



## **An evaluation of ECOWAS freedom of movement protocol and trans-border crimes in Nigeria and Benin republic, 1999-2016**

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### **Abstract**

Movement of people across the international boundaries is a universal phenomenon, which can be legal or illegal depending on the circumstances warranting them. On 28 May 1975, a treaty establishing ECOWAS was signed by West African States to promote co-operation in economic activity for closer relations among its members. The Protocol on Free Movement of Persons, Goods and Capital and the Rights of Residence and Establishment was enacted in 1979 to ensure the abolition of obstacles to free movement of persons, services and capital. The study investigated how the implementation of the Protocol within the Seme border between Nigeria and Benin Republic have impacted on human security with emphasis on the influx of SALW into Nigeria. The study aims at achieving two specific objectives, viz: to determine whether the implementation of the ECOWAS protocol account for the escalation of crimes in Nigeria and Benin between 1999 and 2016; and to ascertain whether the ECOWAS Free Movement Protocol of persons enhance threat to human security within the border area between Nigeria and Benin Republic between 1999 and 2016. The study employed time series design; data was sourced through secondary sources and qualitative descriptive method of analysis was used to analyze the data generated. Anchoring our analysis on the Post-Colonial State, the study revealed that the proliferation of small arms and light weapons poses serious challenges to Human Security, especially in Nigeria through the influx of SALW. The study therefore recommends that the ECOWAS protocol should be properly readjusted, redesigned and properly implemented to prevent the escalation of crimes between both countries.

**Keywords:** ECOWAS protocol, human security, free movement of persons, arms proliferation, Nigeria, Benin Republic

### **1. Introduction**

Movement of people across the international boundaries is a universal phenomenon. This kind of movement can be legal or illegal depending on the circumstances warranting such type of trip. When a national or foreigner passes across an international boundary without the necessary document that back up his trip such movement is regarded as illegal and unconstitutional. In traditional African communities, people see themselves as one. They commute from one community to another to visit their relatives, engage in business transactions, social trips and for safety during political unrest in their home towns. In modern African societies, the political border imposed by the colonial imperialist has created impediments toward free movement of people across the international boundaries and consequently discouraged their relationship with the neighbouring countries. This problem has not been properly addressed by some of the researchers on trans-border movement which gives room to smuggling, human trafficking, stealing, violence and other social vices among the communities' borders (Paul, 2002).

On 28 May 1975, a treaty establishing the Economic Community of West African States (ECOWAS) was signed in Lagos, Nigeria, by sixteen West African nations. The treaty aimed at once to strengthen sub-regional economic integration through the progressively free movement of goods, capital and people and to consolidate states' efforts to maintain peace, stability, and security. The main aim of the Community was to promote co-operation in economic activity for closer relations among its members. The Protocol on Free Movement of Persons, Goods and Capital

and the Rights of Residence and Establishment was enacted in 1979. It called on its Member States to, ensure the abolition of obstacles to free movement of persons, services and capital. It conferred the status of Community citizenship on the citizens of Member States and enjoined Member States to abolish all obstacles to freedom of residence. Despite this spirit of enterprising and promising neighbourliness, the borders linking the two countries are the most problematic because of the activities of internationally notorious criminals engaging in smuggling and trafficking of virtually everything from human trafficking, ammunition, arms, drugs manufactured goods, agricultural produce, prostitution, child labour to religious fanaticism, terrorist attacks and insurgency.

Olawale (2011:3) <sup>[40]</sup> states that the ECOWAS peace and security framework includes "human security" as a concept, but: "...trans-border insecurity in the ECOWAS sub-region is inadequately reflected and/or prioritized in ECOWAS' peace and security architecture". However, theoretically, there exists a sufficient amount of provisions in ECOWAS documents that assure the rights of ECOWAS citizens to mobility and security. The principle of free movement of people is laid out in both Article 2 and Article 27 of the ECOWAS Treaty and forms one of the key objectives of ECOWAS. The 1979 Protocol relating to Free Movement of Persons, Residence and Establishment and its four Supplementary Protocols all ratified by both Benin and Nigeria - contain detailed rights of Community citizens. They allow them to enter, reside, and establish in the territory of all Member States.

