

**ECOWAS PROTOCOLS ON FREE MOVEMENT OF PERSONS
AND TRANSHUMANCE: A CRITICAL REVIEW OF
NIGERIA'S NATIONAL SECURITY**

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Abstract

The establishment of ECOWAS in 1975 was a giant step and an attempt to stimulate interdependence and enhance regional cooperation in the West African sub-region. The organization's main goals were to promote integration and economic development among member states. In the attempt to achieve these objectives member states adopted, ratified and put into effect the 'Protocol on Free Movement of Persons, Right of Residence and Establishment' on May 29th, 1979. The protocol was directed at eliminating trade barriers and removing the obstacles to the free movement of goods, capital and labour. To further enhance development within the region, the adoption of the ECOWAS Protocol on Transhumance in 1998 and a supporting Regulation in 2003 was carried out by Member States on the recognition that cross-border pastoralist transhumance was a valuable economic activity in the region. Indeed, the protocols on free movement goods, capital, persons, and now transhumance has eased the movement, enhanced mobility and transportation, and promoted closer ties among members of the sub-regional bloc and their citizens. However, the protocols are not without its challenges, the most important of which is the fact that the unrestricted movement of persons and pastoralists has directly or indirectly generated threats to Nigeria's national security. This study examines ECOWAS protocol on the free movement of persons and transhumance and its adverse implications on Nigeria's national security within the context of the mounting security challenges emanating from the herders-farmers clashes, terrorist insurgency, arms proliferation, and other transnational crimes in Nigeria and the sub-region. The study used largely secondary sources of data and the qualitative research design. It employed the theory of Push-Pull theory of Migration to explain the rapid influx of West African citizens into Nigeria, and the theory of Structural Functionalism to show the defective responsibilities of ECOWAS and our para-military institutions that operate on our borders. The research concluded that though the Free Movement Protocol has had laudable goals, it cannot be denied that persons with clandestine activities have availed themselves of the provision of the protocol to continuously engage in carrying out their dastardly activities in Nigeria leading to breakdown of security. The research recommended the need to establish a proper *institutional mechanism* for checking cross-border mobility in the sub-region to curb movement of criminal elements and illicit goods.

Keywords: ECOWAS, West Africa, Free Movement, Security.

CHAPTER ONE

INTRODUCTION

1.1 Background to the study

Since the later part of the 20th century, states have been increasingly searching for greater opportunities of establishing collaborations that can improve conditions for their populations while also expanding harmonious relations with their neighbours. One of such ways is by allowing *free movement* within a geographical region of several states that would spur regional integration. Broadly defined, *regional integration is the process by which two or more nation-states agree to co-operate and work closely together to achieve peace, stability and wealth*. It is also a process of both deepening and widening relationships amongst actors. In order to improve their collective status, nation-states in a geographical region might be thought of as willingly ceding sovereignty to supranational or international organisations through cooperation (Opanike, 2015 et al).

Regional integration helps countries overcome national divisions that impede the free flow of goods, services, capital, people and ideas. Economic progress is hampered by these divides, particularly in emerging nations. African regional integration is viewed as a sensible answer to the challenges encountered by a continent with several tiny national markets and several landlocked nations. (that is, countries not having access to the sea). As a result, African governments have engaged in various regional integration arrangements.

African states' quest for cooperation and integration was influenced by pan-African desires for collective self-reliance, solidarity, development, peace and unity. This had first led to the establishment of the Organization of African Unity (OAU) as far back as 1963, and subsequently, the formation of sub-regional groupings and institutions including ECOWAS, EAC, SADC (Chen, Z. 2011).

As in other parts of the developing world, the experience of West Africa with formal regional integration in 1975 under the auspices of ECOWAS has been largely driven by the desire to overcome the constraint of small economic size, which was hampering their ability to industrialize efficiently, and also the lack of access to sea by some. ECOWAS saw regional integration as a multidimensional stage process eventually leading to an economic bloc and then a common market integrating member-states in the sub-region economically, and also politically and culturally.

ECOWAS aims are mainly to promote cooperation and development in economic, social and cultural activities with particular objectives of improving the standard of living of ECOWAS citizens; increase and maintain economic stability; improve relations among member countries and to generally contribute to the progress and development of Africa. Since the inception of ECOWAS, the regional community has been making giant strides in the area of community integrative schemes to enhance the integration of West African states. Current integration schemes includes liberalisation of regional trade, liberalisation of movement of persons, goods and services, harmonization of monetary and fiscal policies to some extent, harmonization of business law, development of transport, communications and energy networks and

involvement of private sectors in the regional integration process (Opanike, 2015 et al).

Prior to the enactment of the ECOWAS Protocol on free movement, people moved from one location to another with little or no regards for the artificial borders created by the colonial powers. Cross-border movement among the various tribes in the region continued to be seen as not international but part of their own internal movements as members of same families. However, as states began to mature, cross-border movement became increasingly difficult and was hampered by states custom laws and requirements. The Protocol to liberalize trans-border mobility however was borne out of the need to promote regional trade and engender regional integration. It is believed that this economic integration will increase wealth and better the lot of the community citizens in the sub-region (Opanike, 2015 et al).

While the aim of the free movement protocol is to enhance economic activities that would be beneficial to citizens in member states, criminal elements have unfortunately availed themselves of this initiative to perpetrate their nefarious activities across borders of the different member countries that make up the region. These have had a lot of implication for the security of the sub-region and in particular the different individual states. Security of lives and properties seem worse, and more so, weapons are readily more available as a result of the proliferation of small arms and light weapons arising from the porous border caused by the sub-regional free migration policy.

Also, because ECOWAS does not have a properly instituted machination for inspecting the entry of migrants across the sub-region, people who carry out nefarious activities have continually exploited this opportunity to engage in trafficking in humans, drugs, illegal arms etc and other transborder crimes including transnational terrorism. This clearly shows that the protocols have been misused, abused, de-graded, and thus may just be in need of reforms. The Protocol rather than serve the purpose of integration is rather contributing to the insecurity prevalent in the sub-region.

Presently, the most pressing national issue in West Africa's biggest nation, Nigeria, is insecurity. The activities of the Islamic sect (Boko Haram) have led to loss of several lives and properties in the country especially in the Northern part of the country. Some of these activities include bombing, suicide bomb attacks, sporadic shooting of unarmed and innocent citizens, burning of police stations, churches, kidnapping of school girls and women, etc. Kidnapping, rape, armed robbery and political crises, murder, oil theft, and also the attacks carried out by Pastoralist herdsman on some communities in the North and South have been sever major insecurity challenges facing the country. Nigeria has been included among one of the terrorist countries of the world. Many lives and properties have been lost and a large number of citizens rendered homeless. (Callistar Obi, 2015).

What is worrisome is that in spite of government efforts, the security situation in Nigeria is continuously deteriorating. Indeed, conflict between herders and farmers in north-central Nigeria has now been rated six times deadlier than the Boko Haram insurgency (The Vanguard, 2022). There have been rise in recent abductions of schoolchildren in Katsina and Zamfara States. The recent killings of over 50 persons

on the 5th of June, 2022, at the St. Francis Catholic Church, Owo in Ondo State South-West Nigeria further heightens the extent of the security menace in Nigeria. The governor of Ondo State suspected infiltration of foreign militia group while the federal government of Nigeria reported that it was carried out by ISWAP based on forensic analysis (The Vanguard, 2022).

Over time, it has been argued that a number of security crimes in Nigeria are committed by foreigners or foreign militia groups coming in through the porous borders Nigeria shares with neighbouring countries that are also members of the West African sub-regional bloc ECOWAS. And this may explain why there have been several calls for a review of our immigration policies in the sub-region with some calling for unilateral actions by government, not minding previous sub-regional agreements. This paper therefore examines the dark side of regional integration, how it can negatively affect national security. It would pay particular attention to how the ECOWAS protocol on free movement has negatively affected Nigeria's National security and the need for reform policies and a review of the protocol.

1.2 Statement of the Problem

The establishment of ECOWAS in 1975 was no doubt, a big step and an attempt to stimulate interdependence and enhance regional cooperation in the West African sub-region. The organization's main objectives were to promote integration and economic development among member states. In the attempt to achieve these objectives member states adopted, ratified and put into effect the 'Protocol on Free Movement of Persons, Right of Residence and Establishment' on May 29th, 1979. The protocol was directed

at eliminating trade barriers and removing the obstacles to the free movement of goods, capital and labour. To further enhance development within the region, the adoption of the ECOWAS Protocol on Transhumance in 1998 and a supporting Regulation in 2003 was carried out by Member States on the recognition that cross-border pastoralist transhumance was a valuable economic activity in the region. Indeed, the protocols on free movement goods, capital, persons, and now transhumance has eased the movement, enhanced mobility and transportation, and promoted closer ties among members of the sub-regional bloc and their citizens (Ojewale, 2021).

