The ECOWAS Protocol on Free Movement and Implications for Border Security Management of the Nigeria-Republic of Benin Borders

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Abstract

This paper interrogates the ECOWAS Protocol on Free Movement and the implications for border security management of the Nigeria-Republic of Benin borders. The ECOWAS Protocol on Free Movement of Persons was enacted in 1979 to ensure the free flow of persons, goods and services deemed crucial to attaining economic integration. Despite the benefits of the Protocol including promotion of free trade and commerce as well as easy exchange of human resources across the border, severe challenges still persist such as the concomitant increase in Transnational Organized Crimes (TOCs) that are a signature of African borders. Human trafficking is a particularly notorious crime that this article pays attention to due to the emphasis by the ECOWAS Common Approach to Migration of 2008. Porosity of the borders and inefficient border facilities are also obstacles. The ECOWAS Protocol though well intentioned has further aggravated the problems faced by Nigeria and the Republic of Benin as regards borders in the sub-region. Unofficial routes have sprung up thereby compounding the issue of policing these borders. It is imperative that the governments of Nigeria, the Republic of Benin and the ECOWAS authorities begin to reconsider the effects of the protocol in the light of the current realities. This paper makes the case for a more proactive implementation of the ECOWAS protocol by installation and maintenance of sound border facilities, promotion of inter-agency cooperation across border agencies of both countries and appropriate funding for these border agencies.

Keywords: *ECOWAS Protocol, Transnational organized crimes, free movement, border security.*

Introduction

The state of borders has been a source of concern in recent times for policymakers in Nigeria. Borders have emerged to be sites of crime that indicate the dysfunction of the state (Lamptey 2013, Osimen et al, 2017, Asiwaju 2018). The porosity of the nation's borders especially to the west with the Republic of Benin makes it imperative that the security implications be critically examined. This study traces the ease with which borders are crossed to the ECOWAS Protocol on Free Movement as one of the major sources of the insecurities associated with the borders in Nigeria. This paper gives the backdrop to the conversation by highlighting West African migration from colonial times. It then moves on to consider the sub-regional body of the Economic Community of West African States (ECOWAS) and the instrument that facilitates ease of movement across the borders which is the ECOWAS Protocol on Free Movement. Next, the specific borders of Seme and Idiroko are identified and discussed. The paper thus determines the security implications for border security before making some important recommendations to enhance the implementation of the Protocol as regards good border management.

Pre-Colonial Migration in West Africa

Migration in West Africa has been the way of life of the peoples for centuries (Adepoju 2005a). ECOWAS estimates indicate that the region's countries now harbour approximately 7.5 million migrants from other West African countries – i.e. almost 3% of the regional population (ECOWAS Commission, 2008). This ease of movement predated colonial times that set in the mid- 19th century. The borders were fluid as people moved across the sub-region at will for various reasons. Much of these were as a result of trade, slavery, conquest and inter-marriages (Lar, 2007). Borders were easily redrawn especially with the rise and fall of various empires and kingdoms. Notable ones included Oyo and Kanem-Bornu empires and Benin Kingdom in present-day Nigeria as well as Songhai Empire in present-day Republic

of Benin. Commercial activities such as Trans-Saharan Trade also involved people moving across the West African region to North Africa (Bakewell & Haas, 2007). In fact, it can be argued that this free flow of movement only met its waterloo with the advent of colonialism in the region (Bakewell & Haas, 2007; Opanike *et al.,* 2015). This put paid to the freedom of movement as the European colonialists established territories and bred the spirit of nationalism in the peoples of these territories that made them see their neighbours over the borders as aliens. These artificial borders are a consequence of the Partition of Africa that was undertaken at the Berlin Conference of 1884-1885 (African Union Commission, 2013; Felix &Eniayekan 2017). At that table, European powers divided the entire African continent thereby creating animosities amongst the peoples. The result was the balkanisation of West Africa into areas of conquest by the French, English and Portuguese which makes up the states in the region today.

The wave of independence blew across Africa in the mid-twentieth century especially from 1960. Much of West Africa gained independence during this time and the question arose of what to do with the artificial colonial boundaries that had been inherited from the colonial masters. This conundrum was further compounded by separatist tendencies that abounded in several African states. At this critical juncture, the then Organization of African Unity (OAU) stepped into the discourse in 1963 with the principle of UtiPossidetis Juris (African Union Commission, 2013). This principle noted in essence that the borders inherited by each nascent independent state were to remain exactly the way they were without any change whatsoever. Whereas this principle provided stability to the states and served to discourage attempts to redraw African borders, it was also a drawback to the ease of movement that was obtainable hitherto in the continent (African Union Commission, 2013).

