

Crime, Violence, and Politics: Drug Trafficking and Counternarcotics Policies in Mali and Guinea

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Improving Global Drug Policy: Comparative Perspectives and UNGASS 2016

EXECUTIVE SUMMARY

Key Findings

- There has been a general increase in drug trafficking in West Africa. Regional institutions such as the Economic Community of West African States have made some effort to counter the impact of drug transit and consumption in the region, but this has had a limited effect in Guinea and Mali.
- Guinea and Mali, along with the rest of the region, are reportedly experiencing increased local consumption of illicit drugs, which poses challenges related to treatment, harm reduction, security, and human rights.
- In both Guinea and Mali, drug traffickers have exploited widespread poverty and corruption to co-opt government officials, military and law enforcement officers, and political and traditional leaders into an opportunistic network that underpins a very profitable criminal enterprise.
- Both countries have experienced serious political turmoil that has brought to light the role drug trafficking has played in provoking internal unrest and coups d'état.
- Mali, which experienced a major international intervention following a 2012 coup as well as Tuareg and Islamist uprisings in its northern regions, has passed numerous counternarcotics measures into law. Generally punitive in approach, their implementation and enforcement have been lacking.
- Guinea has proven to be highly resistant to changing its domestic counternarcotics policies, most likely due to the penetration of drug traffickers in state institutions.

Policy Recommendations

- Both countries should adopt the recommendations made by a 2014 report by the West Africa Commission on Drugs (WACD), *Not Just for Transit: Drugs, the State and Society in West Africa*, which emphasized decriminalizing some degree of drug use and possession for personal use.
- Mali is likely to support the approach proposed by the WACD at the 2016 Special Session of the United Nations General Assembly on the World Drug Problem (UNGASS 2016), while Guinea has thus far taken no position on the UNGASS 2016 treaty review process.

Introduction

This paper examines the current state of counter-narcotics policies and policy reform debates in Mali and Guinea, two West African countries that in recent years have been significantly affected, to varying degrees, by drug trafficking.¹ The increase in drug trafficking faced by these countries has been part of a general trend in the region.

West Africa's important role in the international drug trade—mainly as a point of transit for cocaine and heroin en route to Europe and North America, but now increasingly as a regional consumer—was most recently underlined by the United Nations (UN) Security Council in December 2013. The Council noted that drug trafficking and transnational organized crime “contribute to undermining the authority of states, their security and stability, governance, social and economic development, and the rule of law,” particularly in the Sahel and West Africa. The sovereignty of states was at stake, the statement noted, and the Council reaffirmed its “strong commitment” to the territorial integrity, political independence, and general unity of the countries of that region.²

Mali and the wider Sahel were of particular concern to France when it organized this debate and drafted the subsequent statement. Events in the region since the March 2012 coup in Mali and the ensuing military intervention by France have revealed the involvement of senior military and government officials in facilitating drug trafficking, as well as the growing control of the drug trade by Islamist groups, the latter having been described as “narco-terrorism” or “narco-jihadism.” It has been suggested that Al-Qaeda in the Islamic Maghreb (AQIM) and Hezbollah have earned tens of millions of dollars through such illicit dealings, and then used these funds to finance terrorist operations in Africa and elsewhere.³

This paper will describe the problems associated with drug trafficking and increasing drug use in Mali and Guinea, as well as the measures adopted in both countries to counter these trends. It will show that in both countries, drug traffickers have exploited the widespread poverty and corruption to co-opt government officials, military and law enforcement officers, and political and traditional leaders into an opportunistic network that underpins a very profitable criminal enterprise. In the case of Mali, local collaborators include a complex and dynamic mix of legitimate business people; Islamist extremists, terrorists, and kidnappers; police and army officers; militia groups; and local politicians. In Guinea, drug trafficking very quickly penetrated state institutions, bringing together local business people, politicians, police, and military officers in a complex and somewhat uneasy but very profitable alliance.

Enormous profits, rather than ideology, have held the alliance together. Therefore, counternarcotics efforts, which initially tended to emphasize interdiction and other punitive measures, were bound to fail as some of those entrusted with enforcing these measures were themselves complicit in the trafficking. Only with the change of government in Mali and the massive international intervention in that country have there been some tangible efforts to reform the legal system and tentatively enforce some of the legal mechanisms that exist to tackle such problems. Even so, this briefing will show that Mali's commitment remains largely rhetorical, and that few of the planned measures have been vigorously implemented. In Guinea, the government has not shown any interest in enacting or implementing sound counternarcotics policies, and recent reports indicate that drug trafficking and its associated corruption of state institutions have been growing.

¹ The author is grateful to Camino Kavanagh for her very helpful comments on an earlier draft of this paper.

² United Nations (UN) Security Council, *Statement by the President of the Security Council, S/PRST/2013/22* (December 18, 2013), www.undocs.org/S/PRST/2013/22.

³ David E. Brown, “The Challenge of Drug Trafficking to Democratic Governance and Human Security in West Africa,” Letort Papers (Carlisle Barracks, PA: U.S. Army War College Press, 2013), <http://www.wacommissionondrugs.org/wp-content/uploads/2013/05/pub1151.pdf>.

Drug Trends in West Africa and Regional Policy Responses

West Africa has long been a participant, albeit a largely marginal one, in the international drug trade. But since the mid-2000s, it has emerged as an important transhipment point through which international drug cartels move cocaine and heroin from South America and Asia to Europe and North America.⁴ During the aforementioned Security Council debate in December 2013, UN Secretary-General Ban Ki-moon estimated the value of the cocaine passing through West Africa to Europe and elsewhere to be \$1.5 billion, more than the total national budget for some of the countries in the region. Such high-value illicit trade is driving corruption and related governance challenges; money laundering; violence; and, to an important extent, the health and treatment challenges accompanying the growing consumption of the drugs in the region. As Nigeria, Guinea, and Côte d'Ivoire have recently emerged as production and distribution hubs for synthetic psychotropics such as amphetamine-type stimulants (ATS), the growing availability of cocaine, heroin, and ATS has led to increased drug use and dependence within the region.

