service as the passport unit of the Gold Coast Police Force and later separated as the Border Guard Service. With its current identity, it operates under the Immigration Service Law of 1989 (PNDC Law 226) and the Immigration Service Act of (2000). It has the statutory mandate to regulate and monitor the entry, residence, employment and exit of foreigners in the country. Thus, they are the first line of defense and agency at the country's borders. They collaborate with other agencies to ensure that the people that enter and leave the country do not cause security problems.

The CEPS was the first border agency established during the colonial era in 1939. It currently operates under the CEPS Management Law of 1993 under the (PNDC Law330). In contrast to the GIS whose focus is on the regulation of people, they centre their activities on the goods

that cross the borders.⁴⁴ The customs aspect deals with the examination of documents covering both imported and exported goods, the excise function deals with the collection of duties on both locally manufactured and imported goods.⁴⁵ There is also a Central Intelligence Unit (CIU) which is charged with the responsibility to gather intelligence on financial crimes, import-export trade malpractices and monitoring the implementation of the Import and Export Act of 1995 (Act 503). Thus, fiscal security lies with the customs service which generate close to 70 percent of national revenue.⁴⁶ This role is however seen to be contrary to that which pertains in the developed world where customs work is primarily about arresting the flow of restricted and prohibited items and much less about taxation. The preventive aspect ensures that they physically patrol the nation's borders and other strategic points to prevent smuggling. In performing their preventive functions, they examine goods on vehicles, ship and aircraft either manually or automatically and look out for smuggled goods, contraband goods, (which include illegal drugs), arms and ammunition.

The Police, by virtue of their primary role specified in the Police Force Act 350 (1970), protect life and property, detects crime, apprehends and prosecutes offenders and promotes peace and order. Under (Act 30) of Criminal and other Offence Act of 1960, the police can arrest and search any person, premises and vessels without warrant. They assume the role of the CEPS and GIS in locations where the organizations do not exist. Being a member of the INTERPOL⁴⁷ it is obligated to liaise with other law enforcement agencies internationally to take action on any issue that affects the security of the state. Also, they have specialized units such as the Visa fraud section, the narcotics and cyber crime sections which are very relevant to border security. In Most instances the police complement the efforts of the other agencies in ensuring security at the borders. These three institutions join forces with other agencies involve in border management to enforce the rule at the borders.

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⁴⁴ At http://www.ghana customs .gov. gh about us. Htm Accessed on June 10, 2010

⁴⁵ The CEPS has relinquished the role of collecting duties on locally manufactured goods to the VAT Service which was introduced in 1996.

⁴⁶ B. Chaffin *Working the Border in Ghana* (Unpublished paper no.16) November, 2003 pp3 At www.sss.ias.edu/ files/ paper16.Pdf Accessed on March 10, 2010

⁴⁷ INTERPOL is an International entity established to provide a proactive support for police operations throughout the world to optimize its international efforts to combat crime.
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Institutional Response to Border Problems

The Government together with the agencies involve in border management have instituted mechanisms to address the enormous challenges that confront border security. On the international level, Ghana has signed treaties, ratified conventions and has joined bodies at the Regional and International level to establish a common front to fight cross border crimes. For instance Ghana is a party to all the UN's conventions on Terrorism, the Suppression of Financing of Terrorism and Money Laundering and also a party to UN's drug convention. As a member of (GIABA)⁴⁸, and to fulfill its obligations, a financial intelligence centre has been established which will gather intelligence in relation to Anti Money Laundering and Combating of Terrorism Financing (AML/CTF).

The legislative provisions to help curb transnational organized crime include the Anti Terrorism Act in 2008(762), Transfer of Convicted Persons Act and anti Money laundering in 2007 Act (743), Human Trafficking Act and its Amendment in 2006. In addition, there is the Narcotic Drugs (Control, Enforcement and Sanctions) Act, 1990 or the (PNDCL 236). To strengthen the Anti Money Laundering and put safeguards into the financial institutions, Acts such as the Bank of Ghana Act of 2002 (612), Securities Industry Act, 1993 (PNDCL333) and Foreign Exchange Act, 2006 (723) were enacted. Also, in order not to stifle the flow of information about illegal activities, an amendment to summarily convict persons who give false information when reporting transactions was dropped.