Human security is a concept that evolved in the 1990s and

focuses on a range of non-military threats to states and individuals, such as political violence, environmental degradation and threats that transcend national borders. Security provisions, including human security aspects, are integrated in the regional legal corpus and are applicable to both countries. However, the everyday experiences of travelers and traders crossing the border are highly contradictory to these legal stipulations. The behavior of security officials, who - in some cases systematically violate these provisions, is crucial in this respect. It is the lack of implementation of an existing legal framework, which theoretically provides for human security in the border region, that is the main challenge and creates such difficulties for citizens at the border. The enforcement of free mobility is the responsibility of the member states that are usually more willing to sign treaties and agreements than willing to (and/or being capable of) implementing their contents.

The implementation of the Free Movement Protocol has been ridden with allegations of abuse. In particular Agyei & Clotey (2009:475) state that:

*Despite the provisions of the Treaty and a Protocol on free movement of persons and goods, freedom of movement remains difficult across West Africa. The story of what West African citizens go through at the hands of border security officials is the same - harassment, extortion, brutality, threats of deportation, and traumatic delays in moving goods across borders, sometime lasting weeks due not countless number of security checkpoints along the border highways, many of them mounted by unauthorised officials.*

Supporting the quest for human security is the striking fact that border regions often exhibit a low level of development compared to the core centers of the country. Built upon fragile power after independence and weakened through continuing border conflicts, the postcolonial African state has rarely been able to exercise control over its entire territory. Even if a state power is strong enough to penetrate its entire territory, governments most at times tend to not have control over its entire regions. This study however evaluates ECOWAS Freedom of Movement Protocol and Trans-Border Crimes in Nigeria and Benin Republic from the period of 1999 - 2016.

## 2. Conceptual Clarifications

For a vivid understanding of this paper, there is need for clarity of concepts. These concepts include ECOWAS, The ECOWAS Free Movement Protocol, Trans-Border Crimes. These concepts needs to be explicitly explained.

### 2.1 ECOWAS

Regional bodies are constituted for mutual socio-economic and political benefits between and among member states. The formation of ECOWAS on the 28<sup>th</sup> may 1975 was no different. According to Opanike and Aduloju (2015) [21], the Economic Community of West African States is an organization created by the West African Heads of State and government for the single-mindedness of economic, social and political integration. In addition to this, they noted that ECOWAS aims to promote cooperation and development in economic, social and cultural activities with particular objectives of improving the standard of living of ECOWAS citizens; increase and maintain economic stability; improve

relations among member countries and to generally aid to the progress and development of Africa. One of the ways was through it protocol on the free movement of person, goods and services which was instituted in 1979 and ratified by member states in subsequent years (Adepoju, Boulton and Levin, 2016). Also, the organization consist of fifteen members including: Burkina-Faso, Guinea-Bissau, Niger, Togo, Mali, Benin, Sénégal, Côte D' Ivoire (CFA countries), Ghana, Guinea, Nigeria, Liberia, The Gambia, Sierra Leone, Cabo Verde and, Liberia (non-CFA countries), Mauritania was also a part, but withdrew in 2000 (Kouyate, 2013).

### 2.2 The ECOWAS free movement protocol

This regional body through it protocol on free movement of persons, goods and services is the most advanced of all regional organizations in Africa. The protocol is at the heart of the organization. In this regard, Adepoju, Boulton and Levin (2016:1) noted that

*The ECOWAS Protocol on free movement however is considered very germane to the overall objective of the ECOWAS integration policies; this is so because, there cannot be any genuine integration if free movement of the community citizens who are considered as agents of integration.*

Specifically, the General Principles on Movement of Persons, Residence and Establishment as enshrined in the Part II, Article 2 of ECOWAS Protocol on Free Movement of Persons and Goods states that: the Community citizens have the right to enter, reside and establish in the territory of Member States. Hence, the right of entry, residence and establishment shall be progressively established in the course of a maximum transitional period of 15 years (ECOWAS, 1979). Evidence suggests, however, that member States of ECOWAS do not take these principles seriously. While the population of the sub-region is quite mobile, it seems that fewer and fewer citizens of ECOWAS are resident in countries other than their own. Daygbor (2013) [64] opined that lack of logistics and the right equipment has contributed to inefficiency in the implementation of the protocol. Customs officials are forced to embark on physical inspection of goods, often in heavily loaded trucks, to check abuse of the protocol, and smuggling. Modern border facilities, such as scanners and automated system of custom administration, that can facilitate the inspection are lacking in most of the borders. Therefore, businesses experienced delays.

