

**ECOWAS PROTOCOL ON FREE MOVEMENT OF PERSONS, GOODS
ANDESTABLISHMENTS: IT'S IMPLICATIONS ON REGIONAL SECURITY AND
INTEGRATION: AN APPRAISAL**

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ABSTRACT

Increasingly, states have been looking for greater ways of establishing collaborations that can create more opportunities for their population while also expanding harmonious relations with their neighbors. One of such ways is through regional integration. Broadly defined, integration is seen as non-states in a territorial region voluntarily deferring sovereignty to inter-governmental or supranational institutions in order to better their condition as a whole through cooperation. ECOWAS Protocol on free movement of Persons, Establishments and Trade was established in order to encourage regional integration. The protocol rather than serve the aim of integration is rather fueling the insecurity in the sub-region. The nature of conflicts now begins from within a state and gradually spread outside into the neighboring countries in its spill-over effects. This often leads to resentments towards migrants which can degenerate to “populist political tensions and sentiments. To this extent the privileges of the protocol have been abused. The paper therefore seek to examine the impacts of ECOWAS protocol on free movement of persons and establishments on regional integration. The study adopted integration theory as a theoretical framework and data were drawn with the aid of secondary sources such as textbooks, journals, newspaper etc. The major finding of the study revealed among others that the aims and objectives of the Protocol have been defeated as many African States still lack sufficient “enablers” to create and manage such free movement. Based on the findings, the study recommended among others that Development and improvement of cross-border infrastructure corridors that include telecommunications, internet, roads, railways, waterways and airways should be encourage. This will in turned curbed the level of border crimes among ECOWAS states

Key Words: Cross Border Crimes, Integration and National Security.

1. INTRODUCTION

Prior to colonialism, the West African region had so many famous empires like: the Oyo Empire, Sokoto caliphate, Wolof, Kanem Bornu and Mali Songhai. These empires lacked integration among themselves, which arose due to diversity in ethnic groups with different languages, cultures and traditions (Onwuka, 2012). It was due to lack of integration within the West African sub region that led to the formation of ECOWAS in 1975 to encourage, foster and accelerate the

economic and social development of the Member States, in order to improve the living standards of their people (ECOWAS Treaty, 1975).

The treaty was signed on the 28th of May 1975 in Lagos with the primary objective of creating a unified citizenship for all ECOWAS States which will help to develop the standard of living among all member states. This was based on the conviction that the promotion of harmonious economic development of the Member States required effective economic cooperation and integration largely through a determined and concerted policy of self-reliance.

Increasingly, states have been looking for greater ways of establishing collaborations that can create more opportunities for their population while also expanding harmonious relations with their neighbors. One of such ways is through regional integration (Amaleia, 2010). The drive for regional integration and cooperation among member states brought about the existence of ECOWAS protocol on free movement of persons, residence and establishments which granted ECOWAS citizens the right to free entry and exit within any ECOWAS states for a maximum of 90days. 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.

The first phase of the Protocol guaranteed free entry of citizens from Member states without visa for ninety days and it was ratified by all member states in 1980. The second phase of the protocol, which has to do with right of residence became effective in July 1986 and all member states ratified it.

Today, states have realized they cannot exist in isolation and are now increasingly interdependent. This current global trend of interdependence between and among states has encouraged the opening of borders among them. Countries with varying degrees of development in socio-economic, political and cultural spheres are thrown together in one form of regional arrangement or the other and this has further helped in facilitating the activities of transnational criminal activities. The dimension of trans-border crimes with its implication for regional and global peace and security at large have taken a new turn in this era of globalization. Thus, fundamental to this research is the quest to establish the relationship between the Economic Community of West African States (ECOWAS) protocol on free movement of persons, goods and services and the possible security challenges it may be posing to the West African sub-region. In order to achieve the objectives, Article 2(2) of the treaty requires member states to abolish all forms of obstacles preventing the protocol on free movement from being implemented, the abolition was to serve as a foundation for regional cooperation and integration in West Africa (Ojo, 1999).

The ECOWAS protocol on the Free Movement of people and goods ensures 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 other member state, provided they have a valid travel document and International health certificate. However, it also gives member states the right to neglect admission to any community citizens who were Inadmissible under the member state's own local law. The four supplementary protocols adopted between 1985 and 1990 committed member states, among other things, to: provide valid travel document to their citizens; grant community citizens the right residence for the sole purpose of seeking and carrying out income-earning employment; to ensure accurate treatment for persons being expelled; not to deport community citizens en masse; reduce the

grounds for individual deportation to reasons of national security; public order or morality; public health or non-fulfillment of an essential condition of residence.

The major features of the four supplementary protocols are;

The 1985 Supplementary Protocol A/SP.1/7/85 on the Code of Conduct for the implementation of the Protocol on Free Movement of Persons, the Right of Residence and Establishment

- Obliges member states to provide valid travel documents to their citizens (Article 2(1))
- Establishes additional (to Article 11 of Protocol) requirements for treatment of persons being expelled (Article 4)
- Enumerates protections for illegal immigrants (Articles 5 and 7)

1986 Supplementary Protocol A/SP.1/7/86 on the Second Phase (Right of Residence)

- Requires states to grant to Community citizens who are nationals of other member states “the right of residence in its territory for the purpose of seeking and carrying out income earning employment” (Article 2)
- Conditions entitlement to residence (and thus seeking and carrying out of income earning employment) on possession of an ECOWAS
- Residence Card or Permit (Article 5) and harmonization by member states of rules appertaining to the issuance of such cards/permits (Article 9)
- Prohibits expulsion en masse (Article 13) and limits grounds for individual expulsion to national security, public order or morality, public health, non-fulfillment of essential condition of residence (Article 14)
- Stipulates equal treatment with nationals for migrant workers complying with the rules and regulations governing their residence in areas such as security of employment, participation in social and cultural activities, re-employment in certain cases of job loss and training (Article 23)

1989 Supplementary Protocol A/SP.1/6/89 amending and complementing the provisions of Article 7 of the Protocol on Free Movement, Right of Residence and Establishment;

- Amends provisions of Article 7 of Protocol to confirm obligation on signatories to resolve amicably disputes regarding the interpretation and application of the Protocol (Article 2)

1990 Supplementary Protocol A/SP.2/5/90 on the Implementation of the Third Phase (Right to Establishment);

- Defines the right of establishment emphasizing non-discriminatory treatment of nationals and companies of other member states except as justified by exigencies of public order, security or health (Articles 2-4)
- Forbids the confiscation or expropriation of assets or capital on a discriminatory basis and requires fair and equitable compensation where such confiscation or expropriation (Article 7)

However the establishment of ECOWAS protocol on free movement, residence and establishment in 1979 has not been fully implemented by member states. ECOWAS citizens while migrating still undergo rigorous and harsh scrutiny by member states security agencies and

this leads to ineffectiveness of the protocol. Esekumemu (2014), expressed that some issues affecting the application of the protocol are as a result of the political instability in member states, terrorism, trans-border crimes, poverty, underdevelopment, proliferation of small and light weapons among others have prevented the full application of the protocol (Esekumemu, 2014).

According to Ike (1999), ECOWAS commissioner for trade stated that ECOWAS vision of a borderless region, integrating and creating a single currency union which can be achieved through regional cooperation and integration among member states. He however stated that the inter-state boundaries are still barriers to free movement, noting that ECOWAS citizens go through stress and pain while crossing borders, and even though visa entry has been abolished travellers are still harassed illegally by customs and police force which has led to various economic loss (Ike, 1999).

Opanike (2015), expressed that there are no security of lives and properties and the protocol constituted more security concern than economic advancement. The implication therefore is that, the protocol is only a drafted protocol and not applicable in practice. Research by different scholars has been on challenges facing the application and the success of the protocol, rather than the various efforts put in place by member states in ensuring the durability of the protocol.

