

**NIGERIA'S FOREIGN POLICY AND TRANS-BORDER  
CRIME: A HISTORICAL ANALYSIS OF THE  
NIGERIA-BENIN BORDER, 1960 – 2013**

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**DECEMBE 2017**

**SCHOOL OF POSTGRADUATE  
UNIVERSITY OF LAGOS**

**CERTIFICATION**

**This is to certify that the Thesis:**

**NIGERIA'S FOREIGN POLICY AND TRANS-BORDER CRIME: A  
HISTORICAL ANALYSIS OF THE NIGERIA-BENIN BORDER, 1960 – 2013**

**Submitted to the  
School of Postgraduate Studies  
University of Lagos**

**For the award of the degree of  
DOCTOR OF HISTORY & STRATEGIC STUDIES (Ph.D.)  
is a record of origin research carried out  
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**SPGS REPRESENTATIVE              SIGNATURE                      DATE**

## **DEDICATION**

I dedicate this work to Almighty God, for his grace that abided in me through this programme.

I also dedicate this work to the Aluede's: my father Mr. Francis (late), my mother, Mrs. Helen and siblings(Charles and Emmanuel) – together we have weathered the storm, despite all the odds we overcame, and together we shall be celebrated.

## ACKNOWLEDGEMENTS

This research work would not have been possible without the support of well-meaning individuals and institutions, who in one way or another contributed to its success. I am highly grateful to my supervisors: Dr. David Aworawo (Associate Professor) and Professor Yomi Akinyeye, for their immeasurable scholarly contributions to this work. I am indebted to Dr. David Aworawo for his inestimable intellectual contributions, patience, guidance, critique, encouragement and mentorship. I will be forever grateful to you sir. I am equally, thankful to Professor Yomi Akinyeye for his intellectual wisdom, contributions and thorough analysis of this work. I am humble and thankful to have been supervised by these two worthy men. My fervent prayer is that the Lord Almighty God lift the both of you even beyond your own imagination.

I also wish to recognise the following individuals and institutions for their support. Here I must give thanks to Emeritus Professor A. I. Asiwaju. I am grateful for your time. I am in the same way grateful for making available materials that enrich this work. I cannot forget the network you provided, particularly in introducing me to Professor John O. Igue in Cotonou, Benin Republic. Likewise, I thank Ambassador (Dr.) Lawrence Olufemi Obishakin, Nigeria's former Ambassador to Benin Republic, the late Ambassador Paulin Dohon Agbetokpanhoun, Director of Neighbourhood Countries, Republic of Benin, Ministry of Foreign Affairs, African Integration, Francophony and Diaspora, Republic of Benin Foreign Affairs. Also, I wish to appreciate Professor John O. Igué, Director Laboratoire d'Analyse Regionale et d'Expertise Sociale (LARES), Cotonou, Benin Republic, Dr. Ahmad, Director General Nigerian Boundary Commission (NBC), Surv. Mustapha Ribadu, Deputy Director International Boundaries, A.A Adegbite Deputy Superintendent Custom (DSC) and Head Joint Committee on Commerce, Office Cotonou, Republic of Benin, Dr. Godwin Chime and Dr. Joshua Bolarinwa of the

Nigerian Institute of International Affairs (NIIA). Likewise, I wish to appreciate Mr Barth Oyarebu Algbierere, Principal Staff Officer, International Affairs Division, National Drug Law Enforcement Agency (NDLEA) for the opportunity to interview him, and the books, he made available for me.

I equally wish to extend my gratitude to Mr. Ambrose Obeji, Director of Economic Manufacturing Association of Nigeria (MAN). Mr. Charles Oko, Special Assistant to the Permanent Secretary in the Ministry of Foreign Affairs, Abuja. My gratitude equally goes to Mr. Dickson N. Orji, Programme Co-Ordinator Presidential Committee on Small Arms and Light Weapons, Abuja, Mr. L. S. Sule, Deputy Officer II, Customs Enforcement Unit, Statistics, Nigerian Customs Headquarters, Abuja, Chief Omolade Popola Olabokunde, Balogun Olorunda Ifonyin Itedo, Owode/Yewa South Local Government Area of Ogun State, Michael Amosun, retired Teacher, Politician and Businessman, Owode/Yewa South Local Government Area of Ogun State, Mr. Abisogun Bonne Botoku, Secretary General, Nigeria-Benin Inter-Border Forum, Mr. Lanre Oyekanmi, Manufacturer of Cast Iron and Farmer, Ifonyin Itedo, Ipokia Local Government Area of Ogun State, as well as Mr. Biodun Akinlanu involved in 'Fayowo' – the smuggling of varieties of illicit and contraband items across the Nigeria-Benin border. In addition, I cannot fail to appreciate the market women at both side of the Nigeria-Benin border for their patience during my interactions with them.

I owe the academic staff in the Department of History & Strategic Studies a lot of gratitude. I am grateful to Professors Ayodeji Olukoju, Adebayo Lawal, R.T. Akinyele, Olufunke Adeboye, Mike Ogbeide (deceased) and Ademola Adeleke. My gratitude also extends to Drs Nkem Onyekpe, Tunde Oduwobi, Obi Iwuagwu, Paul Osifodurin, Paul Njemanze, Irene Osemeka, Omon Osiki and Friday Aworawo. In the same manner, I immensely acknowledge the doctoral students within and outside the department. I must remember here messrs Ariyo Aboyade, Mrs. Fumike Ben-Akinduro (thanks for being there for me), Oluwaseye

Usman, Jonah Uyieh, Kennedy Anele, Bayo Asala, Bimbo Oyerinu, Nnenna Iroh, Charles Osarenwensa, Shola Daniel, Ndidi Opara, Ayo Shotunde and Michael Oni, to identify only a few. I equally recognise the some inputs of non-academic staff of the department, namely messers. Henry Chukwumebi, David Adekunjo, Stephen Ukpe Mrs. Iyabo John, Mrs Akinola, and Mrs. Yekini.

In the same manner, I wish to acknowledge some individuals who directly and indirectly contributed to the successful completion of the Ph.D. journey. I wish to thank members of the University of Lagos Academic Programme Committee (APC), for their insightful contributions to my work. I wish to appreciate my lead reviewers at APC Professors Godwin Azenabor and Adebayo Sanni. The contributions of Dr. Wale Oke as well will not be forgotten.

A big thank you to Mrs. Inex Jaho-Herbert for helping me to submit my letters of Introduction to the Ministry of Foreign Affairs, Nigerian Customs Headquarters in Abuja and other Federal Government Agencies in Abuja, months before my arrival to the Federal Capital Territory. I pray the Lord Almighty will reward you, for making my trip to Abuja a success. Similarly, I extend thanks to Kingsley and Charles Eke for providing me shelter during my stay in Abuja. In the same vein, I appreciate the support of Mr. Ewulo, who linked me with some indigenes of the border communities in the Idiroko border area. To Mr. Michael Amosun, I pray that the Lord Almighty richly reward you for providing a car for our movement through the Idiroko border area, and for taking me across the border.

I equally wish to appreciate some close friends that stood by me and showed concern for me in one way or another during the course of this programme. They include Drs. Benjamin Anaemene, Friday Aworawo, Geoffry Anyawu and Segun Adeyeri. I cannot also forget Pastor (Mrs.) Fumike Ben, Dcn. Omah P.I. Dcn. Donald Ijige, Ariyo Aboyade, Jonah

Uyieh,Ugochukwu Anyaibe, Anu Obishakin, Mr Wale Iyanda, Omowunmi Longe, Sunday Ibinovia, Michael Oni, Mathew and Anuoluwa Olaifa, Michael Duru, Onyereke Emeka, Ayodele Shotunde, Silver Ojieson, Lexzy M. Ochibejivwie,Taiwo Adeyinka, Gbenga Ajibola, Idris Animashaun

Likewise, I wish to appreciate the management and owner of Key Learning Solution Limited, Ambassador Dr. Mrs. Irele, staff and student of American Pathway, Oxford Tutorial College: Teslimah Buari, Franklin Nwankwo and Bolu Falaki.

I equally appreciate the support and love of members of my immediate family. My loving mother, Mrs. Helen Aluede, is so special to me and I owe it all to her in what I am today. She bore my twin brothers Charles and Emmanuel Aluede whose support and love for me are forever unquenching. I am indeed in them, and they, in me. The goodwill and unflinching concern of Mama Osasua, aunty Josephine and uncle Sunday Aluede provided just about the right pillar of support I needed in the homefront.

Lastly, I wish to acknowledge my friends at the Henry Carr Postgraduate Hall of Residence for the wonderful time. I extend gratitude as well to brethren at The Redeemed Christian Church of God (Shiloh Sanctuary), beginning from Pastors Kehinde Ogunnusi, James Oyewunmi, Timothy Ajiboye, Bros. Wole Awosike, Tope Olabitam, Michael Abaniwo and others. Thank you all so very much for your prayers and keeping the faith.

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## MAP

Map Showing the Nigeria-Benin border

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## ABBREVIATIONS

ACP	-	African Caribbean and Pacific Countries
AU	-	African Union
ECOWAS	-	Economic Community of West African States
ECPF	-	ECOWAS Conflict Prevention Framework
ECOMOG	-	ECOWAS Monitoring Group
ETLS	-	ECOWAS Trade Liberalisation Scheme
EEC	-	European Economic Community
EU	-	European Union
FDI	-	Foreign Direct Investment
ING	-	Interim National Government
ICRC	-	International Committee of the Red Cross
INTERPOL	-	International Criminal Police Organisation
IMF	-	International Monetary Fund
OIC	-	International Olympic Committee
JCC	-	Joint Committee on Commerce
JVMSC	-	Joint Verification and Monitoring Sub-Committee
LARES	-	Laboratoire d'Analyse et d' Expertise Sociale
LCBC	-	Lake Chad Basin Commission
MAN	-	Manufacturers Association of Nigeria
MOU	-	Memorandum of Understanding
MNJTF	-	Multinational Joint Task Force
NAFDAC	-	National Agency for Food and Drugs Administration and Control
NBC		National Boundary Commission
NDLEA	-	National Drug Law Enforcement Agency
NICS	-	Nigeria Customs Service

NRDA -	Nigeria Rice Development Association
NAFTA	- North America Free Trade Agreement
NPC	- Northern People's Congress
OAU	- Organisation of African Unity
OPEC	- Organisation of Petroleum Exporting Countries
SADR	- Saharawi Arab Democratic Republic
SADC	- Southern African Development Commission
SON	- Standard Organisation of Nigeria
SAP	- Structural Adjustment Programme
UN	- United Nations
UNDFW	- United Nations Development Fund for Women
UNODC	- United Nations Office on Drugs and Crime
WAFF	- West Africa Frontier Force
WAPCCO	- West Africa Police Chiefs Committee
WTO	- World Trade Organisation



## **Abstract**

The focus of Nigeria's foreign policy since 1960 has been Afrocentrism. In practical terms, this has made Nigeria to give active support to the African course on major international issues. This has also led to the promotion of good neighbourliness and maintenance of stability in West Africa, through her leading role in the formation of the Economic Community of West African States (ECOWAS) in 1975, and the implementations of some of her protocols. In Nigeria, the implementation of the ECOWAS Protocol on free movement of persons and relaxation of her borders has had its implication on Nigeria's national security. One of these is the threat of trans-border crime. It is against this background that this study examines Nigeria's foreign policy and its impact on trans-border crime, with particular emphasis on the Nigeria-Benin border since the attainment of independence. The study explores how changing patterns in the implementation of Afrocentrism, policy of good neighbourliness and the ECOWAS Protocol on free movement of persons and goods have impacted on trans-border crime in the Nigeria-Benin border. This work is problematized within the context of the debate on lax (open) and strict (closed) border management. Thus, this study seeks to investigate the conflicting perspectives by examining the level of trans-border crime, when the Nigerian government, in her border with Benin Republic carried out strict border restrictions and lax border control. It is interesting to note that Nigerian governments since independence had maintained lax or open border with the exception of 1984 and 2003 because of the criminal activities of trans-border criminals in the Nigeria-Benin border. The study is descriptive and analytical. It utilises primary and secondary sources namely oral interviews, government records, newspapers, annual reports, published books, journal articles, magazines, and internet materials to establish the impact of Nigeria's West Africa foreign policy on trans-border crime in the Nigeria-Benin border. The study also utilises policy-relevant theory and the theory of transnational communities to explain the link between Nigeria's policy towards its neighbours as well as the behaviour of transnational actors, particularising the pattern of trans-border crime in the Nigeria-Benin border. The study established that the open and closed border implemented by different Nigerian governments had positive and negative impact on trans-border crime in the Nigeria-Benin border. The illicit enterprise flourished during periods of open borders, unlike periods of closed borders. Likewise, the study showed that concrete efforts were made by the Nigerian and Beninese governments in line with regional and global approaches to respond to the threat of the phenomenon of trans-border crime in the Nigeria-Benin border. The study also discloses the nature and pattern of trans-border crime in their common border and how their contrasting economic policies have encouraged illicit trades. In addition, the study revealed how Nigeria's commitment to the ECOWAS Protocol on free movement of persons and goods has been abused by nationals from neighbouring countries, Beninois inclusive. The study, likewise, proffered policy direction that would cease or, if possible prevent trans-border crime in the Nigeria-Benin border. The work recommends the maintenance of strict border control and effective broader management through her foreign policy with her immediate neighbours. This in the long run, would curtail trans-border crime in the Nigeria-Benin border, as evidence establishes that the level of trans-border crime during periods of relaxed border control has been a lot higher than during periods of tighter border management.

**Keywords:** Afrocentrism, Border, Foreign Policy, Nigeria-Benin Border, Trans-Border Crime

## CHAPTER ONE

### INTRODUCTION

#### 1.1 Background to the Study

Trans-border crime, for several decades, has been a major threat to the national security of many countries of the world, including Nigeria. It is for this reason that many states have paid close attention to security threats across their borders. The threats across borders often manifest in the form of an engagement in illicit enterprise - drug and human trafficking, smuggling of contraband goods, small and light weapons, stolen vehicles, petroleum products, among others. These illicit enterprises have created a worrisome situation with severe implications on the socio-economic, political and psychological wellbeing of countries of the world. The enormous security threat posed by trans-border crime, to the well-being of nations and their citizens compelled world leaders to come together to form a united front against the perpetrators and lay down the framework to curtail the phenomenon of trans-border crime, also referred to as 'cross-border crime' or 'transnational organised crime'. The first of this gathering was in 1994, in Naples, Italy, convened under the auspices of World Ministerial Conference on Organised Transnational Crime. At the end of the conference, a Communiqué titled "Political Declaration and Global Action Plan against Organised Transnational Crime," was released. In the Communiqué, specific guidelines and plans to be followed by member states at the national and international levels in combating the menace of trans-border crime were stated.<sup>1</sup>

Further attempt to curtail the menace posed by trans-border crime at the global level was reached in December 2000, through the United Nations Convention against Transnational Organized Crime, held in Palermo, Italy.<sup>2</sup> The convention ended with the cautionary slogan

“if crime crosses borders, so must law enforcement.”<sup>3</sup>The development demonstrated the international community’s political will to confront a global challenge with a global response. The convention defined transnational organised crime, its nature, pattern, and global response.

With respect to Africa in general, West Africa in particular, the effect of trans-border crime on the continent over the years has been enormous in terms of its impact on her economy, security and development. According to Peter Gastrow:

In 2008, the United Nations Office on Drugs and Crime (UNODC) released a report that stated that 221 tonnes of cocaine transited West Africa annually, with a profit of \$2 billion. In South Africa, it was estimated that there are more than 500 human trafficking syndicates that enslave some 38,000 victims. In the Horn of Africa and the Gulf of Guinea, the activities of pirates have increased. This demonstrates further the growing challenge transnational criminal organisations pose to African countries.<sup>4</sup>

In West Africa, several factors have contributed to the growth and expansion of the illicit enterprise across the sub-region. Antonio L. Mazzitelli has shed more light on some of the factors responsible for the growth and expansion of trans-border crime in post-independence West Africa. In his exact words:

The permeability of national institutions to corruption, the porosity of borders, the structural deficiencies of states’ control of their territories and enforcement to the rule of law are all among the factors that explain both the increased importance of West Africa in the map of transnational organised crime, and the rapid growth and development of West Africa transnational networks.<sup>5</sup>

In Nigeria, the criminal activities of trans-border criminals across the country’s borders with her immediate neighbours have negatively affected Nigeria’s national security and effort towards economic development. For instance, in 2004, the Manufacturers Association of Nigeria (MAN) declared that the country lost \$6.3billion (about N800 billion) to unwholesome trade practices of smuggling and product counterfeiting in 2003.<sup>6</sup> In 2002 and

2003, the Nigerian Custom intercepted cargos of arms and ammunition heading to Nigeria at the Nigeria-Benin border worth N4.3billion (US\$34.1 million).<sup>7</sup>

Concerning drug and human trafficking, United Nations Office of Drug and Crime (UNODC) and National Agency for the Prohibition of Traffic in Persons and other Related Matters (NAPTIP) provide alarming statistics of trafficking in drugs and persons across the Nigerian international borders. Similarly, according to UNODC Global Report on trafficking in person furnished by NAPTIP, revealed that between 2,238 persons from 2005 to 2008 were victims of human trafficking. Similarly, in 2003, the US State Department estimated about 800,000 to one million men, women and children transited across the Nigerian borders into other international markets annually for different purposes.<sup>8</sup> Drug trafficking and oil smuggling are other criminal activities across Nigerian borders with negative effects on Nigerians and the country in general.