The ECOWAS Protocol on the Free Movement of People and Goods ensures free movement of the community citizens i.e. confers on Community citizens the right to enter and reside in the territory of any member-nation. Though the aim of the free movement protocol is to enhance economic activities, the protocols are not without its setbacks. While there is hardly any region of the world that is spared of the phenomenon of trans-border crimes, the peculiarity of West African socio-economic problems such as extreme poverty and high levels of inequality, starvation, unemployment and high corruption presents more severe dimension of transnational criminal activities. Most of the conflict that at times appear internal have trans-border undertone. The sub-region's vastly *ungoverned spaces* especially those around the porous borders present a fertile ground for international terrorist organizations such as Al' Qaeda and Al' Qaeda in the Islamic Maghreb to thrive in their activities. There are high level speculations that the Boko Haram insurgent group in Nigeria has links with the Al' Qaeda in the Islamic Maghreb, Al'Shabaab in Somalia and operational bases

in Niger Republic, Republic of Chad and Cameroon. This signifies links with other terrorist's organization and the aim is to create a coordinated jihadist movement across West Africa. The porosity of the West African borders can be identified a factor that majorly aids the activities of these insurgencies groups and criminal networks across the region (Adeola, G.L & Oluyemi, F. 2012)..

Nigeria's border with Niger alone, an ECOWAS member spans 1,497 km and is poorly policed by the Nigeria Custom and Immigration Services. Communities within this border region mingle freely and even inter-marry because of limited restrictions based on the 'free movement' protocol binding the two states. The porous nature of these borders continually heightens the potential spread of terrorist activities into northwest Nigeria from Burkina Faso, Mali, and Niger. The vulnerability of the border to the infiltration of terror groups is also compounded by the forest reserves in the region. The vast, rugged terrain, sparse population, and dense vegetation make surveillance difficult—making the forests ideal hiding places and operational bases for the terror groups (Ojewale, 2021).

Another factor, is the unrestricted movement of persons and pastoralists which has equally generated threats to Nigeria's national security. Pastoralist criminals have continually exploited the avenues of free movement to perpetrate crimes across national boundaries. Nigeria is highly bedevilled with national security problems arising from the influx of criminal pastoralists who brutally murder farming communities. In addition, the influx of small and light weapons through the porous borders the country shares with other ECOWAS member states is causing arms

proliferation in the country that adversely affects the increase in secessionist violence, kidnapping, armed robbery and armed banditry. With these heightened security tensions in the country, the issue of reviewing ECOWAS protocol on free movement and transhumance becomes more than pertinent at this critical time. While *regional migration* is aimed at *integration*, *integration* in itself over time is not easily reversible; but it is not out of place however that the bedevilment of its adverse effects can possibly spur a more purposeful regulation of it.

1.3 Research Questions

This study is to carry out an in-depth analysis of the effects of regional migration in West Africa and the challenges to Nigeria's national security. Towards this end, the study will seek to answer the following questions:

1. What are the ECOWAS protocols and treaties on free movement?
2. What are the *transnational crimes or effects* in Nigeria due to the ECOWAS treaties on free movement of peoples and transhumance?
3. How do we manage the *free migration* problems in the face of national security challenges?
4. What reforms or reviews are needed at this time for ECOWAS in the light of the continued insecurity in member states like Nigeria?

1.3 Objectives of the study

Specifically, the study shall be guided by the following study:

1. To identify the ECOWAS protocols and treaties on free movement;
2. To identify the *transnational crimes or effects* in Nigeria arising from the ECOWAS treaties on free movement of peoples and transhumance;
3. To identify ways Nigeria can manage the *free migration* problems in the face of national security challenges?
4. To identify reforms or reviews that are needed at this time for ECOWAS in the light of the continued insecurity in member states like Nigeria?

1.4 Significance of the study

This study is important to the government and policymakers in making critical decisions on national security. It is also a contribution to knowledge as it provides unique insight into regional economic integration and how it links to national security.

1.5 Scope of the study

The scope of the study focuses largely on the nexus of regional migration and national security in West Africa using Nigeria as the geographical scope of study. The periodic study or time scope would cover a 20 year period from 2002-2022.

1.6 Limitations of the Study

A major constraint of this study is the short time needed to complete this study and problem of consistent and accurate data. There is also the problem of limited financial resources to procure paywalled journals online to ensure a robust study.

1.7 Methodology

The *research method* employed is largely the *Document Study*. Several documents, both print and electronic would be assessed and studied using the interpretative approach. The methodological design of this study would be *qualitative*. The source of data and information for this work is mainly the use of *secondary data* because of the peculiarity of the topic. The secondary data collection consist of library sources like books and periodicals, Internet Articles, Academic Journals, and Magazines, Newspapers, Case Studies, Special Reports and Bulletins.

1.8 Definition of Terms

Regional Integration: Regional integration is the process by which two or more nation-states agree to co-operate and work closely together to achieve peace, stability and wealth. This co-operation usually begins with economic integration when countries come together to form free trade areas or customs unions, offering members preferential trade access to each other's markets.

Economic integration: It is the process where the economic barriers between two or more countries are eliminated. It involves specific policy decisions by governments designed to reduce or remove barriers to mutual exchange of goods, services, capital and people.

Economic Migration: Closely linked to the concept of economic integration is economic migration. It is the movement of people from one country to another to benefit from greater economic opportunities in the receiving country.

ECOWAS: The Economic Community of West African States (ECOWAS) is a regional group of fifteen countries, founded in 1975. Its mission is to promote economic integration in all fields of economic activity, particularly industry, transport, telecommunications, energy, agriculture, natural resources, commerce, monetary and financial questions, social and cultural matters.

National Security: National security is the requirement to maintain the survival of the state through the use of economic power, diplomacy, power projection and political power.

CHAPTER TWO

LITERATURE REVIEW AND THEORETICAL FRAMEWORK

2.1 Concept of Regional Integration

According to John McCormick (1999) regional integration is the process by which two or more nation-states agree to co-operate and work closely together to achieve peace, stability and wealth. Usually integration involves one or more written agreements that describe the areas of cooperation in detail, as well as some coordinating bodies representing the countries involved. This co-operation usually begins with economic integration and as it continues, comes to include political integration.

Lamberte (2004) argues that '*Regionalism*' is a concept related to regional integration. And it refers often to formal cooperation and integration arrangements of a group of countries within a common geographical space aimed at facilitating or enhancing a sense of common identity and purpose through the creation of institutions that give shape to, and drive collective action (Lamberte 2004). In defining the concept of regionalism, *regional cooperation* and *regional integration* are two distinct concepts often used together. The two concepts refer to the idea of bringing different units together for different types of economic and political interactions. However, identifying key items that distinguish these concepts enhances an understanding of the dynamism of regionalism in different parts of the developed and developing world. *Regional cooperation* refers to a situation where nation-states decide to pool their efforts towards achieving specific objectives. It may not necessarily involve

committing themselves to integrating their independent economies. These states are interested in actualizing objectives, which may not be possible if they were acting unilaterally (Lamberte 2004).

According to Adetula (2004) *regional integration* connotes a form of interdependence among nation states (Adetula 2004). In establishing regional integration arrangements, sovereign states within a geographical space enter into a formal agreement to work together in order to actualize political and socio-economic benefits (Adetula 2004). More importantly, regional integration requires independent nation states to cede their national sovereignty, make political commitments and sacrifices, and forego certain benefits in the interest of the larger body (Adetula 2004).

Adetula (2004) further notes that *regional integration* within the framework of countries in the less developed world is particularly complex and different from what is obtainable in the developed world because of the socio-economic and political dynamics which impact on the process (Adetula 2004). Regional integration arrangements in the African continent are established on certain philosophical premises which developed generally from the practice of countries in the Western industrialized societies and each of the different types of integration scheme has its distinct regularities, processes and method of operation (Adetula 2004).