The paper therefore seeks to investigate the mechanisms put in place by ECOWAS member states to provide solutions to the various problems affecting the implementation of the protocol. It will also identify the obstacles hindering ECOWAS protocol on free movement and how the organization can mitigate the obstacles hindering its protocol on free movement, residence and establishment of West African citizens.

2. STATEMENT OF THE PROBLEM

West Africa's Security atmosphere has changed since the outbreak of the Liberian war, Sierra Leonean and Ivorian Conflicts in the 1990s. The sub-region's Internal Conflicts have included groups who are fighting among themselves over such things as natural resources, political and chieftaincy matters, sometimes the groups in question fight against their governments. These conflicts have often been internationalized as a result of the spillover effects they have. States are particularly concerned about the activities of cross-border criminal networks that have increased. The sub-region is now porous for trans-border criminality.

Even though the aim of the free movement protocol is to enable economic activities, criminals have made themselves available to perpetrate their criminal activities. These have numerous implications for the security of the sub-region. There is no adequate security of lives and properties, weapons are in wrong possessions as a result of the proliferation of small arms and light weapons. Refugees generate a different set of problem for their host country. In fact, the expected future conflict in the sub-region is conflict over amenities and resources between refugees and their host communities.

The challenges posing as stumbling blocks have not helped the security of the sub-region. Though ECOWAS prides itself as the first region in Africa with free movement initiative, the protocol is poorly carried out comprising more security concern than elevating regional trade and

economic development. The security forces have rather turned the job to their personal business, encouraging the crossing of smugglers of all kinds of commodities from a country to another with just a little amount. There is high number of roadblocks, illegal barriers and the menace of armed bandits constitute insecurity on the highways. In 2005, roughly 44 Ghanaians were killed in Gambia while trying to exercise their rights to freedom of movement within the sub-region.

Also, because ECOWAS does not have proper legalized instrument for checking the entry of illegal immigrants, people who carry out criminal activities have used the opportunity to their advantage; laundering money, trafficking humans, drugs, illegal carriage of arms etc.

To this extent the privileges of the protocol have been abused. The protocol rather than serve the aim of integration is rather fueling the insecurity in the sub-region. Unrestricted movement of people, in the sub-region can easily bring about the issue of tension among citizens of the receiving country and migrants, basically in places where migrants are in charge of trade and labour. This often leads to resentments towards migrants which can degenerate to “populist political tensions and sentiments”. Regimes that are rather weak can become disorganized under such tensions. As earlier alluded to, the nature of conflicts now begins from within a state and gradually spread outside into the neighboring countries in its spill-over effects.

This is the case in West African Sub-region today as in other parts of the African Continent. The ECOWAS protocol on free movement because of the lack of legalized instrument for proper monitoring of cross-border movement is rather fueling the spill-over effects of conflicts in the sub-region. Thus, the migrations of herders from one West African country to the other have variously fueled farmers/herders clashes that mostly result to wanton destruction of life and properties.

The free movement protocol cannot be said to be solely responsible for the ease of passage of militants and their weapons but the negligence of security agents have also contributed to the insecurity of the sub-region.

3. CONCEPTUAL CLARIFICATION

Concept of Integration

Scholars have divergent Interpretations of the concept of Integration. It has been seen as a process or a condition, or even as both by scholars. However, what is Integration? Integration may be viewed simply as a way of getting things done through coordinated group effort. Integration is also a process closely linked to the German notion of “gemeinschaff” – of community emphasizing the mutuality of feeling and a willingness to share for the common good of its members.

According to Windberg, integration is:

The process whereby nations let go the desire and ability to conduct foreign and domestic policies Independent of each other, seeking rather to make joint decisions or to delegate the decision – making process to a new central organ (Windberg, 2003: 23).

Deutsch (1957), conceives integration as the attainment, with a territory of a sense of community, institutions and practices, strong and widespread enough to assure dependable expectations of peaceful change amongst its population. The author argues that by sense of community he means a relief that common social problems must and can be resolved by process of peaceful change. Such peaceful change he further maintains results in the formation of two types of security communities, a pluralistic security community such as the United States and Canada, the United States and Western Europe and an amalgamated security community such as the United States.

According to Ezenwe (1984), he viewed integration in its static and dynamic stand points. From the static point of view, the author's mind is revealed in the extract below:

Integration is considered as a state of affairs which would be obtained at the end of a fairly long process leading to the complete merger of national identities. The dynamic view on the other hand sees integration as a process whereby discrimination existing along national borders is progressively removed between two or more countries: (Ezenwe, 1984:10).

He adopts the dynamic view which he considered to be the most feasible and achievable objective of market integration of today's West Africa. For him workable pattern of integration has to be realistic and pragmatic. He also adopts five major categories of regional integration. They are: free area, the customs, the common market, the economic union, and supranational union.

In summary, the concept of regional integration can be distinguished from associated concepts along these main lines. It is voluntary; collectively undertaken, bringing into play the concept of community – building in context to the contractual and temporary nature of regional cooperation; and it is geographically defined in contrast to the notion of economic integration in the generic sense of the term. Regional integration cannot properly succeed in the absence of a sense of a belonging and the identification of the general population with the proposed community of countries.

The Concept of National Security

Security is a broad term that defies a universal definition. This is because it is possible to relate the term to a series of ideas that operate at different levels of analysis, and because judgment of relative levels of security varies from the objective to the subjective.

According to the Oxford English Dictionary, Security could be seen as the condition of being protected from or not exposed to danger; safety. The safe guarding of the (interest of) the state against danger. Freedom from fear, anxiety, or apprehension; is a feeling of safety or freedom from or absence of danger.

For Wolfers (1962) Security in an objective sense, measures the absence of threats to acquire values, in a subjective sense, the absence of fear that such values will be attacked. It is imperative to note, aside the fact that there also are numerous trends in security. Some schools of thought holds on to the traditional conception of security while others, the non-traditional and a synthesis on both. International and domestic trends shape perceptions on security.

The works of Lippmann on security provides a useful definition of the application of security to the nation state: A nation has security when it does not have to sacrifice its legitimate interest to avoid war and is able, if challenged, to maintain them by war (Lippmann 1943). His view is in tandem with the realist view of security. Central to the realist concepts of security, it is the national interest, which is the traditional intrinsic goal of national security. In the opinion of Another dimension to the understanding of security is the role of human society in conceptualizing security. What I call the sociology of security which implies viewing security in the context of individuals and social relations rather than excessive emphasis on the state. Modernity has reduced the level of risk experienced by the individual, with developments in technology and medicine, but has also exposed the individual to the fear and threat of nuclear war and catastrophic environmental disasters (Giddens, 1990), Shaw argues for:

The inclusion of 'society' as a referent of security. This inclusion would redress the overemphasis on the state and, if the individual is made a separate referent, on the individual as well. Individuals make up 'social groups' ... and these groups are the most appropriate level at which to understand the concept and effect of security (Shaw, 1993:168).

According to Rothschild,

It extends downwards "to the security of groups and individuals;" upward, "to the security of international systems;" horizontally, from military security "to political, economic, social, environmental, or 'human security;'" and in all directions "upwards to international institutions, downwards to regional or local government, sideways to nongovernmental organizations, to public opinion and the press, and to the abstract forces of nature or of the market" (Rothschild, 1995: 55).

Concept of Cross Border Crime

Transnational crimes are crimes that have actual or potential effect across national borders and crimes which are intra-State but which offend fundamental values of the international community. The nature of cross-border crime has changed rapidly over recent years through the use of technology, networks, the loosening of travel restrictions and through criminal diversification. Crime networks are complex and to break them is a massive task for police forces worldwide. This is in part due to the fact that the heads of these organizations have powerful connections, and their wealth enables them to bribe officials. (Boister, 2003).