### 2.3 Trans-border crimes

UNODC (2005:14) defined transnational organized crime (TOC) as referring specifically to transnational crime carried out by organized crime organizations. Transnational crimes may also be crimes of customary international law or international crimes when committed in certain circumstances. For example they may in certain situations constitute crimes against humanity. According to the UNODC, "Transnational crime by definition involves people in more than one country maintaining a system of operation and communication that is effective enough to perform criminal transactions, sometimes repeatedly" .

Aning (2007) noted that while it may be true that the fragility of states in West Africa and the weakness of state institutions mandated to combat the drug menace have

contributed to the upsurge of TOC in recent times, the complicity, active or passive, of state officials in the region and outside, cannot be ruled out. For example, the January 2004 arrest of an international smuggling gang in Ghana that had imported 675 kilograms of cocaine, with a street value estimated at USD 140 million, led to the suspects being released on bail of just USD 200,000, causing a public outcry in the press. The task of defining or describing “trans-border crime” would not be an easy one, because many elements have been recognized as constituting it.

However, “trans-border crime” represents a number of illegal and notorious activities carried out by individuals and groups across national and international borders, either for financial or economic benefits and also socio-political cum religious considerations. It is a set of criminal acts whose perpetrators and repercussions go beyond territorial borders. These would include human trafficking, money laundering, drug trafficking, arms smuggling or trafficking of weapons, cross-border terrorism, illegal oil bunkering, illicit trafficking in diamonds, corruption, business fraud, to mention but these notable few (Asiwaju, 1992; Ering, 2011) [17, 28].

### 3. Theoretical Framework

There is hardly any valid research that has no theoretical construct. Meanwhile, the essence of theorizing is to explain in order to reach generalization, predict and control. It is on this note that the study adopted the theory of post-colonial state which was developed by Alavi (1972), and popularized by third world scholars like Ake (1985) [2], Ekekwe (1985) and Ibeanu (1998). The nature, character and institutional framework that has informed and characterized the post-colonial state has its foundation in a colonial state. Post-colonial states are colonial leftovers, therefore the past of the present (Alavi, 1972). Below are some of the basic tenets of the theory:

- The basic character of the post-colonial state is that it has very limited autonomy. This means that the state is institutionally constituted in such a way that it enjoys limited independence from the social classes, particularly the hegemonic social class, and so, is immersed in the class struggle that goes on in the society (Ake, 1985, p.2) [2].
- This lack of relative autonomy is one reason why the post-colonial state is incapable of mediating political conflicts. In other words, to the extent that there is highly limited autonomization of the state, the possibility of resolving contradictions and crises is severely limited (Ake, 1985, p.3) [2].
- The post-colonial state is primitive, parasitic, absolute, and arbitrary. Therefore cannot provide any form of good governance that can affect its very nature. The very nature and character of post-colonial states cannot foster good governance (Mbah, 2011, p. 405).

Power contest in post-colonial state is akin to life and death and is seen as a sum zero game where winner takes all. To this end, power is everything even life and death. Therefore governance in post-colonial states is marred by corruption, nepotism, tribalism, among others (Ibeanu, 1998, p.12).

The central focus of the theory is on understanding the nature, structure, history, composition and character of the state in post-colonial formations such as Nigeria and Benin in order to ascertain the dynamics of political development and processes within these states and this dynamics includes

ECOWAS freedom of movement protocol and trans-border crimes in the Federal Republic of Nigeria and Benin Republic, and also with their various manifestations. The theory argues that it is the state that occupies the center stage of politics and therefore is the major determinant of the most societal processes including ECOWAS freedom of movement protocol and trans-border crimes. Perhaps this led Engels (1919) to argue that the state is nothing but a committee for managing the common affairs of the whole bourgeoisie. Little wonder, Ake noted that:

*The state is a specific modality of class domination, one in which domination is mediated by commodity exchange so that the system of institutional mechanisms of domination is differentiated and disassociated from the ruling class and even the society appears as an objective force standing alongside society (Ake, 1985:1) [2].*

