Security Implications of Free Movement for Countries of the Economic Community of West African States

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Abstract

This paper examines the security implications of free movement of people in the member countries of the Economic Community of West African States (ECOWAS). In doing so, it explores the nature and dynamics of the security challenges which the Protocol on free movement has generated for the member states of this sub-regional organisation, and how these fed into and intensified the security problems bedeviling the sub-region over the past decades. The focus on the Protocol, which was adopted in 1979, is informed by the fact that it has, in the last couple of decades, been exploited by criminals to perpetrate all manners of nefarious activities, notably human trafficking, drug trafficking, small arms and light weapons trafficking, smuggling of contraband goods, cross-border armed robbery and banditry, kidnapping for ransom and terrorist activities, all of which constitute serious security concerns to the sub-region. It is important, for example, to note that the relative ease with which trafficking and terror gangs traverse the sub-region and carry out targeted attacks on innocent people as well as public and private facilities is directly linked to the provisions of the Protocol which, among other things, abolished requirements for visas and entry permit for

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Community citizens travelling within the region. The study found out that criminals travel within the region without documents as stipulated by the Protocol and illegally smuggle prohibited goods across national boundaries. It also revealed that ECOWAS does not have a computer database and this makes it difficult for border officials to document the identities of travelers, making it easier for people to commit crimes without being identified. The study discovered that this illegal movement has not only impacted negatively on human security but has also impeded intra regional efforts at ensuring security and sustainable development within the sub-region. The paper recommends that a special regular joint-border patrol should be put in place as a way of strengthening the existing collective regional security framework in West Africa. Both primary and secondary data were used for this study. Primary data were sourced through the conduct of in-depth interviews while secondary data were obtained from relevant textbooks and journals. The analysis of data generated was essentially qualitative, using descriptive and content analyses. The theoretical framework adopted for analysing this work is critical theory, which gives primacy to non-state national and transnational actors rather than making the state the primary referent of security. This theory offers more convincing explanations on how non-state criminal groups have taken advantage of the free movement Protocol of ECOWAS to perpetrate terrorism and trafficking of people and goods, with all their negative security implications.

Keywords: ECOWAS, Protocol, Free Movement, Security.

Introduction

The Economic Community of West African States (ECOWAS) was inaugurated on the 25th of May 1975 to promote socio-economic cooperation and integration among West African States. The Treaty that established the sub-regional body spells out a long-term objective to establish a community citizenship that could be acquired automatically by all nationals

of member states. A key requirement for the attainment of these objectives is the removal of obstacles to the free movement of people, capital and goods in the sub-region. In line with this, Article 27 of the Treaty that founded the ECOWAS declares that:

Citizens of member states shall be regarded as Community citizens and accordingly member states undertake to abolish all obstacles to their freedom of movement and residence within the Community. Member states shall by agreement with each other, exempt Community citizens from holding visitors' visas and residence permits and allow them to work and undertake commercial and industrial activities within their territories (ECOWAS Treaty, 1975).

To realise these objectives, the ECOWAS Protocol on Free Movement of People, Residence and Establishment was adopted on May 29, 1979. From that day, the Protocol became the instrument for the removal of obstacles to free movement of people and goods in the West African sub region. The advent of the Protocol, therefore, rekindled the hope of actualising one of the most vital goals of ECOWAS, which is the creation of a common market among its members for the purpose of achieving rapid regional economic growth and development. This expectation apparently emanated from the provisions of the Protocol which, among other things, conferred on every West African citizen the right and freedom to enter, reside and establish business anywhere within the Community. Central to the provisions of the Protocol is Article 3(2) which stipulates that:

> A citizen of the Community visiting any member state for a period not exceeding ninety (90) days shall enter the territory of that member state through the official entry point free of visa requirements. Such citizen shall, however, be required to obtain permission for an extension of stay from the appropriate authority if after such entry that citizen has cause to stay for more than 90 days (ECOWAS Protocol, 1979).

The only requirement for ECOWAS citizens travelling to any ECOWAS state is the possession of valid travel documents and international health certificates. In the case of citizens travelling with their vehicles, driving license, documents of ownership and insurance policy are required.

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Two important considerations made the promotion of free movement in the region an important policy to be pursued. First, West African leaders realised the importance of migrant labour to the economies of the zone and the crucial role which the mobility of labour could play in the development and harmonisation of the economies of the sub-region. Second, they reasoned that the commercial approach to integration which they adopted required the complementary policy of free movement of people (Adepoju, 2002). The free movement policy was designed to facilitate regional economic integration, but this objective has not been realised as it still remains idealistic 37 years after the adoption of the Protocol. One major reason for this unfortunate state of affairs is the failure of ECOWAS to institute adequate mechanisms for controlling the movement of criminals and illegal goods across the sub-region. As a result, trafficking cartels and criminal gangs have, over the past decades, taken advantage of the provisions of the Protocol to engage in human trafficking, narcotic trafficking, firearm trafficking, smuggling of contraband goods, cross-border armed robbery, kidnapping and terrorist activities. There is hardly any of these non-conventional security challenges in West Africa that its operation cannot be remotely traced to the relative ease with which perpetrators enter and exit through many of the region's borders (Interview, 2017). In addition to the free movement of people occasioned by the Protocol, borders in West Africa are notoriously porous and unguarded. This facilitates greater movement of people and illicit goods from one country to another, constituting great security threat to the sub-region.

My purpose in this paper is to critically examine the ECOWAS Protocol on free movement and the security challenges it has engendered for the member states. In going about this, particular attention is paid to the nature and dynamics of these "new" security threats and their implications for security, stability and economic integration and development of West Africa. The paper further assesses the responses of ECOWAS to the security challenges. I conclude by suggesting strategies which can contribute to strengthening existing collective regional security order in West Africa.