In recent times the term is commonly used in the law enforcement agencies and academic communities. The word "transnational" describes crimes that are not only international (that is, crimes that cross borders between countries), but crimes that by their nature involve cross-border transference as an essential part of the criminal activity. Transnational crimes also include crimes that take place in one country, but their consequences significantly affect another country and transit countries may also be involved. Examples of transnational crimes include: human trafficking, people smuggling, smuggling/trafficking of goods (such as arms trafficking, drug

trafficking and illegal animal and plant products and other goods prohibited on environmental grounds (e.g. banned ozone depleting substances) sex, slavery, terrorism offences, torture and apartheid. Transnational organized crime (TOC) refers 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” (UNODC Report 2005:14). 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 has contributed to the upsurge of TOC in recent times, the complicity, active or passive, of state officials in the region and outside, cannot be ruled out. 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 (Aning, 2007).

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 sociopolitical 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,).

Border Management In West Africa

Border management essentially entails controlling and regulating the flow of people, goods and services across a country’s borders⁴ in the national interest and usually for the maintenance of peace and security. These tasks are typically undertaken by government agencies (Customs and Excise, Immigration and Police) with different combinations of agencies according to the country’s laws.

In West Africa alone, there are a total of 35 international boundaries characterised by high levels of porosity. This makes them highly vulnerable to threats such as trafficking of people, drugs, small arms and light weapons as well as recent instances of terrorism. Nonetheless, border security issues are not always integrated into national security or economic strategies, and border agencies are usually ill-equipped, ill-trained and poorly resourced (KAIPTC, 2012).

In the sub-region, appropriate infrastructure such as detection equipment and scanners are not always present at some border posts, especially the further away from the capital. The Customs administration in different countries of the region is also not usually equipped with national

databases of offenders, their networks and types and volumes of illicit commodity seizures (KAIPTC, 2012).

Compounding the issue are understaffed agencies and unmotivated staff who do not effectively collaborate and coordinate their activities nationally and regionally. Consequently, the instability engendered by the Arab Spring and the growth and increase in transnational organised criminal groups and their transnational activities has severely tested the response mechanisms put in place to secure the borders.

Geographically, the Sahel is a semi-arid belt of barren, sandy and rock-strewn land, mostly hostile to human habitation. The nomadic lifestyle and temporary communal life leaves inhabitants at the periphery of government control, and thus easy prey to the inducements of non-state actors. Core Sahelian states are: Mali, Niger, Mauritania, Chad and Burkina Faso. However, the empirical experiences discussed here are those gathered primarily from Mali and Niger.

Following from above, border agents mandated to manage the country's borders lack the capacity to carry out their mandates effectively. In Niger and Mali, for instance, personnel at border posts are ill equipped and poorly motivated. Lack of office space and accommodation for border patrol and control personnel, coupled with inadequate means of communication have also severely tested the capacity of these agents to carry out their work effectively.

Additionally, inadequate skills and poor understanding of the job are prevalent. Aggravating these problems is the poor awareness of national constitutive laws and regional agreements⁸ relevant to the effective conduct of their work. In Mali and Niger, for example, personnel posted to the border areas complained of lack of adequate training and logistics to effectively carry out their work. Some posted to the Tessalit⁹ region of Mali bemoaned poor working conditions and lack of logistical support. These two countries occupy vast territories thus making patrolling very difficult, a situation which calls for regular training and improvement in working conditions for such personnel.

Another key factor that is useful for border management is the inclusion of border communities in the management of the borders. At the local level, most border management efforts do not take advantage of border communities. The local community usually has intimate knowledge of the terrain, the criminal syndicates, meeting places and other security issues. Nevertheless, they are not always involved in managing the borders. Their inclusion and incorporation of local perspectives is useful in informing state actors of the threats in the border areas.

The gaps created by these omissions are filled by transnational criminal networks. Some of their members even marry local women in order to enjoy the social protection associated with being part of a community (Goita, 2011). Thus, border agencies must actively involve the local community thereby earning their trust and gradually reducing their reliance on other non-state groups.

In the Sahel region, the lack of comprehensive national border management strategies has meant that most countries derive their responses to border management issues from documents such as the Customs and Police legislation, leading to a scattered policy approach. Nonetheless, Senegal has taken bold steps in this regard by being the first Sahel country to develop a national border management strategy (Goita, 2011).

Large-scale migration and the increase in transnational trafficking coupled with its strategic location as an important transit point for irregular migrants from sub-Saharan Africa to North Africa and Europe have informed Senegal's efforts at the national level to prioritise border management.

Issues and Nature of Migration in West Africa

Population movements have become a major feature in African history. The process of movement from one place or culture to another is viewed as a purveyor of innovation, technological development and progress. International migration has continuously forced and reinforced societies and states since time immemorial (Gugler: 1969; Adeola and Ogirai; 2010; Castles et al 2009). However, as much as it is important that it is appreciated by some, many including governments are scared by immigration when it is not clearly defined. The reason is that in recent times, International migration has brought with it Prevalent Security issues which continue to affect International relations and shapes foreign policy legislations, diplomatic and security matters.

The Encyclopedia of the social sciences defines migration as “the movement of people over considerable distances and on a large scale with the intention of abandoning previous abode. Everett, (1969) on the other hand, defines it as broadly as a permanent or semi-permanent change of residence. No restriction is placed upon the distance of the move or upon the voluntary or involuntary nature of the act, and no distinction is made between external and internal migration. The problem with the former definition is the abandonment of homes for a permanent one.

Such migration is more often motivated by economic opportunity or criminal intentions (trafficking and smuggling) and so our definition for the purpose of this article is the movement of people on a long or short distance involving crossing from one country to the other and for a short or long period but usually on short period but with high frequency with the purpose of seizing economic opportunity or perpetrating economic, political or social crime (Adeola and Ogirai: 2010).

This definition will not be complete without making analogy to differentiate migration (Castles and Miller: 2009) which states that most countries do not simply have one type of migration, such as labor migration, refugee or permanent settlement but a whole range of types at once. Typically, migrating chains which start with one type of movement of ten continue with other forms, despite government efforts to stop or control the movement. Cross border migration between Nigeria and her surrounding neighbors may start with one motive and end up with another. As marked by Everett (1969) the difference between both in terms of economic and amenities become heightened especially between Nigeria and her neighbors.

Again, as Castles et.al (2009) observed, the growing politicization of migration resulting from domestic politics, bilateral and regional relationships and national security policies of states are increasingly affected by International Migration. In, effect, the security implications are these days dictating foreign policy desertions of most countries all over the world. Globalization has complicated migration issues in security in such a way that state security has become a deciding factor in shaping the direction of diplomatic and foreign policy of countries in the sub-region. In consideration of the stated issues, the theoretical exposition shall be articulated.

Africa has been described as the continent with the World's most mobile population (Curtin: 1997).

One of the greatest migrations in human history was recorded in sub-Saharan Africa involving the Bantu people who left the area now encompassing Nigeria and Cameroun and formed settlements throughout the entire Southern half of the continent (Castles et.al 2009). Migration is increasingly driven by economic, political and social changes. In the West African sub-region, migration can be better explained theoretically from economic standpoint, other factors do play a role but economy remains outstanding.

Herders and Security Challenges in West Africa

For several decades Fulani herdsmen have been moving southward from Niger, Mali and Chad into southern Nigeria, Ghana, and Cote d'Ivoire seeking greener pastures for their herd and markets that command higher prices for meat. As the number of herdsmen and the frequency of their southward forays increased, so also did their breaching countries security increase as the migrating herdsmen have clashed with local residents. Most clashes have involved local farmers whose farms have been pillaged by wandering herds.