The Nigeria-Benin border is the creation of the British and French colonial authorities, on claims and counter-claims over their respective sphere of influence, having signed treaties of protection with the local rulers during the colonial period. Both colonial powers through the Anglo-French Conventions of 1889, the 1906 and 1914 signing of the Anglo-French Agreement amicably and artificially demarcated the Nigeria-Benin border between them.<sup>9</sup> However, it is interesting to note that the Anglo-French Convention and Agreements were precipitated by events in British and French colonies in West Africa, and other parts of Africa. Such as the right to 'effective occupation' influenced by the Berlin Conference of 1884-85. The Berlin Conference concluded that for any European power-laying claim to any colony in Africa, must have total control over such territory or colony through effective occupation.<sup>10</sup> This development sparked intense agitation between the British and French colonial authorities over the northern part of the Nigeria-Benin border. As they, both claimed to effective occupation over Borgu territory, through treaties signed by their agents

or colonial officials with the rulers of Bussa, Nikki and Ilo.<sup>11</sup> Both colonial authorities nearly went to war over the issue, but resolved the impasse over Borgu diplomatically through negotiation that led to the partitioning of Borgu territory between both colonial powers.

The convention and boundary agreements officially authenticated the territorial control of Britain and France within the Nigeria-Benin border; sharing a land boundary of approximately 770 kilometres. The borderlands is dominated by three ethnic nations the Aja speaking group within Badagry area; the Benin Republic in the south; and the Yoruba in the central part and the Bariba group to the north. Post-independence national governments inherited the artificial and flawed boundary demarcation established by their respective colonial masters.

The Berlin boundary demarcation influenced the nature of borderlands in Africa and, the patterns of interactions among the ethnic groups that dwell across the borders. C. S. Momoh identified three distinct borderlands in the continent. They are zero borderland, minimal borderland and maximal borderland. Zero borderlands he refers to where people on the opposite sides of a boundary are diametrically opposed ideologically and even religiously, the borderland space will be zero.<sup>12</sup> This particular borderland will be hotbed for friction and tension arising from the differences of the people on both sides of the border. The minimal borderlands are where the people on both sides of a boundary have neither cultural nor ethnic affinity. In the situation there can interaction geared towards promoting economic activities between heterogeneous border communities. The maximal borderlands exist in a boundary where the people are of similar ethnic groups, though divided by boundary demarcation.<sup>13</sup> According to Momoh the ethnic, cultural, linguistics or even ancestral affinity ... have contributed to enormous amount of cooperation between borderlands residents irrespective of what the tariff of fiscal policies of the political sovereign are.<sup>14</sup>

Nigeria's borderlands with her immediate neighbours fall within the maximal borderlands. The Yoruba, Aja and Bariba speaking resides at both sides of the Nigeria-Benin border, likewise, the Hausa and Kanuri in the Nigeria-Niger border, and Nigeria-Chad border. In the Nigeria-Cameroon border the Chamba, Manga, Jukun and the Efik resides in both sides of the border.<sup>15</sup> The ethnic affiliation of the border communities have contributed to cross-relations among the people. Unfortunately, also, the ethnicities of the border communities in Nigeria's borderlands have aided clandestine criminal activities, such as smuggling and other forms of trans-border crime to thrive. Members of the border communities in the Nigeria-Benin border involved in the illicit enterprise collaborate on ways to circumvent the border to move their illegal items across, in the process evade customs and immigration.<sup>16</sup> Some of them conversant with the terrain of the border provide easy passage for smugglers to smuggle their merchandise across the border.<sup>17</sup> This development hindered efforts of the security agencies to combat the menace, and likewise posed a serious challenge to the Nigeria government in her fight to curb the ills of trans-border crime in her borderlands. The Nigeria-Benin border in particular.

Nevertheless, it is interesting to note that trans-border crime emerged in the Nigeria-Benin border, like other bordering states across Africa, during the colonial period. The emergence of trans-border crime in the African continent is traceable to the unfavourable colonial economic policies of high taxation, prohibition of local items of trade in place of imported goods and tariff war between rival European powers sharing boundaries in the continent. This was fueled by the deliberate attempt by the respective European powers to prohibit certain items of trade traded by Africans. These items include local liquor, palm kernel, palm oil and other commodities before the partitioning of the continent. In addition, the colonial authorities from both sides of the border taxed goods that cross the borders. The development compelled

the local people to exploit alternative route known to them to evade taxes as well as smuggle their goods to trade with friends, relatives and fellow traders at the other side of the border.<sup>18</sup>

The situation was more intense in British and French colonies of West Africa. L.C. Dioka, in his book *Lagos and Its Environs*, affirms that the colonial boundary reached in Berlin, Germany and the rival tariff regime in British and French colonies of colonial Nigeria and Benin Republic aided smuggling across their respective international borders. According to him:

The Anglo-French agreement of 10<sup>th</sup> August 1889 transformed the colonial boundaries into the international boundary. But rather than curtail the excessive degree of smuggling, the boundary exacerbated it hence with it (the boundary), smuggling became a stable feature of the region. British and French nationals were confined to their own side of the boundary while waging tariff wars. While the French in order to encourage investment and settlement of their nationals in keeping with their policy of assimilation imposed low tariffs, the British on the other hand, imposed high tariffs on their colonies to cover administrative cost.<sup>19</sup>

This development in the Nigeria-Benin border during the colonial period galvanised trans-border crime in smuggling in the region as traders and businessmen due to the high tariff on the price of goods in Lagos and Badagry were forced to seek cheaper goods from Porto Novo through smuggling in Benin Republic during the colonial period.<sup>20</sup>

Trans-border crime in the Nigeria-Benin border progressed steadily from the colonial into the post-colonial period. In post-independence Nigeria and Benin Republic, several factors aided the growth of the illicit enterprise in the Nigeria-Benin border. They include absence of employment opportunities and poverty, failed Structural Adjustment Programme (SAP), differential economic policies between Nigeria and her immediate neighbours. Added to the factors responsible for trans-border crime in the Nigeria-Benin border are the lucrative nature of the venture, corrupt practices of security personnel at the border post and the porous nature

of Nigeria's border with her limitrophe neighbours. Advancement in modern technology as well as globalisation and the collaboration of border communities, among others contributed to the expansion of the illicit enterprise and broadened its scope.<sup>21</sup>

However, despite these factors that have resulted in the growth and expansion of the illicit enterprise in Nigeria's international borders with her immediate neighbours, of serious concern is the impact of the country's foreign policy on trans-border crime. It is based on the foregoing that this study examines the conduct of Nigeria's foreign policy and its impact on trans-border crime, with particular reference to the Nigeria-Benin border from 1960 – 2013. Particular attention is paid to Nigeria's foreign policy strands of Afrocentrism and the policy of good neighbourliness, which have made Nigeria to be extensively accommodating to neighbouring states and their citizens. Likewise, Nigeria's attempt to keep to the provisions of the ECOWAS Treaty, such as the Protocol on Free Movement of Persons and the relaxation of border restriction, which has also contributed to the acceptance of the citizens of other West African states with open arms. It is interesting to note that the implementation of Nigeria's foreign policy, particularly, her foreign policy strands in relations with fellow West African countries in general and her immediate neighbours in particular has had its costs on the country's national security and economic development.<sup>22</sup>

This has manifested in the smuggling of arms and ammunitions, contraband and other illicit items across Nigeria's borders with her immediate neighbours. The implementation of these policies demonstrates Nigeria's commitment to the promotion of regional integration and broader Afrocentrism in West Africa in particular. However, it has also, created a dilemma to the fulfilment of regional integration obligation and the protection of national security and economic well-being of Nigerians.<sup>23</sup>



Nigeria is not alone in this dilemma. In Eastern and Southern Africa, both Kenya and South Africa have had similar experiences as Nigeria in their attempts to adhere to regional integration and preserve their national security in their respective regions.<sup>24</sup> Both countries have not only been susceptible to trans-border crime from neighbouring countries, but have equally become transit countries for trafficking of persons, arms, and hard drugs. Terrorist organisations operating in different parts of the world have exploited some of the principles of regional integration such as lax border— to carry out deadly attacks that have resulted in the death of several lives. For instance, in East Africa, Al-Shaabab terrorist organisation has successfully inflicted pains on Kenyans through terrorist attacks through the Kenyan/Somalian border.<sup>25</sup> The security threat posed by lax border has raised concerns among member countries of some regional organisations such as the European Union (EU) and North America Free Trade Agreement (NAFTA). This development to a large extent explains why NAFTA members are opposed lax borders, which encourages free movement of persons among members of the organisation. On the other hand, France a member of the EU rejects the Schengen passport that allows holders free movement across the EU member countries.<sup>26</sup> France's decision was aimed at curbing the security threat free movement of persons across her border posed to her national security. In Nigeria, some administrations however perceived lax border control as detrimental to Nigeria's interest and therefore on two occasions carried out strict border control, sometimes even shutting the borders. While some maintained that open border was pivotal to promoting economic cooperation between Nigeria in its immediate neighbours, in particular and West Africa in general

The work focuses on the Nigeria-Benin border. The choice of the Nigeria-Benin border is based on evidence from the Nigerian Customs, literature on the trans-border crime in the country and oral sources that reveals that the borderland remains the most patronised border. By traders, perpetrators of trans-border crime and the border with the highest volume

of smuggled items confiscated by the customs.<sup>27</sup> This study, therefore, explores the implementation of Nigeria's West Africa foreign policy and its impact on trans-border crime from 1960 – 2013, with a focus on the Nigeria-Benin border.

## **1.2 Statement of the Problem**

Many countries of the world have faced increased problem of trans-border crime since the second half of the twentieth century, due partly to the forces of globalisation. One of the remarkable features of globalisation which has had lasting impact on states' national security in the contemporary era is that it has put an end to border, thereby creating a borderless world and signalling the twilight of sovereignty.<sup>28</sup> Interestingly, it is on this issue of 'open frontiers' or 'borderless world' that scholars and policy-makers are divided. The shared views of academics and policy-makers are expressed in the open (lax) and closed (strict) border discourse.

The open border policy has been one of the cardinal principles that have influenced the objectives of regional integration as advocated by the proponents (Ernst Haas, Joseph Nye, Robert Keohane and Stanley Hoffmann) of functionalist and neo-functionalist regional integration.<sup>29</sup> The proponents maintained that open borders would accelerate economic activities, boost trade, commerce, encourage cross-border relations and cooperation among members of a regional organisation as had been the experience of the EU. Other regional organisations with different historical experiences in Asia, North and South America and Africa have followed the functionalist and neo-functionalist theory of regional integration. While majority have implemented open borders, few like NAFTA has treaded cautiously due to security reasons to maintain strict border policy among its three member countries.<sup>30</sup>

The implementation of lax border by the majority of regional organisations in Africa has resulted in several border-related issues with enormous security implementations for member

states. This development as furthered ignited the debate on the socio-economic, political, and security implications of open border, in its place others canvassed for strict border policy as a panacea to the numerous border-related challenges facing the continent.

Through the EU, European countries have been the major advocate of open border policy. In Europe and some other parts of the world, advocates of the policy argued that it would enhance and contribute to the success of regional integration. Their argument is that lax border boost cross-border activities such as trade and commerce and other socio-economic activities. In addition, they uphold the view that the elimination of the border as barrier and its promotion as bridge between one another constitute the acid test of sincerity of purpose of the national states engaged in a regional integration project.<sup>31</sup> The EU's regional integration scheme is anchored on the principle of "Europe without frontiers." In other words, European borders will no longer serve as barriers to regional cooperation or border relation, but as bridge to cooperation among members of the EU. Africa and Nigerian scholars, who share this view, have not only spoken in this direction, but have equally through their publications.<sup>32</sup> For Europe, the principle is coterminous with globalisation and has resulted in greater socio-economic and political developments that further positioned the continent for economic prosperity.

On the other hand, advocates of closed or strict border policy in the United States and other parts of the world, justify their argument that the security threat created by the maintenance of open borders outweighs their benefits.<sup>33</sup> They argued that the interconnectedness of the world, through the medium of globalisation has enhanced and encouraged cross-border criminal activities. They also blamed open borders for the proliferation of transnational criminal activities across borders. Such criminal activities include human and drug trafficking, illegal migration, contraband goods, arms and ammunition, as well as the movement of terrorist groups. The development account for the attention paid to border security by several

countries since the 1990s. For instance, the United States arising from 9/11 terrorist attack created the Homeland Security Department. Among the tasks of this department is the strict policing of the United States borders with her immediate neighbours, particularly, the United States-Mexico borders to curtail the activities of terrorist groups and transnational cross-border criminal groups.<sup>34</sup>

With respect to West Africa in general, and Nigeria and its immediate neighbours in particular, the manifestations of some border-related issues (irredentism, smuggling, trans-border crime and illegal cross-border movement) between some countries in the sub-region had ignited the open and close discourse. For instance, the Nigerian government on two occasions 1984 and 2003 closed her with her immediate neighbours – owing to the activities of smugglers and other forms of trans-border crime across her borders, despite being a signatory to the ECOWAS Treaty that allowed for lax border between member countries.<sup>35</sup>

The decisions of the Nigerian government to close her borders with her immediate neighbours on both occasions include the following. They were not taking pro-active actions to curb the activities of smugglers operating in their borders with Nigeria with respect to border policing. Similarly, smugglers and criminals involved in trans-border crime exploited the lax border policy implemented by ECOWAS member countries to perpetrate their illicit enterprises.

Another major border-related issue that has manifested in the sub-region in the post-colonial period, which had forced some governments to take drastic actions is the illegal movement of nationals from one country to another across the borders. The cross-border movement (legal/illegal) is fuelled by the ECOWAS Protocol on Free Movement of Persons and Goods that came into effect in 1979.<sup>36</sup> The protocol encourages member states to relax their borders to encourage ECOWAS citizens to move from one country to another within the sub-region.

This therefore, encouraged millions of national from countries struggling economically to migrate across their borders, some without the relevant documents to countries like Nigeria, Cote d' Ivoire and Ghana with relative stable economy.<sup>37</sup> The economic burden and the security threat some of the illegal posed to these countries compelled their government to expel them from their countries.

The Nigerian government during the civilian and military administrations of President Shehu Shagari and General Muhammadu Buhari expelled millions of illegal aliens from the country in 1983 and 1985 respectively.<sup>38</sup> In the same vein, in 1998, the government of Laurent Gbagbo authorised the expulsion of thousands of Burkina Faso farmers residing in Cote d' Ivoire.<sup>39</sup> The Nigerian and Ivorian governments cited security reasons for their actions, and that the foreign nationals activities in their country poses threat to their economic and national security. Nigerians and Ivorians blamed the development on the ECOWAS Protocol on Free Movement of Persons and Goods, which encouraged lax border, exploited by illegal aliens seeking greener pasture. With respect to the ills of the protocol on Nigeria, M. Brown made the following assertion, "The Protocol on the Free Movement of Persons was widely perceived, as causing or exacerbating Nigeria's severe economic, social, and political problem."<sup>40</sup>

This study therefore examines the open and closed border dialogue critically to ascertain the extent to which both contributed to trans-border crime in the Nigeria-Benin border. Particularly, the study interrogates the extent to which Nigeria's commitment and obligation to regional integration in West Africa through her signatory to the ECOWAS Protocol on Free Movement of Persons and Goods, the implementation of the foreign policy of Afrocentrism and policy of good neighbourliness have contributed to trans-border crime within the purview of the open and closed border discourse. In the same vein, the study interrogates the extent the forces of globalisation wrapped with regional integration have

aided trans-border criminals in the Nigeria-Benin border; and other hidden features fuelling illicit enterprise. Similarly, the study analyses the effect of Beninois entrepôt policy on trans-border crime in the Nigeria-Benin border and the response of the Nigeria government. In addition, it probes into the factors that led the Nigerian government, on two occasions, to close her borders with, all her immediate neighbours, Benin Republic inclusive. Based on the following, this work is problematized within the context of the policies of some states on international obligation to maintain open borders and the desire to maintain strict border control to check security threats from their borders. This study examines these issues from a broad point of view with a focus on Nigeria's security, border crime and national security.

### **1.3 Aim and Objectives**

The aim of the study is to examine the impact of Nigeria's West Africa foreign policy on trans-border crime in the Nigeria-Benin border from 1960 - 2013. The specific objectives include the following:

- i. investigate the extent to which the maintenance of open and closed borders by successive Nigerian governments has impacted on trans-border crime in the Nigeria-Benin border during the period under study
- ii. examine the responses of Nigerian and Benin governments to trans-border crime
- iii. ascertain the nature and pattern of trans-border crime in Nigeria-Benin border, and through this, identify the differences in their economic policies, especially with regards to curbing the growth of the illicit enterprise
- iv. determine the extent to which Nigeria's commitment to the ECOWAS protocol on free movement of persons and goods affected trans-border crime in the Nigeria-Benin border within the period covered in this work
- v. proffer policies that will curb the phenomenon of trans-border crime in Nigeria's borders, and Nigeria-Benin border in particular

### **1.3 Significance of the Study**

It is an established fact that trans-border crime poses a threat to regional peace and undermines security and stability of nations.<sup>41</sup> However, the debate on the best way to tackle

trans-border crime is by no means settled. This makes this research very significant, since Nigeria and other countries in Africa with the problem are grappling with how best to curb trans-border crime within and beyond their borders. The study is significant for other reasons.