The West African sub-region sought to enhance integration and promote development among member-states. It was decided that to foster economic development, it was pertinent to relax the rigid border

structures that served as a hindrance to the ease of movement of people across these borders. Thus, notable scholars such as Adepoju (2005a, 2005b. 2015) have noted that the ECOWAS Protocol on Free Movement was simply a return back to the status quo of free movement of people, goods and services before the advent of the colonialism of Europeans

The Economic Community of West African States (ECOWAS)
The Economic Community of West African States (ECOWAS) is the international organisation for the West African sub-region created in 1975. This period represented the emergence of West African states that had just gained independence. The motive behind the creation of ECOWAS was to initiate the growth and development of all states in the West African sub-region (Ministry of External Affairs, 1991). Major integration drivers such as Nigerian Head of State General Yakubu Gowon and President of Togo, Gnassingbe Eyadema sought that the states worked in concert to spark rapid growth as well as present a united front as a powerful bloc in world politics (Gowon, 1984).

The organisation has an effective structure that depicts a top-down approach. At the top is the Authority of Heads of State and Government. It is followed closely by the Council of Ministers. ECOWAS has a secretariat in Abuja, Nigeria which serves as its administrative arm. The secretariat coordinates the activities of the organisation in all fifteen member states.

The focus of the organisation has shifted from solely economic issues due to changing socio-political situations in several of the states over the years. The sub-region has been riddled with internecine conflicts that have crippled the governance structures and created socio-political complications. Thus, ECOWAS has been transformed into an organisation that is pre-occupied with intervening in the security challenges of the member states. This happened so often that the sub-regional organisation was forced to create a security arm known

as the ECOWAS Monitoring Group (ECOMOG). This security arm of the organisation has intervened in deadly conflicts in the region such as Sierra Leone, Liberia and Mali in a bid to restore the peace and harmony (Lar, 2007).

ECOWAS is therefore renowned worldwide for its security interventions rather than its economic initiatives. This unfortunately draws the focus away from its primary aim of sparking the growth and development of the economies of its member states. One of the most prominent economic initiatives is the ECOWAS Protocol on Free Movement of Persons, Goods and Services which is the subject of this study.

ECOWAS Protocol on Free Movement
The ECOWAS Protocol on Free Movement is arguably one of the most important instruments of the organisation. In fact, the Protocol has been hailed as the most sophisticated free movement mechanism in all of Africa (MiWorc 2017). The community was able to attain this noble feat right from its inception. The Preamble of the Treaty establishing the Economic Community of West African States (ECOWAS) identified the need to facilitate free movement within the bloc (Adepoju, 2005a).
Article 59 of the ECOWAS revised Treaty of 1993 states that:
> *Citizens of the community shall have the right of entry, residence and establishment and Member States undertake to recognize these rights of Community citizens in their territories in accordance with the provisions of the Protocols relating thereto* (Elumelu, 2014a).

The ECOWAS Protocol on Free Movement of Persons, Goods and Services, Right of Residence and Right of Establishment was promulgated in 1979. The Protocol involves three parts- the free movement of persons, right of residence and right of establishment. These three parts were to be enforced consecutively every five years. The Protocol was borne out of the realization that easy movement of

human and material resources was indispensable to the stated goal of provoking joint economic development of the states in the area (Opanike *et al.,* 2015; Lar, 2007). It was only logical that to achieve this, the member states should be free to call on the very best human and material resources to facilitate the growth desired. (ECOWAS Commission, 2008). The Protocol thus emerged at the most appropriate time for the community.

This work is concerned with just the free movement aspect of the Protocol. A discussion of the rights of residence and establishment is outside the purview of this paper. Whereas, the Protocol is intended to facilitate the intra-regional movement, it is subject to very important constraints which are important to emphasise.

One of which is the time constraint. The community citizens according to Article 3 (2) are only permitted by the Protocol to reside in member states without the typical visa requirements up to 90 days. This implies that after the stipulated time, the citizen would be expected to follow the normal procedure that pertains in the state in which the individual resides as regards residence and other procedures required for foreigners. Therefore, if such a citizen exceeds the time frame without notifying the appropriate authorities, such a person would have extended beyond the mandate of the Protocol and be liable to prosecution if determined by the host state. The intention behind this is to provide the state with the upper hand in deciding who remains within its borders.