Recent reports by the United Nations Office on Drugs and Crime (UNODC) estimate that between one and two million people within West Africa use cocaine and other hard drugs, which has critical implications for regional health and security. Throughout West Africa, however, only Senegal and Nigeria provide even very basic and limited drug-related health and treatment services, despite the fact that research has consistently shown that investments in treatment and harm reduction measures lead to economic and

social benefits that far surpass the resources invested.⁵ Such benefits include reduced rates of crime, delinquency, and school dropouts; significant savings on health-care spending; and in some cases, reductions in unemployment levels.⁶ Most treatment services in West Africa are provided by psychiatric hospitals and traditional and faith-based facilities that tend to be overcrowded and are known to abuse the religious rights of clients seeking treatment. Available facilities are generally poorly funded, and few have adequate personnel with skills and experience in managing substance use disorders. This situation exists in part due to a lack of treatment policies, standards, and monitoring systems that regulate the delivery of services. Drug users are often heavily stigmatized and deemed as not meriting the expenditure of state resources.

West African governments have also been slow to respond to security and governance challenges, focusing mainly on highlighting them in international forums like the UN Security Council. For example, Burkina Faso, during its rotating presidency of the Council, initiated a debate on these issues in December 2009, leading thereafter to a presidential statement that urged the UN Secretary General to “consider mainstreaming the issue of drug trafficking as a factor in conflict prevention strategies, conflict analysis, integrated-missions’ assessment and planning, and peacebuilding support.”⁷ Togo furthered the debate in February 2012, leading to another presidential statement that recognized “the serious threats to international peace and stability” in West Africa and the Sahel posed by “terrorism and its increasing links, in some cases, with transnational organized crime and drug trafficking.”⁸

⁴ Emmanuel Kwaku Akyeampong, “Diaspora and Drug Trafficking In West Africa: A Case Study of Ghana,” *African Affairs* 104, no. 416 (2005): 429–447, <http://users.polisci.wisc.edu/schatzberg/ps362/Akyeampong2005.pdf>; and Stephen Ellis, “West Africa’s International Drug Trade,” *African Affairs* 108, no. 431 (2009): 171–96, doi: [10.1093/afraf/adp017](https://doi.org/10.1093/afraf/adp017).

⁵ For more on this paucity, see United Nations Office on Drugs and Crime (UNODC), *Not Just in Transit: Drugs, the State and Society in West Africa: An Independent Report of the West Africa Commission on Drugs* (Vienna: United Nations, 2014), http://www.unodc.org/documents/ungass2016/Contributions/IO/WACD_report_June_2014_english.pdf.

⁶ For more on this, see Isidore S. Obot, “Prevention and Treatment of Drug Dependence in West Africa” (WACD Background Paper no. 2, WACD, 2013), <http://www.wacommissionondrugs.org/wp-content/uploads/2013/05/Prevention-Treatment-of-Drug-Dependency-in-West-Africa-2013-04-03.pdf>.

⁷ UN Security Council, *Statement by the President of the Security Council*, S/PRST/2010/4 (February 24, 2010), www.undocs.org/S/PRST/2010/4.

⁸ UN Security Council, “Security Council Presidential Statement Calls for System-wide UN Action to Combat Transnational Crime—Drug Trafficking, Piracy, Terrorism—in West Africa, Sahel,” press release, SC/10546 (February 21, 2012), <http://www.un.org/press/en/2012/sc10546.doc.htm>.

Beyond such high-profile statements, West African governments have also initiated a range of policy and operational responses, mainly through the Economic Community of West African States (ECOWAS) and the African Union (AU). In 2008, ECOWAS adopted the Political Declaration on the Prevention of Drug Abuse, Illicit Drug Trafficking, and Organized Crime in West Africa, which called on member states to establish or strengthen “specialized anti-drug trafficking/transnational organized crime law enforcement units/agencies and national forensic capabilities, with a view to investigating and prosecuting organized criminal groups involved in drug trafficking and other related crimes.”⁹ It also called on member states to ratify the UN Single 1961 Convention on Narcotic Drugs, the 1971 Convention on Psychotropic Substances, the 1988 UN Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, the 2000 UN Convention Against Transnational Organized Crime (as well as the protocols supplementing the convention), and the 2003 UN Convention Against Corruption. Beyond ratification, the ECOWAS declaration urged member states to amend their national legislation “to meet the requirements of these Conventions and the Protocols,” and was signed by the presidents of all 15 member states in December 2008.¹⁰

The ECOWAS Counter-Terrorism Strategy and Implementation Plan, adopted in February 2013, and the ECOWAS Integrated Maritime Security Strategy, finalized in November 2013, are other important mechanisms in the anti-drug trade arsenal. Countries like Mali, Ghana, Sierra Leone, Liberia, and Guinea-Bissau have signed agreements with European and American partners and forged strong working relationships with their drug enforcement agencies, as well as with UNODC, to strengthen their counternarcotics capacities. Examples include

the West Africa Coast Initiative (WACI)—of which Mali and Guinea are not members—and the European Union’s (EU) Cocaine Route Program, both of which are closely tied to regional priorities and consider regional and national actors as full partners in implementation.¹¹ Burkina Faso, Ghana, Liberia, Mali, Nigeria, Sierra Leone, Gambia, and others have received assistance for interdiction and prosecution efforts from France, Spain, the United States, the United Kingdom, and the EU. In 2013, the United States provided \$50 million to combat transnational organized crime, and particularly drug trafficking, through WACI. The funds propped up a regional law enforcement training center; provided support to Liberia’s Drug Enforcement Agency (DEA); helped develop specially-trained, DEA-vetted counternarcotics investigative units in Ghana; and facilitated anti-corruption training in Sierra Leone.¹²

ECOWAS progress in developing a coherent architecture to respond to drug trafficking and its impacts has thus largely focused on interdiction efforts, while regional resolve and capacity to confront the public health challenges posed by drug trafficking and use remain lacking. However in late 2014, ECOWAS established the West African Epidemiology Network on Drug Use, which, building on existing inadequate drug treatment and seizure data, aims to collect information on drug use patterns and establish new monitoring mechanisms to ultimately better inform policymakers on drug user treatment options.¹³

The focus on regional initiatives is important. Yet as attractive as the described regional initiatives have been to policymakers and external donors, the following case studies of Mali and Guinea show that law enforcement at the national level has been weak or non-existent, which critically undermines international and regional efforts.