- a. It reveals the nexus between theory and policy formulation and implementation as well as the implementation for effective tackling of trans-border crime, a theme that few studies in the subject have broached, comes out clearly in this research.
- b. It facilitates the understanding of the security and economic implications of trans-border crime and the imperative for bilateral, regional and global efforts to tackle it.
- c. It helps in the full appreciation of the approaches that Nigerian and Beninese governments have taken to tackle trans-border crime in the Nigeria-Benin border, since 1960 and the progress recorded in this regard.
- d. A better understanding of the impact of the United Nations Convention on Transnational Organised Crime and others at the regional and sub-regional levels in Africa on efforts to combat trans-border crime in the Nigeria-Benin border is demonstrated in this research
- e. The study will be of immense benefit to policy-makers in government establishment (Ministries of Foreign Affairs and Internal Affairs, the Customs, Immigration), international institutions and organisations such as United Nations Office of Drug and Crime (UNODC), African Union (AU) and Economic Community of West Africa States (ECOWAS) as well as scholarship on border studies.

### **1.5 Scope and Delimitation of the Study**

The research examines a history of the impact of Nigeria's foreign policy on trans-border crime, focusing on the Nigeria-Benineborder, spanning between 1960 and 2013. It equally analyses its impact on Nigeria's security, socio-cultural, economic and political development. Geographically, Nigeria-Benin border shares a land boundary of approximately 770 kilometres.<sup>42</sup> Three ethnic nations constitute the dominant ethnic groups in the Nigeria-Benineborder. They are: the Aja speaking group within Badagry area and Benin Republic in the south, the Yoruba in the central part, and the Bariba group in the north.

The work begins from 1960, the year Nigeria and Benin Republic attained independence from their respective colonial masters, (Britain and the France). The research terminates in 2013.

The choice for 2013 is significant to the work because it provides an opportunity to examine five years of the impact of Section VIII on Cross-Border Initiatives of the ECOWAS “Conflict Prevention Framework”, adopted in January of 2008, and to which Nigeria and other countries in the sub-region are signatories. Among the objectives of the Section shall be to reduce tensions, fight cross-border crime, enhance communal welfare and harmony, and foster Community citizenship.<sup>43</sup> The research focus is on the southern parts of the Nigeria-Benin border. The choice of this part of the Nigeria-Benin border is that it remains the most patronised border by traders, perpetrators of trans-border crime and the border with the highest volume of smuggled items confiscated by the customs.

## **1.6 Research Questions**

This research work will answer the following questions:

- I. What has been the impact of the open and closed borders policy by successive Nigeria government on trans-border crime?
- II. How have Nigerian and Beninese governments responded to trans-border crime?
- III. What is the nature and pattern of trans-border crime in Nigeria-Benin, how can differences in their economic policies help curb the growth of the illicit?
- IV. To what extent has Nigeria’s commitment to the ECOWAS protocol on free movement of persons and goods affected trans-border crime in the Nigeria-Benin border region?
- V. What are the policies proffered to address the phenomenon of trans-border crime in the Nigeria-Benine border?

## **1.7 Operational Definitions of Terms**

1. *Trans-border crime*: This refers to criminal activities perpetrated by individuals, groups and organisations across state international borders.
2. *Foreign Policy*: Refers to a guide for action in a state’s relations with other states and on the basis of its interest
3. *Border*: Refers to marker or line indicating a boundary separating nation-state, communities, culture and administrative units.



4. *Crime*: Refers to as acts of commission or omissions forbidden by law that can be punished by imprisonment and/or fine.
5. *Afrocentrism*: This encapsulate the totality of Nigeria foreign policy thrust in her relations or interactions with fellow Africa countries and black nations across the world.
6. *Nigeria-Benin Border*: This refers to the boundary demarcation or boundary line separate borders of Nigeria and Benin Republic.
7. *Trans-border*: Refers to activity across a border between two or more countries.
8. *Security*: This refers to a state of being free from danger or injury at the individual and national levels.
9. *Illicit Enterprise*: This refers to all forms of criminal activities and smuggling involve in trans-border crime
10. *Borderlands*:Refers to geographical space that is well defined
11. *Boundary*: Refers to the precice location of borders
12. *Frontier*: This refers to a wide tract of border country or hinterland, or buffer states, underfined by any external line

## **1.8 Theoretical Framework**

Theory is an essential tool for explaining the causes, trends and impact of different issues and policies.<sup>44</sup> Hence, for a clear understanding of the relationship between the implementation of Nigeria’s foreign policy and the pattern of trans-border crime in the Nigeria – Benin border, this work explores some relevant theories. Policy-relevant theory and transnational communities theory have been adopted. The Policy-relevant theory explains the factors that influence the formulation of policy by states globally across diverse issue areas. The theory also highlights the effectiveness of the policies made. On its part, the theory of transnational communities, an aspect of transnationalism will enrich our understanding of the various human agencies involved in cross-border activities between neighbouring countries. Transnationalism explains the multiple ties and interactions linking people and institutions across national borders of nation-states.<sup>45</sup>

Policy-relevant theory emerged in the 1970s and is traced to Alexander George, one of the founding fathers of political psychology in the United States.<sup>46</sup> The theory is a response to the gap between theory and policy, and between academia and policy makers.<sup>47</sup> Proponents of the theory namely Richard Smoke and P. Feaver observed the disconnection of policy makers to theory in the formulation of policies in foreign policy, health, economy and other areas of their respective states.<sup>48</sup> They concluded that this had made their policy irrelevant and lacking new ideas in response to contemporary global challenges confronting states internally and externally, which are in need of policy recommendations. Policy-relevant theory therefore, focuses on operationalization, often described as the core of the scientific enterprise. In other words, for a policy to be relevant, its proposition has to be theoretical and based on identified values such as preferences, utility, motives and perception.<sup>49</sup>

These identified values or operational measures constitute the theoretical tools canvassed by policy-relevant theorists to ascertain the validity of policy. The theory, with respect to policymaking raises fundamental issues or questions. Some of these are why the preference for a particular policy direction, what are its utility and motivations, and lastly what are the perceptions of its adversaries.<sup>50</sup> This is because, without these operational measures, a policy will remain intellectual and mathematical exercises without demonstrating relevance.<sup>51</sup>

With respect to Nigeria's foreign policy and trans-border crime in the Nigeria-Benin border, the policy-relevant theory is, no doubt, appropriate as it highlights the appropriateness and effectiveness of policy – trans-border crime – to practical activities. Applying its operationalised aspect of this theory will shed light on the relevance and effectiveness of different policies, why some policies were not suitable for addressing trans-border crime. The application of policy-relevant theory should also assist future policy makers to understand the place of theory to policymaking and determine levels of effectiveness.

The theory of transnational communities, like that of policy-relevant theory, emerged in the twentieth century. Randolph Bourne developed the theory. The theory was formulated to explain the dynamics of culture and international migration of individuals and a group of people across international boundaries.<sup>52</sup> However, the theory has transformed into incorporating multi-national corporations and institutions, dealing with economic activities. Transnational communities are not only limited to economic activities, it also include political, cultural and religious activities.

Transnational communities focus on social groups emerging from mutual interaction across national boundaries, oriented around a common project or 'imagined' identity.<sup>53</sup> The notion of transnational community focuses on human agency; such groups are the result of trans-border activities which link individuals, families and local groups. Examples of transnational communities include international cartels, merchant leagues, churches and the communist international, as well as transnational migrant communities. The theory would provide insight into the working, nature and pattern of operations of these transnational communities. This, in a remarkable way will foster an understanding of the activities of trans-border criminal groups.

The propositions of both the policy-relevant theory and transnational communities are very vital in explaining the subject matter of this work. Policy-relevant theory is relevant to the extent that it helps to explain the appropriateness and effectiveness of Nigeria's West African foreign policy as it relates to trans-border crime. In the same vein, transnational communities would provide insights into the activities of the major actors involved in transnational and trans-border activities – governments, regional bodies, border officials, trade merchants, tourists, citizens and others.

## 2.0 Literature Review

The literature review is discussed in six headings. The first heading consists of works that discuss Nigeria's security in relation to defence and foreign policy since independence. The second focuses on Nigeria's trade and economic policy vis-vis her relations with her immediate neighbours and their impact on illicit enterprise. The third examines the causes and effects of trans-border crime in Nigeria's border regions. The fourth features works that focus on the activities and performance of security agencies in combating trans-border crime. The fifth reviews works that provide insights into the causes and impacts of trans-border crime on the Beninese economy. The last set of works reviews the nature and patterns of trans-border crime beyond the West African sub-region.

The works by M.A. Vogt, "Nigeria's Defence Policy: An Overview,"<sup>54</sup> Bassey E. Ate, "Introduction: Issues in Nigeria's Security Relations with its Immediate Neighbours,"<sup>55</sup> Celestine Bassey, "Defence and Strategic Policy in Nigeria's Relations with its Immediate Neighbours"<sup>56</sup> and T.A. Imobighe, *Nigeria's Defence and National Security Linkages: A Framework of Analysis*<sup>57</sup> discuss related issues affecting Nigeria's national security internally and in relations with her immediate neighbours. The authors unanimously agreed that the absence of a well-articulated national and sub-regional security policy has made it difficult for the Nigeria's leaders to decide on the most appropriate response to security threats emanating from within the country and those posed by her immediate neighbours. Hence, regarding its immediate neighbours and considering their connection with France, Nigerian leaders have shown a tepid response to incursion from these neighbours. This they blamed on Nigeria's foreign policy strand of "good neighbourliness" and the ECOWAS policy of free movement of persons and goods across the sub-region.

Imobighe went further to highlight the security threat posed by smuggling across the country's international boundaries, Benin Republic inclusive. He argued that the porous

nature of the country's land border has made it possible for trans-border criminals to create many outlets for the smuggling of various goods across the borders.<sup>58</sup> This assertion by Imobighe provides insight into the central argument of this research.

Furthermore, A.I. Asiwaju's, "Border and National Defence: An Analysis"<sup>59</sup> Emeka Nwokedi "Nigeria-Benin Relations: The Joys and Anguish of Bilateralism"<sup>60</sup> and Charles Dokubo's "The ECOWAS Protocol on Free Movement of Persons, Right of Residence and Establishment: Challenge of Implementation,"<sup>61</sup> contribute to studies on Nigeria's security, defence and foreign policy. Charles Dokubo for instance, sheds light on the implications of some of Nigeria's foreign and defence policy strands in her relations with her immediate neighbours. In the same manner, Asiwaju's article focuses on the country's international boundaries, in relations to her immediate neighbours and the security threat they pose to Nigeria's defence and foreign policies as some of them have a defence pact with France. Hence, Asiwaju submits that Nigeria's defence planners must evolve a robust and collaborative pattern of relations with France and her West African allies. Nwokedi's work explores the nature and changing patterns of relations between Nigeria and Benin Republic since independence. He emphasised the direction of both countries foreign policies at independence and to how they have influenced the nature of their relations in the post-1960 era. However, concerning trade and security relations between both countries, Nwokedi's work reveals issues of serious security implication, for the development of the two countries. They include, the flow of goods illegally from both countries, smuggling of crude oil, cocoa, vehicles, agricultural produce, hard drugs, textiles, uncontrolled influx of migrants and corrupt activities of customs and immigration agents at both sides of the borders. These criminal activities across both countries' international boundaries, in no small way, weakened the relations between the two countries. For its parts, Dokubo's paper interrogates Nigeria's commitment to the ECOWAS Protocol on free movement of persons and their implications

for her security, vis-vis her relations with her immediate neighbours. He sheds light on the experiences of other regional organisations that prohibit the provisions of free movement of persons across their borders from their arrangement for fear of its security implications. However, he concludes that West Africa is not yet ready for the free movement of people at its current stage of development.

Stephen Golub's "Government Policies, Smuggling and the Informal Sector"<sup>62</sup> Gaël Raballand and Edmond Mjekiqi's "Nigeria's Trade Policy Facilitates Unofficial Trade but Not Manufacturing"<sup>63</sup> Stephen S. Golub's "Entrepôt Trade and Smuggling in West Africa: Benin, Togo and Nigeria"<sup>64</sup> and A.O. Olukoshi and C.I. Obi's "The State of Nigeria's Trade Relations with its Neighbours: Issues and Problems."<sup>65</sup> These works reveal the contradictions in the economic and trade policies of some countries in West Africa, and how the contradictions have aided smuggling across their respective international borders. Stephen Golub reveals how Gambia and Benin have become highly dependent on their entrepôt services, especially for government revenues and by so doing encouraged the smuggling of imported goods to their neighbouring countries of Senegal and Nigeria.

Gaël Raballand and Edmond Mjekiqi argue that Nigeria's attempt to protect the local industries through the trade policy of protectionism, import restrictions and high tariffs has enforced and encouraged smuggling through Nigeria's porous borders. In the same way Stephen Golub's second article unravels how the entrepôt states of Benin Republic and Togo have deliberately sought to maintain low import barriers and relatively well-functioning ports to lower costs of importing and transshipping. It reveals how Benin and Togo function as smuggling havens and compete for access to Nigeria. On their part, A.O. Olukoshi and C.I. Obi argue that Nigeria's trade relations with her immediate neighbours in the post-colonial period were largely influenced by her close ties with her colonial master. This perhaps explains the low level of trade recorded between Nigeria and her immediate neighbours. All

the authors, however, argued that smuggling in West Africa takes the form of informal trade and that smugglers take advantage of the porous borders between neighbouring countries, particularly in the West Africa sub-region.

Istifanus S. Zabadi “Nigeria and trans-border crimes in Africa,”<sup>66</sup>Gani Yoroms “Nigeria and the Challenges of Transnational Security in West Africa,”<sup>67</sup>Victor A.O. Adetula, “Between National Security Considerations and Good Neighbourliness: Nigeria and the Challenge of cross-Border Crime in West Africa”<sup>68</sup>and Isaac O. Albert “Smuggling of Second-Hand Cars through the Benin-Nigeria Border”<sup>69</sup> further provide a new insight to Nigeria’s national security. In these works, there is a consensus that trans-border crime constitutes a major threat to Nigeria’s national security and the West African sub-region. Also, the works reveal the various kinds of crime involved in trans-border criminality across Nigeria’s borders. They outlined the major causes of illicit enterprise as unemployment, economic misfortune, crave for foreign goods, the introduction of the Structural Adjustment Programme (SAP), and the differential economic policies between Nigeria and her immediate neighbours, to name a few.

In addition, the authors equally elaborated the impact of trans-border crime on the wellbeing of Nigerians and its implications for West Africa. With respect to criminal activities across the Nigerian- Beninese border for example, Adetula reveals the various forms of trans-border crime taking place across both borders. He discloses that in 2007 small arms and ammunition worth 43 billion naira (US \$341 million) were intercepted by the Nigerian Customs Service.<sup>70</sup> Yorom’s also, affirms that Benin Republic is a major smuggling transit route in the West African region, owing to its proximity to Nigeria and its status as a transit point for a large variety of goods.<sup>71</sup> Albert for his parts, submits that the inability of the Nigerian government to provide Nigerians with affordable alternative for obtaining their cars has encouraged the smuggling of second-hand cars into the country. As a result, Nigeria has become a dumping ground for all kinds of used cars brought to the ‘Wednesday Market’ and other second-hand

market in Europe. Indeed, these works provide insight into trans-border crime across Nigeria's international borders, their implication for the country's survival vis-à-vis their relations with countries across the sub-region. What they fail to do is to analyse the link between Nigeria's foreign policy and trends in trans-border crime.

A.I. Asiwaju's *Boundaries and African Integration: Essays in Comparative History and Policy Analysis*<sup>72</sup> and Donna K. Flynn's "'We Are the Border': Identity, Exchange, and the State along the Benin-Nigeria Border"<sup>73</sup> examine issues affecting border security between Nigeria and her immediate neighbours. Asiwaju's work provides various perspectives on issues concerning Africa's boundaries and integration. The work discusses the threat of border crimes and criminality in Nigeria's north-eastern border region, and its implications on Nigeria's security. The criminal activities perpetrated by criminal gangs and armed bandits from Nigeria, Chad, Cameroon and Niger within the border region was discussed. Asiwaju goes further to compare trans-border crime in Nigeria's north-eastern border region with that of the western border region, between Nigeria and Benin Republic, in which cocoa and the smuggling of cars as well as contraband goods dominated the illicit enterprise of trans-border criminality from the 1960s to the 1980s. He, however, recommend policies that will address the menace.

Flynn narrates how political and economic circumstances in the recent history of Benin Republic and Nigeria have caused trans-border trade to wax and wane in Shabe, much as the Okpara border communities between both countries. Flynn provides insight into some of the factors that led to economic decline in Shabe and the Okpara border communities. Prominent among these factors were the collapse of the Nigerian cocoa market in the 1970s and the introduction of the Structural Adjustment Programme by the governments of both countries in the 1980s. Farming replaced trans-border trade as the primary source of income in the border communities, which used to be called "ports" of the Okpara for all their bustling trade



activity. In the same vein, cross-border trade was accompanied with cross-border crime in Shabe and Okpara border communities in the Nigeria-Benin border.