Another important aspect of the Protocol is captured in Article 3 (1) which states that the citizen must have appropriate travel documents and an international health certificate to be able to benefit from the instrument. This suggests that the Protocol is not laissez-faire for unbridled migration across the borders of West Africa (Ayamga 2014). Inasmuch as the authorities of the Economic Community of West African States (ECOWAS) seek to make the borders easily accessible to the community citizens, it simultaneously desires to ensure that they are safe for the benefit of the national security of

each member state. This adheres to the tenet of good border management which seeks to keep out threats to the state while ensuring easy navigation of the borders (Bertozzi 2008). Irregular migration in the case of the ECOWAS region would be checkmated by the implementation of this aspect of the Protocol. The rationale was that valid travel documents such as a passport and an international health certificate ideally prove that the person who possesses them has a genuine reason for crossing the borders that define a state's sovereignty. The ECOWAS passport was introduced in 2000 and has since become a valid travel document required for movement within the sub-region as a result of this instrument (Elumelu 2013; Adepoju 2005b).

Article 4 arguably gives the most power of enforcement to states as far as the Protocol on Free Movement is concerned. The enactment of an instrument that guarantees free passage across a state's border connotes a vital loss of a state's prestige. This is because one of the hallmarks of sovereignty of a state is determining who goes in and out of its territory (Osimen *et al.,* 2017). Sovereignty itself refers to the ability of a state to retain control of the people within its territory and their affairs. Thus, taking away this ability to screen people indiscriminately can be seen as a weakening of a state's power. The supranational body of the region which is ECOWAS has essentially usurped part of the state power by enacting the free movement protocol. Therefore, this article serves as an important counter measure that states could take to assert their national interest especially if it goes against the regional interest in favour of intra-regional migration. A state can consider a community citizen to be a danger to its internal security. This is despite the citizen observing other parts of the Protocol such as possession of valid travel documents as well as the international health certificate. In this light, a state can thus securitise such a citizen as a threat and deny him the free movement across its borders. This puts a check on the ability of cross-border criminals for instance to flee across borders and carry out their nefarious activities.

Benefits of the ECOWAS Protocol on Free Movement
The ECOWAS Protocol on Free Movement undoubtedly has several benefits that have accrued to the community citizens as a result of its existence and implementation.

One of such is the easier movement of human and material resources within the sub-region. With the implementation of the Protocol, it is a lot easier for people and goods to move quickly within the community (Ministry of External Affairs, Federal Republic of Nigeria, 1991). This is particularly important for commerce which thrives on having access to the right labour and capital to attain maximum profits. The bureaucratic controls hitherto experienced at the borders of West Africa have been lifted. The typical waiting period for issuance of visa has been bypassed as well as the uncertainty of the process. Resources can be quickly mobilised and deployed to the West African regions that need them. Nigerian businesses have benefitted immensely from this agreement with Africa's richest man Aliko Dangote setting up business franchises all over West Africa. Nigerian telecom giants such as Globacom are also commonplace in the region.

In addition, the Protocol has galvanised the economic integration in the sub-region. The easier movement of resources has brought the economies of member-states closer and more dependent on each other. This portends better prospects for the relatively weaker economies in the region. They are able to leverage on their comparative advantage and thrive in the common economy that this instrument aims to create. It is in line with the vision of the founding fathers of the organisation that free mobility of labour across the sub-region is indispensable to the economic integration in the community (Gowon, 1984).

ECOWAS Vision 2020
ECOWAS has been involved in several attempts to reform itself over the years. This is consistent with its desire to keep up-to-date with

modern challenges. The latest drive by the ECOWAS is the Vision 2020 which fits in right with the theme of the work.

The community basically desires to transform itself from an ECOWAS of states to an ECOWAS of People by 2020 (ECOWAS Commission, 2011).

The vision reads thus:

> *"To create a borderless, peaceful, prosperous and cohesive region built on good governance and where people have the capacity to access and harness its enormous resources through the creation of opportunities for sustainable development and environmental preservation"* (ECOWAS Commission, 2011).

The drive is to break down the barriers that have held the organisation from uniting the peoples of the sub-region in the last 40 years. ECOWAS Vision 2020 seeks amongst others an adoption of the Schengen-type visa that removes internal borders within the area, abolition of residence permit, exchange of information by security operatives at borders and the removal of checkpoints on security highways (Elumelu, 2014a). Some of the challenges facing the ECOWAS member states include parochial national interests as well as persistent colonial orientation of member states. National interests have often stood in the way of the integration goal of the organisation. States like Nigeria have been accused of harbouring hegemonic tendencies towards its smaller neighbours. This has often been as a result of the large population of the state and its massive land mass when compared to its neighbours. This has led to suspicion on the part of its neighbours. Thus, integration initiatives that have been sponsored by Nigeria in the past have been treated with apprehension and seen as part of its larger expansionist agenda (Gowon, 1984). These ideas have been rebuffed vehemently by member states and slowed down the progress of the organization in the long run.