⁹ UNODC, *Political Declaration on the Prevention of Drug Abuse, Illicit Drug Trafficking and Organized Crimes in West Africa* (Vienna: United Nations, 2008), <https://www.unodc.org/westandcentralafrica/en/ecowaspoliticaldeclaration.html>.

¹⁰ Ibid.

¹¹ UNODC, *Not Just in Transit: Drugs, the State and Society in West Africa*, 15-7.

¹² Executive Office of the President of the United States, *National Drug Control Budget FY 2014 Highlights* (Washington, DC: Executive Office of the President, 2013), https://www.whitehouse.gov/sites/default/files/ondcp/policy-and-research/fy_2014_drug_control_budget_highlights_3.pdf.

¹³ The initiative is technically supported by UNODC as part of the European Union’s contribution to the ECOWAS Operational Plan.

MALI

International counternarcotics efforts in Mali have tended to focus on the involvement of terrorist and extremist networks in the country's drug trafficking activities, yet the extent and exact nature of this involvement is open to dispute. With most West African traffickers tending to prefer maritime transportation of drugs, the landlocked country of Mali serves more as an additional pathway through which drugs are passed, rather than as a primary transit hub, for a deeply entrenched, sophisticated network of traffickers. Drugs are moved into the country by road from countries like Guinea, and then transported via small convoy through the desert to destinations further north toward Europe. It should be noted that Mali dealt with drug trafficking and use long before the emergence of AQIM and Hezbollah.

The Security Context: Drugs, the Coup, and the Insurgency

A recent report by the Global Initiative against Transnational Organized Crime claimed that illicit trafficking "defined the nature of the [recent] political crisis in Mali," has "entrenched itself into the Malian ethnography," has become "thoroughly integrated within political and military structures in northern Mali," and has led to the "militarization of the Sahelian protection economy."¹⁴ According to the report, this has "hollowed out the Malian state, [and is] undermining institutions and eroding the legitimacy of official systems of governance at the community level,"¹⁵ which has major implications for post-conflict peacebuilding within the country.

While there is little doubt that traffickers and government accomplices have corrupted state institutions, the conclusion that the state has been "hollowed out" is exaggerated. Researchers Camino Kavanagh and Stephen Ellis second the report's emphasis on the majors problem associated with drug trafficking throughout northern Mali, and they acknowledge that Mali's new president, Ibrahim Boubacar Keïta, faces a range of governance challenges vis-à-vis statebuilding efforts, including corruption and political and security problems in the north of the country. However, they do not categorize Mali as a failed state, in contrast to the Global Initiative report. Rather they conclude that it is impossible to effectively respond to the problem of drug trafficking if these basic governance issues are not tackled.¹⁶

The Global Initiative report derives its arguments from the events surrounding the March 22, 2012 Malian military coup. At that time, several young officers led by Captain Amadou Sanogo overthrew the civilian government of President Amadou Toumani Touré just ahead of presidential elections that were scheduled for April 29 of that year.¹⁷ The soldiers had just abandoned a faltering campaign against Tuareg rebels in the north of the country, and shortly after the coup, the Tuareg, under the banner of the National Movement for the Liberation of Azawad (MNLA), seized the northern half of the country and declared it independent of Mali. The situation was further complicated by the strong presence of AQIM among the Tuareg, which by July 2012 had gained ascendancy and effectively sidelined the MNLA in its territorial claims. AQIM and ally Islamist group Ansar Ed-dine imposed a regime of terror within the north that

¹⁴ Global Initiative against Transnational Organized Crime, *Illicit Trafficking and Instability in Mali: Past, Present and Future* (Geneva, Switzerland: Global Initiative against Transnational Organized Crime, 2014), <http://www.globalinitiative.net/download/global-initiative/Global%20Initiative%20-%20Organized%20Crime%20and%20Illicit%20Trafficking%20in%20Mali%20-%20Jan%202014.pdf>.

¹⁵ Ibid., 2.

¹⁶ Camino Kavanagh and Stephen Ellis, "Comment: on the Global Initiative Paper 'Illicit Trafficking and Instability in Mali,'" Global Initiative against Transnational Organized Crime, 2014, http://cic.nyu.edu/sites/default/files/kavanagh_ellis_illicit_trafficking_april_2014.pdf.

¹⁷ This section draws from Lansana Gberie, "State Officials and Their Involvement in Drug Trafficking: Preliminary Findings" (WACD Background Paper no. 5. WACD, 2013), <http://www.wacommissionondrugs.org/wp-content/uploads/2014/01/State-Officials-and-Drug-Trafficking-2013-12-03.pdf>.

included extrajudicial killings, the destruction of historic monuments in Timbuktu, and the oppression of women; it triggered the flight of an estimated quarter of the population.