The following works examine the role of security agencies and government efforts in both Nigeria and Benin Republic in the fight against trans-border crime. They include Rose Abang-Wushishi's "Law Enforcement and Trans-border Co-operation in Africa,"<sup>74</sup> E.C.S. Ojukwu "Cross-Border Crime: The Community Policing Imperative"<sup>75</sup> and Innocent Chukwuma Inter-Agency Cooperation in Fighting Cross-Border Crime in Nigeria."<sup>76</sup> These works bring to light efforts made by security agencies and government to stem the ugly menace of trans-border crime in Nigeria, West Africa in particular and Africa in general. Abang-Wushishi, for instance, in her paper stresses the need for co-operation among law enforcement agencies across Africa, in addition to sharing of intelligence in their war against criminals involved in trans-border crime. She throws light on the activities of security agencies and institutions in Nigeria, sub-regional and regional organizations in the continent created to curtail the phenomenon of trans-border crime. In Nigeria, the activities of National Drug Law Enforcement Agency (NDLEA) and the Nigerian Police, West Africa Police Chiefs Committee (WAPCCO), and the International Criminal Police Organisation (INTERPOL), received the attention of Abang-Wushishi.

However, Ojukwu provides insights on the concept of community policing, and how cooperation between the Nigerian Police Force and the border communities can assist in the war against cross-border criminals in Nigeria's border regions with her immediate neighbours. He affirms that officers should recognise the traditional institutions that are similar across the frontiers and use opinion leaders to win their battle against cross-border crime. Ojukwu reiterates the role of WAPCCO in the fight against illicit enterprise. But Chukwuma argues that some of the factors hindering inter-agency cooperation in the war against cross-border crime in Nigeria's border communities is the lack of effort to create

awareness among law enforcement agencies and border communities about existing legal instruments, including the provision of several bilateral and multilateral agreements, treaties and protocols. These would be invoked either to reduce, if not to eliminate incidents of abuses or to pro-actively facilitate the functions of law enforcement institutions, including forging desirable collaboration with counterpart agencies and local communities across the borders.

The following works discuss factors influencing smuggling and other forms of trans-border crime between Nigeria and Benin Republic, paying particular attention on their impacts on the Beninois economy. They include Franck Galtier and Zakari Tassou's "La ré-exportation: Vice Ou Vertu? Le commerce du Bénin vers le Nigeria"<sup>77</sup> Bio Goura Soule *Le trafic illicite de produits pétroliers: vice ou vertu pour l'économie Béninois*<sup>78</sup> Virginie Morillon's "Le Trafic Illicite des Produits Petroliers entre le Benin et le Nigeria: Vice ou Vertu Pour L'Economie Beninois"<sup>79</sup> and Ogunsola John Igué "Évolution du commerce clandestin entre le Dahomey et le Nigeria depuis la guerre du Biafra"<sup>80</sup> provide insights into the various factors that encourage for smuggling and other forms of trans-border crime in the Nigeria-Benine border and their impact, particularly on Beninois economic development. Franck Galtier and Zakari Tassou interrogate the contradictions surrounding the re-export trade from Benin Republic to Nigeria and the factors that have galvanised re-export trade, particularly in Benin Republic and its implications on both countries. This includes, the smuggling of all kinds of prohibited goods into Nigeria from Benin Republic through the Nigeria-Benin border. On the flip side, the Beninois government loses huge revenue, arising from the fact that smuggling of contraband from Benin Republic into Nigeria is dominated by the informal cross-border trade whereby the transaction bypassed the Beninois customs at the border post. Bio Goura Soule raises some fundamental questions on the vices and virtues of the smuggling of petroleum products between Nigeria and Benin Republic, and its overall impact on the

Beninois economy. Soule presents a mixed picture of the phenomenon. To him, the Beninois government regards the phenomenon as an economic subversion in terms of revenue losses to its state coffers. However, for the traffickers it provides breath of fresh air in a period of unemployment and poverty. The article concludes that the illicit enterprise will continue because of the price disparities in both countries.

Virginie Morillon's work examines the effects of trafficking in petroleum products on the Benin domestic economy. Morillon is concerned that despite all the control strategies put in place by the Beninois government, such as prison sentence for those caught in the act smuggling of goods between Nigeria and Benin Republic, particularly petroleum product persists. The author asked some questions, such as why has smuggling continued to persist between the two countries. The author provided possible answers. Among them being Benin's adoption of re-export policy to open the country to the world market through tariff preference in 1973 in order to profit from the economic challenges facing post-civil war Nigeria. Other factors include economic disparities and differential trade policies between Nigeria and Benin Republic. In this light, Ogunsola John Igué' investigates the smuggling of contraband in the Nigeria-Benine border during and after the Nigerian Civil War. Igue also provides an insight into the causes of smuggling of contrabands in the Nigeria-Benin border, the organisation or means of transporting smuggling items, the role of middlemen and liaison agents between smugglers on either sides of the border and the nature of the goods smuggled. In doing this, it presents statistical data to show the extent of smuggling in the Nigeria-Benin border from 1966 – 1974. It equally discloses that smuggling in the Nigeria-Benin border received a boost during the period covered by the study, due to the low production capacity of the local industries in Nigeria, and the entrepôt economic policy of the Beninoise government.

The last set of works review examines the nature and patterns of trans-border crime outside the West Africa sub-region. Among the works are Daniel D. Ntanda Nsereko's "When Crime

Crosses Borders: A Southern African Perspective,”<sup>81</sup>Kristof Titeca and Tom de Herdt “Regulation, Cross-Border Trade and Practical Norms in West Nile, North-western Uganda”<sup>82</sup>and Charles Goredema*Getting Smart and Scaling Up: The Impact of Organized Crime on Governance in Developing Countries: A Case Study of Mozambique.*<sup>83</sup> These works provide insight into the dynamics, trends and changing patterns in the illicit enterprise of cross-border crime or trans-border crime and transnational organised crime in other climes in Africa. Nsereko argues that member countries of the Southern African Development Community (SADC), shared a common social and cultural affinity, a common historical experience of colonisation and common problems and aspiration. Another of their shared problem is crime, both and within across their borders. He affirmed that cross-border crime in Southern Africa is facilitated by the common and often long and open borders, the affinity of their peoples, the improved transport system, by road, rail, air and sea, and concomitant heavy traffic of persons and goods between the borders. He reveals two types of transnational crime in Southern Africa namely the movement of stolen property across state borders and cross-border illicit trafficking. Nsereko advocated the strengthening of regional institutions in the sub-region in order to curb the criminal activities of cross-border criminals.

Titeca and Herdt paper tells of the dynamics of regional trade between north-western Uganda, north-eastern Congo and southern Sudan. The regional trade involves the movement of manufactured imported goods, food stuffs and natural resources across the borders of these countries, legally and illegally (smuggling). The imported goods come from Dubai and the Far East through the ports of Mombasa/Nairobi in Kenya. Foodstuffs and natural resources originate from the DRC, from where they are exported to Uganda, which in turn exports them to other countries. For example, there is a major trade in timber, which is bought in the DRC, smuggled into Uganda, and then smuggled again to Sudan. The town of Arua in north-western Uganda plays a particularly central role in these trading dynamics: from this town, smuggled

goods are dispatched in different directions. They affirmed that the people involved in the illicit trade are driven by the desire to enrich themselves, thereby neglecting government regulations as well as evading taxes by circumventing the borders. Goredema's paper reveals a complex web of informal relations between political actors, civil servants, legitimate business, and organized criminals in Mozambique. Goredema provides insight into the rising threat of transnational organized crime in Mozambique without any serious commitment from the government to stem the tide. This he deduced to support enjoyed by politicians and government officials from those involved in the illicit enterprise. In his words, corruption has also served to bolster the resilience of organized crime, mainly by lowering the risks attached to engaging in illicit activity. Illicit organizations and networks are known to have exploited geographical areas in Mozambique that are either governed or where the state is not present to provide commodities or broker the provision of basic services. In this manner, criminal organizations have managed to establish themselves while simultaneously mustering political and social capital. These groups have not sought to displace state institutions but have rather benefited from a degree of complicity, as they use the state to facilitate movement of goods and to ensure the protection of the proceeds of their illicit activities. Goredema urged the Mozambique government to put in place measures and policies to tackle transnational organized crime in the country.

The works reviewed examine some aspects of Nigeria's foreign and defence, economic and trade policies, effect and causes of trans-border crime and the effort of security agencies to curtail the menace. However, none of these works addresses the issues of the nexus between the implementation of Nigeria's African policy and trans-border crime. This lacuna brings to the fore, the relevance of this study in understanding the workings of trans-border crime in the Nigeria-Benine border.

### **3.0 Methodology**

The study is both descriptive and analytical. This, the research achieved by using the historical method of data collection comprising primary (oral interviews, published and unpublished government records and newspapers) and secondary sources (books, journal articles, theses/dissertations, conference/seminar papers and internet materials), which were analysed and interpreted. Oral interviews were conducted in different locations in Nigeria and Benin Republic. In the course of conducting oral interviews, interviews were granted by some notable scholars in border studies, foreign policy practitioners, traditional rulers, residents and traders in Nigeria and Benin Republic. Some of the people interviewed are: Emeritus Professor A.I. Asiwaju, Ambassador, Dr. Lawrence Obishakin, Nigeria's Ambassador to Benin Republic, Ambassador Paulin Dohon Agbetokpanhon, Director of Neighbourhood Countries, Republic of Benin, Ministry of Foreign Affairs, African Integration, Francophony and Diaspora and Professor John Olusola Igue, Director Laboratoire d'Analyse et d' Expertise Sociale (LARES), to mention only a few. The secondary sources used include relevant textbooks, journal articles and internet sources. Both the primary and secondary sources collated were analysed and interpreted.

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## CHAPTER TWO

## THE NIGERIA–BENIN BORDER IN HISTORICAL PERSPECTIVE

Human activities - from time immemorial - as socio-cultural, economic, religious and political - take place within and outside a defined geographical space in different societies across the world. These activities and their overall impact have been well-documented. Fundamentally, the same activities take place within the fringes of states international borders, often referred to as frontiers, border zone, and borderland or border region. These geographical areas are far removed from the metropolitan centres, with particular reference to most African states. This, however, explains why most border communities across the continent suffered from government neglect in terms of socio-amenities and economic development.<sup>1</sup> The neglect of these areas have equally contributed to criminal activities by individuals and groups, who take advantage of the inadequate security personnel and lack of coordination among security agencies established to police the borders.

The concept of border and its characteristic became prominent in the African continent until the nineteenth century when some European powers (France, Britain, Portugal, Germany, Spain, Belgium etc.), conquered parts of the continent and established colonialism. The continent, however, was not ignorant of the role of borders in determining the boundaries of the various kingdoms, empires and acephalous societies that emerged across the length and breadth of the continent. According to O. Adejuyigbe with reference to the Yorubaland, certain features were used for boundary demarcation during the pre-colonial period, according to him:

Topographical features such as sea, lagoons, lakes, rivers, boulders, hills, mountains and valleys as well as man-made constructions (such as mounds) were evidently in use as markers in areas considered to be the border region between one Yoruba Kingdom and others.<sup>2</sup>

With the advent of imperialism and colonial rule, boundary and border issues became permanent features in African affairs and inter-state relations in the post-independence era. Thus, this chapter focuses on the historical evolution of the Nigeria-Benin border from the pre-colonial to post-colonial era. The chapter, among other issues, focus on the concept of border, boundary, frontier and borderlands. It likewise discuss Nigeria-Benin border from the earliest time, the people, their socio-economic and political activities, European interest, the scramble and the partition of the area and its effects on the people in the post-independence era.

### **The Concept of Border, Boundary, Frontier and Borderlands**

Border relations among states all over the world have been either collaborative or conflictual. The experiences of Europe, until the second half of the twentieth century, and that of Africa in the post-independence era attest to this fact. In Europe, the territorial adjustment that emerged after the Treaties of Westphalia (1648), Utrecht (1713), Vienna (1815) and Versailles (1919) created border acrimony among neighbouring states.<sup>3</sup> A shift in European border relations emerged, after the devastating effect of World War II on the continent. European leaders re-channelled their efforts toward promoting collaborative and integrative agenda through cross-border relations.<sup>4</sup> On the other hand, post-independence African states driven by their colonial experience, pursued the policy of irredentism, particularly in countries where ethnic nationalities sharing common ancestry, separated by boundary demarcation created by the colonial masters.

One of the major consequences of this development is that it has resulted in conflictual relations between some African countries, namely: Togo-Ghana, Djibouti-Somalia, Ethiopia-Somalia and many others<sup>5</sup> In recent times, the discovery of mineral resources located between the borders of neighbouring states in Africa has furthered heightened border relations in the continent. The Bakassi Crisis between Nigeria and Cameroon illustrates this

fact.<sup>6</sup> Added to this is the Libya-Chad and Burkina Faso-Mali border conflict provoked by aggressive international litigations over stretches of shared boundaries suspected to be rich in solid minerals.<sup>7</sup>

Scholars in border studies linked some of the causes of border dispute to the Westphalian state system. The Treaty of Westphalia of 1648 articulated the features of the modern state. Among other things, this Treaty considered the respect of the territorial boundary and integrity of sovereign states in the international system.<sup>8</sup> This particular feature has become sacred and likewise, incorporated into the national interest of every sovereign state, in which they are ready to pay the supreme price at whatever cost, including a possible outbreak of war.

Ironically, a unique feature of borderlands is that despite the conflictual relations between states sharing border, the border communities in the opposite direction of the border maintained cordial relations. An understanding of the dynamics, nature and pattern of interactions among border communities – are better appreciated through interdisciplinary and comparative studies of borders of modern states, which are offshoots of the Westphalian system. This has led to their broad categorization into ‘traditional’ and ‘modern’ border studies.<sup>9</sup>

Traditional border studies focused on a state-centric vision of the border that emphasis on defending the territorial integrity of state boundary, with little or no recourse to cooperation with immediate neighbours. This was the state of European border relations until the post-Second World War era. Again, traditional border studies explored the frameworks of such established disciplines as History, Geography, Political Science, Economics and Law.<sup>10</sup>

Raimondo Strassoldo, a leading scholar and pioneer of border studies in Europe, comment on the interest of modern border studies. He avers that:



Modern border study focuses on the socio-economic aspects of border communities as well as integrative rather than conflictual processes, and on problems of border people instead of the nation-states; ... instigated by local authorities and European organisations rather than national governments... more than the traditional ones ... policy-oriented.'<sup>11</sup>

An understanding of the concept of border, boundary, frontier and borderlands are imperative at this juncture, with a view, to analysing the geographical interpretations, the dynamics and the nature of interactions of border communities and their impact on the nation-state.

Border, boundary, frontier, and borderlands are in no way synonymous. The fact that they used interchangeably shows that the relationship between them is often blurred.<sup>12</sup> Border generally refers to a marker or line indicating a boundary between separate communities, culture and administrative units. Definitions on border share similarities among scholars that have defined the term at various times. To Bradley J. Parker, borders are "linear dividing lines, fixed in a particular space, meant to mark the division between political and/or administrative units".<sup>13</sup> Parker's view, like many others, on border illustrates the demarcation of peoples, culture, even nations. For instance, border reveals the boundary line between Nigeria and Benin Republic, Germany and France, Turkey and Syria, USA and Mexico or Portugal and Spain. Borders as demarcating lines between two states are as old as the human civilisation. However, it became prominent with the emergence of the modern state in 1648. Since this year, borders all over the world became crucial elements in a new, increasingly global system of states. Thus, borders became sacred among states, especially, European states in which several wars were fought to either expand one's territory or annexe that of a weaker state.