Another major clog in the wheel of progress of the organisation is the differing colonial orientations of member states. ECOWAS is made

of 15 member states with 9 Francophone states, 5 Anglophone and 1 Lusophone state. The major rivalry is between the Francophone and Anglophone states. The Francophone states still have major ties to France which was the colonial state. The general currency of all the states is CFA Franc and there are strong cultural and military ties with Paris. It therefore appears that France is a major determinant of the actions and reactions of the Francophone states in the organisation (Felix &Enaiyekan, 2017). Thus, whatever resolutions made by member states that are deemed reprehensible to French interests are frustrated and subsequently dropped. This has been a setback to the organisation from its inception and has prevented its emergence as a truly integrated bloc (Ayamga, 2014).

The fulfilment of the ECOWAS 2020 Vision is heavily dependent on the reform in the implementation of the ECOWAS Protocol on Free Movement of Persons, Goods and Services. This Protocol is particularly one of the utmost drivers of the quest for a borderless sub-region of peoples rather than states. This is what makes this work particularly apt seeing as it examines the protocol in the light of the implications for border security management.

Seme and Idiroko Borders
Seme Border is the biggest border between Nigeria and the Republic of Benin. In fact, Seme border has been referred to as the busiest border in West Africa due to its strategic location between the bustling cities of Lagos and Cotonou in Nigeria and the Republic of Benin respectively (Nigerian Customs Service, 2018). It came into existence with the independence of both Nigeria and the Republic of Benin in 1960. It is located in Badagry West Local Government Area. It is the major land border between the two states and accounts for much of the transactions that bring in a lot of revenue between both states (Adeleye, 2017). The Seme border however has been in a state of disrepair and dysfunction for a long time until recently in 2018 with the inauguration of an ultra-modern facility in October, 2018. It had

acquired a reputation for being one of Africa's most notorious borders. Transnational organised crimes such as human trafficking, contraband smuggling and Small Arms and Light Weapons (SALW) are prominent signatures of the Seme border. The facilities for manning the borders are antiquated. The European Union in collaboration with ECOWAS has recently built a joint border facility at Seme to facilitate good border management for both Nigeria and the Republic of Benin. However, it is yet to be put into use over two years after its completion. Instead, the old routes are still being made use of which result in severe traffic gridlock and resultant loss of revenue for both sides.

Idiroko is another major border between Nigeria and the Republic of Benin. It is situated at the outskirts of Ogun state and attracts significant business transactions too. It is a border that is frequently traversed by commuters and business people. Both Seme and Idiroko borders have similar characteristics that are important to examine.

One of which is porosity of the borders (Haas 2006). The two borders have official routes that are sanctioned to carry out business and enhance the easy movement of people, goods and services between these two states. Nevertheless, there is also a presence of several unofficial routes that litter the landscape of Seme and Idiroko borders. These unofficial routes are taken advantage of to perpetrate nefarious activities most notably smuggling and other crimes (Onuoha, 2013). While a glance at the official routes portray adherence to the rules and regulations of border management, the unofficial routes actually show the reality on ground and witness twice as much activities as the official ones (Aduloju, 2017). The porosity of the borders is a major issue that prevents good border management. No valid documents are required to pass through these routes and virtually anything goes. Interestingly, the border agents are aware of the existence of these routes and simply do nothing to police them either as a result of apathy or active connivance with the criminals and people smugglers. The presence of the porous borders posits grave danger and aggravates border insecurity. A state that cannot effectively

police all the routes into its territory opens itself up to inherent security risks that undocumented migration brings (Leonard 2010). This has been the case in recent times in Nigeria where reports have been made of security threats such as Boko Haram and Fulani Herdsmen taking advantage of the porosity of the borders to swell their ranks and obtain reinforcements (Onuoha 2013;Osimen *et al.,* 2017).

Similarly, both Seme and Idiroko borders are grossly understaffed. This is a consequence of the porosity of the borders. The major border agencies in Nigeria are the Nigerian Immigration Service (NIS) and the Nigerian Customs Service (NCS). The NIS handles the entry and exit of people across the borders while the NCS is primarily concerned with the movement of goods across the borders. These agencies are understaffed and lack the adequate capacity to man these borders (Okunade, 2015). There are only a handful of border officials to police the land borders in particular. This situation is very obvious when the officials are confronted by smugglers and other criminals. They are simply outnumbered and outmanoeuvred by these adept people who are more familiar with the terrain and more skilled (Lamptey, 2013). Most times, the agencies lack the manpower to effectively police the official routes talks more of the numerous unofficial ones (Onuoha, 2013). The effect is that they simply succumb to the whims and caprices of the smugglers and look the other way. A similar issue is the capacity required to secure these borders. The officials are often poorly trained in basic security skills such as intelligence gathering and reconnaissance (Eselebor & Linehan, 2014). They are also lightly armed and come against criminals with sophisticated weapons at their disposal. This already puts the border agencies at a disadvantage in combating crime the right way.