Amaleia (2010) opines that *regional integration* can generally be seen as nation-states in a territorial region voluntarily deferring sovereignty to intergovernmental or supranational institutions in order to better their condition as a whole through cooperation (Amaleia, 2010). The objectives of the agreement could range from economic, to political, to environmental, although it has typically taken the form of a

political economy initiative where commercial interests have been the focus for achieving broader socio-political and security objectives, as defined by national governments.

Today, states have realized they cannot exist in isolation and are now increasingly interdependent. This current global trend of interdependence between and among states has encouraged the opening of borders among them. The objectives of the agreement could range from economic to political, to environmental, although it has typically taken the form of a political economy initiative where commercial interests have been the focus for achieving broader sociopolitical and security objectives, as defined by national governments. Current integration schemes includes liberalization of regional trade, liberalization of movement of persons, goods and services, harmonization of monetary and fiscal policies, harmonization of business law, development of transport, communications and energy networks and involvement of private sectors in the regional integration process (Amaleia, 2010).

World Bank (2019) report explain that *regional integration* helps countries overcome divisions that impede the flow of goods, services, capital, people and ideas. These divisions are a constraint to economic growth, especially in developing countries. The World Bank Group helps its client countries to promote regional integration through common physical and institutional infrastructure. Divisions between countries created by geography, poor infrastructure and inefficient policies are an impediment to economic growth. Regional integration allows countries to overcome these costly divisions integrating goods, services and factors' markets, thus facilitating the flow of trade, capital, energy, people and ideas.

Haas Ernst (1971) posits that *regional integration* has been defined as the process through which independent national states voluntarily *mingle*, merge and mix with their neighbours so as to lose the factual attributes of sovereignty while acquiring new techniques for resolving conflicts among themselves.

Claar, Simone and Noelke Andreas (2010) reports that *regional integration* is the joining of individual states within a region into a larger whole. The degree of integration depends upon the willingness and commitment of independent sovereign states to share their sovereignty.

Migration: A Conceptual Discourse

Migration basically is defined as the movement of people over some distance (or at least from one ‘migration-defining area’ to another) and from one ‘usual place of residence’ to another. According to United Nations Population Fund (2017), Migration is the movement of people between regions or countries. It is the process of changing one’s place of residence and permanently living in a region or country. According to the Demographic Dictionary of United Nations (2022), “Migration is such an event in which people move from one geographical area to another geographical area. When people leaving their place of residence go to live permanently in another area then this is called migration.” Migration may be permanent or temporary with the intention of returning to the place of origin in future.

The international Organisation for Migration (2015) defined migration as the movement of a person or a group of persons, either across an international border or within a State. It is a population movement, encompassing any kind of movement of people, whatever its composition and causes; it includes migration of refugees, displaced persons, economic migrants and people moving for other purposes, including family reunification.

Tataru (2019) posits that Migration is influenced by a combination of factors: economic, political and social - either in the country of origin of the migrants (push-factors) or in the country of destination (attraction-factors or pull-factors). Historically, the economic prosperity and political stability of the developed regions has been the context that has been an attraction factor for migrants. But economic factors cause the population to migrate from poorer areas to more developed areas where wages are higher and employment opportunities are more numerous and varied. Most often, the population emigrates due to unemployment, underdevelopment, unfavorable economic conditions and lack of career prospects in their home countries.

Further still, Tataru (2019) explains that environmental factors can also cause the migration of the population because of both natural hazards and their aftermath. Drought results in food shortages and hunger; pollution of water, air and soil creates major risks to the health of the inhabitants, forcing them to migrate to low risk areas. At the same time, natural disasters such as tsunamis, hurricanes and earthquakes, are often compelling reasons to migrate. The social factors that cause migration stem from the need and desire to achieve a higher standard of life. Thus, they migrate to ensure a

better life for themselves and their family, in regards to the community (for example, the increased level of tolerance for cultural, sexual, ethnic and religious diversity), the education system and the health system.

According to the Encyclopedia Britannica (2022) *human migration* is the permanent change of residence by an individual or group; and it excludes such movements as nomadism, migrant labour, commuting, and tourism, all of which are transitory in nature. Migrations fall into several broad categories. First, internal and international migration may be distinguished. Within any country there are movements of individuals and families from one area to another (for example, from rural areas to the cities), and this is distinct from movements from one country to another. Secondly, migration may be voluntary or forced. Most voluntary migration, whether internal or external, is undertaken in search of better economic opportunities or housing. Forced migrations usually involve people who have been expelled by governments during war or other political upheavals or who have been forcibly transported as slaves or prisoners.

Bola Akinterinwa (2018) views a nexus between migration and security. He explains that *migration* has become a problematic phenomenon in both international law and relations because it not only raises questions on the conflict of laws, but particularly also on the conduct and management of international peace and security. Migration is a security issue. It is a means of economic survival, a means of political struggle, as well as a major threat to national and international security.

The International Organization for Migration [IOM] (2019) also reports that migration has gone beyond integration issues but now involves security problems. The organization first defines migration as ‘the movement of a person or a group of persons, either across an international border, or within a State. The IOM (2019) also posits that migration policies have also dictated and determined people mobility. It reported that West African migrations are fast becoming part of a dynamic and unstable world migration system, and thus, are strongly affected by economic and migration policies, whether inviting or restrictive. The organization reports that since the early 1980s, international migration has moved beyond humanitarianism, economic development, and regional integration but now raising concerns over security implications for governments and inter-governmental institutions.

The Concept of National Security

The concept of national security is best understood by first having a comprehension of the concept of security. According to Akin (2020) cited in Saphina (n.d), security refers to “the situation that exists as a result of the establishment of measures for the protection of persons, information and property against hostile persons, influences and actions”. It also the existing conditions within which persons in any society can go about their daily normal routine without any form of threats to their lives or properties. It thus, embraces all measures designed to protect and safeguard the citizenry and the resources of individuals, groups, businesses and the nation at large against violent hostilities [(Ogunleye, et al, 2019), cited in (Saphina Academy, n.d)]. It also requires being safe from chronic threats and protection from harmful disruption.

Security can simply be described as *stability* and protection from criminal violence that is, feeling safe. It is thus, freedom from physical and psychological harm, that is, physical safety and freedom from emotional torture of belonging to a social group that is a threat.

Insecurity on the other hand, is the antithesis of security. Some of the common descriptors or indicators of insecurity include: want of safety; presence of danger or hazard; feeling of uncertainty; lack of confidence; feeling doubtful; insufficiently guarded or protected; lack of stability; feeling troubled; lack of protection; and a sense of unsafety, to mention a few. All of these have been used by different people to define the concept of insecurity. These different indicators have a common reference to a state of vulnerability to harm, loss of life or property or livelihood. Some notable scholars who have delved into the concept of both insecurity and security are:

Beland (2021) in his own terms defined ‘insecurity’ as “the state of fear or anxiety stemming from a concrete or alleged lack of protection.” It refers to lack or inadequate freedom from danger. This definition reflects physical insecurity which is the most visible form of insecurity, and it feeds into many other forms of insecurity such as economic security and social security.

Arnold Wolfers (1952) characterizes ‘security’ as the ‘absence of threats to acquired values’. Acquired values may mean physical safety, economic welfare, territorial integrity etc. But David Baldwin (1997) modified this definition of security and redefined it as ‘a low probability of damage to acquired values’. The advantage of this reformulation can be illustrated as follows: In response to threats of military attack,

states develop deterrence policies. Such policies are intended to provide security by lowering the probability that the attack will occur. Thus the revised wording focuses on the preservation of acquired values and not on the presence or absence of ‘threats’.

Arnold Wolfers (1952), however, presents a different view of security. He contends that states vary widely in the value they place on security and that some states may be so dissatisfied with the status quo that they are more interested in acquiring new values than in securing the values they have. From this perspective, saying that one state has more security than another does not imply that one state is better than another any more than saying that one state has more people or land area implies that one state is better than another. For Wolfers international politics is not a ‘game’ in which all states play by the same ‘rules’ and compete for the same ‘championship’.

Barry Buzan (1984) refers to similar difficulties: The word ‘security’ implies an absolute condition- something is either *secure* or *insecure*. But scholars like Wolfers have rejected the idea of absolutism associated with security. He argues that there are varying degrees of security and that one state can be more secured than the other and another less secured than the other.

Hans Morganthau (1965) argued that ‘security of any state’ was the most primary concern for that state. And this is true because any state that is not adequately secured, is susceptible to external threat and danger. And any nation under threat or in danger cannot fulfil its national interest. A state not secured is likely to be adversely affected with factors of such as political instability and economic stagnation.