Similarly, Alavi (1973:146) had opined that “post-colonial states and its apparatus are instruments of primitive accumulation by the dominant class and their collaborators”. According to Ekekwe (1986), the post-colonial states rest on the foundation of the colonial state, this, in turn, had incorporated some important elements of the pre-colonial rudimentary state structures. The main goal of the colonial state was to create conditions under which accumulation of capital by the foreign bourgeoisie in alliance with the ruling elite would take place through the exploitation of local human and other natural resources. It was on this basis that the post-colonial state emerged.

Given this context, the stakes and struggles for state power are very high and often assume 'a zero-sum game approach. The limited autonomy of the post-colonial state in Africa leads to an exclusive politics articulated in the struggle for power based on efficiency norms rather than legitimacy norms; the triumph of the vicious over the virtuous circle; centralization of power; imposition of domination and political control; alienation of leaders from their masses; and the deployment of extremism in the exercise of power are all hallmarks of the postcolonial state which in effect, the ‘people tangentially retreat into primary groups which become the beneficiary of their residual loyalty and explore other ‘extra-judicial’ and ‘non-state means,’ which often have very high conflict potential. In the process, society becomes deeply divided and alienation is endemic, while distrust and anxiety among the contending groups are so pronounced that the state stumbles and totters on the brink of disaster, almost headed for disintegration in a cycle of political violence, recrimination and war (Ake 1982) [3].

Under these circumstances, state-building is subverted and becomes the political equivalent of primitive accumulation ‘in a rather violent form’. It entails conquest and subjugation, since it is projected as arbitrary power. It revokes the autonomy of communities and subjects them to ‘alien rule’ within an otherwise independent political system (i) by laying claim to the resources of subordinated territories and (ii) through its exertion of ‘legitimate force’ in counteracting resource wars and pro-democratic resistance. State-building in Africa thus assumes a rather violent character as groups or social classes jostle for power and resources (Ake, 1997) [1]. He further argues that an understanding of the history, nature and character of the state is very important for capturing the dynamics of socio-economic formations, their configuration and transformation

(ECOWAS freedom of movement protocol and trans-border crimes).

Moreover, despite its analytical power, the Marxian theory of the post-colonial state has been attacked for being ambiguous and vague. Scholars such as Ashcroft, (1989), Slemmon, (1995), Young, (1996, 2001), Moore, (2001), among others have attacked this theory from different flanks. In fact, according to Slemmon (1995) the Marxian theory of post-colonial state not only lacks clarity and consensus but also keeps changing through “new forms of social collectivity as they emerge in time and space in the postcolonial world. However, according to Rukundwa & Aarde (2007) its fluidity and ambivalence, is what is genuinely enabling about the theory. The theory is also accused of suffering from colonial reductionism and at such cannot stand empirical scrutiny because it lacks adequate and valid explanation as to why countries like USA, Australia, Singapore, among others, all former colonies are exempted from the postcolonial quagmire (Okolie, 2010).

However, leaving aside this theoretical confusion, it can be convincingly demonstrated that the Marxian theory of post-colonial state raised succinctly some major questions as regards the question of democracy and development in Africa (Ake, 1996) <sup>[1]</sup>. And these issues according to Gutkind & Wallerstein (1976, p.21).

Must be approached historically, for it is the past, rather than some evolutionary dynamics that have shaped the present and it is these past events and experiences which so many contemporary analysts have elected to ignore. By implication, this theory sees the historical analysis as way of explaining and simplifying social realities- the realities of the introduction and spread of colonialism and capitalism, or more precisely, colonial imperialism, all the major and complex processes as revealed in the specific political, economic and social matrix of colonial and post-colonial African.

From the above submissions, it can be stated that the Marxian theory of post-colonial state is relevant in the investigation of the linkage between ECOWAS freedom of movement protocol and trans-border crimes in Nigeria and Benin republic. To be exact, in recent time, this theoretical framework has been used by scholars like Arowosegbe, (2001) Oladipupo, (2011) Ugwu & Chukwuma, (2013), among others to investigate political phenomenon like democracy, ethnicity, poverty, underdevelopment, conflict, among others. Therefore, this theory is not only in vogue but also relevant in the examination of germane issues such as ECOWAS freedom of movement protocol and trans-border crimes in Nigeria and Benin Republic.