The coup in Mali took the world by surprise. Subsequent investigations showed that President Touré had presided over and fostered a corrupt government complicit in drug trafficking. Government ministers and senior army and intelligence officers close to President Touré are believed to have been involved in the infamous crash landing of a Boeing 727 in Tarkint (near Gao, in northeast Mali) on November 2, 2009, which had originally come from Venezuela and carried an estimated five to nine tons of cocaine.¹⁸ The jet was reported to have first successfully landed on a makeshift airstrip about nine miles from Gao, in an area controlled by Tuareg and Islamist insurgents; yet after being unloaded of cocaine and other drugs, it took to the skies once more, crashed in the desert, and was then torched by the traffickers.¹⁹ President Touré described the incident a threat to Mali's national security, but did not call for an official investigation into the matter until three weeks later during an official state visit to Libya on November 24.²⁰

David Brown, previously the Senior Diplomatic Advisor at the Africa Center for Strategic Studies, has suggested, based largely on anecdotal or disputed evidence, that Hezbollah and AQIM have now become deeply involved in drug trafficking activities in the Sahel, earning them tens of millions of dollars, which they then use to finance terrorist operations in Africa and elsewhere.²¹ Other researchers have sounded a cautionary note. Wolfram Lacher, a North Africa expert at the German Institute for International and Security Affairs in Berlin, has argued that though

these groups have been and will most likely continue to be involved in drug smuggling, the drug trade is just one of a range of illicit activities in which they engage; and that the existence of a “drug-terror nexus” in West Africa and the Sahel, on the scale that it has been reported, is misleading for several reasons. Lacher argues: “Rather than the two extremist groups as such, involvement in drug trafficking appears to concern individuals and groups close to, or within, Movement for Unity and Jihad in West Africa (MU-JAO) and AQIM; within both groups, members are driven by multiple and, at times, conflicting motivations.”²² Lacher also states that numerous other players who have no link to such groups, “are playing an equally or more important role in drug smuggling, including members of the political and business establishment in northern Mali, Niger, and the region’s capitals, as well as leaders of supposedly ‘secular’ armed groups.”²³ Thus, an emphasis on narco-jihadism, Lacher argues, “obscure[s] the role of state actors and corruption in allowing organized crime to take root and grow.”²⁴

However, international intervention vis-à-vis drug trafficking has tended to be driven by fears similar to those expressed in Brown’s alarming research. The idea that jihadists may be in control of the drug trade in Mali and the wider Sahel has certainly been the mobilizing pretext for the counternarcotics policy reform debates in Mali since the French and UN interventions in late 2012 and 2013. Yet this overemphasis is partly the reason why counternarcotics and drug use treatment efforts appear to have been stymied. As one example, the concept note prepared by France for the December 2013 UN Security Council debate on drug trafficking and transnational organized crime noted that violence in Mali by criminal

¹⁸ Abdelkader Abderrahmane, “Drug Trafficking and the Crisis in Mali,” *ISS Today*, August 6, 2012, <http://www.issafrica.org/iss-today/drug-trafficking-and-the-crisis-in-mali>.

¹⁹ “Drugs and Thugs,” *Africa Confidential* 50, no. 24 (2009).

²⁰ Ibid.

²¹ David E. Brown, “The Challenge of Drug Trafficking to Democratic Governance and Human Security in West Africa”; and David O’Regan, “Narco-States: Africa’s Next Menace,” *New York Times*, March 12, 2012, <http://www.nytimes.com/2012/03/13/opinion/narco-states-africas-next-menace.html>.

²² Wolfram Lacher, “Organised Crime and Conflict in the Sahel-Sahara Region” (Washington, DC: Carnegie Endowment for International Peace, 2012), <http://carnegieendowment.org/2012/09/13/organized-crime-and-conflict-in-sahel-sahara-region#>.

²³ Ibid.

²⁴ Ibid.

networks attempting to control the drug trade “fostered radicalization.” Based on the understanding that those radicalized then participated in the drug trade, the concept note stated, “Cocaine and cannabis trafficking enables extremists to generate income, which in turn finances rebellions.”²⁵ However, such unwavering attention to strictly narco-terrorist links is the reason why evidence of increasing drug use in Mali, and the implications it may have on health and internal security, are largely ignored with little or no effort being focused on treatment issues.

Unlike the French, the Malian government and UN officials within the country seem to be less excited by the premise that jihadists may be controlling the drug trade and consequently making millions of dollars. Since the publication of the Malian Central Bureau of Narcotics (OCS) 2012 annual report, both the Malian government and the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) have been reticent to speak about drug trafficking.²⁶ However, the UN Secretary-General’s report, *Progress Towards the United Nations Integrated Strategy for the Sahel*, published in June 2014, brought the issue to the fore again, stating the following:

A recurrent and common problem in many countries in the Sahel is the impact of insecurity in border areas on local governance, state authority, and territorial control. The permeability of borders, which are largely located in vast and sparsely populated areas, exposes the countries to numerous challenges, including irregular migration, trafficking in illicit drugs, arms, and human beings, and the expansion of terrorist networks. Despite continued efforts, fragile state institutions, a lack of statistics and databases, and weak

border management systems remain serious impediments to national reforms, negatively affecting public and state security, regional integration, and economic growth and development.²⁷

The report noted that UNODC has mobilized \$13 million to support capacity building in the region—to enhance the accessibility, efficiency, and accountability of criminal justice systems—as a means of combating organized crime, illicit trafficking, terrorism, and corruption.

Long before the coup and the French and UN interventions, the Malian authorities had shown an awareness of the drug problem by enacting several laws which took punitive approaches to drug-related offenses. The need for such punitive approaches, however, is somewhat questionable considering that prior to the 2012 coup, the parts of Mali not controlled or directly threatened by Tuareg rebels and Islamists allies—such as Bamako and most of the densely populated parts of the country—had few incidents of violent crime or drug-related violence.

Mali’s Drug Policies²⁸

This section describes Mali’s expanding legal framework to tackle drug trafficking and use, which is impressive on paper but has hardly been put to effective use. It also describes the government’s interdiction efforts, citing official statistics. It is important to note that these statistics are limited and not fully reliable, since many Malian agencies dealing with crime and drug-related offenses are often reluctant to share data with the OCS, which publishes national data. Such lack of coordination is common across West Africa, yet the problem is particularly acute in Mali, as it has multiple legal instruments and bodies dealing with

²⁵ United Nations Security Council, *Letter Dated 5 December 2013 from the Permanent Representative of France to the United Nations Addressed to the Secretary-General*, S/2013/728 (December 10, 2013), www.undocs.org/S/2013/728.