Since the 21st century, *National Security* can be broadly defined in the sense of what a state does to secure itself. This is the definition that is based on the defence policy-action in place. According to the *US Department of Defense Dictionary of Military and Associated Terms* (2004), it basically refers to the art and science of developing, applying, and coordinating the instruments of national power (diplomatic, economic, military, and informational) to achieve objectives that contribute to national security. It is also referred to as a *national strategy* or *grand strategy*, and it is meant to achieve long-term objectives. It is thus, the highest level of national statecraft that shows how a state mobilizes its military, diplomatic, political, economic, and other sources of power to ensure they achieve national security.

International Migration and Security Challenges

Migration is one of the factors that may affect the security and stability of a region. This is so because it can lead to the proliferation of terrorist activities in a region that had no such events before. It is undeniable thus, that immigrants pose some challenges to the host countries. This risk is higher if the immigrants are from regions associated with terrorism (IOM, 2020). This is why the region of origin remains one of the main factors that countries put into consideration when deciding how to treat migrants. Migrants from the war-torn countries are perceived to be of high risk as far as terrorism is concerned. International terrorism remains a critical concern among western countries when formulating and implementing their migration policies and deliberating about the international security agenda. These security concerns arise

because migration flows are a potential avenue for terrorists to create conduits to spread their radical ideologies and terrorism activities (Pudryk, 2021).

Fausser's (2006) argues that the conception that migrants always pose a threat to the security of a state can sometimes be mere stereotypes about the foreigners. Fausser (2006) however argued that 'securitization of migrant policies' has been reemphasized following increasing rates of international terrorism. Thus, he concludes that the control of migration is an important consideration in national sovereignty issues.

According to Koser (2011), one of the reasons given to support the thinking of Fausser (2006) is that migration can lead to the proliferation of terrorism and other forms of criminality. The association of migrants with security threats therefore must have implications on the laws, policies, and procedures of a country. This perception thus, justifies the surveillance, detention, and deportation of migrants among other strict migration policies where necessary for the security of the state. He however notes that "migration can be a threat to national security, but not usually for the reasons normally assumed. The threat is not systematic, but instead arises in particular circumstances" (Koser, 2011).

Ullah et al (2020) agree with the submission of Koser (2011) that migration should not be viewed as a generalized systematic threat to national security, but should be judged only on particular cases. He recommends thus, the need to look at migration from a more holistic and realistic point of view rather than the unfounded nexus or illusionary correlation between migration and security. He argues thus that a natural connection between the two is dangerous, but any correlation should be based on

empirical evidence rather than conceptualizations. According to Ullah et al (2020), xenophobia, racism, and nativism are often the reasons for the associations between migrants and insecurity. Ullah et al (2020) does not disagree that migration can pose serious security challenges to a nation, he however argues that it is not a given, hence it must be studied on the basis of scientific representations or facts.

Ahmed (2017) adds that states and societies have been conditioned to view migration as a matter of national importance that should be controlled to maintain the security and safety of the nationals of a given state. Ahmed (2017) also stated that the way a country develops its immigration policies or laws determines whether that country is restrictive or multiculturally tolerant towards migrants, and whether migrants are treated as threats or opportunists.

Theoretical Framework

The study is based on the combination of the theory Push-Pull Migration and the theory Structural Functionalism:

The Theory of Push-Pull Migration: In geo-political terms, the push-pull factors are those factors that *drive people away from a place and draw people to a new location.*

Migration can occur as result of push and pull factors. Push factors in more simple terms are those which force a person to move. This can include drought, famine, lack of jobs, over population and civil war. Pull factors are those which encourage a person to move. These include a chance of a better job, better education, a better

standard of living. A combination of push-pull factors helps determine migration of particular populations from one land to another (Rosenberg, 2019).

Everett Lee (1966) had conceptualized the factors associated with the decision to migrate and the process of migration into the following four categories: (1) Factors associated with the area of origin; (2) Factors associated with the area of destination; (3) Intervening obstacles; and (4) Personal factors (Everett, 1966).

Push Factors	Pull Factors
Drought	Lower risk of natural hazards
Flooding	Good Climate
Poverty	More wealth
War	Political instability

Migration is usually divided into two main categories: voluntary migration and forced migration. Voluntary migration stems from the initiative and the free will of the person and is influenced by a number of factors: economic, political and social: either in the migrants' country of origin (determinant factors or "push factors") or in the country of destination (attraction factors or 'pull factors'). 'Push-pull factors' are basically the reasons that push or attract people to a particular region or place. 'Push factors' are the negative perspectives of the country of origin, often the decisive factors in people's choice to migrate, whereas the 'pull factors' are the positive perspectives of a different country that encourages people to emigrate in search of a better life in that place. Although the *push-pull factors* are apparently diametrically opposed, both are sides of the same coin, being equally important. And specific to forced migration, any other harmful factor can be considered a 'push factor' or

determinant/trigger factor, such examples being: poor quality of life, lack of jobs, excessive pollution, hunger, and drought or natural disasters. Such conditions represent decisive reasons for voluntary migration, the population preferring to migrate in order to prevent financially unfavorable situations or even emotional and physical suffering. On the other hand, the ‘pull factors’ or attraction factors are present in the receiving states. The promise of religious or political freedom, career opportunities, quality of life and the environment are factors of attraction for immigrants (Tataru, 2019).

The *Push-Pull Migration theory* justifiably explains the increased migration within the West African sub-region. Pastoralist movement for instance, fuelled by recent climatic change conditions, is a notable illustration where the pastoralists are pushed away by unfavorable climate and pulled towards more favorable climatic areas in the sub-region. In fact, government reports in Nigeria have stated on numerous occasions that the herder-farmers clashes in the country was due to the high influx of foreign herders driven by favorable climatic conditions in especially southern and middle belt Nigeria. No wonder then these regions have been the hotbed of farmer-herder clashes in recent times. Other migrants from Niger and Chad migrate into core northern Nigeria, and this is not unconnected to the extreme levels of poverty in those countries, hence, they see Nigeria as a more viable and greener option for their exiting extreme poverty.



Theory of Structural Functionalism: The major proponents of Structural functionalism include Talcot Parson, Gabriel Almond and Bingham G. Powell. Structural-functional Theory explains how political institutional failure has engendered conflict in society, and in this case it has engendered insecurity in Nigeria which is a by-product of arms smuggling emanating from weak border control on the part of the governmental agencies and the ECOWAS institution. Almond and Powell (1966) introduced Structural Functionalist approach in comparing political systems. They argue that to understand a political system, it is necessary to understand not only its institutions (or structures), but also the respective functions of the institutions. They also insist that these institutions must be placed within a meaningful and dynamic historical context to be properly understood. Structural Functionalism holds the view that in a political system, there are institutions or structures that perform specific functions and that when such institutions fail to perform their functions, the political system will be drastically affected and dysfunctional leading to upheavals and insecurity in a country.

Linking this theory to the problematic security situation in Nigeria, the Police, Army, Civil Defense, Customs, DSS and other security agencies are institutions or structures that perform designated functions capable of sustaining security or thwarting it. Also, government (legislature, executive and judiciary) on the other hand performs basic

functions to support security forces, by way of creating, enforcement and sanctioning of offenders who for instance smuggle arms or drugs. The aim is to effectively ensure compliance of these policy/laws geared towards effective border control operations aimed at checks on illicit smuggling.

CHAPTER THREE

ECOWAS PROTOCOLS ON CROSS-BORDER MIGRATION

The Objectives of ECOWAS Protocols

The West African Heads of State and Government established ECOWAS with the goal of integrating their economies. As mentioned in the chapters prior, ECOWAS seeks to advance cooperation and development in economic, social, and cultural activities with the specific goals of raising the standard of living for its citizens, boosting and maintaining economic stability, fostering better relations among member nations, and generally advancing the region (Chapter II Article 3 Revised ECOWAS Treaty).

Burkina Faso, Guinea-Bissau, Niger, Togo, Mali, Benin, Sénégal, Côte d'Ivoire (CFA nations), Ghana, Guinea, Nigeria, Liberia, The Gambia, Sierra Leone, Cabo Verde, and Liberia (non-CFA countries) are among the organization's fifteen members. Mauritania was previously a member but withdrew in 2000. (Anadi, 2005).