To instill safeguards in the screening of migrants at the borders, the Personal Identification Secured Comparison and Evaluation System (PISCES) is used at the main entry points of the land borders which provide an accurate system of monitoring and to facilitate high-tech profiling of passengers. Ghana is the ninth ECOWAS state to issue the Biometric Passport. The introduction of the biometric passport is also intended to boost easy processing of travelers and the elimination of fake ones. At the Kotoka International Airport and the Tema Harbour the installation of X ray and mobile scanners have improved the activities of the CEPS and other security agents where a faster and more efficient means of examining goods

⁴⁸ Op cit pp13

have replaced manual examination. Also, a security task force has been stationed to help check petty theft that is gradually gaining grounds at their premises.⁴⁹

At the Tema Harbour, an autonomous organization the Joint Port Control Unit (JPCU) which has an international link was formed in 2007. They work in collaboration with the CEPS. They track container movements to check for drugs, counterfeit products and other illegal goods. They undertake this activity through a database furnished by their foreign counterparts. Their activity has resulted in the exposure of illegal drugs and goods leading to their arrest.⁵⁰

Within the Ghana Immigration Service, the Border patrol section was established in 2006 and mandated to patrol the porous land borders of the country to ensure security and also arrest smugglers. They discharge this duty in collaboration with the preventive section of the Customs Service. The mass recruitment exercise within the Service was intended to boost the manpower base of the organization. As at 2010, they had they had staff strength of 4,000 distributed across the 44 approved entry points of the country. ⁵¹

In addition, the training school for GIS at Assin Fosu in the Central Region has upgraded its training programmes to meet international standards and described as one of the best training institutions in the sub region. In 2007, it offered training to Liberia Immigration Officers under the United Nations programme in conjunction with the Spanish government. Sponsorship is also given to some of the officers to offer courses and attend programmes to build their capacities and upgrade their skills.

Further, they have an active desk for deliberation of issues on human trafficking in the country. Through their activities they gave a voice to the passing of the law that made trafficking in persons a criminal activity in 2006. They join forces with other ministries and organizations such as the Ministry of Women and Children's Affairs (MOWAC) and

⁴⁹ Field information from the Kotoka International Airport on Wednesday, 14th of July, 2010

⁵⁰ Field information from the Tema Habour on Thursday, 28th April, 2010

⁵¹Human Resource Office at the GIS Headquarters, Accra on Monday 12th July, 2010 24

International Organization of Migration (IOM) that deal with human trafficking issues to fight the scourge and put the Human Trafficking Act into practice.

CHALLENGES CONFRONTING THE INSTITUTIONS

As indicated above, some measures are being taken to prevent and control border threats to ensure security at the borders. However, the impediments inherent in the institutions render them powerless in most instances to confront the issues they encounter. Most of these challenges are not new developments. They are long standing challenges that have persisted through the ages and become a landmark as in all government institutions. Lack of commitment on the part of the government and all stakeholders in the business of border security to contribute their quota to find concrete and lasting solutions to the problems explains these anomalies.

To begin with, though the legislative provisions exist for terrorism, money laundering and trafficking in persons, government commitment to implement them is very low thus a huge gap exists between the policies and their implementation. For example the 2009 National Database on Human Trafficking in Ghana report has revealed that, government's support to combating human trafficking constitute only 0.7% of the total capital generated for its operations.⁵² Also evidence do not exist to prove Ghana's compliance with most of the principles and recommendations adopted from the International Groups such as IOM and GIABA that are intended to fight the cross border crimes at the regional and international levels of which the country is a member, as a result of lack of institutional structures. For instance, according to GIABA's rating, Ghana's compliance in the area of money laundering is very poor satisfying only two out of the forty nine areas stipulated.⁵³