Nigeria, Ghana and Cote d'Ivoire have borne the brunt of the ravages from these herds. Ekiti farmers in south-western Nigeria have had their farmlands routinely destroyed by Fulani herdsmen but were shocked by the apathy of the state government addressing the problem ("Ekiti Farmers," 2012). Since then, it has become a routine journey for the cattle from the North to graze at the dams in Ekiti during dry seasons and in the process destroy the farmlands with reckless abandon. The harsh living conditions and the hostility they face from natives have made the Fulani herdsmen to defend themselves by returning violence with violence. Such clashes between the herdsmen and natives have been reported in several states in Nigeria (Shuaib, 2012). Fulani herdsmen, working along the borders of Ghana and Burkina Faso have attacked and vandalized the farms and properties of Ghanaian farmers along the border. There have also been reports of attacks by Fulani herdsmen on many Ghanaian rural dwellers deep in the heart of the country (Adabre, 2012). Even though ECOWAS' 1979 Protocol Relating to Free Movement of Persons abolished visa entry permits, the protocol nevertheless required citizens who wished to enter the territory of any other member state to possess a valid travel document and an international health certificate (Protocol A/P.1/5/79, 1979). The unregulated movement of Fulani herdsmen as well as other people seeking economic opportunity moving to areas other than their native countries has been violating the spirit of the 1979 Protocol. The true status of undocumented immigrants was partially clarified when in 1985 a supplemental protocol allowed countries to expel immigrants who violate residency requirement, even though the host state was to enforce the expulsion humanely by respecting the fundamental human rights of expelled immigrants (Supplemental Protocol, 1985).

The flow of illegal immigrants, which ECOWAS defines as citizens of the Community who do not fulfill the conditions stipulated in the different Protocols on the free movement of people, epitomizes one of the fundamental problems member countries face, especially those with high-performing economies. Most ECOWAS member countries are poor and ranked at the lowest bottom of the Human Development Index, higher performing economies have been at the receiving end of the influx of illegal immigrants. The low economic capacity of governments

also has hampered their capacity to support ECOWAS" programs such as the West African Health Organization(WAHO), West African Monetary Agency(WAMA), and the West African Monetary Institute(WAMI) with funding to bring changes that would improve alleviate poverty. One policy area whose effect has been reduced because of inadequate financial backing from members is peacekeeping. Under the best of circumstances, ECOWAS" Department of Defense and Security should be fully staffed or combat-ready to respond promptly to political circumstances in the region that turn volatile. Not surprisingly, peacekeeping has been ECOWAS" single most expensive undertaking.

Boko Haram and Security Challenges in Neighboring Countries

Jama'atuAhlisSunnaLidda'awatiWal-Jihad which in English means "People Committed to the Propagation of the Prophet's Teachings and Jihad. The group which is popularly known by its Hausa name 'Boko Haram' was a local radical Salafist group which transformed into a Salafi-jihadist terrorist organization after 2009. It is based in the northeast of Nigeria, in the areas predominated by the Kanuri people. Loosely translated from the local Hausa language, Boko Haram means, 'Western education or civilization is forbidden.' Put differently, 'Western education or civilization is a sin.

There are divergent views and conflict in the literature as to the actual date of origin and formation as well as the leadership of the Boko Haram sect. Alozieuwa (2012) documented that the confusion not only reflects in the narratives about the exact date, and who the actual founder was, but also as to the true source of these expositions. According to Ekwueme (2011), the group came into existence in the 1960s but only started to draw attention in 2002.

Though the group first became known internationally following sectarian violence in Nigeria in 2009, it does not have a clear structure or evident chain of command. It has, however, been severally alleged that the group has links with several terrorist networks such as Al-Qaeda, Hezbolla, Taliban etcBoko Haram has posed a lot of security threat nationally and internationally bearing in mind the spread of its activities to states such as Cameroon, Niger and Chad. There have been series of human rights violations by Boko Haram manifested in the forms of destructions of lives and properties, kidnappings, detentions, forced marriages etc. The flow of illegal immigrants, which ECOWAS defines as citizens of the Community who do not fulfill the conditions stipulated in the different Protocols on the free movement of people increases the vulnerability of ECOWAS member countries threat to Boko Haram attacks.

Modes Of Transnational Organized Crimes In West Africa

Transnational organized crime in a narrower sense has to do with people pursuing sources of profit in ways that can hardly be regarded as political in any sense, a striking tendency in West Africa is the region's emerging role as a zone of transit. Criminal entrepreneurs have proved themselves adept at entering into global trades in illicit goods, such as drugs, and have developed expertise in certain types of fraud favoured by globalization, such as via Internet. It is notable that the type of organization frequently adopted by West African criminal networks, as will shortly be described, is well-adapted to such global trades. Non-Africans also use West Africa as a transit point for illicit cargoes: in this respect, the spread of war and the inability of some West African States to offer efficient or effective police services make them attractive as operating bases for criminals from other parts of the world.

Drug trafficking

Although cases of drug trafficking exist in West African police and court records from as long ago as the 1930s, the region's emerging role as a transit point for global movements of narcotics can be said to have become a serious problem only in the early 1980s. According to almost all accounts, it was pioneered in this region by Nigerians, soon joined by others, and police forces in Ghana and Sierra Leone both allege that drug trafficking was introduced to their countries largely by Nigerian criminals seeking new operating locations. But although international narcotics trading in West Africa appears to have been pioneered by Nigerians, and by all accounts Nigerian entrepreneurs now play a major role in the international drug trade, every country in West Africa has the capacity to become a transit zone used by criminals of any nationality. The Cape Verde islands are West Africa's main entry point for cocaine, although Ghana, Nigeria and Togo also play important roles. Most of the cocaine brought into West Africa is re-exported to other destinations, especially Spain, Portugal and the United Kingdom. In seizure reports gathered by UNODC over the period 2000-2004, more than 1.4 tons of cocaine had been seized en route to West Africa or from West Africa to Europe, not including two unusually large seizures of 2.29 and 7.5 tons (Flemming, 2004).

There is also an important import and re-export trade in heroin, notably from South Asia. The key entry points are Ethiopia and Kenya, with Egypt to a lesser extent. Cargoes are then trafficked from East to West Africa, almost entirely by air courier, with Côte d'Ivoire forming the hub of the trade in West Africa. However, since the outbreak of war in Côte d'Ivoire in 2002, there may have been a decline in heroin trafficking through that country, with a corresponding rise in neighbouring countries. It is sometimes pointed out that Nigeria is by far the most populous country in West Africa, and indeed in the whole of Africa, and that it is therefore to be expected that the country will produce greater numbers of criminals than its neighbours. Some people also suggest that criminals of other nationalities may sometimes find it convenient to pass themselves off as Nigerian.

This appears unlikely, given the poor reputation that is attached to possession of a Nigerian passport, and given also the fact that customs officers tend to work by "profiling": making checks on people who conform to certain categories that they consider statistically most likely to be carrying illicit goods. Any proficient Nigerian criminal would probably make acquisition of another passport a top priority. Even if one were to make allowance for doubts over the true nationality of some couriers bearing Nigerian passports, there is overwhelming evidence to support the view that the drug trade remains one of the specialities of Nigerian criminal groups. Of couriers intercepted with drugs transiting through West Africa, according to statistics compiled since 2000, 92 per cent were West Africans and no less than 56 per cent were Nigerians (UNODC, 2004).

Moreover, a few of the remaining 8 per cent were West Africans who had acquired a second nationality through naturalization. One experiment at Amsterdam's Schiphol airport involved screening passengers arriving from Aruba and the Dutch Antilles—a favourite drug-smuggling route used by some of the 1,200 couriers arrested at Schiphol in 2001. When Dutch customs officers noticed the increasing numbers of Nigerians using the route, they experimented by checking every single Nigerian arriving at Schiphol from Aruba or the Dutch Antilles for a period of 10 days, rather than operating the usual spot-checks only. They found that of 83

Nigerian passengers using the route over those 10 days, no fewer than 63 were carrying drugs (FlemmingQuis, 2004).