Moreover, the borders at Seme and Idiroko have very poor working conditions for the border agencies (Aduloju, 2017; Adeleye, 2017). This is symptomatic of the general nature of border communities. These communities lack basic infrastructure especially good road networks, electricity, pipe borne water and housing. They are often

out of touch with the central government and are considered outposts of the society (Asiwaju 2018). Hence, there is a glaring lack of government presence or interventions in these areas except during election times when politicians come to woo the constituents for their votes (Asiwaju 2018). The working conditions for border agencies are deplorable to say the least. The officers lack good communication facilities such as mobile network coverage. This makes it difficult to share real time intelligence between the border outposts and their central command when the need arises. The office environment lacks basic amenities such as work stations, computers and even chairs and tables. The living conditions for the officials are also sub-standard with some officials sleeping in the open. As a result, there is little motivation for the officials to engage with security threats when they are not adequately taken care of.

Border Security Management
Border security management is an integral part of the security of any state. The borders define the sovereignty of a state and mark off the point at which a state has influence over its affairs. This implies that the border is at the heart of a state's security (Osimen *et al.,* 2017). Any attempt to violate the borders of a state is often rebuffed. In fact, throughout history, borders have been the leading cause of conflicts between states (Laine, 2015).

Therefore, borders have often been very rigid and securitized. Movement across borders have been heavily regulated with very irksome procedures that intend to both thoroughly screen out threats on the one hand and also deter unnecessary migration to other states on the other hand (Laine, 2015). This reality has gradually changed due to the contemporary times in which we live in. In today's globalised world, people, goods and services criss-cross borders every time due to the inter-connectedness of the age (Osimen *et al.,* 2017). This has led to the need for a revised understanding of border security management. Good border security management now refers to the

ease of moving across borders while simultaneously keeping out national security threats (Lamptey, 2013; Bertozzi, 2008). Today's emphasis is on making the process as seamless as possible. This does not discountenance the need for security consciousness as the border agencies simply deploy more technology to effectively screen out the threats. Bertozzi (2008) is of the opinion that border agencies should take care not to stifle economic activities in the bid to enhance border security.

Effective border security management relies heavily on the collaboration with the border agencies of other states to be successful. This is because in order to remove the existing roadblocks to the smooth transactions at the borders, the officials would have to rely on the use of technologies particularly on intelligence gathering to able to filter out the threats that may exist to a state's security. This would only easily come from cooperation with the neighbouring state in terms of joint patrol, capacity building, communication and intelligence sharing (Bertozzi, 2008). Therefore, no state can attain effective border security management in isolation. It would need all the help it can get from its neighbours.

Implications of the ECOWAS Protocol on Free Movement for Border Security
This paper is particularly concerned with the implications that the ECOWAS Protocol on Free Movement has for border security management.

Poor Detection of Threats to National Security
The ECOWAS Protocol has contributed to the poor capacity of border agencies to determine threats to the national security. The advantage of pre-screening of travellers for visa issuance is the ability of the border agencies to determine who is coming into the country and what the purpose is (Leonard, 2010; Zampagni, 2017). It helps to provide the host state with advance information which is useful in

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determining if a person or group of persons constitute a threat to the national interests. A visa can then be issued after determining that the migrant has legitimate reasons to move across the borders into the state. The ECOWAS Protocol currently negates against this by allowing the influx of all and sundry without the scrutiny of relevant checks such as these. This allows for mixed migration where different criminal elements could hide among legitimate migrants to cross en masse into Nigeria or the Republic of Benin (UNODC 2018). This arguably is the case at the moment in Nigeria in the discourse on the recent security threat of the Herdsmen/Farmers clash. The head of Miyetti Allah, the group representing the herdsmen, recently argued that the herdsmen that perpetrate the conflict are non-Nigerians. According to him, they are Fulani from neighbouring states such as Niger that cross the borders at will. He attributes the ease of navigating the borders at northern Nigeria to the ECOWAS Protocol on Free Movement which makes border crossing very easy (The Nation Nigeria, 2018).

The essence of the instrument was to enhance the integration of the region but it has inadvertently taken away a vital element of the policing of border agencies. This ability to pre-empt threats is particularly important as it is easier to take preventive measures rather than curative ones. If the border agencies could be notified earlier that a particular citizen is a threat to the national security of Nigeria or the Republic of Benin, he would ordinarily be refused entry into the state. This unfortunately has not been the case since the Protocol came into force in 1979.