⁵² At http://allafrica.com/stories html accessed on April 30, 2010

 $^{^{53}\}mathrm{Awudu}$ Mahama "Ghana to be blacklisted over Money Laundering". Daily Guide on Friday October 1st, 2010 pp 1

The problem of logistics plagues all the institutions involved in border security. This is accompanied by inadequate residential and office accommodation. At the GIS section at the Tema habour for instance; congestion at the office caused some of the staff on duty to sit under trees. ⁵⁴ The border patrol unit of the GIS is also woefully under resourced in terms of vehicles, border video surveillance gadgets such as radar sensors, Close Circuit Television (CCTV) and mobile scanners. Facilities such as pedestrian post in between the pillars and security booth for effective surveillance are also lacking. ⁵⁵ The insufficient accommodation for the patrol section at the border complex ⁵⁶ hampers their ability to respond to emergency situations. Also, the Navy at the Tema habour will be helpless in the event of piracy on the shores as there is only one operational naval ship which is often times out of service ⁵⁷

To add to that, the border patrol unit of the GIS is not authorized to use gun like other security institutions that patrols the sea and the airports though its personnel have received military training at the Asutuary training grounds.⁵⁸ Meanwhile they are performing both military and police functions and are exposed to the danger of border criminals who are often armed. At the Aflao border for example unlike their counterparts in Togo they are unable to defend themselves on the event of clashes between them and the border residents who often thwart their efforts. The border residents ⁵⁹ often serve as potters, hawkers and 'currency changers' across the border. This could be explained by the concession given to them to cross the border without showing their identity. They harass travelers and at the same time aid smuggling by assisting them through clandestine routes. ⁶⁰

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⁵⁴ Field observation Ibid Tema Habour

⁵⁵Field Information: Head of the Border Patrol Section of the Ghana Immigration Service on the 12th of July, 2010

⁵⁶ A site closer to the land borders containing flats that house security personnels stationed at the borders

⁵⁷ Ibid pp21 Tema Harbour.

⁵⁸ Ibid Head of Border Patrol Section.

⁵⁹ The border residents are those living 5km away from the border at both sides and are given the liberty to cross the border without showing their identity. The Immigration and Custom Officials identify them through their own observation. Field information at the Aflao-Togo border on the 16th to the 20th of September, 2010

The GIS is not involved in the issuance of passports and of visas from abroad⁶¹. However the GIS issues visas and entry permits to foreigners who enter the country without one. The role of the GIS to monitor immigrants should begin with their involvement in consular duties abroad or a high level of coordination exist between the institutions mandated to do that and the GIS. The duplication of roles and the lack of coordination between the GIS and MFA create a loop hole for fraud and falsification of documents.

The use of the PISCES and Scanners are limited to the main entry points at Kotoka International Airport, (KIA), Aflao, Elubo and Harbours at Tema and Tarkoradi. The absence of this at the other points of operation does not augur well for security and hampers fast and efficient delivery of service. Also, the lack of an electronic device to replace physical bodily search at the land borders results in near brawl between the officials and some users of the borders who resist attempts of the security officials to search them. ⁶² Again, it is responsible for the human traffic that is caused on busy days and moments ⁶³ at the borders.

Within the CEPS administration, the activity of the Joint Port Control Unit (JPCU) is also not replicated at the Tarkoradi harbour. The Scanners installed at the Tema habour has a lot of international and local private partnership such as the Gateway Services Limited, (GSL) Scanship Delmas Ventures (SDV) and Divac Company Ltd. to the extent that state institutions are unable to monitor them effectively to ensure security. Also, the scanners can only scan cargos that contain homogeneous goods. This implies that cargos containing different categories of goods will not fall under the purview of the scanners. More so, the information captured by the scanners is more private and obscure, subject to the interpretations of the officials authorized to read them. Some officials who are inefficient can

⁶⁰ Ibid Field observation at the Aflao-Togo

⁶¹ This duty falls within the sphere of the Ministry of Foreign Affairs.

⁶² Field Observation at the Aflao Border on the 16th to the 20th of Sept. 2010.