ECOWAS is thought to represent an expression of Pan-Africanism, the belief that Africans have common interest that should unify them. The Francophone countries however, were initially not favoured towards the idea of establishing ECOWAS; but it took much resolve on the part of Nigeria and Togo to change their disposition. Since the establishment of ECOWAS, the regional community has no doubt made giant strides in the area of community integrative schemes to enhance the regional integration of West African states. Factors put into consideration in all of these integration initiatives include their relevance to national economic interests of member states and contribution to the ultimate economic union goals (Lansana, 2013).

Compared to other regional arrangements on the African continents, ECOWAS is probably the most advanced in terms of stages of economic integration, although still not near to the achievements of the *European Union*.

ECOWAS Protocol on free movement however is considered very important to the overall objective of the ECOWAS integration policies because, there cannot be any genuine integration if free movement of the community citizens is thwarted. Thus, the Protocol is at the heart of the organizations' aims and objective. The determination to ensure speedy regional development through economic integration was the main consideration of the Heads of member states for enactment of the Protocol. The Protocol therefore seeks to remove every obstacle to trade flows of its citizens across borders.

ECOWAS Protocols on Free-Movement

In May 1979, four years after the promulgation of the treaty, states adopted a Protocol relating to the Free Movement of Persons, Residence and Establishment. It stipulated among other things the right of community citizens to enter, reside and establish economic activities in the territory of member states and outlined a three phased approach to achieve the “complete freedom of movement” envisaged by the treaty (ECOWAS 2006).

Major features of the Protocol and four Supplementary Protocols:

1979 Protocol A/P.1/5/79 relating to Free Movement of Persons, Residence and Establishment

- Sets out right of Community citizens to enter, reside and establish in territory of member states (Art. 2(1))
- Sets out a three-phased approach over 15 years to implementation of (I) right of entry and abolition of visas, (II) residence and (III) establishment (Article 2).
- Gives conditions of entitlement to enter territory of member state on possession of valid travel document and international health certificate [Article 3(1)]
- Reserves right of member states to deny admission into territory of community citizens deemed inadmissible under domestic law (Article 4)
- Establishes some requisites for expulsion (Article 11)
- Confirms that Protocol does not operate to detriment of more favourable provisions in other agreements concluded by member states (Article 12) (ECOWAS 2006).

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

- Obligates member states to provide valid travel documents to their citizens (Article 2(1) Establishes additional (to Article 11 of Protocol) requirements for treatment of persons being expelled (Article 4)
- Lists protections for illegal immigrants (Articles 5 and 7) (ECOWAS 2006).

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

- Requires states to grant to Community citizens who are nationals of other member states “the right of residence in its territory for the purpose of seeking and carrying out income earning employment” (Article 2)
- Sets out conditions of entitlement to residence (and thus seeking and carrying out of income earning employment) on possession of an ECOWAS Residence Card or Permit (Article 5) and harmonization by member states of rules appertaining to the issuance of such cards/permits (Article 9)
- Prohibits the expulsion of mass citizens of member states (Article 13) and limits grounds for individual expulsion to national security, public order or morality, public health, non-fulfillment of essential condition of residence (Article 14)
- Stipulates equal treatment with nationals for migrant workers complying with the rules and regulations governing their residence in areas such as security of employment, participation in social and cultural activities, re-employment in certain cases of job loss and training (Article 23) (ECOWAS 2006).

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

- Amends the provisions of Article 7 of Protocol to confirm obligation on signatories to resolve amicably disputes regarding the interpretation and application of the Protocol (Article 2) (ECOWAS 2006).

1990 Supplementary Protocol A/SP.2/5/90 on the Implementation of the Third Phase

(Right to Establishment)

- Clearly states the right of establishment emphasizing non-discriminatory treatment of nationals and companies of other member states except as justified by exigencies of public order, security or health (Articles 2-4)
- Forbids the confiscation or expropriation of assets or capital on a discriminatory basis and requires fair and equitable compensation where such confiscation or expropriation (Article 7) (ECOWAS 2006).

1998 Protocol Relating to the Regulation on Transhumance between ECOWAS

Member States (Right of Pastoralists' movement) [Selected Decisions]:

- Article 5 states that all transhumance livestock shall be allowed free passage across points of entry into and departure from each country;
- Article 7 states that Transhumance herds shall follow the routes defined by Member States;
- Article 10 states that the herd must be guarded by sufficient number of herdsmen during migration. The number of herdsmen is determined by the number of heads of cattle. There must be a minimum of one herdsman of every fifty head of cattle. In all cases, transhumant herds must be accompanied by a minimum of two herdsmen.
- Herdsmen must be in possession of identify papers duly issued by the competent authorities in their countries of origin.
- Each host country shall fix the period during which migrating livestock may enter into and depart from its territory (ECOWAS 2006).

Problems of ECOWAS Protocols on Free Movement

The ECOWAS free movement protocols have widely been praised for a policy framework for regional mobility, especially in comparison with other regional mobility frameworks in Africa. No wonder then, they recently served as a template for the African Union Free Movement of Persons Protocol. The truth, however, according to Bolarinwa (2015) is that apart from the visa-free entry of people, the rights to establishment and residencies are far from being implemented. Combined with widespread corruption and abuse of migrants, free movement is largely limited to an ideal principle only (Bolarinwa 2015). But this may not be true in all cases. In some states, the shared-borders with member states have become too porous with little or no checks of migrants largely due to the mind-set created by the protocols on free movement within the sub-region.

So the major problem thus, of member states is the porous nature of their national shared-borders. While the ECOWAS protocols may not be completely flawed so as to be responsible for the weak borders in the region, the extent of the porous borders in the sub-region shows that the protocols are partly responsible since they are misunderstood and also exploited for other nefarious actions. This explains why crossing borders happen as part of normal everyday life. But one of the most critical factors here that takes no cognisance of the protocols proper is the movement for cross-border communities. These communities do not even adhere to at least possessing the requisite paper identities perhaps because most of these communities that share border intertwine, share cultures, inter-marry etc (Okyerefo and Setrana 2018).

Inter-communal mobility remains a notable source of development based on historical and social ties, and it brings significant livelihood opportunities. Cross-border communal mobility is in many contexts not even considered migration, even though it entails crossing international borders (Jegen 2020). As stated already, there are protocols at the ECOWAS level that deal with cross-border communities, especially for the pastoralist communities, but they largely lack the requisite implementation and no wonder discourses around this tends to be linked to herder conflicts. Worse still is that those criminal elements in these border-communities migrate across the borders to where the land seems greener and perpetuate crime for illicit financial gains. Apart from criminal elements from these border-communities freely trespassing, smugglers in drugs, arms, banned foods etc from outside the regional bloc can infiltrate these border-communities to gain access to cross-border mobility since identity papers are hardly checked anymore. This also results in serious problems to national security of the recipient nation. Some of these security problems are discussed in the next chapter.

CHAPTER FOUR

ECOWAS MIGRATION AND NIGERIA'S SECURITY

The Challenges of ECOWAS Cross-Border Mobility

The objective of the free mobility within the West African region is integration. And ideally, where there is economic and social integration, there should be development with political stability and peace. ECOWAS member countries have undertaken a number of initiatives to safeguard and consolidate relations conducive to the maintenance of peace, stability and security within the sub-region.

It is worth noting however, that the ECOWAS Treaty did not mention conflict management and prevention, among its aims and objectives. However efforts to ensure peace in the sub-region have given the sub-region, worldwide recognition. The formation of the ECOWAS Monitoring Group (ECOMOG) is one initiative that has drawn attention to the community. In 1999, ECOWAS also initiated the conflict prevention and management enterprise, the adoption of Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peace Keeping and Security. The Community also adopted the Protocol on Democracy and Good Governance, in December 2001, as a veritable instrument for promoting peace and security in West Africa.

Nevertheless, the region may have been unaware and thus was unprepared for a time where violent aggression not by guerrilla fighting rebels, but terrorist jihadist would pose a serious challenge to the integration of the sub-region. Movement within

member countries is so unrestricted that although some successes may have been accounted for, it is not devoid of immense challenges. There is no doubt that the unchecked immigration, has become the major issue which Nigeria, like other countries in the West African region has had to contend with, especially in recent times. This constitutes a major the problem of security in the region. Increasingly, Nigeria has been confronted with increasing challenges posed on its internal security by influx of small arms and light weapons, human trafficking and other cross-border crimes, and recruitment of aliens for terrorism. So long as Nigeria stands strategically above other member nations in comparative terms, it remains attractive to citizens from its neighboring countries.