In the post-1945 era, following the ugly experience of the European continent after two devastating World Wars that almost ruined her economically and politically, the leaders decided to channel their attention to cooperation by exploring cross-border

relations.<sup>14</sup> Europe, after the Second World War, ceased to view border as an outlet for war through the defence of their territories. It began to see it as a bridge to promote socio-cultural and economic cooperation, through cross-border relations.<sup>15</sup>

African states since the 1960s have tried to experiment with cross-border relations through regional integration. However, their degree of success comparatively with Europe has been low. In Africa, the concept of border was institutionalised in the nineteenth century at the Berlin Conference of 1884/85. At the conference, contending European powers seeking territories in Africa agreed on the boundary or borders of their respective "sphere of influence," thereby separating one European colonial territory from another. As indicated already, the concept of border or boundary lines may sound strange to Africans during the colonial period. This, however, did not erase the fact that people were knowledgeable in demarcating the boundaries of their respective territories. In post-independence Africa, border relations within the continent have not been fruitful. Instead, it has followed the Westphalian model that has to do with defending the territorial boundary at any provocation, by neighbouring states. This has resulted in several border disputes across the length and breadth of the continent, especially contiguous states. In Africa, as well as in Europe and other parts of the world where border demarcation had taken place, it has succeeded in separating people with lived experiences spanning several centuries, through natural and man-made (artificial) borderlines.<sup>16</sup>

Boundary, on the other hand, shares similarities with border. They are however not the same. Boundary in diplomatic discussions is the precise location of borders. It points at the dividing line between different peoples or cultures.<sup>17</sup> Some scholars viewed boundaries as unspecific divides or separators that indicate limits of various kinds, namely territories, civilisations, among others.<sup>18</sup> From a legal perspective, boundary refers to an alignment or an imaginary line which marks the legal termination of the territory of one state or political unit which has

an international status and role, and commencement of the territory of another state, or political unit.<sup>19</sup> All over the world, boundary areas abutting international boundaries are occupied by communities or ethnic group, often referred to as border communities. These border communities relate socially, economically, and politically with their neighbours in the opposite direction of their borders. Markers or lines that serve as the border separating two separate entities easily identify boundaries. Across the world, boundaries are either natural or artificial. Natural boundaries include mountains, lakes, rivers valleys, deserts, seas and forest. Artificial boundaries, on the other hand, are boundary lines which are, not dependent on features of the surface of the earth, for their selection have been artificially or arbitrarily created by man.<sup>20</sup>

One of Nigeria's foremost border historians, A.I. Asiwaju, in his inaugural lecture at the University of Lagos in 1984, titled 'Artificial Boundaries' reasoned that all boundaries either natural or man-made are artificial. In a bold declaration, Asiwaju asserts that:

All boundaries are artificial so long as the intention is the one relating to man's need and concern for visible lines of demarcation which, as it were, seek "to render asunder what God has put together." Whether they are oceans, seas, lakes, rivers, swamps, mountains, forests and deserts or they are deliberately erected dams and dykes, astronomical and mathematical lines, they are artificial boundaries if the purpose and ultimate function are to divide and separate lands and peoples within definable eco-systemic entities.<sup>21</sup>

Africa boundaries, since the late nineteenth century, were the product of European powers to protect their "sphere of influence" in different parts of the continent. The boundaries were drawn and fashioned after the borders in their respective European metropolitan countries. However, the arbitrary boundary creation, which was rubber stamp at the Berlin West Africa Conference of 1884/85, had adverse consequences on the continent and its peoples. The new boundaries created by imperialist European powers removed the continent's ancient

landmarks, separated kins and kiths in different parts of Africa. The adverse effect of the arbitrary boundary demarcation continued into post-independence Africa and equally led to the emergence of ethnic or national minorities, with the resulting questions of irredentism and the alarming practice of ethnic cleansing.<sup>22</sup>

Across Africa, following the demise of the Cold War in the early 1990s, there was a wave of genocide or ethnic cleansing, especially in the Great Lakes region of East Africa. Resulting in an unprecedented casualties of human lives, partly caused by boundary issues among rival ethnic groups.<sup>23</sup> The ethnic cleansing perpetrated by the Hutu and Tutsi in Rwanda and Burundi against each other in their respective country is a case in point.<sup>24</sup> One of the major causes of the carnage was blamed on the arbitrary partitioned of the region by the contending European powers, without regards to the separation of ethnic groups across national borders. Africa leaders during the Organisation of African Unity (O.A.U) now African Union (AU) Summit in Cairo, Egypt, in 1964, agreed to recognise the Berlin arrangement concerning Africa boundary, despite its flaws. It is interesting to note that the effect of the boundary demarcation has continued to manifest itself in other areas creating, socio-economic, political and security concerns for the continent.

Frontier is another concept that has aided our understanding, analysis and, the interpretations of the interactions of border communities. Some scholars sometimes refers frontier to boundary and border region. Frontiers are different from both. In his Inaugural Address at the School of Art, Hackney Technical Institute, Art Training for Industry on the Continent, titled 'International Boundaries' in 1935, Colonel Sir A. Henry McMahon spelt out the difference between frontier and boundary. According to him, "frontier and boundary do not necessarily mean the same thing. And that frontier often has a wider and more general meaning than a boundary. Frontier according to him, sometimes refers to a wide tract of border country, or to hinterlands or buffer states, undefined by any external boundary line."<sup>25</sup> In other word,

frontier is an area between (two territories) without geographical boundaries, referred to some as "empty" areas. They are places at the edge of cultural spheres and therefore embody the loci within which culture contact takes place.<sup>26</sup> Frontiers come into being because of particular historical circumstances or processes and are thus unique social phenomena. In pre-colonial Africa, even though the people were unaware of the concept of frontier, its features were evident in the interaction of ethnic groups and communities located in border areas. African historians in the field of border study had been able to indicate the forms and types of frontiers that existed on the continent, prior to the advent of the Europeans.

J.C. Anene, in his pioneering work, *The International Boundaries of Nigeria* published in 1971 identified three types of frontiers across Africa among the various ethnic groups. The first, he called 'frontier of contact' whereby distinct political and cultural groups occupied adjacent territories and operated as neighbours.<sup>27</sup> In other word these groups, despite their differences in language, culture and system of government across their borders, did not hinder them from promoting socio-cultural, economic and political relations. This form of contact was peculiar among ethnic groups of the same or different cultural disposition. Cross-border relations between the various Yoruba, Hausa, Dahomeans and Jolof in West Africa, in East Africa the Buganda and her neighbours as well as in the Great Lakes region were several ethnic groups involved in frontier of contact.<sup>28</sup>

Following the frontier of contact in pre-colonial Africa, was the frontier of separation. Unlike, the frontier of contact, frontier of separation is likened to a 'buffer zone' whereby physical and natural barriers namely; mountains, desert, forest, among others, separate border communities. Frontier of separation was common among ethnic groups located along the Sahel and Savannah region of West Africa and desert areas of Africa.<sup>29</sup> The last type of frontier, he called 'frontier of transition.' This is where diverse cultures overlapped to an

extent which made it difficult, if not impossible, to identify or maintain a linear boundary or other forms of a clear-cut distinction between the interlocking socio-political unit.<sup>30</sup>

This form of interaction cuts across Africa throughout the pre-colonial period, most especially among centralised ethnic groups and their neighbours. In the Nigerian area before the coming of the European includes the zones between the Yoruba and neighbouring cultures such as the Aja in the West, the Edo in the East, the Igala and Nupe in the Northeast and the Bariba in the North-west. Throughout the world by force of circumstances, indefinite frontiers are one by one giving place to boundary lines, of a more and more defined character.<sup>31</sup> In Africa, following the boundary demarcation of the various colonies or territorials of the colonial masters; frontier as 'empty space' between areas, gradually gave in as boundary lines, identified the borders of the various colonies.

The last among the concept under discussion is borderlands, sometimes referred to as border region. Borderlands, like the other concepts discussed above, are not synonymous, although some scholars often use them interchangeably. However, it is important to note here that border region and borderlands are the same. They can be used interchangeably. Furthermore, border region or borderland is often mistaken with frontier. One major distinguishing factor that differentiates borderlands from frontier is that while frontiers are geographical space that is undefined, borderlands are geographical space that is well defined.<sup>32</sup> Borderlands can be defined as the "sub-national areas whose economic and social life is directly and significantly affected by proximity to an international boundary."<sup>33</sup> Also, borderlands means land close to the border or boundary.<sup>34</sup> Thus, what this means is that a boundary must be fixed before the associated borderlands can be identified. Lastly, among other definitions of borderlands is that it refers to regions around or between political or cultural entities the geographic space in which frontiers and borders are likely to exist.<sup>35</sup> From the above definitions, borderlands are areas abutting international boundaries between independent states, demarcated by their

borders be it natural or artificial. Also, borderlands are regions in which there is a high influx of cross-fertilisation of socio-culture, economic and political activities between the people across their borders.

The emergence of borderlands in Africa was the resultant impact of the boundaries negotiation by the various European powers at the Berlin West Africa Conference in 1884/85. The partitioning of the continent by these powers through border demarcations separated peoples and cultures that had dwelled together for centuries.<sup>36</sup>The demarcated borders were inherited by African states at independence from their colonial masters. The inherited borders formed the core of the continent borders, particularly between neighbouring countries..<sup>37</sup>

One of the effects of the Berlin Conference on Africa was that it led to the separation of families, kindred and communities that have lived together for centuries, particularly, those living along the border. For instance, the delineation of the Nigeria-Benin border by the French and British colonial authorities demarcated the Yoruba, Bariba and Aja between the borders of both countries. The same was the experience of the Ewe in Ghana, Togo and Benin.<sup>38</sup> However, despite the ills of the partitioning of the African continent by the European powers, post-independence Africa borderlands has continued to serve as laboratory to analyse and examine the nature, dynamic and forms of interaction of the peoples, cultures that dwelled between two international boundaries.

### **The Nigeria-Benin Border: The Peoples**

Borderlands across the world, serves as laboratories for studying and generalising on the nature of man as man ... in addition, as the meeting points between nation-states and constituent peoples, cultures and institutions.<sup>39</sup> This assertion is indeed true and is a major feature of borderlands, the Nigeria-Benin border inclusive. The Nigeria-Benin border shares a land boundary approximately 770 kilometres in length – made of up three distinct sections;

the Atlantic coast to the Okpara River (203 kilometres), the Okpara River thalweg (161 kilometres) and the Okpara to the Niger River (407 kilometres).<sup>40</sup>

The boundary of both countries was the creation of the Anglo-French rivalry for territories in West Africa, during the heydays of European imperialism and colonialism in Africa. The process of the boundary demarcation began in 1889 and ended in 1914, with the signing of the last two Anglo-French Agreements of 1906 and 1914, which officially recognised the territories under the control of the British and French within the Nigeria-Benin border.<sup>41</sup>

During the periods of the negotiation the desire of both European powers to exercise “effective occupation” around Borgu, witnessed protracted military confrontation that almost brought the British and the French to the brink of war.<sup>42</sup> The development affirmed the readiness of both powers to ex-appropriate new territories into their separate sphere’s of influence. Without the consent of the peoples whose fate now lies in their hands. A detailed analysis of the British and French activities in the Nigeria-Benin border will be discussed with respect to European interest, scramble and the demarcation of the area and its effects, in the latter part of this chapter.

The attainment of independence from Britain and France opened a new chapter in the diplomatic relations of Nigeria and Benin Republic with the rest of the world. However, the border they inherited from their colonial masters has remained, and likewise has continued to shape relations between both countries and their immediate neighbours. Although, some African leaders made efforts to revisit the boundary demarcation created at the Berlin Conference of 1884/85 at the 1964 OAU Summit in Cairo, Egypt. However, some resisted the attempt that it would create some challenges for the continent, and that the inherited boundary or border should remain. This was against the view of those that felt that until the continent’s boundary issues are addressed, progress and development would elude Africa.<sup>43</sup>



The majority of the newly elected leaders of the continent agreed to respect the colonial boundaries initiated at Berlin in the late nineteenth century. One of their arguments was that redrawing the boundaries of the continent might engender strife and promote acrimony among states.<sup>44</sup> They therefore concluded that for the sake of peace and unity of the continent, it was not in the interest of the OAU and its member states to undo the boundaries created by the European powers on behalf of Africans. However, what is not in doubt in the words of I.A. Akinjogbin is that:

The present boundaries of Africa, imposed by the European powers at the end of the nineteenth century, and preserved today by the need of independent African states for political stability, have created barriers between peoples who in pre-colonial times had very close contact with each other.<sup>45</sup>

Akinjogbin's assertion above speaks volume of the extent of development in post-independence Africa borderlands in general and the Nigeria-Benin border in particular. The artificial boundary created during the colonial period by some European powers namely: Britain, France, Germany, Belgium, Austria, Portugal, and Italy, among others, were to delineate their respective colonial possessions in Africa. For instance, the boundary demarcation demarcated British and French territories in West Africa. In the process, ethnic groups such as the Yoruba, Egun and Bariba speaking peoples in the Nigeria-Benin border of British and French colonial possession were scattered between both colonial territories.

These ethnic groups today are located in several local government councils and departments in post-independence Nigeria and Benin Republic. In the Nigeria area within the Nigeria-Benin border, the following local government areas are located in the following states. They are: Lagos, Ogun, Oyo, Kwara, Niger and Kebbi (formerly part of Sokoto State), while in Benin Republic the departments are Oueme, Zou and Borgu.<sup>46</sup> These states and departments serve as the gateway and binational links between the two countries through their local government areas and *sous-prefectures* within the borders linking Nigeria and Benin

Republic. In Nigeria, the Badagry Local Government Area of Lagos State (LGAs) is link to the Sous-Prefectures of Seme-Podji, Adjarra and Avrankou in the Southern part of Oueme.<sup>47</sup>

Again, there exist a linkage between the Ipokia and Yewa South LGAs of Ogun State and the Sous-Prefectures of Ifoyin ('Ifangi on Benin Maps) and Itakete (Sakete) in the Central areas of Oueme Department. Also, in Ogun State, there are the Imeko-Afon and Yewa North LGAs adjacent the Sous-Prefectures of Ipobe (pobe) and Ketu (Ketuo) in the northern half of the Oueme.<sup>48</sup> In Oyo State, the Ifedapo and Ifekowajo LGA's centred at Iwere-Saki and Ile respectively are contiguous to the Sous-Prefectures of Sabe (Save) and Ouesse in the Zou Department. Lastly, the LGAs of Baruten, which covers ancient Borgu in Kwara and Niger States and Bagudo LGA of Kebbi States share boundaries with all the eight Sous-Prefectures of the Department in the Republic of Benin, significantly labelled Borgu.<sup>49</sup>

Within the geographical boundary covering the Nigeria-Benin border are peoples with rich and shared culture as well as history in which despite the natural barriers of geography within the border, they had co-existed and promoted socio-cultural, economic and political ties with one another before and after the European partition their territories. Three ethnic nations constitute the dominant ethnic groups in the Nigeria-Benin border. They are the Aja of Badagry area in the south, the Yoruba's in the central part and the Bariba group in the north.<sup>50</sup> Within the Nigeria-Benin border as well there is a migrating groups. Like the Wangara from ancient Mali. This group settled in the northern part of the border. Moreover, in the south of the border, there is the Aja speaking group. They migrated from the present-day Togo and Benin border area.<sup>51</sup>

### **The Yoruba-Speaking People in the Nigeria-Benin Border**

The Yoruba's are one of the major ethnic groups in Nigeria. They are also a major ethnic group in West Africa. In post-independence Nigeria, they occupy the whole of Lagos, Ogun,

Oyo, Ondo, Osun, Ekiti and parts of Kwara state. A considerable number of the Yoruba people also inhabit present-day Republic of Benin and Togo.<sup>52</sup> Although, there is a variance of the language among the people nevertheless, the Oyo Yoruba appears to be the most popularly spoken by the various Yoruba groups.<sup>53</sup> The Old Oyo Empire, prior to its fall in the second half of the nineteenth century, was the leading Yoruba state during the sixteenth century. The geographical location of Yorubaland under the Old Oyo Empire until the eve of the European partitioned stretched to the west from around Badagry to Warri and inland, until they almost reach the Niger around latitude 9<sup>0</sup>.<sup>54</sup> Furthermore, the Old Oyo Empire extended to parts of the Niger boundary between it and the Nupe around latitude 5<sup>0</sup>. The empire spread westwards, cutting across some parts of Dahomey and reaching into the east of Togo.<sup>55</sup>

Like other ethnic groups and peoples across Nigeria and West Africa, the origin of the Yoruba people has attracted scholarly attention among professional and non-professional historians as well as individuals from related disciplines. The interest resulted in the profusion of published works on several accounts of the origin of the Yoruba's which includes migration story, oral tradition and early settlement.<sup>56</sup> In all of these accounts, despite their differences, they all alluded to Ile-Ife as the ancestral home of the Yoruba people and Oduduwa their progenitor. According to popular account, Oduduwa fathered seven sons. In turn, his sons and their children established their own kingdoms across Yorubaland. The kingdoms include: Owu, Oyo, Ijebu, Ijesa, Ketu, Popo, Egba, Sabe, Dassa, Egbado, Igbimina, and the Ekiti principalities of Owo and Ondo.<sup>57</sup> Old Oyo was established by Oduduwa's youngest son Oranmiyan, which later became the most powerful and leading Yoruba state, until its collapse in the late 1830s. Furthermore, among these early Yoruba kingdoms, some were established in what is today known as the Nigeria-Benin border. Some of these kingdoms were located between Dahomey and Old Oyo Empire and they paid homage to the

Alaafin of Oyo, the paramount ruler of Yorubaland. For the purpose of this work, particular emphasis will be on the Yoruba-speaking group in the Nigeria-Benin border.

According to G. Parrinder, the kingdoms of Ketu and Sabe (Ketu and Save) are two of the earliest original Yoruba kingdoms that have been fused with non-Yoruba-speaking people.<sup>58</sup> He went further to conclude that “Since the splitting up of the Yoruba country by an artificial frontier, these two ancient towns have been cut off from their fellows.”<sup>59</sup> Ketu and Sabe Yoruba kingdoms were located in the westernmost areas of Yorubaland. The Kingdoms of Ketu and Sabe are believed to evolve at the same time with Old Oyo and, like other Yoruba speaking group, migrated from Ile-Ife. Ade Obayemi affirms that the kings of Ketu and Sabe are relatives of the Alaafin of Oyo and the Alake of Egba.<sup>60</sup> With respect to Ketu, Sopasan (Soipasan) is regarded as their ancestor that led the group from Ile-Ife. Prior to the establishment of the town of Ketu by the seventh king known as Ede, the migrating group had settled initially at Oke Oyan and Aro Ketu.<sup>61</sup> Ede and his group of migrants subdued the people whom they met around their town. Following the fortification of their capital, the rulers of Ketu not only withstood the aggression of hostile neighbours, but expanded their kingdom as far as Meko (Imeko) in the east, River Weme in the west, River Okpara in the north and to the marshland of the Oho in the south.<sup>62</sup>

Ketu came under the hegemony of the Old Oyo Empire from the seventeenth and eighteenth centuries, following the westward expansion of Old Oyo Empire. This made the rulers of Ketu, the Alaketu to pay tribute to the Alaafin of Oyo during these periods. Yet, during this period, Ketu was troubled by Dahomey. This development forced her to rely on the protective hands of Old Oyo. Unfortunately, the decline of Old Oyo from the nineteenth century, opened Ketu to regular attacks from Dahomey, until Ketu was destroyed between 1882 and 1886 by the Dahomian forces.<sup>63</sup> The territory of Ketu and Dahomey were later incorporated into French colony territories of West Africa in the late nineteenth century.