Law enforcement agencies in a wide variety of countries, including the Netherlands, South Africa, the United Kingdom and the United States, all report the regular interception of Nigerian drug couriers, and their police intelligence services believe that some Nigerian networks have developed a very considerable share in the global narcotics market. United States law enforcement officers have described how Nigerian networks may collaborate with significant Colombian, Mexican and Italian groups, in effect receiving subcontracts from these major operators who have tended traditionally to operate in more hierarchical structures than the Nigerians. It appears that, whereas the old-established “mafias” may have the ability to transport very large quantities of narcotics to the United States, even tons at a time, the most successful Nigerian syndicates import smaller quantities but enjoy an exceptional range of contacts and an impressive flexibility of organization that enable them to exploit market niches that the major mafias cannot always reach.

It is by these means that Nigerian drug traders have managed to gain a major stake in what is, literally, the world’s most cut-throat market, yet without themselves using violence. To put these observations in perspective, it may be noted that 10 per cent of the cocaine seized in Africa in 2002 was intercepted in central and West Africa and no less than 81 per cent in Southern Africa. However, it must be taken into account that among seizures in South Africa was one cargo of 350 kilograms destined for Togo. If these 350 kilograms are subtracted from total seizures in Southern Africa and added to the totals for West and Central Africa, the latter regions would account for 78 per cent of continental cocaine seizures and Southern Africa for only 13 per cent. Behind these figures lie some questions that are difficult to answer with precision, such as the extent to which the high seizure rate in Southern Africa may reflect more efficient policing than in West Africa, and the extent to which cocaine imported to Southern Africa is actually handled by West African gangs working offshore (Mark, 2002).

In regard to Nigeria, the place of origin of many drug entrepreneurs and smugglers, no comprehensive figures for drug-related arrests are available, but the NDLEA reported the following numbers of arrests for the period 1994-2003: cannabis, 18,775; cocaine, 559; heroin, 598; pharmaceutical psychotropic drugs, 799 (Etannibi, 2004). The drug transport business appears to be dominated by men, although women sometimes work as couriers. Most offenders appear to be between the ages of 18 and 35.

Human trafficking

Human trafficking in the region takes place in a variety of ways. One form is that of agricultural slavery. In Côte d’Ivoire, it is reported that some of the immigrants from Burkina Faso who work in cocoa plantations are in effect slaves (Alain, 2004). Cases of imported slave labour are also reported from Sierra Leone, notably of Indians, imported by Lebanese or Indian businessmen (Morie, 2004). The traditional system in West Africa, whereby an adult may place a child or other young dependent in a distant part of an extended family as a ward or apprentice is abused for purposes of monetary gain.

West Africa is also the site of another form of human trafficking, as a transit point for people seeking to avoid international controls on migration. In 2003, a Nigerian citizen was arrested in Sierra Leone in the company of six Chinese nationals whom he was helping to travel to the United Kingdom. The organizer was working in partnership with a Chinese entrepreneur based in Nigeria. Morie, (2004) further asserted that both Nigerian and other international groups are said to use Sierra Leone as a place of transit for labour migrants under the guise of refugees.

A third form of trafficking is for purposes of prostitution or sex slavery. "In Sierra Leone, it is reported that members of the country's influential Lebanese community have taken local girls to Lebanon, mostly under 18 years of age, ostensibly to work as maids. In fact, they are allegedly put into the prostitution business in Lebanon. The traffickers pay money to the girls' families "so as to divert their attention from their children" (Morie, 2004:20). There was a noticeable increase of human trafficking of various types in Sierra Leone during the war of 1991-2002, as young people went abroad to Libya, Burkina Faso and Côte d'Ivoire for training as fighters, often lured with false promises of education or employment. Others were obliged to work for armed movements as forced labourers or sex slaves.

A particularly flourishing trade in prostitutes exists from Nigeria. Many of the girls or young women involved are from Edo state, and the main destinations are Europe, especially Italy and the Middle East. Nigeria's international trade in prostitutes is believed by analysts to have grown in the 1990s as prospects for employment in Nigeria deteriorated. The organizers of the trade are often women, sometimes former prostitutes themselves, who have succeeded in making money and graduating to the status of madams, although they depend on men for forging travel documents and escorting the girls to their destination. The networks through which girls and young women are recruited are reported to be well organized and to be relatively solid and durable, rather than merely ad hoc. Many girls initiated into prostitution are obliged to undergo quasi-traditional religious rituals that bind them to secrecy, before being provided with forged papers and sent abroad, often via other West African countries. It is also reported that girls may be initiated into their new trade through rape and other violence.

A successful madam must attend to all aspects of her business. She must organize the recruitment of prostitutes in West Africa, often on the pretext that they will find jobs in agriculture or the hotel business in Europe, but must also procure false or forged travel documents for the girls. She will need to bribe immigration officials, both in Nigeria and in transit countries; she will need to have a network of operators of hotels or hostels; she will need to have guides, referred to as "trolleys"; she will need to be in touch with fetish priests, who administer an oath of secrecy on prospective prostitutes, and with lawyers who can draft agreements binding a prostitute to a madam. Typically, a madam may claim to have invested US\$40-50,000 for the costs of travel to Europe, which the prostitute is required to repay.

The large numbers of people deported from Italy and other EU countries in recent years suggests that this is a flourishing field. Press reports indicate 1,116 people deported for trafficking in prostitutes in 2001 alone, the majority from Italy, with others from Netherlands, Spain, Germany and Belgium (Etannibi, 2004).

Diamond Smuggling

The smuggling of diamonds has become something of a speciality in parts of West Africa, due largely to the occurrence of high-quality alluvial diamonds in Sierra Leone

especially, that can be mined with no more equipment than a spade and a sieve, and deficiencies in government that permit smuggling and other evasion of official regulations on a massive scale. The most profitable part of the diamond trade is not the extraction of the stones, but their export to wholesale and cutting centres overseas, most notably in Belgium. This export business is dominated by foreigners, especially Lebanese and Syrians, many of them established in West Africa for generations, and, to a lesser extent, Israelis.

The mining and export of diamonds overlaps with organized crime in at least three respects. First, rebel groups use diamonds to finance their war effort. While the most notorious example is the RUF in Sierra Leone, the same has been done by LURD (Liberians United for Reconciliation and Democracy) in Liberia and by elements in Côte d'Ivoire. It has been reported that there is a connection between Al-Qaeda and the illicit diamond trade in West Africa. Agents of Al-Qaeda allegedly systematically bought diamonds from Sierra Leone as a way of laundering money (Douglas, 2004), and there is substantial evidence that diamonds may be used for financing a variety of political or guerrilla movements in the Middle East. In the 1980s, the leading diamond-dealer in Sierra Leone, Jamil Said Mohammed, who was himself half-Lebanese, developed considerable influence in Lebanon at that time in a state of civil war and, through his Lebanese connections, in the Islamic Republic of Iran. Sierra Leonean diamonds were a significant source of financing in the Lebanese civil war (Stephen, 1988).

Second, diamonds are smuggled even from areas that are not prone to conflict. Statistics covering the diamond trade are full of discrepancies suggesting that, particularly during the war of the 1990s, diamonds mined in Sierra Leone could be smuggled to neighbouring countries before being sent on to Belgium, so that Belgian import figures often bear little relation to the export statistics of other countries. The illegal trade is by no means new, with one study completed in the 1950s judging the smuggling of diamonds from Sierra Leone to be "the greatest smuggling operation in the world" (Ian, 1960:126). In short, the existence of a huge, barely-regulated diamond sector in Sierra Leone implicates many countries and networks in the region in illegality. It is also exceptionally deeply-rooted, having existed for over half a century.