The challenges of the Protocol have not helped the security landscape of the sub region. Even though ECOWAS prides itself as the first region in Africa with the free movement initiative, the Protocol is poorly implemented constituting more security concern than boosting regional trade and economic development. The security forces have rather turned the job to their own business, encouraging the crossing of smugglers of all sorts of commodities from one country to another with just a tip of tokens. Also, because ECOWAS does not have adequate instituted mechanism for checking the entry of illegal immigrants, people who carry out nefarious activities have exploited the opportunity to their advantage of laundering money, trafficking in human, drugs, illegal arms e.t.c. Thus, the privileges of the protocol as stated already have been grossly violated. The Protocol seem to have but little benefit, and in fact it seems to have more adverse effects than any positives. Thus, the purpose of integration seems to rather exacerbate the insecurity prevalent in the sub-region.

Unrestricted free movement of people in the sub-region has brought about a tensioned atmosphere among citizens of the receiving country and migrants especially in places where migrants dominate trade and labour.

Effects of West African Inter-State Migration on Nigeria's Security

Migration and insecurity are two inextricably woven issues that have remained a major threat in the ECOWAS region. While regional migration may lead to insecurity and vice versa, regional migration and insecurity remain prevalent in the ECOWAS region and this has dire consequences for security and stability of the region. In West Africa, climate change and environmental factors, food crisis, refugee flows, poverty and unemployment, and terrorism are major causes and resultants of migration. In West Africa, agriculture is the major source of livelihood and source of food, and this makes the region largely vulnerable to environmental influences, climate and food insecurity. Between 1992 and 2003, 35% of food emergencies were caused by conflict and economic problems (IOM, 2018).

Nigeria is a sub-regional power in West Africa. Besides being the most populous country, Nigeria's oil resource endowments and huge oil sector earnings, especially in the 1970s, made the country quite attractive to foreigners especially its regional neighbors. This led to the immigration of several persons from neighboring countries whose economies were relatively less endowed with resources. This situation explained the oil-induced employment opportunities that had attracted thousands of migrants of all skills in their numbers from Ghana, Togo, Chad, Mali and Cameroon

and other countries within and outside Africa to work in the construction and services sectors between 1970s and 1980. In addition, the professional and skilled immigrants were recruited as mostly teachers in secondary schools in the country. Following the collapse of the oil prices in the international market in the early 1980s and its devastating impact on the Nigerian economy, the situation took a different turn (ibid).

Following these developments, the Nigerian government took several initiatives to reposition the economy for improved performance. The Nigerian government at that time perceived the aliens to be an additional burden on the Nigerian economy and decided to expel them. The largest case of mass expulsion of the aliens took place in Nigeria in 1983 and 1985 as a necessary approach to manage the impact of the economic crisis on the country. By early 1983, the Nigerian Government revoked Articles 4 and 27 of the Protocol to expel between 900,000 and 1.3 million illegal aliens, mostly Ghanaians (IOM, 2019).

But, in spite of this, since the 1980s, the number of immigrants coming to Nigeria has rather been on the increase. The number of immigrants in Nigeria which was estimated between 751,126 and 972,126 in 2000 and 2005 respectively, rose up to about 1.1 million people in 2010. It is also estimated that majority of these immigrants are nationals from neighboring ECOWAS countries. It has been argued further that, immigrants from Benin republic, Chad, Niger, and Mali today represents the largest number of nationalities in Nigeria (IOM, 2019).

These migrant nationalities are responsible for several crimes and insecurity in the country. In August, 2021 during the eighth session of the Cameroon-Nigeria

Transborder Security Committee, the Nigeria's National Security Adviser (NSA), in the person of Maj.-Gen. Babagana Monguno (Rtd.), posited that the porous borders in the country have continued to aggravate the country's security challenges. He further opined that members of the Islamic State in West Africa Province (ISWAP) and Boko Haram terrorists have continued to exploit the porous border areas to disrupt the livelihoods of innocent citizens in their communities. Monguno's comments came a few hours after some bandits invaded the Afaka barracks of the Nigerian Defence Academy, Kaduna, killing two senior officers and also kidnapping one. Kidnapping, banditry, assassinations in the country today has been fuelled by the porous borders that are weak majorly due to the protocols existing within the sub-region that prevents stringent inspection of criminal influx from member states (Vanguard, 2021). The result is the clashes over agricultural resources by foreign herders and domestic crop farmers in Nigeria; increase youth population in the country with higher vulnerability to crime; arms smuggling; and drug trafficking. Each of these would be more thoroughly discussed next.

Foreign Herders/Domestic Farmers Conflict over Agric Resources: The Sahel region of West Africa, which comprises Niger, Chad, Cameroon and Mali, with its extreme weather situations, persistent drought and famine, is experiencing low crop yields and serious food crisis, and this has resulted in the mass movement of people in search of work and food. A good instance to this is the food crisis in Niger in which more than seven million people are in need of food. This has resulted in thousands of Nigériens entering the five northern Nigerian states of Katsina, Yobe, Jigawa, Sokoto

and Borno, seeking casual labour in areas that are also facing food insecurity (IOM, 2022).

The National Emergency Management Agency in Nigeria (NEMA) has reported that about 12 million people in the region are at risk of hunger. This continued influx of Nigériens to Northern Nigeria engenders conflicts over the scarce food resources in the area. The food crisis in Niger has also impacted negatively on the pastoralists and the herdsmen who move down south in search of pasture for their animals. In pastoral areas, production is 66% below national needs (IOM, 2022). Due to pressures from desertification and drought, some Nigérien pastoralists have shifted their migratory routes southwards into Nigeria in search of animal feed and better grazing. This has resulted in the herdsmen migrating to the southern region to find pasture, a situation that is causing clashes between them and sedentary farmers (IOM, 2022).

Farmer-herder conflicts in Nigeria, which were predominantly in the North-Central region, have spread across the country. The conflicts result in indiscriminate and avoidable loss of lives and properties. The country currently seems locked in a perennial fear of violence between sedentary farmers and nomadic pastoralists or herders. Although it is mostly an agrarian resource problem, an inaccurate definition of the conflict has underpinned it with ethno-religious colourations and considerations. These narratives and perceptions have further exacerbated the crisis with sometimes aggressive reprisals leading to mutual hostility. Data from Nextier SPD Violent Conflict Database reveals that in the twelve months leading to September 2021, farmer-herder conflicts occurred about 71 times, and accounted for 406 deaths,

49 injured, and 15 kidnapped persons (Nextier SPD, 2021). The North-Central region recorded 58 percent of the incidents and accounted for 61 percent of the casualties. At the same time, the South-West region recorded the second-highest number of incidents (25 percent of the total), about 12 percent of the casualties. The North-West region, on the other hand, recorded 4 percent of the incidents but 15 percent of the deaths. It is worthy of note that although the South-East recorded 6 percent of the incidents, it accounted for 9 percent of the fatalities. The South-South had 6 percent of the incidents and 3 percent of the casualties (Nextier SPD, 2021).

In 2018, the country's president, Mohammadu Buhari said on April 11th, during a meeting with the Archbishop of Canterbury, Justin Welby, in London that gunmen trained and armed by Gaddafi did not only escape with their arms to countries like Nigeria after he was killed, but that they also infiltrated the pastoralist herders. "Herdsmen that we used to know carried only sticks and maybe a cutlass to clear the way, but these ones now carry sophisticated weapons," The president stated. While the president links the problem to infiltration from the post Gaddafi war in Libya, other political elites in the country view it from other factors not excluding the ECOWAS protocols on free movement. The Cable (2021) reported on March 07, 2021 that *Aminu Tambuwal, a prominent northern elite and governor of Sokoto state, had called for a review of the Economic Community of West African States (ECOWAS) protocol on free movement to check the influx of foreign herders into Nigeria.* Speaking during a Television Continental Programme (TVC), Tambuwal said West African leaders must review the ECOWAS protocol because Nigeria "has a problem with it." **He further asserted that** "we need to go back to the protocol of ECOWAS

because it is established that a number of these herders are coming from across other West African countries,” the governor said. “So, we need to go back and recommend to President Muhammadu Buhari... we need to go back to the ECOWAS protocol, to convene a meeting of ECOWAS and review it.