The nexus between of ECOWAS freedom of movement protocol and trans-border crimes in Nigeria and Benin Republic is better explained in the light of Marxian theory of post-colonial state. This framework unravels the hidden relation that ascertains how and why ECOWAS freedom of movement protocol has given rise to trans-border crimes in Nigeria and Benin Republic during the period of study. The application of the theory to the study lies in the following.

First, this theory is suited to this study because it will show how and why the implementation of the ECOWAS protocol account for the proliferation of small arms and light weapons in Nigeria and Benin between 1999 and 2016. The theory will unearth germane issues that will enable us understand why ECOWAS protocol on free movement of persons has led to the proliferation of small arms and light

weapons in Nigeria and Benin between 1999 and 2016. Hence it is safe to say that the theory is quite relevant to this study because it mirrors vividly the actual conditions of the ECOWAS protocol and relations to the increase in arms and other crimes in Nigeria and Benin. Basically, the theory is quite apt for the study because it x-ray how the nature and character of the post-colonial Nigeria and Benin as it affects trans-border relations which is germane to the study.

Secondly, the theory shows how ECOWAS Protocol on Free Movement of persons enhance threat to human security within the border area between Nigeria and Benin Republic between 1999 and 2016. This is because the nature and character of the Nigerian and Beninese states suffers from limited autonomy. These states are institutionally constituted in such a way that they enjoys limited independence from the social classes, particularly the hegemonic social class, and so, is immersed in the class struggle that goes on in the society.

#### **4. An Evaluation of ECOWAS Freedom of Movement Protocol and Trans-Border Crimes in Nigeria and Benin Republic (1999 – 2016)**

This section is an evaluation of the ECOWAS Freedom of Movement Protocol and Trans-Border crimes in Nigeria and Benin Republic. Despite the provision of this Treaty and a Protocol on free movement of persons and goods, freedom of movement remains difficult across West Africa. The story of what West African citizens go through at the hands of border security officials is the same. It includes but not restricted to harassment, extortion, brutality, threats of deportation, and traumatic delays in moving goods across borders, sometime lasting weeks due to countless number of security checkpoints along the border highways, many of them mounted by unauthorized officials. This incessant cases of maltreatment meted on the citizens of West African States do not in any way justify the free movement provision of the Protocol of ECOWAS. Citing a preliminary study carried out on the Nigerian side of the Nigeria-Benin border by the CLEEN Foundation on September 14, 2004, Ibeanu (2007:6) states that:

*A total of 25 security agencies mounted checkpoints and roadblocks within 10 kilometers radius of the border crossing point. Only about 5 of these 'security check points' could be said to be legitimate and necessary for border security. These are the Customs, Immigration, Joint Nigeria-Benin Anti-Crime Border Patrol, National Drug Law Enforcement Agency and Veterinary Quarantine Service. The remaining 20 are duplications created by law enforcement officials essentially for extortion of motorists and other road users along the ever-busy border route.*

The above situation is rooted on the nature of the post-colonial states. The Nigeria/Benin states are product of colonialism and therefore bear the hallmark of their progenitors. The colonial states were predatory and parasitic. The incessant security checks on goods and services and the forceful imposition of charges and tariffs despite the presence of ECOWAS protocol on free movement of persons, goods and services have led to corrupt practices along the Nigerian-Beninese border. These have fueled the movement and proliferation of small and light weapons between both states.

Moreover, the term SALW according to ECOWAS (2006)

means arms destined for personal use and which include: firearms and other destructive arms or devices such as an exploding bomb, an incendiary bomb or a gas bomb, a grenade, a rocket launcher, a missile, a missile system or a mine. 1) Revolvers and pistols with automatic loading; 2) rifles and carbines; 3) machine guns; 4) assault rifles; 5) light machine guns. And also include arms designed to be used by several people working together in a team: 1) heavy machine guns; 2) portable grenade launchers, mobile or mounted; 3) portable anti-aircraft cannons; 4) portable antitank cannons, non-recoil guns; 5) portable anti-tank missile launchers or rocket launchers; 6) portable anti-aircraft missile launchers; 7) mortars with a calibre of less than 100 millimetres: (1) cartridges, munitions for small calibre weapons; 2) projectiles and missiles for small arms; 3) mobile containers with missiles or projectiles for anti-aircraft or anti-tank simple action systems.