Conceptual Clarifications
ECOWAS

The Economic Community of West African States (ECOWAS) is an economic integration organisation which came into existence following the signing of its Treaty in Lagos on 28 May 1975. It comprises fifteen West African countries, namely Benin, Burkina Faso, Cape Verde, Cote d'Ivoire, Gambia, Ghana, Guinea-Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone, Togo and Guinea-Conakry. With the exception of Nigeria, Ghana and Cote d'Ivoire, these ECOWAS states are economically unviable and too small to achieve economies of scale without harnessing their efforts to a larger sub-regional market (Adebajo, 2004). ECOWAS, therefore, is a sub-regional economic scheme aimed at promoting and enhancing economic development through close cooperation among member states in all economic fields.

As applied in the context of this paper, ECOWAS refers to an economic body primarily meant to achieve a common market in which goods, services and people move freely across West Africa, and in which members derive benefits from increased trade and a common external tariff. Specifically, ECOWAS is the organisation which is centrally concerned with fostering free movement of people through the abolition of visa and entry requirements, providing for the right of residence and establishment for the purpose of promoting market integration in West Africa. Encapsulated also in the description of the sub-regional organisation is its activity in the area of enhancing free movement of goods through the ECOWAS Trade Liberalisation Scheme (TLS) and the Common External Tariff (CET). The legal sanctity of this engagement of ECOWAS with trade liberalisation is provided by Article 20(1) of the ECOWAS Treaty which states that "member states shall accord to one another in relation to trade between them the most favoured nation treatment and in no case shall tariff concessions granted to a third country under an agreement with a member state be more favourable than those applicable under this treaty" (Alli, 2009).

Protocol

The term "Protocol," as used in this study, means an international agreement which supplements or amends a treaty. Protocol is commonly described as a set of international courtesy rules, usually for promoting harmonious

relations between nations and people. According to Serres (2010), protocol is "a set of rules, procedures and conventions concerning relations between states." In matters of state and diplomacy, protocol specifies the proper and generally-accepted mode of behaviour. Protocol is essentially an agreed statement of explanation or interpretation accompanying the signature or ratification of a treaty. The numerous protocols of ECOWAS conform with the foregoing description of protocol.

To contextualise the term, the 1979 ECOWAS protocol on free movement, which supplements the ECOWAS Treaty of 1975, is an agreed statement meant to facilitate the attainment of the original objective of abolishing all obstacles to the freedom of movement and residence of Community citizens. The 1979 Protocol, thus, is the document that explicitly states the right of ECOWAS citizens to enter into any member state, their freedom to stay up to 90 days in the territory of a member state and the right to reside in the territory of another member state other than their country of origin. Similarly, the four Supplementary Protocols, that is, the 1985, 1986, 1989 and 1990 Supplementary Protocols on the Code of Conduct are documents which further interpret and amend the 1979 Protocol (Adepoju, Boulton and Levin, 2010).

Free Movement
In the ordinary English usage, free movement is the right or freedom to move from one location to another without restriction or hindrance. Contextually, however, free movement is the right of people and goods to move freely within the West African sub-region. Free movement is a term that encompasses the five rights granted to ECOWAS citizens (ECOWAS Protocol, Article 2, 1979). They are the: right of entry, right of stay, right of residence, right of establishment, and right of access to the Community Court of Justice. With respect to right of entry, a national of a member state can cross a land border and travel by air between ECOWAS member states without a visa. On the right of stay, a citizen of ECOWAS is free to stay up to 90 days in the territory of a member state other than the citizen's country of origin without any formality. If the stay exceeds 90 days, the citizen only has to contact the immigration service of the host country for a residence permit. On its part, right of residence guarantees the right of any ECOWAS citizen to reside in any member state of his or her choice by

simply applying to the Immigration Department of the host country for a residence permit. With reference to the right of establishment, a national of an ECOWAS member state is free to establish in another member state and carry out industrial and commercial activity while any citizen has the right of access to the Community Court of Justice whenever the citizen feels that the exercise of his or her rights in matters pertaining to free movement policy has been trampled upon.

However, free movement is defined in this paper as the abolition of all obstacles to freedom of movement of persons and goods within the West African community. Free movement connotes the right of ECOWAS citizens to enter, reside and become established in the territory of any member state. It is a right that confers the status of community citizenship on the citizens of member states. From this perspective, the term "free movement" will be used in two senses. First, it will be employed to refer to the freedom of citizens from any ECOWAS state to travel, enter and reside in another member state for a maximum of ninety days without visa and entry permit, provided that they possess valid travel documents, namely a passport or travel certificate and international vaccination certificates. Second, it will be used to describe the right of both private and commercial vehicles registered in the territory of a member state to enter with or without goods and remain in the territory of another member state for a period of 90 days and 15 days respectively. Free movement is therefore conceptualised in terms of a common market in which goods, services, capital and people will move freely for the purposes of harmonising the economies of the region and promoting intra-regional trade.

Security

In common usage, the concept of security refers to safety. Security connotes a condition of protection against danger or loss. There is, however, no consensus on the definition of security. As a result, different definitions of security exist. However, despite the absence of a generally agreed definition of security, there is a clear distinction between the traditional, state-centric conception of security and the non-traditional, human needs understanding of security. The traditional view, which was sustained during the Cold War, reinforces the realist analysis by defining security in terms of securing the state against external dangers to be achieved through the accumulation and

use of military capabilities (Tickner, 1995). This school of thought places emphasis on military threats to security and the build-up of a strong military defence to protect the territorial integrity of the state.

However, the non-traditionalists have, since the end of the Cold War, broadened the definition of security to include such issues as economic, environmental, social, feminist and other threats. For example, Caroline Thomas (1995) defines security, not only in terms of the internal security of the state, but also in terms of secure systems of food, money and trade, noting further that basic human needs provision is a dimension of national security. She restates the interdependence between military and economic security when the failure to meet individuals' basic needs strengthens the problems of internal security, as a regime, perceived as not working in the interests of people, arm to protect itself from domestic unrest. Thus, since the 1990s, security has always been associated with the safety and survival of the state and its citizens from harm or destruction and dangerous threats (Zabadi, 2005). This implies an extension of the concept of security beyond its political and military connotation to encompass issues relating to the basic needs of people, including economic, environmental, social and feminist issues as well as protection of people from various threats.