²⁶ UN Security Council, *Report of the Secretary-General on the Situation in Mali*, S/2014/692 (September 22, 2014), www.undocs.org/S/2014/692. The Secretary-General’s latest report on MINUSMA does not even mention drug trafficking.

²⁷ UN Security Council, *Progress Towards the United Nations Integrated Strategy for the Sahel: Report of the Secretary-General*, S/2014/397 (June 6, 2014), www.undocs.org/S/2014/397.

²⁸ This section draws from Moumouni Soumano and Augustin Cisse, “Study on Drug-related Legislation in Mali: Evolution of the Legislation, Organizational Arrangements, Case Studies from Prisons, Challenges” (unpublished paper, WACD Third Meeting, Accra, Ghana, October 2013).

drug-related issues. Nevertheless, the statistics are the only ones currently available.

The Legal Framework

Mali's laws relating to controlled substances date back to 1926. However, measures more relevant to the current drug trade were first enacted in June 1973 when the Malian government issued Order No. 173 establishing a special procedure for drug-related criminal acts and robbery. In July 1981, the government established a national commission against drug use and trafficking. The commission became the focal point for dealing with drug-related issues and ensured that Mali adopted international conventions on drugs. In September 1983, Mali passed Law 83/14 AN-RM for the suppression of offenses related to toxic substances and drugs, which comprehensively included drug use, trafficking, and operations. And in 1995, Mali ratified both the 1961 UN Convention on Narcotic Drugs, becoming one of the first countries in West Africa to do so, and the 1988 UN Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances. In July 2001, Mali passed Law No. 01-078 imposing stiff penalties on the misuse of narcotic and precursor drugs, and in December 2009, established the Inter-Ministerial Drug Coordinating Committee for the fight against drugs. Finally, in April 2010, via Decree 10-2012/P-RM, Mali created the OCS, designating it with responsibility for drug law enforcement.

Interdiction

The coexistence of multiple counternarcotics laws and organizational arrangements created confusion over the duties and responsibilities of the OCS, the Malian National Police Counterdrug Brigade, and Customs and Border Control, resulting in significant coordination problems. Ineffective allocation of resources to these bodies also became a problem, leading several OCS officers to abandon their new appoint-

ments and return to their original services. To address these challenges and bolster the OCS, Mali's parliament passed Decree No. 2013-012 in September 2013, the effects of which are still to be seen. In the same year, legislation was also passed to establish a specialized court that would temporarily operate under the jurisdiction of Bamako's High Court to try drug, organized crime, and terrorism-related offenses. However to date, the court has not tried any cases.

Shortly after the OCS was established, it began publishing data related to Mali's illicit drug seizures. Table 1 shows the data for 2012.²⁹

TABLE 1. DRUG SEIZURES IN 2012

Type of drug	Quantity
Cannabis	413.3 kg
Cannabis balls	69 balls
Cocaine	2,949 kg
Cocaine capsules	56 capsules
Crack and heroin	33 consumptions
Methamphetamine	16 kg
Ephedrine	2 boxes

Source: The table is drawn from Soumano and Cisse, 2013.

Note: For all drug types, the number of seizures could not be determined.

Without a basis in data, the bureau also speculated an increase in local consumption of cocaine and other hard drugs, citing instead the vastness of the country, porous borders, the ease of moving products through its three international airports,³⁰ weak government surveillance capacities, and the presence of Islamic extremist groups in the north of the country, seen as an indicator of the rise of Mali's importance in the drug trade.³¹

OCS agents face many of the same challenges their counterparts in other West African countries endure:

²⁹ Ibid.

³⁰ Detainee interviews conducted for WACD suggest that the airport in Bamako remains an easy point of transit for both amphetamines and cocaine en route to Asia or Europe. Soumano and Cisse, "Study on Drug-related Legislation in Mali."

³¹ Ibid.

they are poorly paid, lack basic equipment, are marginalized if not outright despised because of a lack of government support, and have little capacity to properly deploy at airports. By law, OCS agents should have open access to all Malian airports. However, they are sometimes prevented from accessing certain parts of airports, and can even be subject to systematic searches just like ordinary passengers or citizens.³²

Much of this dysfunction is driven by pervasive corruption. Under the brief military regime of Sanogo, authorities took stern action against some officials found to be complicit in the drug trade. In April 2013, Malian security forces arrested Baba Ould Cheikh, mayor of the northern town of Tarkint, for alleged cocaine trafficking.³³

President Ibrahim Boubacar Keïta came to power with an overwhelmingly popular mandate of 77.62 percent of the vote, versus 22.38 percent for rival Soumaila Cissé, and with strong support from the international community, particularly from France and the UN. Upon his inauguration in September 2013, Keïta declared “war” on the systemic corruption within Mali’s large government bureaucracies. The declaration was largely rhetoric, of course, as thereafter the deeply entrenched patronage system, to which the government has always been tied, continued. Keïta attempted, at least symbolically, to implement some new ethical standards, including banning the personal use of government vehicles. Yet in recent months, his government has come under increasingly close scrutiny after an audit found irregularities in the procurement of a presidential jet costing \$40 million and also government loan guarantees of \$200 million to a company which had won an army contracting bid, leading the International Monetary Fund to suspend support to his government for

several months in 2014. This suspension was later reversed after the audit determined that, while perhaps inappropriate in the context of the country’s poverty, the plane had been bought at a fair price. The audit criticized the army deal, however, which it found to have been riddled with abuses.³⁴

In such a permissive environment, where even law enforcement officials at both senior and operational levels are often lured by the immense financial gain available through corruption, Mali and its international partners should consider creating a specialized anti-drug unit that reports directly to the president, at least as a temporary measure in the counternarcotics effort.