Whatever is the definition of SALW, the truth still remains that it is a monster that is ravishing the ECOWAS. Most countries are facing the reality of the high number of SALW in circulation. In fact, in Nigeria, the recent amnesty programs reveal the number of SALW in the hands of non-state actors. According to Uwa and Anthony (2015), weapons recovered during the disarmament process included 2 760 assorted guns, 287 445 ammunitions of different calibre, 18 gun-boats, 763 dynamite sticks, 1 090 dynamite caps, 3 155 magazines and several other military accessories, such as dynamite cables, bulletproof jackets and jack-knives. It is widely believed that militants only surrendered a small fraction of their arms, as most of them doubted the government's genuine commitment to the amnesty. The figure below vividly reveals the number of SLAW weapons in Nigeria.

#### **4.1 Removal of restrictions on Citizens Movement and Human Trafficking**

To deepen integration which is the sole purpose of ECOWAS, the ECOWAS Protocol on the Free Movement of People and Goods was established to ensure free mobility of the community citizens i.e. citizens of member states. The Protocol on free movement conferred on Community citizens the right to enter and reside in the territory of any member state, provided they possessed a valid travel document and international health certificate.

Yet, the protocol is facing serious challenges such that require a critical look. According to Opanike and Aduluju (2015), the challenges of the Protocol have not helped the security landscape of the sub-region. Even though ECOWAS prides itself as the first region in Africa with the free movement initiative, the Protocol is poorly implemented constituting more security concern than boosting regional trade and economic development. The security forces have rather turned the job to their own business, encouraging the crossing of smugglers of all sorts of commodities from one country to another with just a tip of tokens.

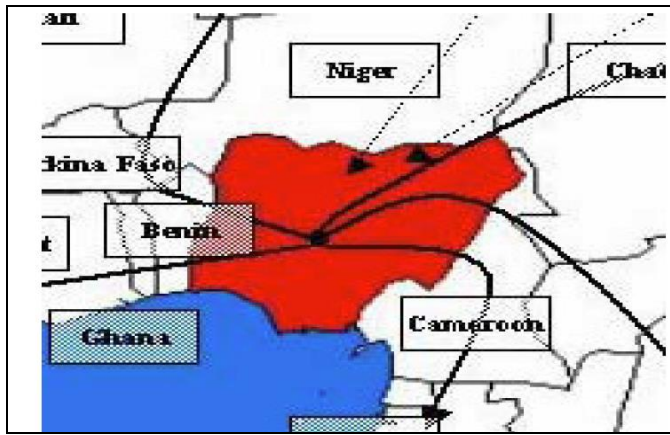
For example, criminal elements have taken advantage of the protocol to engage in nefarious activities such as human cargo business. For example, Relwende (2011) noted that

human trafficking is also rife: 200,000 children in West and central Africa are subjected to forced labor and trafficking, many of whom pass from countries such as Burkina Faso, Togo and Benin to Nigeria, Gabon, the Gulf States and Europe where they live and work under slave-like conditions. With Benin being one of the main transit countries and Nigeria being a key destination country in terms of human trafficking (other than the trafficking of women, for which case Nigeria represents a place of departure), it is not surprising that the border between both countries is quite porous.

The above contradiction and crisis is rooted on the post-colonial nature of both states. The states lacks autonomy and is not high on delivery the dividends of good governance. To this end, citizens of such states look for diverse methods and means to survive. Survival in such states takes extreme means. Cutting of corners and adopting extra-judicial methods to eke out a living are rife in such states. In this case, the selling of humans to make money is seen as one of the means of making serious money. Available markets in Europe and Asia and lack of good governance at home coupled with the lure of finding a better life in abroad provide the motivation and conditions needed by human merchants for their business to thrive.