⁶³ This is mostly on Fridays and Saturdays. And rushing hours mostly in the morning as the border is not opened for twenty four hours but opens at 6 am and closes at 10pm Source: Immigration office at the Aflao border.

decide to ignore the correct signals of the scan thereby giving room for un authorized goods to enter and exit the country.

A general impediment to all the security agencies at the borders is their inability to deal with culprits. This is due to the referral of cases to multiple agencies that end up prolonging and complicating the issues and finally results in the freeing of suspects due to lack of evidence. In Ghana, a lot of agencies are represented at the country's borders; aside the GIS, CEPS and the Police, there is the Bureau of National Investigation (BNI), National Security, Narcotics Control, Internal Revenue Service, Plant and Animal Quarantine Service and the specialized institutions for specific borders such as the Navy and Ghana ports and Habours Authority (GHAPOHA) at the seaports and Civil Aviation at the Airports. All these Institutions are involved in issues that pertain in their domains. At times high ranking officials also impede the activities of the border officials. ⁶⁴ Aside the fact that a lot of them disregard the procedures when using the borders, they also interfere with proceedings in relation to culprits who are connected to them.

Furthermore, there is the issue of language barrier to most of the officials stationed at the borders. As established, Ghana is surrounded by French Speaking Countries and therefore needs officials who can communicate effectively in French. However knowledge of the French language is not a prerequisite for recruitments of the agents that work at the nations borders. It does not also form part of their training programmes. Within the Ghana Immigration Service less than 10 percent of the 4,000 staff could communicate in French. ⁶⁵ This can become a means used by migrants and travelers to manipulate them.

Another major dissatisfaction to all the security personnels is their low remuneration and lack of incentives to boost their morale. This explains why a lot of them act unprofessionally. Bribery and corruption has become part and parcel of the work culture of these institutions to

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⁶⁴Field information from the customs and immigration personnel at the Tema Harbour and the Aflao border on the 17th of September,2010

⁶⁵ Field information from the Human Resource Office of the Ghana Immigration Service Head quarters in Accra, on the 12th of July, 2010.

a large degree and increases in salaries and incentives will not erase this negative attitude unless other measures are instituted to deal with it. Officers who refuse to follow the norm do not get the needed support from either their colleagues or supervisors. They are rather victimized and they face the threat of losing their jobs.

Finally, lack of collaboration and cooperation between the border agencies and their counterparts in neighboring countries impedes their ability to provide fast and efficient services. The necessity of collaboration boils down to the fact that similar issues confront border security and a state will be limited in its capacity to deal with it single handedly. This is what informs the adoption of an integrated approach to border management. This however requires huge investments in border infrastructure such as technology and other equipment to integrate the communication system of the border agencies for effective collaboration.

SECTION FOUR: SUMMARY AND CONCLUSION

Borders are very critical to a states security and prosperity. The irony lies in the immense benefits it has for a state and at the same time an avenue for issues that weaken its security. Global market forces and increased human mobility have made it increasingly difficult for a state to assert effectively its traditional sovereign right to control its borders. In Africa as well as Ghana, the factors that threaten security at the borders have their root in the origin, nature and the mode of administering⁶⁶ the borders during the era of imperialism. In recent times, the old border threats have not disappeared but are rather joined by new and complicated ones and manifests in activities such as smuggling of goods, weapons, drugs human beings and animals. These go together with the threat of terrorism and money laundering which are not readily visible.

The institutions charged with the responsibility to enforce security at the borders are woefully under resourced hence nullifying their efforts directed at improving security. Their constraints involved a lot of factors that are intertwined and include inadequate legislative and judicial support to enforce the rules, insufficient, outmoded and dilapidated border facilities and equipment, and the deficiency in their capacity to act according to modern standards. In addition, lack of motivation in terms of low numeration for the security personnel is the reason for the 'institutionalized' corruption. The issues are exacerbated by the uncompromising attitude of the border residents who perpetuate smuggling at the borders and the inability of the institutions concerned to use the right plat form to sensitize civil society on relevant concerns that pertain to the use of the borders.