The kingdom of Sabe shares a common heritage with Ketu and Old Oyo. Nevertheless, the paucity of publication on Sabe history was linked to her heterogeneity in terms of the local population – in which the Yoruba speaking Egba and Oyo groups were distinguishable.<sup>64</sup> According to Obayemi; the traditions of Sabe are often confused with that of the north. This is because at some time, possibly during the eighteenth century, a dynasty from Boko in the Bariba area identified around the personality of one Baba Gidai came to install itself, as the ruler of Sabe.<sup>65</sup> It is believed that the Sabe migrating groups had settled at Killibo. However, the centres of early importance were the villages of Kabuwa and Jabata, where a shrine to Oduduwa was erected. Thus, notwithstanding, Sabe was annexed by the French as part of their colony in West Africa, the Sabe were less successful in establishing their influence within their regions like Ketu and Oyo.

Other Yoruba-speaking people that settled in the south-western of Yorubaland that today form the border communities between Nigeria and the Republic of Benin include Egbado and Badagry. The Egbado kingdom is one of the last to emerge in Yorubaland. Egbado is a cluster of many towns founded between the sixteenth and eighteenth centuries.<sup>66</sup> The people of Egbado though dominated by the Yoruba-speaking groups, some of them claim to have migrated from Benin, Dahomey, and while others from Oyo. Yet, despite this claim, they came under the control of Old Oyo Empire from the seventeenth century onwards. The Egbado area consists of six distinct local dialect groups namely: the Egbado, Awori, Anago, Ketu, Olori-Ketu and the Egun.<sup>67</sup> The Kingdom of Egbado is ruled by the Olu. Each Olu ruled over their different towns. For instance, the Olu of Ilobi ruled over his people. The same is applicable to other Egbado towns namely; Ilaro, Itaro, Ijanna, Idogo, Ibase, Ibara, Ilewo, Ishaga, Ilogun among others.<sup>68</sup> J.A. Atanda affirms that through the influence of Old Oyo, Ijanna was recognised as the most important of the Egbado towns.<sup>69</sup>

Before the fall of Old Oyo in the second half of the nineteenth century; the lordship of Ijanna over other Egbado towns, was upturned by Ilaro, whose ruler, the Olu became the most important of the Egbado kings. The decline of Old Oyo and the power vacuum created in Yorubaland in the nineteenth century brought Egbado under the mercy of the Egba and Dahomey.<sup>70</sup> The people of Egbado were harassed by both Dahomey and the Egba until they were saved by the British who declared a protectorate over the area towards the end of the nineteenth century.<sup>71</sup>

Badagry to Robin Law is an extremely heterogeneous community, comprising elements of disparate origins, displaced from their early original homelands by the expansion of Dahomey in the early eighteenth century. Badagry, though initially heterogeneous, was influenced by the subsequent immigration of alien groups.<sup>72</sup> Nonetheless, the first set of settlers to settle in Badagry are the Yoruba-speaking people. The Awori-Yoruba speaking group were the first group of people to settle in Badagry. Like other Yoruba-speaking groups, they traced their origin to Ile-Ife.<sup>73</sup> According to the tradition of origin, Ogunfunmire; a hunter from Ile-Ife led a group of Awori to settle in Lagos. Their first port of call was Iro, near present day Mokoloki, having sailed through the Ogun River guided by a floating calabash.<sup>74</sup> They continued their journey from Mokoloki until they reached Isheri (Iseri), where their journey ended in the sixteenth century. Isheri subsequently became the second centre of dispersal of the group, as various Awori groups moved in different directions led by different leaders with the title Olofin, first bestowed on Ogunfunmire.<sup>75</sup> In the course of their migration, some of the leaders moved from Isheri to Ido, Agege, Ado-Odo and Ado-Igbesa. The group that entered Badagry migrated from Ado. This group, it is believed, left Ado at the height of Old Oyo pressure to seek refuge in the drier parts of Badagry, between the lagoon and the swamp.<sup>76</sup>

The migrating Awori group settled briefly, at Pota before going further to more habitable parts close to the swamps. Though a branch settled at Ibereko near the Ogu village of Mowo, others moved towards Imeko North-east of Badagry.<sup>77</sup> Another account of the Awori settlers of Badagry, affirm that Asese an Ife Prince led a group of Awori followers to settle in Apa west of Badagry.<sup>78</sup>

### **The Aja Speaking people in the Nigeria-Benin Border**

The Aja speaking people occupy the western boundary of the Nigeria-Benin border. The name Aja is a generic term used to identify the Tado groups that include the Ewe, Fon and Gun (Egun). They migrated from their original homeland in the region between the Weme and the Volta Rivers in present-day Togo-Benin border area.<sup>79</sup> The migrating group, though belong to the Kwa language group, speaks the Gbe language, which is distinct from the Fon of Dahomey and Yoruba language.<sup>80</sup> The Aja people migrated from Weme, Whydah and Jakin in the Sixteenth century, following the invasion and annexation of their territories by the Dahomian forces led by King Agaja.<sup>81</sup> The Aja groups arrived Badagry and its environs as refugees, and were a major factor in the heterogeneous composition of the Badagry area and Ogun State in south-west Nigeria.

In present era, the Aja speaking people reside within the territories of Nigeria and Benin Republic. In the Nigerian area, the Aja are concentrated largely in Badagry Local Government area of Lagos State and adjacent localities of Ado-Igbesa and Ipokia districts of Egbado Local Government area of Ogun State. According to A.I. Asiwaju, the Aja settlements constitute more or less a continuum, and preservation of original culture ...aided by a geographical continuity with the main culture area further west.<sup>82</sup>

The Aja and Yoruba speaking group in the Nigeria-Benin border, since their contact in the sixteenth century have maintained cordial relations that had contributed to intergroup relations as well as socio-economic and political interaction.

### **The Borgawa Speaking Peoples in the Nigeria-Benin Border**

In the northern part of the Nigeria-Benin border lies the territory of the Borgawa, known as Borgu. Borgu territory, during the pre-colonial era, was strategically located and served as the network of connection between Borgu's old trade centres. This made the region a commercial, and cultural, crossroad between other cultural areas. For instance, to the north of Borgu lie Songhay, Zarma and Dendi. To the south and southeast the Yoruba; to the east Nupe; and the northeast the Hausa; while to the west and southwest stretched the routes that crossed Borgu to link the countries east of the Niger with the Volta basin.<sup>83</sup> In 1898, the British and the French partitioned the Borgu territory between Nigeria and Benin Republic. In the process, they separated parts of the territory and the people of Borgawa who had lived together for centuries and who shared a common ancestry, history and culture.

The country of Borgu, roughly speaking is enclosed by the ninth and twelfth parallels of latitude and the first and fourth meridians of east longitude, comprising an area of about 40,000sq. miles.<sup>84</sup> Borgu is a heterogeneous territory with the inhabitants referred to differently by their neighbours. The Hausa called them the Borgawa and the Yoruba the Bariba. Interestingly, the dominant ethnic group in Borguland was the Bisagwe. They were followers of the legendary Kisra who led his followers to Borguland having refused to accept Islam, following the establishment of Islam as the only religion in Saudi Arabia. On the other hand, the aborigines of the land are the Beke, Batonu, Bokobaru, Kienga, Kanberi, Zana, Boko and the Laru.<sup>85</sup> The Bisagwe having settled in Borguland in the pre-colonial era, later became the leading ethnic group among the Borgawa. In addition, they became heads in the ruling houses of Borgawa.



Some scholars viewed the Kisra legend as an attempt by the Borgawa to exaggerate their progenitors with illustrious origin. Lord Lugard in his "Niger Expedition" traced the origin of the Borgawa to the migrating tribe from Barbary States near Lake Chad, now part of Borno.<sup>86</sup> Until her partition; Borgu had three principal towns, namely: Bussa, Nikki and Illo. Although, other town such as Kaiama, Yashikera, Okuta and Ilesha existed. These three towns were the leading towns and had great influence on others.<sup>87</sup> Like in other parts of Africa, the enthronement of colonialism in the continent by the European powers partly to amass the continent's mineral resources and source market for their finished product culminated in their desire to gain control of the Borgu territory. The annexation of Borgu by the British and French colonial powers resulted in the delineation of the territory between the two rival European powers. The Borgawa, people until the partition of their territory, had never been under any group. The town of Nikki and its environs were absorbed into French territory of Dahomey, following the partition of the Borgu territory.

### **The Wangara-Speaking people in the Nigeria-Benin Border**

Apart from the aborigines and the followers of kisra that settled in Borgu, the settlers in Borguland are incomplete without the mention of the Wangara (Wangari). The Wangara are renowned traders and cleric across the Central Sudan during the pre-colonial era. They were famous for their trading activities as middlemen in the Trans-Saharan trade across major towns and cities within Central Sudan (Gao, Jenne, Timbuktu, Kano among others), since the fifteenth century.<sup>88</sup> The Wangara's are a group of Mande Dyola traders from ancient Mali who were converted by the Soninke. The Wangara's because of their economic potentials in trade, especially kola nut and gold, among others, were compelled to traverse from country to country. In the process they settled in some major towns within the Central Sudan area.<sup>89</sup>

The strategic location of Borgu between the Central Sudan and North Africa and as an emporium of trade from the hinterland of the Guinea zone of West Africa led many Wangara

traders to settle across Borguland. The Wangara's migrated to Borguland in the sixteenth century, from Songhay and settled in different parts of the territory.<sup>90</sup> They integrated with the original settlers and played an active role in the economic transformation of Borguland. Similarly, the Wangara were devoted Muslims. They contributed to the religious activities in Borguland, before the advent of the Europeans in the territory.

### **Socio- Political and Economic Activities of the Peoples in the Nigeria-Benin Border**

The people and settlers in the Nigeria-Benin border before and after the establishment of colonialism in the region evolved their own socio-political institutions. In addition, they were involved in different economic activities, influenced by their geography and climatic conditions. The socio-political institutions of the Yoruba-speaking people in the Nigeria-Benin border share similarities with that of other Yoruba speaking peoples in different parts of Yorubaland, before their contact with the Europeans.

The system of government evolved by the Sabe, Ketu and the Egbado as well as the Yoruba settlers in Badagry and their environs was monarchy. An Oba or king heads each of these Yoruba kingdoms, who were entitled to wear a crown, and whose authority spread across the various towns within his kingdom. Each of the paramount rulers of these kingdoms had a title peculiar to them, namely: the Aleketu of Ketu, the Onisabe of Sabe, the Olu of Egbado and the Akran of Badagry.<sup>91</sup> The Oba's of these kingdoms ruled as divine kings. They exercised executive, legislative and judicial powers in the administration of their kingship over their peoples. In theory, these rulers exercise absolute powers. This means that their subjects cannot question their decisions. However, in reality, this was not the case. As was the case in Old Oyo Empire, where some members of the state council led by the Oyo Mesi, the Bashorun and the Ogboni cult, checked the Alaafin power to ensure he does not abuse the power vested on him. The same was applicable to the Yoruba kingdoms in the Nigeria-Benin border. The Oba's ruled in consonance with the Igbimo. The Igbimo shares similar characteristics with the

Oyo Mesi. In addition, the Igbimo is the most senior chief in town. He is representative of certain lineages, descendants in some towns bound together by strong ties.<sup>92</sup>

The Igbimo chiefs perform official duties for their towns and Oba's. They equally, like their rulers, exercise executive, legislative and judicial responsibility for the palace and the people. The Igbimo chiefs equally function as advisers to their Oba's on key issues that affect the kingdom. The Ogboni and the Bashorun titleholders in these kingdoms equally carry out functions as prescribed by their customs and traditions.

Furthermore, on the political, administrative and judicial structure of these kingdoms, lesser chiefs that head the Adugbo (town) or ward chiefs governed each town at the local or community level. These chiefs are known as Ijoye and Baale.<sup>93</sup> The lesser chiefs performed very useful functions at the lower level particularly at the village and community administrative structure. The Baale, whose position in most cases is hereditary, in some instances, are appointed by the Oba to administer parts of their town and community. The Baale oversees the welfare of members of his compound. He settled disputes among members and other issues that might cause chaos across his jurisdiction.

On the other hand, the Ward chiefs ensured that law and order reign in their wards. They served as the mouthpiece for their ward in the central government of their town and kingdom.<sup>94</sup> In some cases, the ward chiefs, due to the vast areas they governed, in addition, to the complex nature of governance, compelled some of them to have Igbimo chiefs to assist them, to effectively carry out their functions to their people.

In nowhere else, in Yorubaland, the Ward chiefs asserted more power than in Badagry. The ward chiefs in Badagry were potential candidates who contested for the crown of Badagry, whenever there was a vacant throne. This development made political leadership in Badagry very competitive and stiff. It is partly for this reason that which made Robin Law assert that:

The open and competitive character of political leadership in Badagry probably applied not only to the struggle for primacy among the different ward chiefs but in some degree to succession to the ward chiefs themselves.<sup>95</sup>

The political institutions evolved by the Yoruba and Aja speaking peoples in the western section of the Nigeria-Benin border, promoted stability as well as law and order, before their contact with the Europeans. The Oba's, the council of state, the Igbimo, Ijoye, Baale and the Ward chiefs played a prominent role in ensuring that governance reached remote parts of their towns and villages.

Like the Yoruba and Aja speaking people in the western section of the Nigeria-Benin border, the Borgawa or Bariba in the northern section of the border equally evolved their own political institutions that enabled rulers to govern their peoples. In Borguland, before the arrival of Kisra and his followers, the aborigines lacked a well-preserved state system to forge recognisable political identity.<sup>96</sup> Nevertheless, what was in existence and which constituted a political structure of the people at the time was clans and lineage heads of each of the ethnic groups in the pre-Kisra era. The arrival of Kisra and his group changed the political configuration in Borguland from clan and lineage to a confederate political arrangement, whereby the rulers of the three major kingdoms in Borguland namely Illo, Nikki and Bussa ruled their kingdoms independently, through a centralised political structure. The three dominant kingdoms formed alliance against an enemy that threatens any of them or any other Borgu town in the region. The kings of these major kingdoms are descendants of Kisra.

The political structure of Borguland evolved by the descendant of Kisra was a confederate and centralised political arrangement that enabled the rulers of the kingdoms to establish order and stability across their territories.

The social institutions of the Yoruba and Aja speaking people as well as the Borgawa in the Nigeria-Benin border, before the advent of the Europeans, and subsequently colonialism promoted social cohesion and solidarity among the people. Religious and cultural festivals, coronations ceremonies and festivities in the region played major roles in uniting the peoples, and gave them a sense of identity. Above all, it promoted the social value and history of the people.

The geographical location, physical environment and the climatic condition influenced largely the economic activities engaged by the peoples in the Nigeria-Benin border, during the pre-colonial and colonial period. With the exception of Badagry, whose strategic location along the Atlantic coast afforded the people the opportunity to trade with European traders at the coast in agricultural produce and slaves from the interior. The other parts of the region are in the tropics and guinea zone, where rainfall and soil fertility are adequate for agricultural produce. As in other parts of Africa, agriculture constitutes the major economic activities of the people in the Nigeria-Benin border. In addition, despite the existence of other economic engagement of the people, agriculture remained the mainstay of the pre-colonial economy of the people.<sup>97</sup>

In carrying out their agricultural activities, the Yoruba and Aja speaking people engaged in farming and the cultivation of various crops both local and foreign. The indigenous crops cultivated by the people are yam, oil palm, palm tree and kola nut. The Europeans following their contact with the indigenous from the fifteenth century introduced foreign crops such as cassava, maize, potatoes, guava, and pineapple among others.<sup>98</sup> The climatic condition and the physical environment of the region favoured the cultivation of these crops. The land was communally own by the various communities, hence it was released to whoever is interested in farming. In the same vein, the people practised rotational farming. The majority of the

people were involved in subsistence farming during this period and the people used the crude farming implement to farm.

Apart from farming, the Yoruba and Aja-speaking people were equally involved in the domestication of animals, hunting and fishing, engaged by those in riverine communities. In Badagry and its environs, fishing was the predominant occupation of the people, though the people were still very much in farming. The proliferation of lagoon gave Badagry a distinctive economy in which fishing and salt making (evaporated from seawater), were prominent. This to a considerable extent differentiated them from others - the purely agricultural societies in the interior.<sup>99</sup> Trade was another economic activity of the people. The strategic location of the region as well as its proximity with non-Yoruba and Aja-speaking, and the different agricultural produce facilitated trade activities between the people of the western section of the Nigeria-Benin border and their neighbours.