In the context of this paper, security will be used to encompass not just the achievement of minimal levels of material needs of people, but the protection of people from crimes and their emancipation from various constraints. Emancipation, according to Booth (1991), means freeing people from those constraints that stop them from carrying out what they would freely choose to do. The new thinking on security, thus, places less emphasis on the military and state-focused threats that emanate from inter-state conflicts and has become more concerned with transnational and intra national threats to human society. From the foregoing, security is conceived from the point of view of new threats that have emerged from the recreation of "borderless" West Africa, which the ECOWAS Protocol on free movement seeks to achieve. These transnational threats, whose targets are increasingly civilians and the infrastructure of modern society, include terrorism, narcotic trafficking, small arms and light weapons trafficking, human trafficking, money laundering, cross-border armed robbery and other transnational organised crimes.

Theoretical Framework

The analysis of the security threats, which have emerged from the criminal exploitation of the ECOWAS free movement protocol, will be based on the assumptions of critical theory. This theory shares fundamental assumptions with human security approaches. It contends that the primary reference of security should be non-state national and transnational actors rather than state actors. The theory, which was first articulated by Marx Horkheimer in 1937 and was further developed by Robert Cox in 1981and Ken Booth in 1991, takes a critical look at the traditional approaches which see the state as the primary referent of security and which lays emphasis on military power and the protection of the state rather than the citizens (Devetak, 2005).

Critical theory questions the origins and legitimacy of social and political institutions. It is thus underlined by the philosophical assumption that sees the state as a means and not the end of security policy, which should be decentred in scholarly studies as well as in policy practice (Jones, 1999). In other words, critical security theory contends that the state must be dislodged as the primary referent of security and that the primary reference should instead encompass a wide range of non-state actors, such as individuals, ethnic and cultural groups, regional economic blocs, multinational corporations, non-governmental organisations, and about all human activities. In other words, critical theory decentres the military and state-focused threats that dominate traditional security agendas, an orientation that allows analysts to consider other referent objects such as non-state intra-national and transnational actors and to also consider a range of insecurities faced by this array of referent objects. Related to this thinking is the conception of the state by critical theory as the primary source of insecurity to people

The accordance of primacy to non-state intra-national and transnational actors by critical theory rather than making the state the primary referent of security is very relevant to the central theme of this paper. In relation to this theme, the policy of ECOWAS on recreating a "borderless" West Africa, where people and goods will move freely, has generated an unintended consequence: the emergence of national and transnational criminal groups which specialise in cross border trafficking of people and illegal goods. This recognition by critical theory of this wide range of non-state actors and all human activities as the primary referent of security will be useful in

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explaining not only the increasing importance of transnational non-state actors in the contemporary world but will also throw light on the rationale behind the current global shift of security agenda to issues relating to destructive activities of transnational actors and the threats they pose to people of the sub-region. Equally relevant to the context of this study is the description of the state by critical theory as the primary source of insecurity for people. According to the theory, governments which are supposed to be the guardians of their peoples' security have, instead, become the primary source of insecurity for the people who live under their sovereignty.

Another important tenet associated with critical theory is the advancement of human emancipation. Critical theory's emancipatory interest is, according to Ashley (1981), concerned with securing freedom from unacknowledged constraints, relations of domination, and conditions of distorted communication and understanding that deny humans the capacity to make their own future through full will and consciousness. This conceptualisation of emancipation is manifest in Booth's definition of emancipation as "freeing people from those constraints that stop them from carrying out what freely they would choose to do" (Booth, 1994). The emphasis in this definition is on dislodging those impediments or impositions which unnecessarily curtail individual or collective freedom. The objective of critical theory is, therefore, to extend the human capacity for self-determination, with the ultimate aim of achieving human development. The implication of this is the recognition which critical theory gives to the connection between security and development. The emancipatory proposition of critical theory similarly provides a powerful tool for explaining the contemporary security challenges confronting the sub-region. To be sure, critical theory is interested in the advancement of human emancipation defined in terms of freeing people from various constraints or impediments which curtail their freedom. Therefore, this assumption throws more light on the security threats confronting the region, particularly in terms of their impact on people and the overall aim of the sub-regional organisation to tame the phenomenon of trafficking and terrorism in the region.

As with all theories, a number of criticisms have been levelled against critical theory. For example, the theory has been criticised for its optimism of achieving freedom and justice for people experiencing various threats on the ground that justice, equality and fair play are not attainable in culturally

diverse societies, such as those of West Africa. In spite of the criticisms, however, the theory provides a fresh perspective of viewing West African states as the source of insecurity for people, with respect to their failure to prevent illegal crossing of sub-regional borders by traffickers and their inability to stop border officials from taking bribes at various border posts, all of which impinge negatively on the security of the people.

Security Challenges of Free Movement in West Africa
The West African sub-region is a fertile ground for organised criminal activities. Apart from the porous borders and the failure of West African governments to regulate intra-regional movements, the cartels have also taken advantage of the freedom of movement in the region to carry out various illegal enterprises in the region. The activities of these crime groups are multi-dimensional and they pose serious security threats to the people and governments of the zone.

Drug trafficking is one of these illegal enterprises and the freedom of movement in the region appears to be the reason for the preference which drug barons have for West Africa as the transit zone for transatlantic drug trafficking. In this regard, cocaine from South American countries of Columbia, Bolivia and Peru are transported to West Africa for redistribution to cocaine markets in Europe, South Africa, the Middle East and Eastern Europe (UNODC, 2009). In like manner, heroin, which originates in Afghanistan and Southeast Asia, is also moved into West Africa for onward shipment to European and the American markets. Two distinct trans-shipment hubs in West Africa have been identified- one is situated in Guinea Bissau and Guinea Conakry and the other located in the Bight of Benin which spans from Ghana to Nigeria (UNODC, 2008). Drug trafficking is carried out through well-organised international criminal networks. The drugs are transported to these West African redistribution exit points by South American and Southeast Asian drug dealers, using both maritime and private air shipments. On arrival at the coast of West Africa, the large commercial ships from Latin America and Southeast Asia are met at sea by African vessels with African crews. In exchange for logistic assistance which West Africans provide for the shipments of the narcotics to the region, they are paid in drugs, and they subsequently traffic the drugs to different countries

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of the sub-region as well as outside the sub-region with little or no difficulty. This situation, and the culture of corruption, whereby immigration and border officials allow drug peddlers to cross borders after receiving bribes from them (Oche, 2009), has resulted in the wide dispersal of the drug within and outside West Africa.