Policies Toward Drug Use

As in other West African countries, cannabis remains the most widely used illicit substance in Mali. Some suggest, however, that the consumption of amphetamine-type substances (ATS) and crack cocaine has been growing in recent years, reflecting the general problem of transit countries inevitably becoming consumer ones.³⁵

Malian law grants drug addiction treatment to users who have been charged to court or are serving prison terms, but does not provide guidance on the types of specialized facilities that should be made available for treatment, which as a whole remain unavailable. The Department of Psychiatry at National Point “G” Hospital and the Mental Health Center in Bamako are the country’s only referral centers for drug treatment. However, the majority of patients in these institutions have not been sent there by the courts, but rather suffer mental illnesses unrelated to drug use.³⁶ Mali thus has no specialized drug addiction treatment facility,

³² Ibid.

³³ “Mali Mayor Accused of Drug Trafficking Arrested,” *Associated Press*, April 11, 2013, <http://news.yahoo.com/mali-mayor-accused-drug-trafficking-arrested-182319089.html>. Cheikh had been an influential mayor who helped, on several occasions, to mediate the release of European hostages from AQIM.

³⁴ “IBK on the Back Foot,” *Africa Confidential* 56, no. 1 (2009).

³⁵ Kavanagh and Ellis, “Comment: on the Global Initiative Paper ‘Illicit Trafficking and Instability in Mali.’”

³⁶ By end of 2013, 13 people, including three Malians, five Filipinos, three Nigerians, one Guinean, and one South African, were detained for drug trafficking offenses in Mali.

nor facilities for general counseling, drop-in service, community aftercare and support services, or specialized outpatient services.

UNGASS 2016

The June 2014 report by the West Africa Commission on Drugs (WACD), *Not Just for Transit*, echoed the sentiment that prohibitive approaches to the world drug problem have failed and called for broad reforms to how the international community and individual West Africa states respond to drug production, trafficking, and use. WACD commissioners thereafter met with the leaders of several West African countries, urging them to decriminalize, at least to some degree, drug use and possession for personal use. WACD Chair and former President of Nigeria Olusegun Obasanjo also emphasized decriminalization at the Sixth Session of the African Union Conference of Ministers of Drug Control in October 2014. Mali, along with Senegal and Ghana, demonstrated an openness toward decriminalization at the meeting, and will likely take this message to the 2016 Special Session of the United Nations General Assembly on the World Drug Problem (UNGASS 2016).

Policy Recommendations

In the past, Mali and its international partners have emphasized strengthening law enforcement mechanisms as a means to curb drug trafficking. Considering the links between drug trafficking and the destabilization of the state, this focus is perhaps justifiable; however, it ignores Mali's more fundamental problems of state weakness and fragility, widespread institutional corruption, youth unemployment, and extreme poverty. The greatest challenge to the state's capacity to tackle the drug problem appears to be corruption within the judiciary and police. A 2014 International Crisis Group report urges the government of Mali to facilitate firm judicial action against

corruption and begin implementing long term efforts to restore professional capacities and independence to the justice system.³⁷

The persistent instability within the north of the country, which attracts additional jihadist elements and allows drug trafficking to continue unabated, requires a political settlement, followed by economic and community development. Attempting to disrupt drug trafficking routes through military attacks and drone strikes will only exacerbate the problem and likely include collateral damage.

GUINEA

Unlike Mali, Guinea has made very little effort to address its drug trafficking and use issues, resulting also in very little reliable data on the scale of the problems. Much of what we know about the country's growing role in the drug trade is based on anecdotal evidence and media reports. Guinea is now generally believed to be the major drug trafficking hub in West Africa, where South American drugs first arrive before traversing on to Mali and then through the desert en route to Europe.

Politics, Security, and Key Drug Traffickers

Guinea's important role in the international drug trade was first dramatically exposed following the military coup of December 23, 2008.³⁸ Upon the death of President Lansana Conté, leader of Guinea since 1984, the military junta known as the National Council for Democracy and Development led by Captain Moussa Dadis Camara seized power. It then paraded members of Conté's overthrown government on TV, accusing many of them of actively participating in drug trafficking.³⁹ One of the accused was Captain Ousmane Conté, the eldest son of former President Conté and an influential military officer. He admitted publicly that he had been the "godfather" of a key

³⁷ International Crisis Group (ICG), *Mali: Reform or Relapse* (Brussels, Belgium: ICG, 2014), <http://www.crisisgroup.org/-/media/Files/africa/west-africa/mali/210-mali-reform-or-relapse-english.pdf>.

³⁸ "The Cocaine Web Spreads," *Africa Confidential* 48, no. 13 (2007).

³⁹ "Camara's Reality Television," *Africa Confidential* 50, no. 13 (2009); and Lansana Gberie, "Guinea: Agony of a Nation," *New African*, no. 491 (2010): 62.

drug trafficking network that controlled much of the country's drug trade.⁴⁰ He was soon after arrested and sent to prison in Conakry, in the company of other alleged drug traffickers.⁴¹

The involvement of President Conté's son and other relatives in drug trafficking activities suggests that additional high-level individuals were at the very least complicit in the drug trade. Some have even said that drug flights from South America were allowed special entry into the Faranah and Boké airfields by night; visiting Latin American drug barons enjoyed presidential escorts, security, and hospitality; and drugs were shipped to Europe via Guinean diplomatic pouches.⁴² After Ousmane Conté publicly confessed his role as a drug trafficker, the junta arrested 45 others, including 14 police officials, 10 army personnel, and six navy personnel. Eight Nigerians, a Ghanaian, and an Israeli were charged with drug-related offenses and subjected to a televised trial led by junta leader Dadis Camara.