Promotion of trans-national organised crimes especially human trafficking
Transnational organised crimes are criminal acts that are carried out by structured gangs for profit across the borders of several states. Recently, such crimes have become a signature of West African borders (Onuoha 2013; Opanike *et al.,* 2015; Asiwaju 2018) The ECOWAS Protocol on Free Movement of Persons has inadvertently promoted

human trafficking in the West African sub-region. The United Nations Organization for Drug and Crime defines human trafficking as the act of recruiting, transporting or receiving a person through coercion or deception for the purpose of exploitation in the forms of sex, forced labour or organ harvesting (UNODC 2016). This type of transnational organised crime has become so notorious that it is the only one singled out by ECOWAS in its Common Approach on Migration to be combatted as a moral and humanitarian imperative (ECOWAS Commission, 2008). Human trafficking gangs have taken advantage of this to ensure the perpetuation of the so-called "modern-day slavery" in the 21st century (Adeleye 2017). Human trafficking gangs are able to exploit the free movement of people, goods and services by bribing border officials and ensuring their collusion in the nefarious activities. Young girls for instance, are recruited in hotspots in Southern Nigeria such as Benin City and stealthily moved across the land borders on their way to Southern Europe. A large majority of those affected are Nigerians making them one of the most-trafficked victims to Europe in all of sub-Saharan Africa (De Haas 2006). The ECOWAS Protocol on Free Movement has contributed to the laxity of border officials on both sides of the divide to the issue of human trafficking and other Transnational Organised Crimes (TOCs). The lack of observance by the border officials such as the Nigerian Immigration Service is further compounded by the infiltration of the top ranks of these agencies by the elite heads of the trafficking gangs. The heads of these gangs are wealthy traffickers with sophisticated networks across Europe, Asia and America. They exert pressure on the weak institutional structures of the border agencies and are able to sway them to their side as a result of their clout (Adeleye, 2017).

Improper awareness and implementation of the Protocol
A major consequence for border security of this free movement instrument is improper awareness and implementation of the Protocol. There is reason to believe that the meaning and import of the Protocol have been misunderstood especially by the community citizens

(Elumelu,2014). The instrument has been interpreted to mean movement across West African borders without any form of identification whatsoever. Thus, citizens troop en masse over the borders and appear puzzled when quizzed by border officials for relevant travel documents(Haas, 2006). The blame for this can be placed squarely on ECOWAS and the member states for not properly undertaking sensitization of the community citizens. Such misconception is dangerous as it could lead to the outbreak of violence and hostility in the process of enforcing the law. Citizens also prefer to use porous routes at the borders rather than the official ones(UNODC, 2018). This inconceivably occurs even when they have the relevant travel documents such as the ECOWAS passport and health certificate. This action springs from the belief that official border procedures are burdensome and tenuous such that citizens would rather contravene the law than follow it. Community citizens should be adequately sensitised on the full provisions of the ECOWAS Protocol on Free Movement and their rights therein (Adepoju, 2015). Implementation is also subject to political dynamics of member states. In early 1983 and in mid-1985, the Nigerian Government revoked Articles 4 and 27 of the Protocol to expel over 1 million illegal aliens mostly Ghanaians (Adepoju, 2005a).

Ignorance and blatant violation of the Protocol by border officials
The implementation of the ECOWAS Protocol is also hampered by shocking ignorance and blatant violation of the law by border officials. It is commonplace within West African borders that border officials still request for gratification from travellers in spite of the valid travel documents possessed by the citizens. Movement at the Seme border for instance often resorts to gridlock as border agencies request for "tips" or bribe to permit travellers especially traders to bring in their goods. This flagrant disregard for the Protocol posits a danger to the state as it permits the highest bidder to come into the state irrespective of their intentions. Under this disguise, criminal elements could be

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granted entry that constitutes security threats as a result of this lack of thorough implementation of the Protocol.

Remarkably, some border officials are even ignorant of the basic tenets of the Protocol. This is seen in the fact that people are allowed to move across these borders without relevant checks on their person and documents. This leaves a lot to be desired as the wrong calibre of people get admitted into the state with grave security implications. In Nigeria recently, the issue of security threats such as nomadic herdsmen migrating across the borders into Northern Nigeria has been traced to the irregular migration that is due to negligence on the part of border agencies manning the nation's frontiers (The Nation Nigeria 2018).