Facts and figures that indicate the reputation of West Africa as a major transit region for the trafficking of cocaine from South America to Europe abound. A report by the United Nations' Office on Drugs and Crime (UNODC) attests to this large scale distribution of drugs in the zone and the use of the region as a transit hub for illicit drug trafficking. According to the report, 20-40 tons of cocaine is trafficked yearly through West Africa towards Europe. The report further notes that the region is fast becoming a consumption region (UNODC, 2013). The increasing use of the West Africa route for drug trafficking is not in doubt. According to *ThisDay Newspaper,* (2010), between 2007 and 2008, 116 kilogrammes was seized from a commercial vehicle trucking cocaine from Guinea to Bamako, while 130 kilogrammes of heroin shipped into Nigeria from Iran was impounded at the Tin Can Island Port, Apapa, Lagos, Nigeria by the National Drug Law Enforcement Agency (NDLEA) within three months in 2010. Thus, apart from the fact that West Africans traffic the drugs to Europe and other oversea countries, they also traffic the narcotics across the countries of the sub-region. This has, consequently resulted in the wide dispersal of the drugs throughout the region.

This unrestricted distribution of the drugs in the sub-region has been attributed to the exploitation of the Protocol on free movement. As Professor Kunle Ajayi commented, in an interview, the non-visa clause of the ECOWAS Protocol on free movement has been abused by traffickers because free movement in West Africa, unlike free movement in Europe, is not regulated. That is why illicit drugs, he noted, flow freely in the sub region among terrorists who ensure that suicide bombers are drugged before embarking on their deadly missions. Ajayi further corroborated the relationship between the unregulated free movement and the perpetration of criminal activities in the region by holding that:

> The philosophy of the Protocol is to have a single market in
> West Africa where there will be no border, no wall, no fence,

and where there will be no need for visa. This non-visa movement, particularly as it is not regulated, has been abused. The manner in which people have taken advantage of this non-visa clause has aggravated human trafficking, drug trafficking, arms trafficking, kidnapping, terrorism and many other criminal dealings. The proliferation of drugs in the sub-region is so widespread that many university students are in possession of drugs. Students who take drugs lead violent protests in both public and private universities across the sub-region, destroying valuable property in the process. When these students are high on drugs they may go into armed robbery. Terrorists and suicide bombers, whose activities have claimed many lives in the region, would ordinarily not embark on their satanic operations if they did not take drugs. As a result of free movement in West Africa, traffickers of illegal goods go in and out of the region undisturbed. Free movement has encouraged insurgency because there is availability of guns. Kidnappers have continued to kidnap at will because of free movement, and people have been trafficking fellow human beings at will as a result of free movement (Interview, 2017).

Implicit in this foregoing comments are some of the security implications of drug trafficking, which poses a grave threat to peace and stability of West African states. It has been established that the enormous profit from drug trade is a major source of funding terrorist organisations (FATF Report, 2013). It is indisputable that the activities of dissident groups have sent thousands of people to their untimely graves, while valuable public and private properties have been destroyed. De Andres (2008) has documented the role which narcotics played in the fratricidal wars that brought Liberia, Sierra Leone, Cote d'Ivoire, Guinea Bissau, Senegal and Guinea Conakry to the precipice of outright collapse from the late 1980s to the early years of the twenty-first century. Apart from the fact that funds from drug trade sustained the insurrectional activities of rebel forces in the sub-region, the widespread use of hard drugs by war lords and rebel soldiers impelled the mind-boggling atrocities perpetrated by them against defenceless citizens. Adult and child-soldiers, who were under the influence of drugs, unleashed

an unprecedented carnage on these West African countries, particularly on the non-combatant civilian population, many of whom were wounded, killed or forced to flee to other countries in the sub-region as refugees (Kassim, 2005). It remains to add that besides its potentiality of destabilising national governments, drug trafficking breeds crimes and violence. It also destroys the health of addicts and promotes youth deviance and anti-social behaviour, thus destroying social relationships. People addicted to drugs hardly get involved in productive ventures, thereby orchestrating loss of economic productivity.

Human trafficking is yet another criminal enterprise which has been flourishing in West Africa and in some other regions of the world. This activity, which constitutes serious security challenges, is not a new phenomenon in the sub-region or in other parts of the globe, but the magnitude of trafficking in persons in West Africa appears to have assumed alarming proportions since the ECOWAS Protocol on free movement came into being. As revealed in an interview with the former Executive Secretary of the National Agency for the Prohibition of Trafficking in Persons (NAPTIP), Mrs. Beatrice Jedy-Agba, the Protocol, which abolished visa requirements for people travelling within the ECOWAS zone, exacerbates human trafficking. According to her:

> The successful trafficking of many Nigerians out of the country on daily basis is attributable to free movement among ECOWAS states. Thirty Nigerian girls are trafficked into Mali daily for sexual exploitation. The number of Nigerians that NAPTIP had repatriated from Mali is very high. Young girls whose ages range between 14 and 17 dominated the population of the returnees. While in Mali, they worked as sex slaves in brothels located in Bamako, Mopti, Kayes, Sikesso and Gao. There were also young boys from the southeast geo-political zone of the country who were stranded on their way to Europe (Interview, 2017).

This view was shared by Professor A. A. Agagu who disclosed that the free inter-regional movement of people in West Africa makes it relatively easy for the trafficking of young women for the sex industry across ECOWAS states. According to him,

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> Some ladies leave Nigeria for Mali and engage in prostitution there. Many girls come to Nigeria from Ghana, Senegal and some other states of the sub-region to prostitute. Recently, some prostitutes came to the Nigerian cities of Lagos and Port-Harcourt and drastically lowered the price of their trade. This resulted in protests by indigenous prostitutes in Nigeria that foreign prostitutes have spoilt their business. While the non-visa clause facilitated their movements across the sub region, national governments do not care to know the motive of people travelling from one country to the other (Interview, 2017).