Camara's TV trials were largely farcical affairs, meant to humiliate former regime officials rather than to elicit the truth about Guinea's entrenched corruption. Still, according to a civil society activist whom I interviewed in Conakry, most of those publicly "tried" were indeed involved in the drug trade. Leaked U.S. diplomatic cables support the claim. A cable from May 5, 2008 reveals a conversation between former U.S. Ambassador to Guinea Phillip Carter III and former Guinean Prime Minister Lansana Kouyaté, in which Kouyaté indicated that Guinea's biggest drug trafficker was Ousmane Conté, that he had briefed President Conté on Ousmane's drug trafficking activities, and that the president had not been previously aware of Ousmane's involvement. The cable also

stated, "The Ambassador said that he had serious concerns about corruption within Guinea's security services on this score, noting the discrepancy between a recent press article highlighting a seizure of one ton of cocaine and police stating that only 350 kilos had been found... Kouyaté stated that some of the police are likely involved. He added that since his arrival, over 30 police and security personnel have been arrested for crimes and corruption, and are now languishing in prison. According to Kouyaté, this is unprecedented in Guinea's history."⁴³ Another cable from March 6, 2010 explains the discovery by diplomats of a staged incineration of a large quantity of seized drugs, in which the Guinean police, prior to the incineration, had replaced the drugs with flour.⁴⁴

Yet Camara's junta was shortlived. On September 28, 2009 his soldiers fired on opposition supporters who were holding a demonstration in the national stadium, killing 157 and injuring more than 1,200. The violence sparked international condemnation as well as sanctions by the AU and EU. Then after a failed assassination attempt on Camara's life on December 3, he was flown out of the country for medical treatment. New elections were held, and on December 21, 2010, Alpha Condé, an academic and longtime member of the opposition, became president.

Condé's government unfortunately came to rely on some of the key players from the Conté regime who had been accused of involvement in drug trafficking. Shortly after coming to power, he set up a special court to try these alleged traffickers, but it promptly freed them all. Cleared of all charges, many of these former senior officials found their way into new government positions throughout the country. Condé initially spoke energetically of reforming the army,

⁴⁰ Rose Skelton, "Why West Africa Cannot Break Its Drug Habit," *BBC News*, June 21, 2010, <http://www.bbc.co.uk/news/10324206>. He also admitted ties to the ecstasy production sites and related materials discovered in Conakry in 2009. This seizure of laboratories and precursor chemicals alone was valued at \$154 million.

⁴¹ "Camara's Reality Television."

⁴² Colin Freeman, "New Drug Threat to West Africa, Warns President of Guinea," *Daily Telegraph*, June 15, 2013, <http://www.telegraph.co.uk/news/worldnews/africaandindianocean/guinea/10121817/New-drug-threat-to-West-Africa-warns-president-of-Guinea.html>.

⁴³ "A Selection from the Cache of Diplomatic Dispatches," *New York Times*, July 19, 2011, <http://www.nytimes.com/interactive/2010/11/28/world/20101128-cables-viewer.html#report/drugs-08CONAKRY163>.

⁴⁴ "Faked Incineration of Seized Drugs Alleged in Guinea," *New York Times*, July 19, 2011, <http://www.nytimes.com/interactive/2010/11/28/world/20101128-cables-viewer.html#report/drugs-08CONAKRY184>.

which was known for having strong ties to the drug trade, but after an assassination attempt against him on July 19, 2011, his enthusiasm appeared to have waned. The failed plot, which claimed the lives of three people, was initially blamed on drunken soldiers, but later found to be orchestrated by corrupt former officials who were also intent on taking control of the Presidential Guard.⁴⁵

Within the brief time period following the 2008 coup, the army had grown from ten thousand to over forty thousand personnel, posing a security risk to elected leaders and an enormous drain on the national budget.⁴⁶ In fact, recent reports indicate that a network of army officers and top government bureaucrats known as “the untouchables,” who are deeply involved in drug trafficking, now hold President Condé virtually hostage and have brought Guinea to the center of the international drug trade, to the point where it has now surpassed Guinea-Bissau as the key drug player in the region.⁴⁷

This permeation of drug traffickers into the government has stifled internal discussion of how to deal with the drug trade and rendered moot any effort to tackle the problem. The UN Peacebuilding Commission (PBC) has repeatedly cited the problem of drug trafficking when discussing efforts for security sector reform. A statement of mutual peacebuilding commitments between Guinea and the PBC, signed in September 2011, noted the following:

Given the scale of the drug problem in Guinea and in the subregion, efforts to combat drug trafficking and transnational crime should be a component of security sector reform. An opportunity certainly exists to address the issue as part of a regional approach, building on the work of the Peacebuilding Commission,

which now has four countries of the subregion on its agenda, as well as on the West Africa Coast Initiative.⁴⁸

However, the first review of this Statement of Mutual Commitments, published in June 2012, noted:

It is impossible for some international partners to commit themselves side by side with the Guinean authorities in combating drug trafficking and transborder crime as long as the departments that deal with such threats are run by any of the persons named in the report of the International Commission of Inquiry mandated to establish the facts and circumstances of the events of 28 September 2009 in Guinea as being allegedly responsible for those events and who have subsequently been indicted.⁴⁹

The PBC has not raised the issue again since, and for much of 2014, Guinea has been focused on combatting a deadly Ebola epidemic. However, the army officers involved in the 2009 opposition protestor massacre, some of whom are also complicit in the drug trade, remain as powerful as ever.

Drug Use and Policies Toward Use

Guinea’s Anti-Narcotics Bureau is the key government agency directing the country’s national counternarcotics policy. Created by decree in 1994, it brings together the efforts of police officers, customs agents, and forest guards. All drug-related information is supposed to be collated at the bureau, but the data is not made public and may be unreliable. Independent researcher Foromo Frederick Loua has indicated that small-scale drug seizures from petty couriers in Guinea have grown progressively higher

⁴⁵ “Presidential Guard Fall Out,” *Africa Confidential* 52, no. 15 (2011).