Increase in corruption among border officials
The Protocol has also led to corruption among the hierarchy of border officials (Haas, 2006) . The intention of the protocol was to ensure easy movement of people across the borders while keeping out threats to national security. ECOWAS thus set out to create a fairly simple system in which the ECOWAS Travel Certificate or passport as well as the Health Certificate could replace the need for visas in verifying the identity of migrants. However, the system has been hijacked by corruption in these agencies. It starts from the very process of issuance of the ECOWAS passports. The procedure is often shabbily done without recourse to detail and thorough inspection of documents presented by the citizen of the community. In Nigeria, for instance, the ECOWAS Passport can be gotten in about two hours after submission. While this could be hailed as an efficient process, it is important to point out that the citizen often has to tip off the immigration officer in order to hasten up the process. This could be done irrespective of whether the documents presented are legitimate or in consonance with the laws of the land.

Corruption is also evident in the implementation of the ECOWAS Protocol on Free Movement. This is seen in the way and manner the provisions of the protocol are handled by the border officials (Adepoju,

2005b). The ECOWAS Protocol has been taken to mean a *laissez-passé* for just about any form of illegality where everything goes. Whereas some of the provisions of the Protocol clearly state that the individual could only pass with appropriate travel documents, it has become a form of migration *en masse* across the borders. Scant attention is paid to scrutinising the travel documents at border posts of prominent borders of both Nigeria and the Republic of Benin such as Seme and Idiroko. Businessmen easily collaborate with border officials to ensure clear passage even when lacking basic travel documents. Trans-border Commuters in Nigeria such as ABC Transport and Cross Country frequently transport commuters across West Africa who do not have ECOWAS passports. They simply charge these citizens higher transport costs and "sort" or bribe border officials to be allowed movement across the borders. The porosity of the borders of Nigeria and the Republic of Benin also create a perfect opportunity to sabotage the ECOWAS Protocol. The Protocol is presumed on the basis that the West African states have what it takes to ensure the security of their borders. These include sound facilities, latest technologies and adequately remunerated personnel. The opposite is usually the case with African borders having the unenviable reputation of being among the most porous in the world (Onuoha 2013). This reality has provided the leeway for criminals to hijack the good intentions behind the enactment of the protocol and utilise it as the perfect cover for their illegitimate activities.

The presence of multiple illegal checkpoints at Seme border is also a contravention of the intent of the Protocol. In a research trip undertaken by the author in December 2017 across the land borders of West African states of Nigeria, Republic of Benin, Togo and Ghana, it was discovered that there were over 17 illegal checkpoints that were counted between the border at Seme and the border town at Badagry. These checkpoints are simply avenues to extort travellers of their resources even after lawfully crossing the state's borders and appear to be commonplace across the community (Haas, 2006). The

Protocol was set up to enhance movement across the borders and not complicate it. The implementation of this noble desire at the border in Seme leaves a lot to be desired. The checkpoints are a flagrant disregard of the tenets of the Protocol (Elumelu, 2014b). They made crossing the land borders of Nigeria a dreaded affair and introduce crime and corruption in a new dimension as it is carried out openly by border officials.

Inadequate Cooperation among National Border Agencies
The ECOWAS Protocol on Free Movement can also be fingered as contributing to the inadequate cooperation among border agencies of both the Nigerian and Republic of Benin States. The national interest is held supreme in every state and is promoted beyond every other desire. The Protocol represents a regional convention that could at times be interpreted as inimical to the national security of a country. Barely 5 years after the Protocol was enacted by ECOWAS in 1979, Nigeria, arguably the dominant power in the West African sub-region contravened its provisions under the Buhari regime by indiscriminately deporting over 1 million immigrants to states in the region such as Ghana and Republic of Benin that were deemed illegal (Haas,2006; Lar 2007). The argument put forward at the time was that they contributed to the insecurity of the state. Nigeria has also at other times shut its borders with the Republic of Benin totally under the pretext of combating Trans-national organised crimes (TOCs) (Osimen *et al.,* 2017). Instances like this have watered down the importance of the Protocol as states within the region could arbitrarily take counter-measures against it without warning.

Language barriers
The language barrier poses an existential challenge to the implementation of the Free Movement Protocol of ECOWAS. Language is crucial to the co-ordination of operations across the borders. This is even more so as Nigeria and the Republic of Benin

speak different languages – the former speaks English while the latter's lingua franca is French. This development arose due to the difference in colonialism. The idea of the sub-regional integration seeks to transcend the linguistic differences to unite the people of different cultures that make up the community. Overcoming the language barrier is simply the first step as the languages also harbour distinct cultures that would also need to be brought together. It is therefore appalling that the border officials at the Nigeria and Republic of Benin borders are often not multilingual (Ayamga, 2014). This implies that the border officials have inadequate knowledge of French and English required to carry out basic conversations that would ensure smooth entry and exit across the borders. This is a major problem because the inability to communicate effectively between the border officials and community citizens easily breeds room for hostility. Border officials typically come across as hostile and aggressive whereas travellers are impatient when the language differences come into play. The governments of Nigeria and the Republic of Benin have to invest heavily in multilingual trainings for the border agencies to build their capacity in both languages. The ability to do that would go a long way in ensuring the smooth implementation of the ECOWAS Protocol on Free Movement.