Apart from the trafficking of girls and young women for commercial sex trade within the sub-region, Fitzgibbon (2003) has observed that the trafficking of ladies to Europe for sexual exploitation is more prevalent in West Africa than elsewhere due in part to the relative ease with which they cross the borders. Young women are sourced from Ghana, Benin Republic, Burkina Faso, Togo, Senegal, Nigeria, Liberia, Sierra Leone and Cote d'Ivoire and they are subsequently trafficked within the sub-region and to European countries of Italy, Belgium, France, Germany, United Kingdom, Switzerland and the Netherlands as sex workers (Adepoju, 2005). Like the trafficking of girls, the scope of child trafficking, according to Jaye (2008), is also enormous, spreading to many member states of the Community where children are subjected to forced labour as domestic servants, agricultural workers and street hawkers. Benin Republic, Burkina Faso, Guinea Bissau, Guinea Conakry, Ghana, Mali and Nigeria stand out as the main countries from which child workers are trafficked to work on cocoa farms in Cote d'Ivoire (the world's largest cocoa producer), as well as on those farms in Ghana, Cameroon and Nigeria (Jaye, 2008). For Sawadogo (2012), about 10,000 to 15,000 Malian children were trafficked to Cote d'Ivoire to work in plantations in 1998; while between 1995 and 1999, over 3,000 children were trafficked to Benin Republic to work as street hawkers and domestic servants. In 2001, 330,000 children were trafficked to the cocoa agricultural industry in Cameroon, Ghana and Nigeria, with about 25,000 foreign children from West Africa working in markets and farms in Gabon, Congo, Equatorial Guinea, and the Gulf States (Sawadogo, 2012). During the civil wars in

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Liberia (1989-1997), Sierra Leone (1991-2002) and Cote d'Ivoire (2002-2010), thousands of children were trafficked to these troubled spots and they were involved in the wars as scouts, combatants and rear guards.

The exploitation of the free movement Protocol by human traffickers has become widespread that twelve of fifteen ECOWAS states are either sending or receiving countries of trafficked people, with Ghana, Nigeria and Senegal serving as source, transit and destination countries of trafficked people (Adepoju, 2005). One of the empirical examples of the manner in which people have taken the advantage of the free movement Protocol is the creation of numerous and largely unmanned routes across the length and breadth of the region. According to Oyedele (2011), the major trafficking routes include: Lagos to Cotonou and Togo for onward trafficking to Europe; Sokoto to Bori Koni in Niger Republic or the Katina-Maradi Niamey-Quagadougou in Mali; Nigeria-Niger Republic-Libya-Europe; from Nigeria-Morocco-Middle East; from Nigeria-Cote d'Ivoire-Burkina Faso Mali; and through Chad and Cameroon to Gabon and to Equatorial Guinea. Criminal cartels have exploited the Protocol on free movement to easily traffic people mostly by land, using these routes. These trafficking networks have taken the advantage of the failure of ECOWAS to put in place adequate mechanism for controlling illegal movements of people and goods across the sub-region.

The security challenges of trafficking in human beings are no less debilitating. It constitutes security risks to peace and stability of West African states. Being the third largest profit-yielding organised crime, after drugs and arms trafficking, the proceeds from the illicit trade in human beings are major sources of financing terrorism in West Africa (FATF, Report, 2013). With human trafficking's wealth, insurgent groups have been empowered to carry out operations that constitute general insecurity to lives and property. The resultant lack of peace in the sub-region impacts negatively on the socio-economic development of the region.

West Africa has acquired an unenviable reputation for being one of the leading world's regions in cross-border human trafficking. This identification label damages its reputation and slows down foreign investment as human trafficking sends a negative message to foreign investors and prevents potential tourists from travelling to the sub-region for fear of being kidnapped, and subsequently becoming trafficking victims. Human trafficking violates

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the fundamental rights of victims. As recent events in Libya have shown, many female victims, who got stranded in that North African country on their way to Europe, were raped while both male and female victims were incarcerated and physically assaulted, with a good number of them sold into slavery. Apart from this, human trafficking has claimed the lives of many people while crossing the high seas of West Africa. Many people have similarly been sent to their early graves while attempting to cross the Mediterranean Sea from North Africa to Europe in ramshackle speed boats.

Trafficking in women and girls for sex trade constitutes huge danger to public health as this act of promiscuity increases the propensity for a wide range of sexually transmitted diseases such as the dreaded Human Immune Virus/Acquired Immune Deficiency Syndrome (HIV/AIDS). This is particularly worrisome given the lukewarm attitude of those who patronise prostitutes towards having protective or safe sex. An interviewee, who was interviewed at a popular brothel in Ojuelegba, Lagos, Nigeria informed this author that:

> The use of a condom is artificial. It deprives me of the natural enjoyment that goes with sex. I cannot spend my money on a prostitute who insists on the use of condom. Fortunately, prostitutes hardly make the wearing of condoms mandatory because they are only interested in the money they get. They need the money badly to feed themselves and many prostitutes have told me in the course of chatting with them that they are responsible for taking care of their aged parents in the country side. However, I use antibiotic each time I visit prostitutes (Interview, 2017).

This kind of attitude is common among men in the sub-region. And there is no assurance that the self-prescribed drugs many take can effectively serve as antidote to sexual infections, particularly in a region such as West Africa where counterfeit drugs have found ways into both urban and rural pharmacies. The situation has also been compounded by the absence of essential drugs in government hospitals. This scarcity of drugs in hospitals and clinics in the sub-region accounts for the frequent oversea medical trips of political leaders and other well-heeled individuals in the region each time they are indisposed.