⁴⁶ “Alpha Conde, Guinea President, Survives Assassination Attempt at Home,” Associated Press, July 19, 2011, http://www.huffingtonpost.com/2011/07/19/alpha-conde-guinea-president-assassination-attempt_n_902443.html.

⁴⁷ David Lewis, “Insight: Surge in Cocaine Trade Undermines Conde’s Bid to Revive Guinea,” Reuters, January 31, 2014, <http://www.reuters.com/article/2014/01/31/us-guinea-drugs-insight-idUSBREA0U0EG20140131>.

⁴⁸ UN Security Council and UN General Assembly, *Statement of Mutual Commitments On Peacebuilding In Guinea Between the Government of Guinea and the Peacebuilding Commission*, PBC/5/GUI/2 (September 23, 2011), www.undocs.org/PBC/5/GUI/2.

⁴⁹ UN Security Council and UN General Assembly, *Report of the First Review of the Statement of Mutual Commitments Between the Government of Guinea and the Peacebuilding Commission (September 2011 to March 2012)*, PBC/6/GUI/3 (June 19, 2012), www.undocs.org/PBC/6/GUI/3.

since 2010, and that local consumption of cocaine may have grown by more than 30 percent during the same period—however, he does not state what the consumption baseline was for 2010 or before.⁵⁰

Guinea does not provide treatment facilities to drug users. Since the country does not have specific, nationally legislated drug laws, laws related to illicit drugs are subsumed under the penal code, which treats drug-related offenses as criminal, imposing stiff penalties for illicit production, trafficking, aiding or facilitating use, or the provision or transportation of any illicit drug. The penal code also criminalizes any illicit drug “supply and transfer for personal consumption.”

Yet the state often gives preferential treatment to wealthy transnational drug traffickers, as opposed to petty couriers, in part because the courts have the prerogative to decide whether to hand down a combined sentence of imprisonment and fines, or simply impose fines in lieu of jail sentences. This flexibility allows drug traffickers to avoid prison sentences by paying fines and also fuels judicial corruption.⁵¹ No major drug trafficker has ever served a prison sentence in Guinea.

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While there has been no official comment from the government of Guinea on what its position will be at UNGASS 2016, past and current government practices have not given any indication that Guinea treats the issues of drug trafficking and increasing drug use seriously.

Policy Recommendations

Guinea has been struggling with a devastating Ebola epidemic, though indications in the first quarter

of 2015 show that the deadly epidemic is now being brought under control.⁵² Yet even as Ebola wanes, it is unlikely that the country will find the energy and resources to focus on its drug problems.

Tracing back to its declaration of independence from France in 1958 and defiant first leader Ahmed Sékou Touré, Guinean policy has rarely been seriously influenced by external pressure or criticism. President Condé, however, has asked for and received significant support from abroad, including from France, the United States, and prominent individuals such as George Soros. He is likely to respond positively to the concerns of such interlocutors. Moreover, the fact that Dr. Alpha Abdoulaye Diallo, prominent Guinean civil society leader and national coordinator of the country’s Africa Youth Network, is one of the commissioners of the WACD will likely help make statements from the WACD on issues related to illicit drugs more palatable to the Guinean public and government, rather than interpreted as external interference. As the WACD is strategically placed to influence Guinean drug policy in the coming years, it should make it a priority to do so once the Ebola outbreak has been fully brought under control. The focus should be to encourage the Guinean government to acknowledge the country’s security, health, and human rights problems posed by drug trafficking and use. Policy solutions should focus less on legal or security-related mechanisms than on programs geared toward harm reduction, prevention of human rights violations, and treatment for drug users.

Conclusion

In the two case studies presented in this paper, drug trafficking rose to the forefront of national and international concern only when it was accompanied by dramatic political upheavals. In the case of Mali, the stimuli for attention were the 2012 coup and the

⁵⁰ Foromo Frederick Loua, “Study Report: Drug Legislation in Guinea” (unpublished paper, WACD Third Meeting, Accra, Ghana, October 2013).

⁵¹ Camino Kavanagh, “Harmonizing Drug Legislation in West Africa - A Call for Minimum Standards” (WACD Background Paper no. 9, WACD, 2014), <http://www.wacommissionondrugs.org/wp-content/uploads/2013/04/20140804-Harmonizing-Drug-Legislation-in-West-Africa.pdf>.

⁵² Nick Cumming-Bruce, “Officials Say Ebola Cases Are Falling In West Africa,” *New York Times*, January 23, 2015. <http://www.nytimes.com/2015/01/24/world/africa/ebola-infections-dropping-in-west-africa-world-health-organization-says.html>.

subsequent jihadist violence in the north of the country, both of which were fueled either by drug money or by conflict over control of the illicit drug trade. In Guinea's case, the military junta revealed the involvement of senior government officials in the drug trade in an effort to score political points following the 2008 coup.

In both cases, however, once the immediate political crises were over, new drug traffickers emerged and the drug trade rebounded. West African governments generally dismiss dire external and internal warnings about the dangers of the international drug trade for their countries' stability due to a perceived inevitability of the drug trade; aversion to the fallout that may come from resisting it; and the cooption of government officials by international drug trafficking organizations. Moreover, corrupt government officials not only profit from the trade through the collection of rents from other drug traffickers, but also enjoy an illusion that they are even in charge of the drug trade, and have thus increased their own security vis-à-vis their political rivals.

Overall, counternarcotics efforts in West Africa have been at best reactive, if not implemented entirely apathetically or simply to appease those exerting external

pressure. Where more robust action has been undertaken, either by individual countries or by the region as a whole, it has been initiated or largely influenced by foreign governments. As noted by the WACD, concerted effort should be placed on encouraging West African leaders to publicly acknowledge the governance and societal risks posed by drug trafficking.⁵³ Only upon reduced political corruption among the region's governments and the establishment of committed counternarcotics constituencies can the interests and anti-drug agendas of foreign donors and West African countries become better aligned.

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⁵³ UNODC, *Not Just in Transit: Drugs, the State and Society in West Africa*.

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