Nonetheless, despite the peoples' occupation in agricultural and non-agricultural activities, their contact with the Europeans from the fifteenth century also opened up trade in slave between traders from the region and the Europeans. The demands for slaves in the New World (North America) to work in the tobacco and cotton plantation attracted European slave dealers to the coast of West Africa. The lucrative slave trade between Europeans and Africans at the coast marked a new chapter in relations between the two continents. In the Nigeria-Benin border, the people participated in the trade. Badagry, one of the kingdoms in the region, was one of the earliest slaves trading port in Yorubaland, until the Lagos port emerged in the eighteenth century.<sup>100</sup> Slaves traded at the Badagry port are derived from the interior of Yorubaland, Dahomey, Hausaland as well as Borguland - en route Europe and North America through the Atlantic Ocean.<sup>101</sup>

By the sixteenth century, Badagry was one of the leading slave trading ports in West Africa. The slaves were victims of wars of rival states, kidnapping and domestic slavery. The trade in slave had adverse effect on the demography, economic, social and political growth of the Yoruba and Aja-speaking peoples in the western section of the Nigeria-Benin border. The quest for slaves resulted in inter-state wars, looting and destruction of agricultural produce of the belligerent. The era of the trans-Atlantic slave trade in the western section of the Nigeria-Benin border was one of the dark episodes of the history of the people.

In the northern section of the Nigeria-Benin border covering the territory of Borguland, agriculture constituted the mainstay of the economic activities of the people. However, it is important to note that following the arrival and settlement of the Wangara from the sixteenth century in Borguland, resulted in the transformation of the economic activities of the Borgawa. The indigenous economic activities of the people revolved around farming, hunting and fishing. In Borguland, as in other places across the Nigeria-Benin border during the pre-colonial period, land was collectively own and was distributed among families for cultivation. The people practised rotational farming, while the subsistence farming was the order of the day. The growth of agricultural activities in Borguland was made possible by the favourable ecological conditions such as the open savannah, soil fertility, adequate rainfall and absence of pest.<sup>102</sup> The following crops were cultivated by the Borgawa, namely: yam, guinea corn, maize, millet, beans, cowpeas, sweet potatoes, vegetable, onion, among others.<sup>103</sup> Fishing and hunting complimented farming. Fishing was the occupation of the riverine communities, especially those situated along the River Niger. Hunting also was a part-time economic activity of the Borgawa. Hunters in Borguland engaged in hunting after they have concluded their planting season.

Beyond farming, hunting and fishing, trade was another economic activity that dominated Borguland, before the partitioning of the territory. Trade in Borguland was facilitated by the

strategic location of the country, as a major conduit in the trans-Saharan and Niger trade route. Its advantageous location at the heart of the Central and Western Sudan and Guinea zone of West Africa connected her to major trading centres – Songhai, Jenne, Timbuktu, Asante, Old Oyo and Nupe, to mention a few.<sup>104</sup> Furthermore, Borgu's location made it possible for traders trading around its territories or stationed in Borgu to have access to the source of the various item of trade such as gold, located in Bonduku and Akran and Asante; kola in Gonja and Yorubaland; salt in northern Sudan, slaves in Yorubaland, Hausaland and Nupe Kingdom; and livestock in Hausaland.<sup>105</sup>

Wangara traders and merchant renowned for their commercial skills in trade dominated trade in Borguland. The Wangara controlled the carrying and long-distance trade across the Borgu region, exchanging the various items of trade with traders and buyers from within and beyond their country. The transformation of the Borgu economy from agrarian to mercantile enterprise is credited to the Wangara traders.<sup>106</sup>

The growth in commercial trade across Borgu and its environs from the sixteenth century was motivated by two factors. The first was the demand for gold in the Western and Central Sudan that was available in Bonduku and Asante in the Guinea zone of West Africa. Salt, on the other hand, was lacking in the Guinea zone, but produced in large quantity in North Africa.<sup>107</sup> This development necessitated the demand and supply for the exchange of both commodities across both regions. The Wangara traders were on hand to facilitate the exchange. The second reason for the growth in commerce was the demand for kola in Hausaland. Kola was the only stimulant Muslims were allowed by their religion to take. Kolanut was cultivated in the forest zone of Gonja and Yorubaland. The Hausa's depended on Wangara merchants to have access to kola from their source of production.<sup>108</sup> This made kola to be in high demand in Hausaland. Among the leading trade routes that passed through Borgu and some of its major towns, include the following: the Sokoto



Caliphate through Borgu, Dagomba and Gonja to the market of Asante's route, Mango, Mamprusi and Yendo to Salaga route, Bussa, Nikki, Kilir and Deda route.<sup>109</sup>

In addition, there was the riverine and overland route from Songhai, Jenne, Borgu and the southern point of the Central Sudan. There were also the Kano-Gonja and Sokoto-Badagry trade route as well as the Borgu-Dahomey Old Oyo, and Nupe trade route, among others.<sup>110</sup>

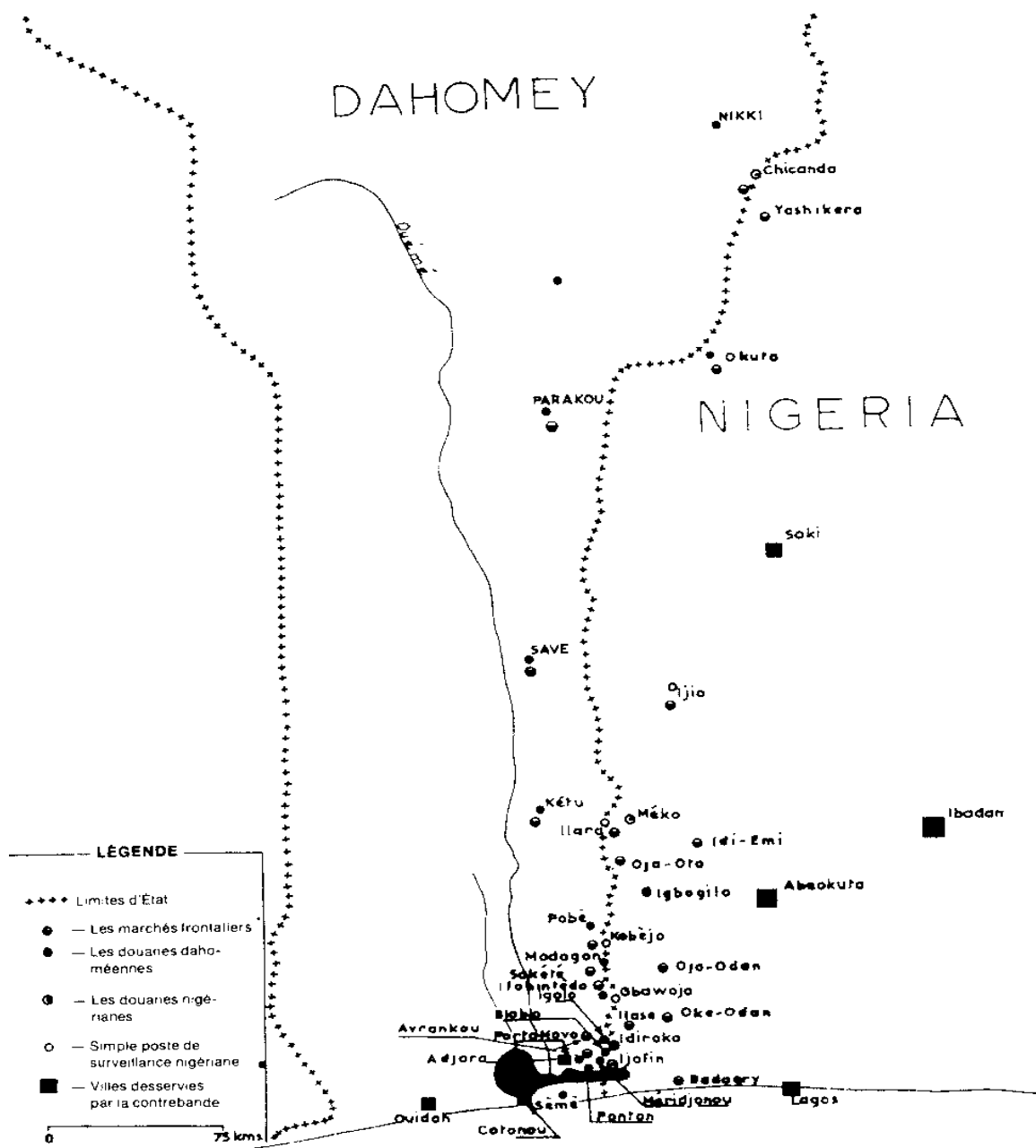
Large caravans criss-crossed these trade routes regularly conveying goods across the Trans-Saharan desert between major trading centres that are linked to Borguland. The journey of the caravans spanned six months to one year to complete the long and arduous trips. In some occasions, the caravans consist of one to two thousand people, including men, women and children, an equal number of donkey and mules as well as items of trade. On several occasions, the caravans are attacked by bandits, which compelled the traders to move in large numbers as well as employed the services of armed men to protect them<sup>111</sup>

Slaves were another commodity traded in Borguland and its environs. The demand for slaves in the trans-Atlantic slave trade made Borgu one of the source centres for slaves from Hausaland and within Borgu itself. The Wangara merchants were the principal traders in slaves from Hausa and Borguland with slave dealers who convey them to the coast of Badagry en route Europe and North America. According to Robin Law and Paul E. Lovejoy 3, 500 slaves came from Borgu annually from the sixteenth century and were sold at the Badagry slave market.<sup>112</sup> The same effect the trans-Atlantic slave trade had on the western section of the Nigeria-Benin border it also had on Borguland. It resulted in inter-state wars, looting and destruction of agricultural produce of the belligerent, leading to the depopulation of the Borgu territory.

One major development that characterised the long-distance trade, especially concerning Borgu and its environs, was the activities of armed bandits. Armed bandits terrorised and

threatened the lucrative long-distance trade around Borgu. The incessant attacks of these armed bandits made Richard Clapperton to refer Borgu as a nation of robbers.<sup>113</sup> Similarly, it is interesting to note that the French justified the invasion of Borgu, in the interest of civilisation as well as “incorrigible robbers” in the territory.<sup>114</sup>

Armed banditry in Borguland, according Olayemi Akinwumi, began in the fifteenth century with the opening up of Borgu to the outside world through trade.<sup>115</sup> Armed banditry in Borguland was a well-organised, orchestrated crime perpetrated by princes of rival states as well as less-privileged Borgawa seeking wealth. Rival princes within the Borgu kingdoms used banditry as a means of political regulation. Through this medium, they weakened the security or claims of supremacy over each other.<sup>116</sup> Lord Lugard, in his famous race to Nikki, was warned of impending armed bandits on his way from Bussa to Nikki by the rulers of Bussa. The activities of armed bandits along the trade route across Borgu forced traders in their caravans to move in large numbers. This is very much so, in addition to having armed men to prevent them from attacks by armed bandits. The emergence of armed bandits along trade routes across Borgu was tied to the transformation of the economy from agrarian to mercantilism. However, armed bandits ceased to exist in the region, when Borgu territory came under colonial rule.



**Map Showing the Nigeria-Benin border**

Sources: Ogunsola John Igué, “Évolution du commerce clandestin entre le Dahomey et le Nigeria depuis la guerre du Biafra” *Canadian Journal of African Studies / Revue Canadienne des Études Africaines*, vol. 10, no. 2 (1976): 240.<sup>117</sup>

The above map reveals a lot about the unique geography and strategic location of the Nigeria-Benin border in the West Africa, sub-region. The map provides insight into the nature and patterns of settlement by the border communities on both sides of the Nigeria-Benin

border. With reference to the northern and central parts of the border, the settlement pattern of the area are sparsely populated. In the same vein, the areas are blessed with open grassland. This makes communication and the use of the beast of burden effective, but unfavourable for clandestine criminal activities. The geographical and strategic features of the northern and central parts of the Nigeria-Benin border are a sharp contrast to the southern part of the Nigeria-Benin border. Unlike, the northern and central part, the southern part is densely populated with human settlement residing in towns and villages located within and around the southern parts of the border. Likewise, the southern part of the Nigeria-Benin border is linked to major towns and seaports on both sides of the border. The presences of these towns (Abeokuta, Ibadan, Lagos, Badagry, Cotonou, Port Novo, Igolo among others) and ports (Apapa and Tin Island ports in Nigeria and the Cotonou port in Benin Republic) have contributed to the traffic in terms of economic activities in the Nigeria-Benin border. On the other hand, it is imperative to state that the proximity of the villages on both sides of the Nigeria-Benin border – to a large degree has aided the criminal activities of trans-border criminals operating in the Nigeria-Benin border.

The southern part possesses the rain forest and several waterways. The geographical features of the southern portion of the Nigeria-Benin border have enabled smugglers operating in the area to perpetrate their criminal activities through the smuggling of contraband through bush paths and waterways. In the same vein, the closeness of the border towns on both sides of the border has equally enabled smugglers to keep contact and monitor the movement of their goods. From the description of the map concerning the geographical and strategic location of towns and villages and the settlement patterns in the Nigeria-Benin border, it can be concluded, that smuggling and other illicit enterprises, comparatively is more favourable to perpetrators of the illicit enterprise in southern part than those in the northern and central parts of the border. The impact of the geography and strategic location of the Nigeria-

Beninborder on smuggling and other trans-border criminal activities will subsequently be discussed in chapter four.

### **European Interest, Scramble and the Partitioning of the Nigeria-Benin Border**

The beginning of the nineteenth century marked a watershed in African-European relations across the African continent. The relation, until the abolition of the trans-Atlantic slave trade by the British parliament in 1807, was based on mutual terms in trade and other forms of interactions. European interest in Africa after the abolition of slave trade shifted from mutual economic relations to imperialism and the exploitation of Africa's mineral resources and agricultural produce. Added to this was the desire of European traders and manufacturers for an alternative market outside Europe to market their finished goods. The shift in European interest towards Africa at the dawn of the nineteenth century was influenced by development in Europe. The first was an economic factor. This has to do with the Industrial Revolution that started in Britain in the mid-eighteenth century. The Industrial Revolution revolutionised, when it did occur, changed the face of the European economy from agricultural to manufacturing.

In order to keep the Industrial Revolution momentum going, European manufacturers and traders needed raw material in agricultural produce for production and market for their finished products, which were already surplus in the European market. Hence, Africa was the alternative destination for the actualization of the economic interest of European manufacturers and traders. The British colonial policy encapsulates the spirit of the period. The British colonial policy had three aims. The first was to uplift the standard of life of the people. The second addressed the needs of British industrialists sort to grant industrial nations access to raw materials. The third, in line with the second aim of the British colonial policy, provides a market for British manufacturers and wealth in general.

This no doubt, explains why British colonies of Africa in general, and West Africa in particular were advised to focus on legitimate trade. The trade in cash crop replaced the trans-Atlantic slave trade in which Africans were encouraged by European missionaries and colonial administrators to invest their energy on agricultural produce - cash crops- which was in high demand in Europe. Furthermore, the quest for raw material and market in Africa prompted several European merchants and trading companies to establish trading post across Africa in general and West Africa particular. These trading companies, prior to the establishment of full colonialism in some territories in West Africa, competed fiercely for control of sphere of influence, which some of them and their national government had won through the signing of treaties with the indigenous rulers of West Africa.<sup>118</sup>

Accompanying the economic factor of Europe's interest in West Africa at the dawn of the nineteenth century was political factor. The political factor was influence by the need of the European powers to protect and secure their colonies in Africa. Interestingly, some of the European powers had already secured colonies in West Africa in particular through the signing of treaty and in some occasion, by the use of force.<sup>119</sup> There was also the need for them to protect the economic interest of their home companies operating in different parts of West Africa.<sup>120</sup>

Likewise, there was the prestige of possessing territories in Africa. Again, development in Europe fueled this factor: France, following her defeat in the Franco-Prussia War of 1870/71 in which she lost two of her territories to Germany, Alsace and Loraine, was compelled to seek territories in Africa to redeem her image in Europe. In addition, German firms pressurised their home government to join the race for colonies in West Africa. They did so in order to profit like the British and French firms operating in the region. Hence, from the 1880s, the following European countries of France, Germany, Britain, Portugal, and Spain had established colonies in different territories in West Africa.

Lastly, among the factors that influenced European interest in West Africa during the nineteenth century was the social factor. The social factor aimed at promoting humanitarian needs in the African continent. The goal was signposted in a three-pronged mission of spreading the three C's: Christianity, Commerce and Civilisation.<sup>121</sup> The three Cs formed one of the cardinal objectives of British administrative policy in Africa, and West Africa in particular. The social factor complemented the economic and political factors in the establishment of colonialism in the continent.

European interest in West Africa territories in the nineteenth century resulted in the scramble and the eventual partitioning of the sub-region by contending European powers. In West Africa, the Nigeria-Benin border witnessed the most intense rivalry, with claims and counter claims between the British and the French over some parts of the borderlands. In addition, the scramble was equally influenced by the desire of the respective European powers to gain access to strategic navigating route within the region to boost their economic interest and penetrate deep into the hinterland. In the western section of the border, the British and the French scramble for territories through the signing of treaties with the rulers of the people. The signing of treaties between the European colonial administrators and traditional rulers across Africa and the Nigeria-Benin border, in particular, ended the independence of several African states in the nineteenth century.

Treaty making served several purposes. One of such was that it could be used to support claims for international recognition of territorial possessions.<sup>122</sup> Any attempt by Africa traditional rulers to resist the signing of treaties resulted in the use and show of force by European powers to subdue them and achieve their goal. In the same vein, the treaty equally guaranteed the people, British and French protection. It as well brought the people under the sphere of influence of the British and the French.