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The security challenges of Small Arms and Light Weapons (SALWs) proliferation across the sub-region are enormous and equally debilitating. While the mushrooming of militant groups, and the ever increasing armed conflicts in many areas of West Africa are among the reasons for the soaring demand for firearms, the Protocol on free movement of people and the absence of a collective regional framework for controlling illegal movements of goods tend to make the trafficking of firearms into the region, and their subsequent distribution to different states of the sub-region, less difficult. According to Ayissi and Sall (2005), firearms are effortlessly transferred to West Africa from neighbouring sub-regions where conflicts have been recorded. As a result of this, free intra-regional movement, a large number of SALWs that were amassed when Libya's Gaddafi was in power, found their way into many countries in West Africa. For example, the rebels of Mali received weapons from Libya. Weapons have, in like manner, been trafficked to West Africa from Algeria, Chad, Ethiopia and Sudan, and are thereafter transferred to Burkina Faso, Cote d'Ivoire, Guinea, Niger, Sierra Leone, Liberia and Nigeria (Aderinwale, 2005). Once the weapons arrive the West African sub-region, as noted by Ayissi and Sall (2005), "the intra-regional transfer of the firearms is done mainly by land since peddlers move them with little or no restrictions."

The weapons, which were originally procured from legitimate official state stocks, are usually transported in civilian trucks across the sub-regional porous borders through which they are sold to non-state actors such as dissidents, militants and criminal elements in the sub-region.

The colossal destruction of lives and property that has been recorded in some West African countries such as Nigeria, Mali and Niger and in the neighbouring Cameroon is a direct result of firearms that freely circulate within the sub-region. Armed with weapons, local dissidents and rebel forces in West Africa are increasingly rendering ungovernable territories of strategic importance to their interests, and are fast succeeding in co-opting key state officials in the security forces. Olufemi Bodunde captures the security risks which firearms pose to the sub-region in an interview with me when he commented that:

> The security implications of firearms trafficking within West
> Africa are real. Various insurgent groups currently carrying

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out deadly attacks in the sub-region are succeeding because they have access to weapons with which they have been perpetrating their dastardly acts. Without being armed with weapons, they cannot carry out the kind of massive destructions we are witnessing today. Besides the insecurity to lives and property, which firearms engender, the use of weapons by militant and rebel forces have the potential to destabilise national governments in the region, posing grave danger to the political stability of the region (Interview, 2017).

This comment is, however, an oversimplification of the security challenges which emanate from the trafficking of firearms in the region. This is so because apart from insurgent/terrorist groups that rely heavily on firearms to carry out targeted attacks on people and property, drug traffickers, smugglers of contraband goods, kidnappers and cross-border armed robbers also make use of guns for their criminal activities, all of which further imperil lives and property. Viewed from this perspective, it will be worthwhile to look at the nature of these aforementioned criminalities and the manner in which guns facilitate their deadly operations in order to appreciate more fully the security implications of their activities.

Terrorist groups rank among the criminal gangs that rely heavily on the use of SALWs and the free movement regime aids the insurgent groups to transport and distribute weapons and personnel across the sub-region. The free movement policy, for example, is being exploited for the southward migration of terrorist and extremists, particularly members of Al-Qaeda in the Islamic Maghreb (AQIM), through the Sahel towards Mali, Mauritania, Niger, Senegal and Nigeria (FATF Report, 2013). On arrival in West Africa, AQIM, buoyed by the advantage of free movement in the region, has established operational bases in some West African countries and has forged tactical alliances with like-minded terrorist organisations such as *Boko Haram* in Nigeria, the Movement for Oneness and Jihad in West Africa (MUJAO); the National Movement for the Liberation of Azawad (MNLA), that is, the Touareg separatist organisation; Ansar Eddine in Mali and Niger and the *Movement des Forces Democratiques de Casamance* (MFDC) in Senegal (Tancum, 2012). For example, the ability of members of *Boko Haram* terrorist group to move freely within the sub-region was

demonstrated in 2010 when many members of the sect fled to Niger and Chad, including Abubakar Shekau following an attack launched by the Nigerian troops against the organisation in that year (Tancum, 2012). The allegation that *Boko Haram* has links with the dreaded Somali militant group, Al Shabab, is another indication of the terrorist organisation's spread beyond its initial geographical base in Nigeria to other countries in the sub region.

With the use of SALWs and Improvised Explosive Devices (IEDs), insurgent groups have dispatched many people to the great beyond. Just as terrorist attacks have resulted in large human casualties in many states of the region, many government-owned and non-government owned properties have been destroyed. These deadly attacks have impacted negatively on the economies of the affected states, thereby impeding collective regional efforts at ensuring security and sustainable development. The collaboration that exists among the terrorist organisations operating in West Africa and their infiltration by international terrorist groups outside the sub-region constitute a great threat to peace, stability and security of the sub-region. The symbiotic relationship between illicit traffickers and terrorists groups has further compounded the security challenges. Tanchum (2012) notes that terrorists engage in trafficking of drugs, human beings, arms and armed robbery in order to raise funds for their bloody campaigns.

When terrorist groups are not directly engaging in illegal trafficking, they guarantee the right of passage and clear way for traffickers to prevent being apprehended by security forces (Okereke, 2010).

The activities of cross-border armed robbers, which are also propelled by the availability of weapons, prominently stand out among the security challenges confronting the region. Sophisticated guns are the primary instruments of robbers who operate across the West African borders. Most of those bandits are rebels from Chad, Niger and Cameroon (Adamawa Government Report, 2011), which accounts for the expertise with which they use the firearms. These bandits from these countries and their criminal counterparts in many West African states have been exploiting the free movement protocol as they freely move within the sub-region in large numbers of between forty and one hundred and fifty, posing as traders or herdsmen (Yaqub, 2011). The security risks these men of the underworld pose to the sub-region are enormous and their sadism as well as the scale

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of violence they perpetrate is usually indescribable. In their attempts to stop vehicles on the highways, the bandits would shoot at either the drivers or at tyres, which often result in fatal accidents through which many lives have been lost, while many people get fatally injured. Apart from the loss of lives, properties of the Community citizens such as cash, cars, household items and other valuables have been lost to armed banditry. This unfortunate situation negatively impinges on intra-regional trade and socio-economic development of the West African sub-region.