Furthermore, the problem of human trafficking is not just restricted to these two countries alone. It is a widespread in West Africa. Child trafficking in particular spreads across eleven of the fifteen Member States of the ECOWAS including Ghana, Togo, Benin, Burkina Faso, Nigeria, Niger, Côte d' Ivoire, Guinea, Sierra Leone, the Gambia, and Mali. According to Okeke & Okechukuwu (2014) <sup>[37]</sup>, available statistics indicates that the scale of the problem is enormous with an estimated 200,000 children experiencing this practice in both West and Central Africa. In 1998, about 10,000 to 15,000 Malian children worked in plantations in neighboring Côte d' Ivoire while in Nigeria, in 1996, 4,000 children were trafficked from Cross River State to various parts within and outside the country. Benin registered over 3,000 children trafficked between 1995 and 1999 (de Andrés, 2008, Julins, 2002).

More so, two Nigerians were suspected of trafficking Bangladeshi nationals to Ghana in transit to London in the United Kingdom and were arrested by the Ghanaian police. The victims reportedly paid US\$2,500 each to the Nigerians to support their upkeep and stay in the country. These transactions were undertaken through non-existent employment and placement agencies both in the UK and Ghana respectively (De Andrés, 2008). The porosity of the border area tends to make it difficult of the security operatives to control the Illegal movement of people especially in the form of human trafficking. The Same border is not well manned and has many undiscovered routes used by criminal gangs to move their human cargo. In this regard, Nte (2011) noted that most routes connecting both countries are not well manned and it was discovered that there are illegal routes are connecting Benin with Nigeria which the government are not aware of. The figure below shows the movement of humans trafficked from Nigeria to other neighboring countries.



Source: Uwa, Okor and Titilade (2014, p.14).

Fig 1: Human Trafficking Routes from Nigeria to other Neighboring Countries

From the figure above, human trafficking is big business, and it is estimated that over 10 billion dollars is generated yearly from the sale of individuals and half of this business is done in Africa with Nigeria and Benin republic featuring prominently. According to Okojie (2005) human trafficking means the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability, or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. The increase in the number of persons trafficked in Nigeria and Benin Republic is due to the post-colonial nature of both states where governance is weak particularly at border areas. In the same vein, Adepaju (2005, p.92) noted that:

*In West Africa, the main source, transit, and destination countries for trafficked women and children are Ghana, Benin, Nigeria, and Senegal. Trafficked children are recruited through networks of agents to work as domestic servants, in informal sectors, or on plantations. Parents are often forced by poverty and ignorance to enlist their children, hoping to benefit from their wages to sustain the family's deteriorating economic situation.*

From the above statements, absence of good governance especially with the poor implementation of ECOWAS protocol on free movement which is the hallmark of most post-colonial states has fueled this illegal trade in human. This trade is driven by the absence of close monitoring on the aspect of the protocol that deals with freedom of movement.

**4.2 Easy Movement of Militants and Criminal Gangs and Threats to Human Lives**

The ECOWAS protocol on freedom of movement has been used by criminal gangs and militias for easy movement in terms of personal and logistics. The Benin-Nigeria border axis is known as routes used by nefarious groups to gain easy passage into and out of Nigeria and Benin Republic. According to Hazen and Horner (2007), there are over hundreds armed groups in Nigeria. In some cases, these groups are viewed as criminal groups or as consisting of misguided youths. They are nonetheless threats to human lives in both countries. According to Okeke and Okechukwu

(2014) [37], cross-border criminal activities have become widespread and highly sophisticated. They have served as an industry for former combatants and transnational criminal syndicates who undertake illegal or criminal activities in the sub-region and in the process of undermine state security structures and abuse of human rights (De Andrés, 2008).

and Benin republic is the major hub for all forms of trans-border crimes ranging from women and child trafficking, internet fraud (419), smuggling among others. This activities are perpetuated by criminal gangs that have defeated measures put in place by the various security agencies in both countries The porous borders for instance has been an easy route for criminals to easily ply their trade with less difficulties. The process is fueled by the nature and character of both states. The inherent contradictions and crisis in the states have motorized non-state actors and criminal elements to hijack border towns as easy routes for the manifestation of their illicit activities.

From the above, this protocol allows the movement of criminals to move across the border and also engage in cross border activities under the pretext of this protocol, posing a serious threat to the internal security of lives and property in the country, as the infractions at the border calls for enforcement of reforms of the border system (Akinyemi, 2013) [57]. The table below shows the number of criminal gangs in Nigeria.