Third, organized crime groups may engage in the licit diamond trade partly to cover illicit activities elsewhere, in other words as a form of money-laundering. Most observers of the diamond business believe that this takes place to some extent, although there appears to be little hard evidence available to suggest exactly how such networks may function. When Sierra Leone's economy declined in the 1980s, a shortage of foreign exchange through formal sources, banks meant that Lebanese diamond traders were able to provide foreign exchange which they had procured through diamond sales. Some also acquired import businesses so as to complete an import-export cycle. Some experts believe that some diamond companies in West Africa continue to import legitimate goods to West Africa and use diamonds to settle their accounts in a form of hawala so as to minimize the necessity to use banks or other conventional financial mechanisms that would expose them to tax obligations. Some diamond merchants who are prominent in West Africa also have diamond interests elsewhere, notably in Central Africa, suggesting the existence of very complex movements of goods and diamonds covering several different countries.

Forgery

Forgery may be a lucrative business in itself, such as the recorded case of West African officials of the civil aviation association, Agence pour la Sécurité de la Navigation Aérienne en

Afriquet à Madagascar (ASECNA), who forged 255 passports for sale at a price of one million CFA each, or some two thousand dollars. But much of the most sophisticated forgery is required for other criminal purposes, such as drug traders or people traffickers who may require documents in order to follow their trade.

Money-laundering

The laundering of the proceeds of crime in West Africa appears to occur through a wide variety of methods. As noted, there are indications that some of the wealthiest individuals, including those who have gained wealth through massive corruption, such as the late Sani Abacha, may enjoy the complicity of major international companies to move their wealth to bank accounts outside Africa. Some of the world's largest banks are known to have been complicit in such schemes, including the notorious Bank of Credit and Commerce International (BCCI) (The BCCI Affairs, 1992), which had more branches in Africa than in any other continent, as well as some private banking operations (United States Senate, 1999). Seasoned observers of Nigeria consider that money laundering was greatly facilitated, at a time when the drug trade in particular was in rapid expansion, by the growth of unlicensed finance houses, especially in the period 1988-1991. Other businesses regarded as particularly suitable for money-laundering include second-hand car dealing and fashionable clothes' boutiques, the latter favoured particularly by female entrepreneurs (Etannibi, 2004).

Throughout West Africa, almost all car purchases are of second-hand vehicles, often with few or no documents attached. This clearly offers possibilities for money laundering through the motor trade. The diamond trade is also widely regarded as a particularly suitable medium for money-laundering. A report issued in March 2004 by the United States State Department's Bureau for International Narcotics and Law Enforcement Affairs lists several countries as "vulnerable" to money-laundering via the diamond trade, including Liberia and Sierra Leone.

Arms trafficking

Alex, (2004) argues that, it is common cause that West Africa contains large quantities of illicit small arms, although the estimates given the figure of seven million is sometimes encountered appear often to be exaggerated. ECOWAS adopted a moratorium on imports in October 1998, with a provision that Member States wishing to import weapons should notify ECOWAS of their intention to secure exemption from the moratorium. In fact, the Moratorium on the Importation, Exportation and Manufacture of Small Arms and Light Weapons in West Africa has not worked well, as Côte d'Ivoire, Liberia, Burkina Faso and Guinea have all violated it by supplying non-State actors with freshly imported weapons and ammunition. In so doing, they have also violated United Nations arms embargoes on Sierra Leone and Liberia. In 2002 and 2003, for example, Côte d'Ivoire allegedly received several deliveries of military equipment by air that went unreported to ECOWAS. For Liberia, the figures for the same two years were 49 and 25 deliveries respectively. One international broker based in West Africa, who has organized several deliveries of weapons by air and sea, told a UNODC consultant that he had never heard of the ECOWAS Moratorium (Alex, 2004).

In addition to the import and distribution of light weapons by Governments, notwithstanding their signature of the ECOWAS Moratorium, there is an unregulated non-State trade. Virtually every country in the region has a problem in this regard, with Côte d'Ivoire and Nigeria probably being the largest importers at present. Nigeria causes particular concern, most particularly in connection with fierce armed conflicts in the Niger Delta region which is already in the "high intensity conflict" category with over 1,000 fatalities per year. The availability of weapons interacts with illegal oil bunkering, endemic corruption, high youth unemployment and social disintegration to produce a highly dangerous mix.

In Senegal too, the existence of a low-level armed conflict in the Casamance region has contributed to the illicit circulation of light weapons. Insurgent forces in Casamance are known to have imported weapons from Guinea and Guinea-Bissau. Light weapons are traded illegally and with only ineffective attempts at regulation by the police in the town of Touba, regarded as a holy city by members of the Mouride Islamic brotherhood. There are some other locations in Senegal too that are known as centres of the illegal weapons trade (Alex, 2004).

Oil bunkering

"Oil bunkering" is a speciality of Nigeria, for long the region's only oil-producer (Phil, 2004). "Bunkering" is the process of filling a ship with oil, which is increasingly done illegally. According to the Federal government, some 300,000 barrels are illegally exported per day. Although oil bunkering on this scale requires sophisticated organization, and the complicity of state officials up to a very high level, it also flourishes amid the poverty and a sense of injustice in the Delta area. People in many communities feel that they derive no benefit from the oil trade, and may therefore collaborate with criminal networks in the illegal export of oil. "The Delta", Alex Vines writes:

...provides this illicit network with an environment which has a pool of unemployed youths and armed ethnic militias who know the terrain well. They also face a corrupt or ineffective law enforcement effort coupled with a weak judicial process. These networks also enjoy patronage from senior government officials and politicians, who use bunkering as a source of political campaigning.

The oil bunkering syndicates are highly international, including not only other West Africans, but also Moroccans, Venezuelans, Lebanese, French and Russians, for example. By these means, oil bunkering links to wider patterns of organized crime, with cash, drugs and weapons all being traded in exchange for illegal oil. A typical oil-bunkering case was reported in a Nigerian newspaper on 22 April 2004, reporting the arrest by the Nigerian navy of a ship loaded with 8,000 metric tons of crude oil without valid papers. Its crew of eight foreigners was also arrested. Such cases illustrate the possible extent of the problem. Nevertheless, relatively little is known as to the overall nature and extent of the problem. Given the extent of the wealth involved, and the degree to which such activities have international connections, the issue deserves further attention.

The Implications Of Trans-border Banditry To Integration

As earlier stated, the integration of the peoples of the ECOWAS region remains the most laudable goal of the ECOWAS. As laudable as it is, it is threatened by insecurity occasioned by trans-border banditry (Willet 2005). The recent happenings in Mali, in particular, present training ground for violent Islamic groups aiming to Islamize Nigeria and other ECOWAS states through jihad and introduce strict versions of the Sharia law. Islamists, who have found a safe haven in northern Mali, seemingly proffer the agenda of 'integration through islamization' with serious implications to the peoples and cultures of the region.

Across the western African coast there are diverse socio-demographic, economic and cultural groups whose ways of life, freedom and identities would be obliterated through forceful Islamization. Hence, the governments and citizens of other western African states justifiably view migrant Malians with suspicion as potential security threats. The welcoming trust, brotherliness and good neighbourliness which are the bedrock values of African people and are very germane for peoples' integration, are sacrificed for security reasons. An average Malian (especially) of northern origin becomes a potential security threat that must be handled with absolute caution. Whereas the average Malian does not necessarily belong to the brigandage violent religious sects, the activities of these religious sects threaten West African integration and security.

With huge weaponry and determination to run over not just Mali, but other contiguous countries, the Islamic insurgency in Mali potentially threatens peace in West Africa. Northern Mali without state control is a potential breeding ground for Al Qaeda and other terrorist organizations that could make the vast and difficult topography of the Sahara Desert a vantage terrain for them to thrive, plan, organize and launch attacks on other West Africa states.