Kidnapping/hostage taking is yet another crime that is sustained by guns. Three important factors can be adduced for the upsurge of this phenomenon. First, is the rising unemployment among youths which resulted in the commercialisation of kidnapping. Second, kidnappers enjoy the right of free intra-regional movement as guaranteed by the ECOWAS Protocol, which enables them to move their victims within countries of the sub region and across sub-regional borders. The third factor, which is also fallout of the free movement Protocol, is the availability of small arms and light weapons without which the kidnappers cannot operate. Nigeria is currently the epicentre of the heinous act of kidnapping in West Africa (Mejabi, 2012). It started in the Niger Delta in 2003 when local militants, as a means of drawing government's attention to the marginalisation and environmental degradation of the region, adopted the strategy of kidnapping Nigerians and expatriates oil and gas workers who were usually traded for huge ransoms. Following the granting of amnesty to militants in the Niger Delta, kidnapping and hostage taking spread to other parts of the country as a result of the substantial financial rewards accruable to kidnappers. The lucrative nature of the enterprise has made it almost a daily occurrence not only in Nigeria but also in some other states of West Africa.

Kidnapping has various negative implications for the sub-region. The general insecurity and apprehension associated with kidnapping severely obstructs free trade and the objective of making West Africa a common market. In addition, kidnappers have also killed many of their victims whose relations were unable to come up with the ransoms they demanded for. Besides being a great threat to human security in the sub-region, kidnapping has engendered a loss of public confidence on the competence of states experiencing this ugly phenomenon to perform their basic obligation of

maintaining law and order as well as safeguarding lives and property. This, on its own, constitutes a huge threat to the security of states in the sub region. The enormity of the security threats posed by traffickers and terrorist groups to the sub-region has compelled ECOWAS to intensify efforts towards combating the security challenges.

Responses of ECOWAS to Security Challenges Confronting West Africa

The various security challenges bedevilling West Africa as a result of the exploitation of the ECOWAS Protocol on free movement have provoked strong regional efforts in order to counter their adverse effects on West African States. In response to the security threat posed by illicit drug trafficking in West Africa, ECOWAS, in partnership with the United Nations' Office on Drugs and Crime (UNODC), Interpol, the United Nations' Office for West Africa (UNOWA) and the European Union held a Ministerial Conference in Praia, Cape Verde, where a Political Declaration and Regional Action Plan were adopted in October 2008. On December 19, 2008, the Praia Declarations were subsequently endorsed by the Heads of States and Government of ECOWAS in Abuja. The Declarations, which reflect a strong political commitment, established the basis for a detailed cooperation framework to combat drug trafficking in particular, and organised crimes in West Africa generally (UNODC, 2008). Essentially, the ECOWAS Regional Action Plan aims to build national and regional capacities in the areas of law enforcement, forensics, intelligence and border management.

In addition, an ECOWAS Operational Plan and a Monitoring and Evaluation Mechanism were formulated, specifying the role of the ECOWAS Commission in supporting states in the implementations of the Regional Action Plan. The West Africa Coast Initiative (WACI), a comprehensive multi-stakeholder approach in support of the Regional Action Plan, was also launched in 2009. WACI was meant to provide technical assistance at the national and regional levels for the Action Plan. However, as laudable as the foregoing initiatives are, they have not been able to control drug trafficking in the sub-region as their implementation has proved problematic. While country programmes, that is, governmental frameworks for combating drug trafficking have taken off in Cape Verde, Guinea Bissau,

Mali, Nigeria, Ghana and Togo, those of other West African states are still in the pipeline. Consequently, the strategy of UNODC to promote proactive policing through the development of an intelligence-based approach to law enforcement and the promotion of inter-agency coordination, with a view to disrupting the activities of criminal cartels behind drug trafficking, is yet to be implemented in the sub-region. In this regard, ECOWAS has failed dismally to mobilise and support its member states in ensuring that the Action Plan is fully implemented.

Illegal Trafficking of Firearms

With respect to illegal trafficking of firearms in West Africa, ECOWAS has, undeniably, made some attempts to curb this dangerous phenomenon. On October 31, 1998, the Moratorium on Importation, Exportation and Manufacture of Small Arms and Light Weapons in West Africa was adopted, as well as its corresponding Code of Conduct, which was adopted in December 1999. In specific terms, the Code, which is binding on all member states of the sub-regional body, explicitly makes it clear that any import, export or manufacture of light weapons is prohibited, unless a member state receives an exemption for such activities (Oche, 2009). However, the Moratorium of firearms has not achieved its desired aim as Cote d'Ivoire, Sierra Leone, Liberia, Burkina Faso, Guinea, Mali and many other states in the sub-region have violated it by supplying non-state actors at various times with imported weapons and ammunition (Oche, 2009).

Apart from this source, through which firearms circulate throughout the region, criminals easily get arms from corrupt elements in the police and the military. Here, ECOWAS rates poorly in its ability to enforce the Moratorium on its member states.

Human Trafficking

Regarding human trafficking, ECOWAS has adopted some international instruments to combat the menace. The 1981 African Charter on Human and Peoples' Rights and the 1990 African Charter on the Right and Welfare of the Child provided the principal instruments for the sub-regional organisation's initiatives on the war against human trafficking in West Africa (Alli, 2009). These regional strategies started with the adoption of ECOWAS Convention on Mutual Assistance in Criminal Matters on 29 July 1992 in

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Dakar, Senegal, which aims at strengthening the criminal justice response to trafficking as well as promoting bilateral and multilateral measures to assists ECOWAS countries in their criminal law enforcement against traffickers (UNODC 2006). The other initiative is the ECOWAS Convention on Extradition, which was adopted on 6 August 1994 in Abuja, Nigeria. It gives national criminal courts an effective instrument to aid the arrest and return of a criminal in another country, and to stand trial in the country requesting extradition for crimes committed in that country. This was followed by the adoption of the Libreville Common Platform of Action to combat trafficking, especially trafficking in children for labour exploitation in West and Central Africa.

As a follow-up to the Libreville Platform, Togo, Benin, Gabon and Nigeria established inter-ministerial committees to address the issue of child trafficking. To complement the efforts of these four countries, ECOWAS organised a meeting of experts from member states in Accra, Ghana in October, 2001. However, the gains which these existing bilateral and sub-regional arrangements and conventions are expected to bring to the war against human trafficking have not been realised. The reason is that ECOWAS has not succeeded in getting all its member countries to fully sign and ratify these important tools for combating trafficking. In addition, there is limited intelligence sharing among law enforcement agencies, while the level of cooperation on investigation, prosecution and identification of offenders is far below expectation.