Unemployment and Crime vulnerability: Unemployment can be defined as the state of an economy when people are willing and able to do some product work or a job, but the jobs are no available. Thus, when the numbers of job seekers exceed the number of available jobs, then the economy is said to suffer from the problem of unemployment. According to the International Organization for Migration (IOM) (2022) which is the UN migration agency, about 423 million people are living in the Economic Community of West African States, a 15-member grouping whose aim is to promote economic integration in a region where the unemployment rate is sometimes 20%—inevitably leading to migration (IOM, 2022).

While migration is often linked with poverty, other factors also drive the social problem, including youth unemployment, climate change and urbanization. The International Organization for Migration (2022) however, reports that employment-seeking migration accounts for the biggest share of intra-regional migration as youth move from one country to another looking for better job opportunities. Youth unemployment has thus become a central political-security issue in West Africa and in Nigeria too, in addition to being a socio-economic one. This problem which has led to the migration of people to different countries seeking a means of livelihood comes with dire consequences of also increasing unemployment in the host or recipient state,

then exacerbating conflicts and instability in the host country. In other words, when unemployed youth migrate to a host country, they inflate unemployment in their host country, and this is precisely what Nigeria is facing. And because the situation leads to a hyper-unemployment situation, the young men and women in search of work coming their country of origin to a host country end up in most cases being recruited into criminal or terrorist groups when expectations are not met. Northern Nigeria in particular which boasts of a large number of able-bodied and unskilled youths have come under the influence of terrorist and criminal groups, ready to take up arms in exchange for money because they have been largely unemployed for years. Indeed, five of the country's ten poorest states in Nigeria are in the northern region, and they are Sokoto, Katsina, Zamfara, Kebbi, and Jigawa. These states are amongst the most affected in terms of unemployment and the insecurity caused by banditry and kidnappings for monetary gains in Nigeria. Evidence suggests that population explosion could render many unemployed youths more vulnerable to recruitment by terror groups in the region. (Ojewale, 2021).

Influx of Extremist Jihadists: One of the major problems of Nigeria's porous borders with her neighbours arising from ECOWAS protocols on free migration is the contribution of these porous borders to the insecurity that now plague the country with the inroads that have been made by extremist-minded groups or individuals. Today, there is hardly any criminal act or violence in Nigeria that could not be remotely traced to the relative ease with which armed gangs enter and exit through many of our 149 borders. Some of the notorious borders across the country include those with Niger, Chad, Benin Republic and Togo in the Southwest area. Without exception, all

these borders are loosely patrolled, if at all, while illegal movement of people (like ISWAP terrorists) and goods flow almost freely. Meanwhile, the contiguous nature of the border sometimes presents its own challenges. The free migration and mingling has made most of the people in these areas inter marry and share similar cultural and religious practices. This has also enabled cross border recruitment by the Boko haram sect in Nigeria. The Boko Haram terrorist group in Northern Nigeria consists mostly of young men recruited as a result of their lack of means of livelihood. And it has been established that there is a link between the Boko Haram sect and external radical forces in the region, especially the Al-Qaeda in Maghreb, while Mali and other countries like Sudan are mentioned as training grounds for the sect (Agba E, 2015). Cross-border recruitment of young people as mercenaries in armed conflict is one of dire common cross-border problems in West Africa which the Boko haram sect in Nigeria has exploited. This, as a matter of fact, is causing insecurities in the domestic internal affairs of the country. The threat of terrorism and violent extremism has continued to challenge Nigeria's security forces over the last decade. While efforts have been to degrade the terrorists, there are still concerns that these terrorist groups remain a serious threat to national security (Agba E and Olufunmilade F, 2020).

Arms Smuggling: The groups terrorizing northwest Nigeria are known to deploy sophisticated weapons in their operations; again, often due to the porous Nigeria-Niger border and subsequent arms trafficking. The illicit proliferation of weapons exerts a considerable impact on peace and security and increases the incidence of terrorists' activities in the region and also violent crimes (Ojewale, 2021). The ECOWAS Protocol on free movement of persons, goods and services, has thus created

a space that criminals exploit to facilitate cross-border trafficking (Adejumobi, 2015). These traffickers exploit loopholes in state capacity in monitoring cross-border trade in the region and relaxation of national borders intended to enhance regional integration, to penetrate their nefarious activities. It must be noted that cross-border arms trafficking is sometimes facilitated by security agents on the basis of monetary inducements (Olowojolu, 2015) & (Bolarinwa, 2015). For instance, in May 2013, a senior Customs official was arrested for allegedly rendering succor to Boko Haram insurgents to smuggle several trucks loaded with large cache of arms and ammunition into Nigeria (Kwaru, 2013). In May 2013, security operatives in Nigeria uncovered an arms storehouse at the home of a Lebanese national in Kano State. The cache of weapons was discovered in an underground bunker beneath the master bedroom and investigations point towards the existence of a Hezbollah terrorist cell in Nigeria with links to Boko Haram (Sahara Reporters, 2013). Some of the weapons confiscated included rocket propelled guns and anti-personnel mines, which were clearly beyond the range of weapons normally stolen by Boko Haram from local police stations (Olojo, 2013).

Nigeria's borders are massive with hundreds of footpaths criss-crossing to neighbouring countries of Chad and Niger with links to Mali, Libya and Sudan. From conservative estimate by locals, there are well over 250 footpaths from Damaturu/Maiduguri axis that link or lead direct to Chad or Niger Republic (Musa, 2013). A number of these paths, some of which may not be known to security agencies, are unmanned, unprotected and have continued to serve as route for arms and ammunition trafficking into Nigeria. Illegal arms traders use camels, donkeys, and

cows to move in arms into Nigeria through the Nigeria-Niger or Nigeria-Chad borders, or sometimes through the Nigerian-Benin borders (Adejumobi, 2015).

Boko haram members are known to connive with merchants involved in cross-border trade to help stuff their arms and weapons in goods that are transported via heavy trucks, trailers and Lorries. Given the huge size of the goods loaded on these vehicles, and also based on the ECOWAS protocol that allows for free movement of goods, very little or no scrutiny is conducted on them by security and border officials.

Arms influx to Nigeria has become a security factor that now fuels many other security problems. ECOWAS has made some effort to curb the menace through the 2006 convention on Arms Smuggling and other Related Materials, which became the sub-regional benchmark for regulating arms and ammunitions among member countries. The regulation captures arms as destructive weapons and ammunition of war, which include: firearms and other destructive arms or devices such as an exploding bomb, an incendiary bomb or a gas bomb, a grenade, rocket launcher, a missile, or a mine. Revolvers and pistols with automatic loading, rifles and carbines, machine guns, assault rifles, light machine guns are also examples of arms (Iwebi, 2017, Chuma-Okoro, 2011).

However, despite the regulations on arms by ECOWAS, arms smuggling has remained a complex security issue for member states. Nigeria is a destination of smuggled arms that results to several violent and criminal activities like revolts, subversion, sabotage, religious crisis, communal conflicts, social agitations, insurrection, terrorism, banditry, kidnapping etc. According to Adeola and Oluyemi (2012), Nigeria has been trapped in numerous and multifaceted problems orchestrated

by her exposure to the influx of smuggled arms into the country through her border posts.

These arms found in the country and possessed illegally are not manufactured in Nigeria, but their existence and influence heat every nook and cranny of the country. As Bundo (2014) rightly observes, arms are flowing into states on regular basis and illegally through her border posts. The process has remained the same as arms have been presumed to follow the same pattern of trade-goods as heavy weapons. Nigeria's president, Muhammadu Buhari affirmed in 2019 during an interview with *Arise TV* that the late Gaddafi was to blame for the insecurity in the country. "When the opposition in Libya succeeded in killing him (Gaddafi), they arrested some (of his supporters) and they did what they did to them; the rest (remaining supporters) escaped with their arms and we encounter some of them in the North-East and they are all over the place now organising attacks," Buhari added (Arise TV, 2019). Interestingly, Libya does not even share a border with Nigeria, but it borders two ECOWAS member countries- Chad to the South and Niger Republic to the South-West, both of which share an enormous land border with Nigeria. While the northern part of Nigeria borders the Niger Republic by about 1,497km; the North-East borders the country of Chad by about 87km (Punch, 2019).