The recent French and Nigerian-led onslaught against northern Mali's Islamic insurgents notwithstanding, it is important to note that while the regular armies of these nations may have superior firepower, they may lack the adequate knowledge of the desert topography to effectively rout the Islamist guerrilla army and totally annihilate them. They may retreat to their enclaves, to hide from the superior air and land weaponry of the advancing foreign regular armies. It is important to note that they retreat only to attack some other time. Besides, with support from renegade Islamist/terrorist groups along contiguous countries in North Africa, stretching up to the Middle-East, the power base of northern Malian insurgents may not be quickly weakened. What may be happening in the nearest future may be a continuation of eastern-western or Islamist-western proxy wars, in West Africa.

During the Cold War era, many proxy wars were fought in the Third World under the 'canopy' of opposing socialist and capitalist super powers that provided arms to warring sides. The capitalist nations of the United States of America, Great Britain and France on one side, and the socialist state of USSR (Union of Soviet Socialist Republics) made money and proved their military arsenals on the battlefields of Eastern Europe, Asia and Africa. The unfolding events in northern Mali may not be different after all. As the battle between the Islamists and the West spreads into West Africa, the West African sub-region economically and culturally disintegrates with grave consequences for the internal security of the West African states(Haas, 2006).

The Boko Haram insurgency in Nigeria is also partly fuelled by trans-border banditry. The common culture, language and religion across the northern tip of West Africa readily blend a people of diverse states, seemingly into common ancestry and brotherliness. Hence, Chadian, Nigerian and Malian migrants alongside other people, freely migrate into Nigeria. Reports claim that the ranks of Boko Haram foot soldiers and bombers are actually swelled by non- Nigerian migrants from Chad, Mali and Niger with common ancestry, culture and language with the peoples of northern Nigeria. Hence, the socio-cultural blend between migrants from countries contiguous with northern Nigeria, presents a security challenge for Nigeria whose citizens are exposed to attacks from Boko Haram. The mission of Boko Haram is simply congealed with those of the trans-border armed bandits who join the ranks of insurgent group to cause havoc in Nigeria (Sawadogo 2012)).

The Boko Haram insurgency and its links to armed groups in countries along the borders of northern Nigeria threaten integration among ECOWAS states. The fear of Boko Haram and the spread of Islamic militancy into other African countries potentially portend an anti-migration policy to curtail the possible spread of Boko Haram to other countries along the West African coast. On the one hand, the integration of a people of common culture along the northern tip of West Africa, which unfortunately allows a blending into Boko Haram insurgency also possibly, disintegrates West Africans as the people down south, especially in Nigeria, view Malian, Chadian and Nigerian with utmost suspicion and caution, seeing them as potential assailants (Onuoha, and Ezirim, 2013).

The fear is, of course, not far-fetched as there are speculations that Hausa and Fulani herders from countries along the borders of northern Nigeria cause mayhem along their pathways attacking villagers and destroying crops as they herd animals through northern and southern Nigeria. Many of the trans-border pastoralists are heavily armed herder-bandits, carrying AK 47 assault rifles as they move. The assumption is that they easily access arms because of the illegal free flow of firearms across West Africa's porous borders due to the many civil wars that the sub-continent has experienced over the last 20 years. Liberia, Sierra Leone, Mali, Niger, Chad and Cote d'Ivoire have all experienced civil wars lately and so it is not unlikely that armed bandits are able to access illegal arms from the armouries of former rebels which were not retrieved (Alozieuwa, 2012).

Equipped with assault guns and the technology and knowledge of making homemade explosive devices, Boko Haram poses a serious threat to the integration of West Africa's people. The diverse states have recognized integration in their 'letters' largely based on the tenets of the ECOWAS Charter. West Africans can travel within the West African region and stay for beyond 90 days without visas, provided they possess valid identification papers such as the ECOWAS passport (issued by each member state). Nevertheless, armed groups such as Boko Haram negate the ECOWAS 'one people' principle, as the activities of this group and its trans-border network engenders fear and suspicion in fellow West Africans. Finally, the nefarious activities of various trans-border armed groups along the West African corridor, including trans-border armed robbers, Islamic insurgents and Boko Haram present debilitating security challenges and are hindrances to the integration of the people of West Africa (Adeyinka, and Adetunji 2014).

Theoretical Framework

The study adopted integration theory as a theoretical framework. Integration theory was developed by Ernest Haas and David Mitrany in 1958 to explain the need for establishment and development of regional international organizations that will cater for the welfare and needs of the people by binding together those interests which are common. The theory posits that states forming cooperation is a mechanism for promoting their collective interest, welfare and solving collective problems.

In the immediate post-war Europe, political thinkers, politicians and humanists sought to change the classical role of the nation-state. Some people wished to reduce the nation-state to just any other group and wanted to transfer the major 'non-political' functions, sought to enhance the flow of information, and people to people contacts among the nations so that the power of national governments could be reduced. They, by and large, ignored the concept of sovereignty to make it non-relevant. These approaches are known as functional and communication approaches to regional integration.

Functionalist Mitrany was deeply disturbed by the wars and wanted to develop such a system which made wars impossible. He notes in his famous work, *A Working Peace System*, "the problem of our time is not how to keep the nations peacefully apart but how to bring them actively together" (Mitrany, 1966:28). He gave a blue print of integrating the nation-state that essentially envisages the fact that specially created institutions that will cater to the welfare and needs of all the people could bring these nations together, binding together those interests which are common where they are common, and to the extent to which they are common. By that way, he hoped that a slice of sovereignty is transferred from the old authority to the new.

The creation of such functional institutions was possible because Mitrany argued that welfare functions of state were non-political or low-political and could be separated from "political" or "high-politics". This high politics involved the sovereign facet of state which when it came into conflict with other states, as it often did result in wars. Hence he visualized, as Taylor (1983) has noted that the transfer of the functions was but the beginning of the process of transferring sovereignty.

The theory and practice of international integration, developed by David Mitrany, has its roots in the nineteenth century concept of welfare cooperation. Such cooperation was conceived as a means to reduce the likelihood of wars among nations. It largely was the vision of Saint-Simon, who looked beyond the concept of laissez-faire and pleaded for welfare cooperation among nations to satisfy basic human needs. Thus he provided the link between lasting peace and the satisfaction of basic human needs.

During the twentieth century, the scattered thoughts of functionalism started falling into a coherent pattern. The chief exponent of the theory of functionalism that took its final shape after the war was David Mitrany. He was among the group of British Fabianists such as GDH Cole, Leonard Woolf, Norman Angel and Robert Cecil, and the theory was deeply influenced by the old British tradition and Fabianism.

Mitrany himself never wanted to attack sovereignty because he thought functional approach would link institutions to activities, not to territory. He noted, "the functional approach does not offend against the sentiment of nationality or the pride of sovereignty" (Mitrany, 1966:139). He never wanted to organize the functional institutions because he wanted to go beyond the territorial consideration which is based on the concept of the balance of power, and against a working peace. He concluded that a functional alternative to integration was better than the federal one because, "a federal system is bound to be closed and exclusive; a functional system is naturally open, as changes in membership can be absorbed without doing violence to policy and administration.

Thus, Mitrany visualized the limitations of nation-state in the realm of mankind because, "government is no longer a guarantor of a set social order, but the servant and instrument of change" (Mitrany, 1975:27). This instrument of change should be used by the functional international agencies to create a working and positive peace.

The process of integration was supposed to be circular, without the involvement of the end points like a chain; the spill-over. The theoretical basis was the concept of sovereignty as visualized by the functionalists. Sovereignty was viewed as based upon popular loyalties and habitual obedience. Now if the people's attitudes are changed, in other words, if they are educated, they will shift their loyalties from nation-state to these functional agencies. They appealed to the 'popular psychology' of people which should be modified and changed.