Assessing Ghana in terms of the enormous task involved and the threading of the paths to an ideal secured border, Ghana can be described as being far from the appropriate principles of ensuring border security. However there can be gradual efforts directed at

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⁶⁶ This refers in particular to the counter administrative policies of rival colonial powers of contiguous countries.

reversing the negative trends. To register any positive progress to improve border security, some recommendations are given below.

WAY FORWARD

As indicated earlier, the role of some key players such as the government, the border agencies and civil society is very critical to good border management. Though the institutions involved are already playing their role, the impact is still minimal. There is the need for them to beef up their efforts regarding the present state of our borders which leaves much to be desired.

The efforts at the political level should be seen in practical terms where appropriate laws and policies that geared towards boosting the security needs at the borders are formulated. A review of the policies should be possible to address the existing trends of border issues. The policy formulators can be well acquainted with current border issues if they fund and encourage research in issues that are oriented to border security. As mere policies do not solve problems unless they are put into action, resources should be made available or the necessary conditions created for successful implementation. Resources should also be allotted to improve border infrastructure and facilities.

A major transformation within the judicial sector is necessary for timely persecution of offenders. There is the need for them to devise a pragmatic means to trace, freeze or confiscate the assets of border criminals if found guilty. This will serve as a great disincentive to them and deterrent to those intending to be recruited into the dirty game.

The capacities of the institutions that gather, analyze and exchange intelligent information should be enhanced to complement the judicial efforts.

Much attention should be given to maritime security especially, with the discovery of off-shore oil. There should be a speed up in the intended re demarcation of the maritime boundary shared with Côte d'Ivoire, to avoid a replication of the Bakassi experience. The necessary safeguards must be put in place to deal with the attendant challenges such as oil bunkering and other forms of piracy on the shores and its attendant environmental consequences before drilling starts. Lessons learned from oil producing territories like Angola and the Niger Delta could also serve as a guiding principle.

The key actors in the business of ensuring security at the borders should not be relegated to the background. For the security personnel's, their competencies must be improved through continuous training to unable them meet the modern requirements or the standards set by the global world. Some amount of intelligent training should be incorporated into their induction process. They should also be encouraged to strengthen the existing collaboration among them and be given some form of incentives to boost their morale.

For those residing around the border, alternatives should be created such as the establishment of free educational institutions together with the continuous campaign for them to see its worth to encourage their younger ones to build their capacities for other forms of economic activities. The establishment of industries can also help in absorbing the energies of the idle youth thus breaking the generational tandem of engaging in the smuggling business.

Co-operating with neighboring states is very essential to good border management. This is because aside the fact that organized crimes thrive where conditions prevailing within neighbouring countries are conducive, a country also bears the repercussions of the push factors for irregular migration such as natural disasters, war, poverty and unemployment. Thus improving security at the borders will amount to nothing if it is not done in collaboration with close countries. As indicated already, it is the bedrock for an integrated approach to border management. This however can be achieved if border facilities are upgraded to the required standards that will ensure a fast and efficient means of sharing information.

In collaboration with the media and other avenues of information dissemination, the general public or civil society can be made to keep abreast of pertinent issues that relate to border security such as the education on the ECOWAS free movement protocol to lessen the burdens of the officials in dealing with naïve migrants and at the same time to curtail infringement on their rights as well as its abuse. Also, it will go a long way to erase the negative perceptions of individuals and institutions that retrogresses the provisions of the protocol. Some security personnels at the land borders have expressed the need for a big pictorial billboard sited within a radius close to the border with the message written in both French and English language to alert the users of the border about simple requirements. In

addition they are advocating for an organised and identifiable group to serve as porters at the land borders to guarantee some form of monitoring and regulation of their activities.

Finally, programmes organized to come out with best ideas, strategies or skills to address specific problems to enhance border security must not only end amidst 'funfairs' or left to gather dust on the shelves, but should go a step beyond where a concerted and dedicated efforts is made to make them deliverable within institutional capability.

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