In the same token, the ECOWAS Declaration and Plan of Action against Trafficking in Persons, which was adopted by all the fifteen member states in December 2001, have not achieved its desired result. The Plan of Action, which adopted the multilateral conventions earlier mentioned, further stipulates the adoption of legislation criminalising human trafficking, protection and support of victims, awareness raising, cooperation between border control agencies and sharing data between ECOWAS states and the United Nations (UN). It also commits the ECOWAS states to sign and ratify the UN Convention on Transnational Organised Crime and its supplementing Protocol as well as other relevant international instruments that strengthen laws against human trafficking. Unfortunately, many counties in the sub-region have not put in place National Plan of Action to implement the

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agreements they willingly signed. It is equally important to mention the July 2006 parley in Abuja which ECOWAS facilitated.

The meeting was attended by ministers of the Community and their counterparts from the Economic Community of Central African States (ECCAS), where the two sub-regions came up with a joint Plan of Action on the control of human trafficking. The inter-regional action plan stipulates the implementation of the laws against the menace by the countries of the two regions through strong institutional instruments. Accordingly, ECOWAS in 2006 established an Anti-Trafficking in Persons Unit at its headquarters in Abuja. The Unit is charged with the responsibility of implementing the Joint ECOWAS/ECCAS Plan of Action on human trafficking. In like manner, the ECOWAS Conflict Prevention Framework (ECPF) was adopted at Ouagadogou on 16th January, 2008 to serve as a reference source for ECOWAS, and its member states in their efforts to strengthen human security in the sub-region.

In spite of these regional initiatives put in place by ECOWAS, human trafficking continues unabated. This can be explained in terms of some impediments to the regionalisation of the war on human trafficking in West Africa. For instance, the implementation of the 2001 Plan of Action as well as the 2006 ECOWAS/ECCAS Joint Plan of Action has been hampered by the low level of commitment of some countries, technical incapacity of relevant officials on surveillance, absence of effective coordination among the agencies that are involved in the fight against trafficking in the sub region as well as corruption within the security agencies of ECOWAS states (UNODC 2006).

Terrorism
Concerning the challenge of terrorism in West Africa, ECOWAS has long realised the need to act decisively to counter the deadly operations of terror gangs and militants in the sub-region. In this regard, member states of the Community have enacted anti-terrorist financing laws, established institutional frameworks, strengthened investigative and prosecutorial capacities, and enhanced domestic inter-agency and international cooperation (FATF Report, 2013). In 2012, a regional Counter-Terrorism Action Plan was developed by ECOWAS, with the support of many stakeholders, to

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strengthen regional efforts against terrorism. In addition, the Summit of Heads of State and Government of ECOWAS, which took place in Abidjan, Cote D'Ivoire from 27-28 February 2013, adopted the ECOWAS Counter-Terrorism Strategy and its implementation plan, as well as the Political Declaration on a Common Position against terrorism. The Strategy and Implementation Plan provide a framework for the fight against terrorism in West Africa. Although ECOWAS states are strengthening cross-border cooperation and collaboration in the fight against terrorism, many of them have not demonstrated high level of commitment.

Conclusion
This paper has examined the ECOWAS Protocol on Free Movement of People and the nature and dynamics of the security challenges the Protocol has generated for the member states of the sub-regional body. The implications of these challenges for the security and sustainable socio economic development of West Africa as well as the response of ECOWAS to these challenges were also highlighted. The study identified the absence of intelligence-based approach to law enforcement, lack of political will and commitment on the part of governments in West Africa, corruption among border officials, inadequate mechanism for monitoring movements of people and illegal trafficking as well as poor co-ordination among border officials across the sub-region, as some of the salient factors responsible for the inability of ECOWAS to deal decisively with the security challenges.

Recommendations
The following strategies, which can contribute to strengthening existing regional security framework in West Africa are, therefore, recommended.

    i.   West African countries should be encouraged by ECOWAS to initiate a course of action to properly demarcate the sub-region's borders by setting up an ECOWAS Special Commission. West African borders remain the easiest crossing points in the world as some vast border areas remain completely ungoverned spaces. When the boundaries are clearly identified and delineated it will be a lot easier to monitor them.

    ii.   There is an urgent need to establish a special regular joint-border

patrol unit among the countries of the sub-region that will be well equipped with modern high-tech surveillance gear. The creation of this vibrant force is necessary, given the fact that existing Immigration and Customs Services at different border posts of West Africa have been incompetent, corrupt and seriously compromised in the discharge of their duties. Strengthening cross border cooperation and collaboration will substantially improve the capacities of ECOWAS member states to curtail illicit trafficking of firearms, drugs and human beings in the sub-region.

iii. States in West Africa should endeavour to establish an ECOWAS intelligence unit which will go a long way in promoting proactive policing and improving inter-agency coordination necessary for intercepting activities of organised trafficking networks and other security challenges that arise from ECOWAS Protocol on free movement of people. The intelligence unit, which should be independent from any member state and statutorily empowered to investigate any breach of sub-regional security, will be developing strategic intelligence reports to guide heads of states and government.

iv. The ECOWAS Commission should, more than ever before, seek the support and technical assistance of development partners such as the United Nations, World Bank, Interpol, the UNODC and the United Nations Office for West Africa and the United States of America as well as other developed countries of the world in its war against trafficking and terrorism. If close working relationship is forged with these development partners, the ECOWAS Commission will be better empowered to support member states in the implementation of the various agreements and protocols already put in place to combat trafficking in the sub-region in terms of providing those states with technical assistance and institutional support.

v. Given the transnational nature of the security challenges confronting West Africa, ECOWAS should initiate dialogue and cooperative activities with other continents of the world. Once these

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development partners are convinced of the seriousness of the ECOWAS Commission to tackle the various security problems, they will be interested in giving their unalloyed support to ECOWAS in order to stem the tide of trafficking and terrorist activities, which pose grave danger to humanity.

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