Second point is the education of the government itself, what was called the enmeshment process. Due to the development of international agencies in economic, social and welfare areas and their growing interdependence, the governments will learn of the benefits and utilities of these agencies. Slowly, the governments would be educated. These two processes will render wars less likely. Thus, the functionalists saw integration as a process which was passed through in order to reach the end situation. And all the stages in the process were as important as the end-situation.

Evaluation of Functionalism

The two major premises of functionalism and the process of integration have been severely criticized by the scholars. They have expressed doubt whether loyalties of people could be shifted simply because welfare work is being done by the international agencies. That international institutions are capable of being the focus of individual's loyalties, was very much in doubt.

Secondly, the capability of educating the governments was also questioned. It was argued that no government would like and would be ready to lose control over their interests. Then, it was argued that functionalism is anti-politics. Swell, (1968:43) notes, "the functionalist antipathy towards politics is evidenced not only by disparaging comments and the lack of any sustained discussion of the political but also a certain amount of ambiguity when the term is employed".

The most critically attacked was the functionalist premise that the economic, social and welfare function can be separated from the political ones and many thinkers argued that economic welfare itself was an issue of high politics. Objectives like an equal distribution of income cannot be achieved by functional method.

Finally, the circular and rhythmic method of integration was attacked because, it was argued, that Mitrany failed to take into account the uncertainty, turbulence and violence in international politics. Claude has remarked, "functionalism cannot guarantee that one thing leads inexorably and interminably to another in international relations" (Claude, 1987:389). Claude, in fact, is a staunch critic of functionalism and has concluded that there is a room for doubt that functionalists have found the key which infallibly opens the doors that keep human loyalties piled up in sovereign warehouses, thereby permitting those loyalties to spill over into the receptacles of internationalism.

In defense of functionalism which had immense appeal at the popular level, it can be argued that most of the critics were invariably very unsympathetic towards it. It is true that the total shift in the popular loyalty has not taken place but the softening and opening up of attitudes towards each other has taken place among the states operating in international agencies.

The governments have also learned in living with international organizations and sacrificing a bit, a slice of sovereignty in this age of interdependence. Any issue can be low politics and high politics and certain social, welfare and humanitarian issues are certainly less contentious than defense and security issues. Finally, as Taylor (1975) has pointed out, functionalism was not anti-politics because, it always was misleading to suggest that functionalism was designed to do away with politics. It was however, intended to change the substance of politics, to move it from considerations of the flag, of territory and national prestige to question of welfare and cooperation.

However, due to the growing insecurity challenges that is accessioned by the openness of ECOWAS member states to enhance welfare and cooperation, there is need to marshal out plans or bring to bear theories, approaches, models or propositions that will address the security challenges currently confronting member states as a result of openness of borders for the purpose of economic cum political integration.

Communication Approach to Integration

This approach leans on the fundamental premises of cybernetics - the science of control and communication system. It assumes that social process follows the laws of cybernetics hence it affects the interactions of nation- states too (North, 1967). Using this basic premise, Karl Deutsch thought that the intensive pattern of communication between the states and increasing flow of information among the people would lead to the emergence of "security communities" (Deutsch, 1968).

The key to develop this pattern of interaction among the groups, people and governments was thought as the balancing act of loads and capabilities in the system. Like Mitrany, his major

concern was also to establish "security communities" where wars became less probable and peace more durable.

In his search for essential conditions to create such "security communities," Karl Deutsch identifies nine such 'essential conditions'. These are: (1) mutual compatibility of main values; (2) a distinctive way of life; (3) expectations of stronger economic ties and gains; (4) a marked increase in political and administrative capabilities of at least some participating units. (5) Superior economic growth on the part of at least some participating units; (6) unbroken links of social communication; (7) a broadening of the political elites; (8) mobility of persons, at least among the politically relative strata; (9) a multiplicity of ranges of communication and transactions. It should be pointed out here that he had his preference for federalism for a successful amalgamation.

The concept of political communication and the approach to international integration both have been criticized severely. As a concept, the use and adoptability of a mathematical and technical concept to the field of human behavior was criticized by many.

Relevance and Application of the Theory

The relevance of this theory to ECOWAS and its protocol on the free movement of persons cannot be overemphasized for obvious empirical reasons. The thrust of both the functionalist and communication theorist is their emphasis on not only how to keep the nations peacefully apart but how to bring them actively together as well as on the intensive pattern of communication between the states and increasing flow of information among the people would lead to the emergence of "security communities". The theory posits that states forming cooperation is a mechanism for promoting their collective interest, welfare and solving collective problems. This postulation is also a major reason for the formation of ECOWAS in 1975 to serve as a sub-regional integrative mechanism that will collectively pursue and solve problems bedeviling West Africa. ECOWAS was designed to serve as a catalyst for the promotion of economic growth and development of the sub-region.

Peace and security are the key ingredients of the idea behind the theory of Neo-liberalism. ECOWAS has achieved remarkable success in the area of peace and security using the ECOWAS Monitoring Group (ECOMOG) in several peace keeping operations. The "ECOWAS" is among other things the Integration of West African States and their citizens. What this portends is that the freedom of movement of West African citizens will foster development and unification of the sub-region and it is a win-win situation. Thus, the pursuance of peace and reduction of war (involving terrorism) as encapsulated in the functionalist theory as well as the strengthening of communication to enhance security among member states as provided for by the communication theorist make these theories pertinent considering the adverse security realities accessioned by deepening integration agenda of ECOWAS.

4. CONCLUSION

This study demonstrates how Intra-African free movements of persons have enormous socio-economic benefits to the continent. It also explores some real challenges and costs in pursuing such free movement, but finds that, if managed well as part of the overall African Integration and development strategy, the benefits of free movements of persons in Africa by far outweigh the costs.

African States are invested in advancing and developing their economics by fostering greater Intra-continental and global trade. A well-managed system of free movement to Africans can thus provide an incentive to policies in a much wider range of areas relevant for trade and development, such as cross-border infrastructure corridors, aligned immigration and border formalities, strengthened national civil registration systems and roll-out of standardized travel present common challenges that call for common enabling solutions such as shared infrastructure, planning and development.

Major Finding of the Study

Major finding of the study revealed among others that:

- i. The aims and objectives of the Protocol have been defeated as many African States still lack sufficient “enablers” to create and manage such free movement.
- ii. Though the aim of the protocol is to enable economic activities, criminals have made themselves available to perpetrate their criminal activities. These have numerous implications for the security of the sub-region.
- iii. There is no adequate security of lives and properties, weapons are in wrong possessions as a result of the proliferation of small arms and light weapons.
- iv. The security forces have rather turned the job to their personal business, encouraging the crossing of smugglers of all kinds of commodities from a country to another with just a little amount. There is high number of roadblocks, illegal barriers and the menace of armed bandits constitute insecurity on the highways.

5. RECOMMENDATIONS

Drawing from the findings of this research in relations to her objectives. This research put forward the following recommendations:

- i. Strengthen, improve and integrate national civil registration systems, especially the integrity of ID and travel documents.
- ii. Enhance the security and issuance of biometric ID and travel documents, such as passports compliant with international standards.
- iii. Adequately equip borders and strengthen the related capabilities of all relevant agencies such as law enforcement, customs, immigration and health.
- iv. Align immigration, customs and border formalities and systems across African union member states, possibly including 24-hour open border posts; enhance inter-agency cooperation and information exchange at ports of entry based on compatible technology and innovation.
- v. Develop and improve cross-border infrastructure corridors that include telecommunications, internet, roads, railways, waterways and airways.

- vi. Put in place legislative policies and other mechanisms to guarantee protection and promotion of labour rights of migrants and address abuse of migrant labour, unethical recruitment and human trafficking.
- vii. Strengthen regional and national security systems including law enforcement, rule of law and public order and also capacity of member states to deal with national and regional security challenges.

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