Table 1: Examples of Criminal Gangs in Nigeria

S/N	Name of Gangs In Nigeria	Geo-political zone
1	Movement for the Emancipation of Niger Delta	South-South
2	Niger Delta People Volunteer Force	South-South
3	Icelanders	South-South
4	Deebam	South-South
5	Deewell	South-South
6	Greenlander	South-South
7	Outlaws	South-South
8	Bakassi Boys	South-East
9	O’Odua People’s Congress (OPC)	South-West
10	Yandaba groups	North
11	Boko Haram	North

Source: Extracted from Literature and Compiled by the Author

From the table above, these are just the names of few criminal gangs and violent non-state actors that have posed serious security threats to the Nigeria state and have contributed to the deaths of many Nigerians. Since the return to democracy in 1999, over 94, 0000 Nigerians have died from actions and reactions of these dreaded non-state and state actors (Iloani and Sunday, 2015). Most of the weapons used by these groups are gotten from Benin-Nigeria routes. Due to the corrupt practices of state security agencies that man these border routes, illegal weapons are easily gotten by these groups to perpetrate havoc on the Nigerian State and its citizens. In the same wave length, Dan (2013) [1] noted that armed attacks and extortion at illegal checkpoints, and ‘419’ robbery and criminal activities experienced especially along the Benin-Nigeria corridor of the West African borders also constitutes common cross-border crimes. The above conditions are anchored on the post-colonial nature of both states where state presences especially along border towns are usually weak. And even if there is, the state agencies are manned by corrupt personnel who use the opportunity to enrich

themselves. Due to the above, Blum (2013) argued that the ECOWAS protocol on free movement of people have done more harm than good and needs to be changed or modified. Categorically, he argued that there is need to readjust the protocol in order to reduce the various crimes across borders.

Corroborating the above assertion, Bassey and Oshita (2010) noted that African countries have always conducted governance as if the people outside the cities have no need for peace, security and development. Hence, it is not surprising that the border communities along the Nigeria-Beninese line suffer from poor infrastructure, a lack of access to educational facilities and low development in general. This results in very limited possibilities and choices for the border population in terms of their survival and livelihood, and pushes them into informality and illegality (Blum, 2013).

From the analysis above, it can be deduced that the nature and character of the Nigerian and Beninese state which suffers from weak governance especially in the implementation of the ECOWAS protocol on free movement of people, goods and services have contributed to the number of deaths in Nigeria and Benin republic. In this regard, it is safe to accept our second hypothesis which states that "ECOWAS Protocol on Free Movement of persons enhance threat to human security within the border area between Nigeria and Benin Republic between 1999 and 2016"

### 5. Conclusion and recommendations

After examining extant literature, the study noted that adequate systematic attention has not been paid to unravel how the implementation of the ECOWAS protocol account for the proliferation of small arms and light weapons in Nigeria and Benin within the period under study and also little systematic intellectual attention have focused on how ECOWAS Protocol on Free Movement of persons enhance threat to human security within the border area between Nigeria and Benin Republic within the period under study. To interrogate this problem effectively, the study adopted time series as its design, documentary method of data collection as its method of data collection, content analysis as its method of data analysis, while the theoretical framework was post-colonial states.

Based on the findings above, the study put forward the following recommendations:

That the ECOWAS protocol should be properly readjusted, redesigned and properly implemented to prevent the escalation of crimes between both countries. Despite the presence of ECOWAS Protocol on Free Movement of persons, goods and services, people, goods and services should be properly checked and monitored by security agencies when entry Nigerian borders. More so, efforts should be intensified towards training and re-training of law enforcement agents responsible for border up keeps. The implications of bribes and intimidation of the masses should be made known to them and anyone caught in the act of taking bribe or extorting money from the users of the border should be used as scapegoat to deter others from similar offences. There should be implementation of effective collaborative mechanisms between security agencies and border communities to enhance information-sharing on activities along the borders. Joint training of law enforcement agencies of different countries on the Protocol

and related matters. There is need also for regular Public Forums involving citizens, civil society organizations, ECOWAS officials and law enforcement agencies on the Protocol.

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