Drug Trafficking: There is a nexus between drug and conflict. Narcotics or drug trafficking could fuel crime rate in the society and consequently impact on public security. A number of youths are involved in Drug trafficking and the implication is that these youths stay out of school. Education, especially education being made available to the poor, is key to development in the way that it empowers people. Drug

trafficking refers to the possession of an illegal drug in a predetermined quantity that constitutes the drug that is going to be sold. However, drug trafficking also involves selling illicit drugs, whether it is a local exchange between a user and a dealer or a major international operation. Drug trafficking is a problem that affects every nation in the world and exist on many levels. It has also been described as the commercial exchange of drugs which may include any equipment used to manufacture illegal drugs or use of them Ering (2011).

In the West African sub-region, drug trafficking among ECOWAS member states has been on the rise. For instance, in Côte d'Ivoire, smugglers attempted to bring in a total of 12,000 kg of counterfeit pharmaceutical products from Ghana in 2019. The seizures are estimated to have a market value of EUR 900,000. It has been reported that several illicit drugs including cocaine, marijuana and methamphetamines have also seized throughout the sub-region (The Cable, 2021).

Nigeria shares 4000km of borderland with four other West African countries and a long coast in the Atlantic Ocean's Gulf of Guinea. This geographical location is attractive to organized drug barrel groups either wishing to carry out drug smuggling operations across the region especially at the seme-border that has become notorious for all kinds of smuggling into the country.

CHAPTER FIVE

SUMMARY, CONCLUSION AND RECOMMENDATION

SUMMARY

ECOWAS was established in 1979 with aims to *promote cooperation and integration*. Its objective is to establish an economic union in West Africa in order to improve the living standards of its peoples, and to enhance economic stability, foster relations among member states, and contribute to the progress and development of the African continent.

According to a series of protocols from ECOWAS starting in 1979, citizens in its 15 member states are granted the right to free movement, including the rights of entry, establishment, and residency. ECOWAS citizens are legally permitted to enter each member country and stay visa-free for a number of months. This provision is subject to the possession of valid 'regional' travel documents. The protocols reflect the region's culture of mobility. Migration from the perspective of the free movement protocols in ECOWAS involves both cross-border movement, usually a short term movement, and migration, usually a longer term movement. The cross-border movement also involve pastoralist communities travelling with their livestock (transhumance). But the major contending issue is that all of these have come with a cost. The rise in insecurity is not unconnected with these sub-regional integration policies. Each government takes the matter of security as its own primary purpose. Nigeria has been fighting with several transnational border related crimes which put a grave danger to national security and the nation building ranging from drug

trafficking, money laundering, illegal trafficking of arms, smuggling of all kinds, (smuggled goods, guns etc) theft, kidnapping, invasion of foreign killer herders and many more. This work was aimed at identifying these problems.

Chapter one was a general introduction that begun with a background to the study, statement of problem, methodology used, objectives and the significance of this study.

Chapter two focused on the review of pertinent concepts and a theoretical framework.

Concepts reviewed include: Regional integration, Migration, National Security. The

theoretical framework encompassed two important theories and they are: the Push-

Pull Migration theory, and the Functional-Structuralist theory. Chapter three was

about making an exposing of the ECOWAS protocols on free movement and

highlighting why it has become a problem. The problems highlighted were just a

prelude to the major discourse in Chapter four. Chapter four discussed the major

security effects that arise from the ECOWAS protocols including, porous borders,

arms smuggling, influx of extremists, the invasion of foreign killer herders etc.

Chapter five is study's summary, conclusion and recommendations.

CONCLUSION

Nigeria has overtime, experienced several border crimes with her immediate

neighbours, arising from the infiltration of unprecedented levels of criminal elements

from the Chad, Benin and Niger-Nigeria borders. These crimes are carried out by

those whose exploit the porous borders and the free migration policy within the West

African sub-region. The phenomenon is currently generating a lot of concerns in

member states like Nigeria, where insecurity is highly prevalent as a result of influx of

different criminal elements from other member states carrying out nefarious activities. This is reflected in the increasing spread and sophistication of criminal networks coupled with nefarious arms and drug smuggling activities, including the invasion of militant herders maiming farming communities in their coercive approach for livestock grazing. No doubt, the wave of globalization has resulted to higher levels of internationalization of economic relations, but it has also opened the door for “cross-border criminal, and smugglers” to intensely flourish.

In Nigeria today, arms smuggling has steered to a situation resulting to a steady and uncontrollable cases of killings, trans-national terrorism, armed banditry, herdsmen attacks, ethnic and communal rivalries and clashes and many other numerous violent conflicts. The porosity of the West African borders no doubt, can be identified as an aiding factor of the activities of these violent groups and criminal networks across the region. Finally, though the Free Movement Protocol has had laudable goals, it cannot be denied that people with clandestine activities have availed themselves of the provision of the protocol to continuously engage in carrying out their dastardly activities across the sub-region. This study observes that this is possible not really because of what is inherent in the protocol, but it has more to do with problems of the implementation of the protocol. For instance, the protocol emphasizes free movement, but it does not state that travellers across the region should not carry or possess travel documents, or an identity card or identify paper. We can see this from Article 3 paragraph 1 of the 1979 protocol stated in *Chapter three* of this work, which gives the conditions of entitlement to enter the territory of a member state on *possession of valid travel document* and international health certificate. Equally, the same 1979 protocol,

Article 4, also *reserves right of member states to refuse admission into territory of Community citizens deemed inadmissible under the domestic law of the entry state.* But the level of border porosity seems not unintended probable as a means of oversimplifying the protocol or de-regulating it further. This is so because most travelers do not even possess travel documents, and those who have, the credibility of their documents can hardly be ascertained. The Protocol thus, is lacking full implementation by member states till date and this is evident in the fact that the free migration was not meant to be as free as it currently is. In as much as nothing is done to review the present impunity and abuse of the free-migration policy of the sub-regional body, the national security of several member-states including Nigeria would likely remain a serious daunting challenge.

RECOMMENDATIONS

The following are recommendations as policy options to improve the national security situation in Nigeria in the light or context of the ECOWAS protocol on free migration:

Improve border security: The federal government must collaborate with state governments to address the immediate challenge of border porosity. Efforts must be made to recruit, train, and sufficiently equip customs and immigration personnel to the region to boost surveillance and stem the tide of the free influx of illicit persons from the sub-region (especially neighbouring states) and the illegal flow of arms into the country.

Anti-Corruption Measures: Addressing corruption here is also important and in fact pivotal, because border patrol is a major racket for security forces and government officials. Government security officials could easily be bribed at border-points by wealthy smuggling gangs to allow entry of criminal persons and illicit weapons.

Improve Security Technology: There should be mass introduction of drone surveillance and Closed Circuit Television Cameras (CCTV) on our borders. This would go a long way to deter security operatives from compromising our national security to the whims of wealthy criminal gangs involved in arms and drugs smuggling in the country.

Spearhead the ECOWAS Reform: ECOWAS is no doubt in need of reforms, and this is indubitable enough for all to see. The sub-regional body for instance, does not have adequate instituted mechanism for checking the entry of criminal immigrants, people who carry out nefarious activities, exploiting the opportunity to their advantage of laundering money, trafficking in human, drugs, illegal arms etc.

Nigeria is seen as the biggest and most influential member-state of the sub-regional body, and no wonder the headquarters of ECOWAS is situated in Nigeria's capital territory, Abuja. Since Nigeria then is suffering the most from insecurity as result of the protocol of this institution, the government of Nigeria must lead the way in calling for reforms. Changes should ensure that the institution can establish a proper *institutional mechanism* for checking cross-border mobility to curb movement of criminal elements and illicit goods.

Take the Path of 'NIGEXIT': Over the years in Europe too many Europeans were migrating to more resourceful countries within the regional bloc the European Union (EU) and taking over jobs of the home citizens. England had been a country hit by influx of citizens from other member states of the European Union (EU) especially France, Belgium, and the Netherlands. A notable phenomenon that thus, begun in 2016 saw the rise of "BREXIT" which stood for the 'British referendum to exit the European Union' which finally came to effect in 2020. Britain had considered the many disadvantages of the union on UK economic policies, especially trade diversion but most notable her inability to control immigration which was pivotal for British national security. The British exit of the European Union thus, was basically to determine their own rules concerning immigration and border control policy. Similarly, if Nigeria fails to convoke a reform in ECOWAS that would ensure that the *free movement protocol* are no longer to the disadvantage of member states, then she can boldly take the path of Britain and begin her own 'NIGEXIT', a lexicon that would then imply Nigeria's intent to exit the ECOWAS bloc so as to be able to fully determine her own immigration and border control policy.

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