The ECOWAS Protocol on Free Movement is a very important instrument to foster economic integration in the sub-region. While it has been crucial to the development of the member states for over four decades, it is in dire need of reform to enable it become more effective. To do this, the author draws lessons from the free movement instruments across the world that ECOWAS could domesticate to get better results.

First, there is the need for an external border for the sub-region. ECOWAS has succeeded in abolishing the internal borders within the community. This implies that one can easily move across these borders with ease thanks to the Protocol that does not require one to have a visa. The benefits of these have involved easy movement of people,

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goods and services across the sub-region. ECOWAS however lacks a common external border. It has been unable to create a joint border of all 16 states that screens people from outside the sub-region who want to come into the community (Elumelu 2014a). The consequence is that a member state cannot easily vouch for the security of the other as each state is responsible for its own security. This does not augur well for the community in the age of globalization where states face similar threats. These threats include terrorism, viral diseases, arms proliferation and drug smuggling. The West African sub-region was thrown into chaos a few years back when Ebola broke out and spread rather easily from state to state.

ECOWAS can take some lessons from the European Union (EU) in this regard. The external border of the Schengen Area screens travellers from whatever point of entry into the EU. This is a buffer to the security of each member state as security threats are rebuffed and prevented from entering into any part of the region. There is also a joint organisation that manages the external borders of the European Union that is lacking in the Economic Community of West African States (ECOWAS). FRONTEX effectively co-ordinates the external borders of the region by facilitating co-operation amongst border agencies of member states and data-sharing (Leonard 2010).

In addition, there is the need for modern border facilities for ECOWAS member states. This is highly important for effective border policing. The Seme Joint Border Post that was commissioned in October 2018 is a step in the right direction. That feat has to be replicated in other border points between Nigeria and its ECOWAS neighbours. The facilities for the border agencies are not conducive for cross-border policing. The member-states and ECOWAS need to invest funds in building modern border facilities that are full-equipped with required technologies for good border management.

It is important that ECOWAS develops an effective data sharing system such as the EU Visa Information System. The West African organisation should create a sound information sharing system in the

sub-region. This is imperative to complement the ease of movement that the ECOWAS Protocol aims at attaining. The drawback of making migration seamless across borders within a particular region is the very present likelihood that it could be taken advantage of by criminal elements (Bertozzi, 2008). This is where the need for sound intelligence information and sharing systems come into play. It is crucial that ECOWAS designs an operational system for sharing intelligence on security threats across the sub-region in real time. Unfortunately, a lot remains to be done in this regard. The border agencies of West Africa have been rather slow to adopt prominent technologies at their land, sea and air borders. In the 21ˢᵗ century, manual searches are still the order of the day at the sub-region's entry and exit points. This lack of reliance on technology hinders the development of a sophisticated intelligence sharing mechanism among member states. The European Union has the Visa Information System that ensures that all member states are kept abreast of potential security threats (Bertozzi, 2008). This requires that information about travellers into the Schengen Area is within reach of all member states in real time. ECOWAS lacks such a system and has undermined the essence of the Protocol in its absence. The lack of coordination in data sharing has giving the West African borders the unenviable reputation of having some of Africa's most notorious borders. Criminals can move from one state to another unhindered and avoid detection by security agents. Improper documentation of migrants is also another consequence of this as the details of these people are not properly archived by ECOWAS for future purposes.

Conclusion

This paper argues that the ECOWAS Protocol on Free Movement has inadvertently heightened the border insecurity for Nigeria and the Republic of Benin. This is in spite of the measured benefits including promotion of intra-regional trade, easier movement of human and material resources and economic integration. The negative implications of the ECOWAS Protocol to border security include rise in

transnational organised crimes such as human trafficking, poor detection of threats to national security, improper awareness of the Protocol, increased corruption by border officials, inadequate cooperation of border agencies and language barriers. ECOWAS needs to mitigate these challenges as it prepares to transform into an ECOWAS of Peoples in 2020. Therefore, it should create and manage an external border for the region, formulate an efficient information sharing system, ensure national policies are not opposed to the Protocol and maintain smart borders with the latest technologies.

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