In 1861, the British annexed Lagos, and in 1863, Badagry was absorbed into the British sphere of influence. The British colonial administrators made effort to extend their sphere of influence further west and north-west of Lagos into Dahomey by signing treaties offering British protection to the following states namely Appa, Ipokia, Katanu and Addo. However, the treaties were nullified by the British parliament.<sup>123</sup> The Governor of Lagos Sir John Glover who had signed these treaties with the rulers of these states, had warned that the French authorities at Porto Novo were seeking to absorb all the surrounding territories.<sup>124</sup>

Despite this development, these states remained major contentious territories in the making of the western boundary demarcation of Nigeria and Benin Republic between the British and the French colonial administrators. Likewise, the British and the French equally made treaties with states in the western section of the Nigeria-Benin border. In 1863, the French raised their flag at Apa with the signing of treaty with the traditional ruler of the territory. By making Apa its sphere of influence, the French secured access for trading through canoes between Lake Nokue and Porto Novo.<sup>125</sup> In the same year, Porto Novo was incorporated into French sphere of influence when it was declared a protectorate by the French.

The French incursion into Dahomey and in the western section of the Nigeria-Benin border threatened British interest and was interpreted by Governor Glover as an attempt to divert trade from Badagry by the French. This development compelled him to offer British protection, and declared protectorate over Appa, Ipokia, Katanu, and Addo. In an attempt to resolve this, the conflicting claims of both the British and the French led to the Convention of Porto Novo of 1863. Several agreements were reached by both countries concerning the nature of the treaties at the convention concerning the peoples, boundary lines and access to waterways. They also agreed to suspend claims and withdraw their troops in some territories, pending further directives from their home governments. Nevertheless, the outcome of the Berlin West African Conference of 1884 – 1885, which, among other issues, advocated the



principle of effective occupation of a territory, opened a new chapter in the scramble and annexation of territories by both the British and the French in the western part of the Nigeria-Benin border.

Claims and counter-claims over territories they had initially secured through treaties were under threat through the principle of effective occupation. The British renewed their protectorates over Addo, Ipokia, Katanu and Addo, while the French seized Agege Island and widened Zanu Creeks. The development encouraged trade between Agege and Porto Novo. In the process, the trade in palm oil in Lagos and Badagry was hampered.

The scramble and attempt by the British and French colonial administrators to assert effective occupation on their territories in the region almost led them to war. In order to avert a war between them, they agreed to hold a convention to resolve and equally draw the western boundary line between the British and French sphere of influence in the region. This led to the 1888 Convention. One of the breakthroughs of this Convention was that it created the platform for the understanding of the nature and pattern of the French and British interaction in the Badagry region. Furthermore, the French withdrew from Zanu and the British from Agege. Regarding the 1888 Convention, both Zanu and Toche Creeks were to remain open for both countries except for soldiers in uniform. In his submission of the 1888 Convention, Leo Dioka concluded, "the convention defused local tension and prepared the ground for the boundary treaty of 1889."<sup>126</sup>

In the northern section of the Nigeria-Benin border, the story was not any different from the western section of the borderlands. The British and the French scrambled for territories in the region. Their scramble for territories was intensified following the enforcement of the principle of effective occupation at the Berlin West Africa Conference of 1884/85. The Royal Niger Company before and after she was granted a Charter by the British government in

1886, embarked on treaty-making with the traditional rulers in the lower Niger and parts of Hausa and Borguland. Thus, the company became not only a trading company, but also the government of the Niger territories. She laid claims that the entire Borgu country was under her territory. The French, on the other hand, were equally interested in the lower Niger region. Like the British; they were led by economic and commercial interest. By mid 1880s, they had begun to penetrate into Borguland through the southern part of Dahomey, which was already under their control. This development would spark off another round of intense rivalry between both countries. According to J.C. Anene:

A place for France on the navigable portion of the Niger, south of Bussa, the security of British interests east and north of the Niger, Egypt and the Anglo-Egyptian Sudan and even the hinterland of the Gold Coast became one dangerous and inextricable diplomatic tangle.<sup>127</sup>

Again, the Anglo-French agreement of 1889, among other things, defined the Lagos –Porto Novo boundary up to the ninth parallel of latitude. The 1889 agreement also delimited the French and British sphere of influence in the north and south of the Say-Barruwa line. However, the agreement made no specific mention of how the area north of Ashan and around Borgu was to be partitioned. For this reason, both territories were to be settled by effective occupation. In 1897, the French colonial forces, in exercising the principle of effective occupation and treaty making, marched into Say and Bussa and brought the area under their control. The British claim that the entire Borguland was her sphere of influence through treaties between the ruler of Bussa and the Royal Niger Company. The French, on their own part, challenged the claims and argued that some of the treaties between the company agents were not genuine and their inability to carry out effective occupation on their claimed territories nullified their claims. With the French having a large number of its troops in the disputed territories in Borguland, the British colonial government established the West

African Frontier Force (WAFF) in 1897, partly to challenge the French forces in their disputed territories.

Furthermore, the British and the French engaged in a race to sign a treaty with the ruler of Nikki, another Borgu territory. This led to the famous 'race to Nikki', embarked by Lord Lugard and the French colonial representatives. Between 1896 and 1898, events in Borguland were intensified by the activities of the British and the French who were determined to gain control of the territory. Borgu became the scene of Anglo-French military movement.<sup>128</sup> Both countries, in their attempt to assert control militarily over Borgu, were almost at the point of the war, until the Anglo-French Convention of 1898 that a political and diplomatic solution to resolve the crisis was reached. In reality, neither the French nor the British could risk going to war over Borgu – “a malarious African desert” according to Lord Salisbury.<sup>129</sup> At the end, both belligerent powers decided as to what territory they must keep and what they could concede with a view to reaching an amicable settlement. The Convention of 1898 partitioned Borguland between the French and the British colonial powers. The Convention handed over Nikki and the surrounding district to the French, as their sphere of influence. On the other hand, the Convention gave Britain Bussa and Illo.<sup>130</sup> The signing of the 1889 boundary agreement between the British and French and the last two Anglo-French Agreements of 1906 and 1914, officially recognised the territories under the control of the British and French within the Nigeria-Benin border.

Indeed, the partitioning of the Nigeria-Benin border by the British and the French had a profound effect on the people. It affected the people's social-economic activities and created new challenges for African leaders during the post-independence era. Indeed, the partitioning ended the traffic of traders crossing freely the Nigeria-Benin border before the 1888 and 1889 Convention concerning Borgu and Yorubaland as well as caravans from Hausaland to the coast. These caravans have a choice of routes depending on which port they

were heading for.<sup>131</sup> Yet, the demarcation eroded the lively social and economic activities among the ethnic groups now divided by borderlines and strict restriction of colonial laws, which many post-independence African leaders maintained. Furthermore, the partitioning of the border resulted in both the colonial and post-colonial government in Nigeria and Benin border Republic to pay less attention to border communities. Instead, their focus has been on major towns and cities, to the detriment of the border towns, in terms of development and social infrastructures.

The partitioning of the people in the Nigeria-Benin border, like other parts of the African continent, sowed the seeds of border-related challenges that have continued to confront post-independence African states. Ieuan Griffiths, commenting on the effect of the Berlin conference of 1884/1885, concludes that:

The inherited political geography of Africa is as great an impediment to independent development as her colonially based economies and political structures.<sup>132</sup>

Aside from the above fact, there are other challenges the leaders of the continent have continued to encounter after the end of colonialism. These challenges namely ethnic conflict, irredentist aspirations, and border disputes to a very large degree are linked to the partitioning of the continent at the Berlin Conference on Africa in 1884/85. Across the continent, examples abound of these challenges. For instance, Togo and Ghana, shortly after independence, were involved in the irredentist squabble over the Ewe people along their border. In Great Lakes region, the Rwanda genocide of 1994 and the pockets of cross-border ethnic attack between the Hutus and Tutsis were partly the manifestation of the arbitrary demarcation of the Berlin arrangement. Still, there has been countless number of border disputes across the continent that are tied to the machination of the European powers that were driven by economic and imperialist interest, with little or no consideration of the consequences of their actions on Africans.

The partitioning of the continent and the establishment of colonial rule by the contending European powers in their respective colonies created another major challenge that had economic and security implications for post-independence African states. The partitioning of Africa and the introduction of unfavourable economic policies in the borderlands forced the border people into trans-border crime involving the smuggling of contraband across the borders of both countries. The partitioning of the African continent was followed by colonialism. During the colonial period, the colonial powers pursued rival colonial economic policies that prevented the people in the borderlands from trading freely with one another. In the same vein, the respective European powers prohibited certain items of trade traded by Africans such as local liquor and other commodities, before the partitioning of the continent as well as levying taxes on goods. In response, the locals were compelled to exploit alternative route known to them to evade taxes as well as transport their goods to trade with friends, relatives and fellow traders on the other side of the border. Trans-border crime involving the smuggling of prohibited and highly taxed goods became a major feature during the colonial era and expanded progressively in the post-independence era. Across the Nigerian border, trans-border criminal activities took place, as banned items and highly taxed goods were smuggled into the country. In the Nigeria-Benin border, smuggling was traced to the arrival of the French and British in the region. L.C. Dioka, in his book, *Lagos and Its Environs* provides an insight into some factors that encouraged smuggling in the region. According to words:

The Anglo-French agreement of 10th August 1889 transformed the colonial boundaries into the international boundary. But rather than curtail the excessive degree of smuggling, the boundary exacerbated it hence with it (the boundary), smuggling became a stable feature of the region. British and French nationals were confined to their own side of the boundary while waging tariff wars. While the French, in, order to encourage investment and settlement of their nationals in keeping with their policy of assimilation imposed low tariffs,

the British on the other hand, imposed high tariffs on their colonies to cover administrative cost.<sup>133</sup>

Indeed, the rival colonial economic policies of the British and the French gave birth to trans-border crime in the Nigeria-Benin border. The policies of the British and the French were influenced by their tariff on certain items as well as the desire to protect their home industries from other competitive European states importing goods into the region. This, however, was evidence in the different tariff imposed on certain items such as alcohol, fire-arms and other goods by British and French colonial authorities.<sup>134</sup> The British Colonial Office, following a committee report on the effect of the spirit trade on Southern Nigeria came up with a report. The report contended that the spirit trade (alcohol) could be checked by a sharp increase in tariff. However, it held that such a step could not be taken unilaterally because the lower duties in force in Dahomey would encourage the entry of smuggled spirits into Yorubaland.<sup>135</sup> In French territories, in the Nigeria-Benin border, the tariff on imported and exported goods were cheaper, especially when compared to that of the British territories. The same can be said on duties levied on goods. This development, no doubt, galvanised smuggling in the region, as traders, due to the high tariff on the price of goods in Lagos and Badagry, seek cheaper goods from Porto Novo through smuggling.<sup>136</sup>

Furthermore, the demarcation of the border between Nigeria and Benin Republic, during the colonial era, affected the free movement of agricultural produce, due to boundary restrictions and the colonial policies of the British and French. Prior to the demarcation agricultural produce had moved freely across the border as part of their socio-economic interaction. This, however, was curtailed immediately after the partitioning, by promoting, consequently, the smuggling of agricultural produce into both territories. Some agricultural produce - maize, cocoa groundnut, palm oil and palm kernel - were smuggled between both territories during the colonial period.

Beyond the colonial economic policies, other factors have equally contributed to the growth of the illicit enterprise in the border of both countries. These factors will be discussed in subsequent chapters of this study. However, there is no gainsaying the fact that trans-border crime, in the form smuggling, in the Nigeria-Benin border, like other borders in Africa, is a direct consequence of the partition of the continent and colonialism. The colonial authorities did little or nothing to stem the tide of smuggling. This is because, to some extent, it favoured them, especially, the French colonies and their business nationals. Trans-border crime by way of smuggling in the Nigeria-Benin border, continued into the post- independence era in both countries. The illicit enterprise in the post-independence era expanded in scope and reached an alarming rate. The effect of the illicit enterprise had been very enormous in the Nigeria-Benin, with respect to the socio-cultural, economic and political development in the borderlands. In Nigeria and Benin Republic, the leaders have made efforts to address the menace in the post-independence era in line with their foreign and economic policies. Later chapters will examine the impact of Nigeria's foreign policy on illicit enterprise and identify the factors galvanising its continued perpetration.

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## CHAPTER THREE

### NIGERIA'S AFRICAN FOREIGN POLICY AND BORDER ISSUES 1960 – 2013

The emergence of the modern state in the seventeenth century is fundamentally informing. It introduced contemporary approach to the study and understanding of international relations. Based on the nation-state and motivated by national interest as its ultimate purpose,<sup>1</sup> Armand-Jean du Plessis, Cardinal de Richelieu of France - acknowledged as the father of modern state - articulated this in his policy of Raison d'état which dominated the period and after. The concept of Raison d'état, among other ideas, articulated the primary interests of a sovereign state. These, he outlined as defence of its sovereignty, territorial integrity and ensuring the well-being of the state. According to Richelieu, the interest of state should guide and regulate the relations of independent states in the international system. This provision of Raison d'état became the main guidepost that influenced the nature of states relations at different levels of interaction – bilaterally or multilaterally. This has been the standard practice since the end of Thirty Years War in 1648 that marked the birth of the state system in Europe and, by extension, the international system. Today, the national interest of states globally are articulated in their foreign policy, which translates their broadly conceived goals and interests into a concrete course of action to attain these objectives and preserve their interests.<sup>2</sup>

Foreign policy, as a course of action, dictates how states interact with one another globally. Similarly, the domestic and external environment of countries of the world shapes their foreign policy objectives. This chapter examines Nigeria's African and West African foreign policy since independence until 2013. It focuses on the geo-strategic and geo-political security implications of the country's foreign policy in her relations with countries in Africa in general and West Africa in particular. The chapter begins with an overview of foreign

policy. It follows with an examination of foreign policies that have been implemented by different administrations that have ruled Nigeria since she gained independence. Firstly, it discusses Nigeria's African and West African foreign policy during the First Republic (1960 – 1966). It goes on to focus on how Nigeria structured her policy with West Africa in particular and Africa in general, during her first and so far only civil war and after it from 1967 – 1979. The chapter illuminates Nigeria's foreign policy with Africa, with West Africa in particular during her Second Republic pegged from 1979 to 1983. Importantly too, it considers Nigeria's foreign policy plan in the West African sub-region especially and Africa generally at the close of the twentieth century. It concludes with an analysis of Nigeria's foreign policy in the twenty-first century, paying attention on its trans-border policies with her neighbours.

### **Foreign Policy: An Overview**

Foreign policy occupies a strategic position in the conduct of official relations among states in the international arena. Since the emergence of the modern state and the end of colonialism across the world in the second half of the twentieth century, no state relates with one another without a well-planned foreign policy blueprint. The centrality of foreign policy in guiding the official conduct and interaction of states in the international system attests to its importance in influencing the nature and pattern of inter-state relations. Consequently, the huge attention devoted by a state to its foreign policy objectives, leads to an interrogation about the meaning of foreign policy. It also leads to probing of why states formulate foreign policies. Ascertaining the reason for the formulation of foreign policies would also raise questions on the components that make up a foreign policy objective of a state and its implementation in the international system. When these are considered, an understanding of the dynamics and pattern of security implication of Nigeria's foreign policy with her

immediate neighbours, like Benin Republic, with respect to their border relations since independence will be better appreciated and solutions to areas of discord are resolved.

Scholars in the social sciences and humanities have not reached a convenient consensus as to what constitutes foreign policy. They have also not agreed as to when it began. Some of them traced its emergence to the seventeenth century when the idea of the modern state was first conceived. Since the idea of foreign policy was initiated, it has remained strategic in influencing the direction, nature and patterns of relations among states in the ever-active phenomenon of international system. Certain events that occurred when foreign policy as a concept was introduced such as the Thirty Years War, greatly influenced the need for a shift towards a state policy that will dictate the direction of states in their dealings globally.<sup>3</sup>

Long before the seventeenth century, kingdoms and empires across regions of the world related with each other. Their interaction was inevitable because they discovered that they were not self-sufficient. Hence, they were left with no choice but to promote interdependency, as a panacea to solving the challenges of insufficiency and uneven distribution of natural resources by nature. Since the days of yore, interdependency has remained a major feature of inter-state relations. As kingdoms and empires related, their interactions went conflictual. This is because some employed the use of force to make up for the uneven distribution of natural resources they lacked. Consequently, in an attempt to acquire the natural resources, kingdoms and empires engaged in wars of conquest to have access to these resources in order to boost the value of their economy and uplift the living standard of their citizens. In the process, kingdoms and empires fell and rose, while powerful kingdoms and empires consolidated their hold through imperialism and the conquering of territories. In Europe, for instance, the Roman, the British, the French and the Hapsburg Empire asserted great influence over vast territories in Europe and beyond. In the same manner, the Incas and Aztec Empires in North and South America dominated other smaller kingdoms in their interactions in their continent.

Also, in East Asia, China dominated other states in the region until late nineteenth, when her glory and power began to fade following the incursion of western powers into China.<sup>4</sup> These were the experiences of several kingdom and empires in different parts of the world, until the second-half of the twentieth century.<sup>5</sup>

In Africa, prior to the entronement of colonialism on the continent on the eve of the nineteenth century by contending European powers for raw material and market. The African continent, like other kingdoms and empires in other parts of the world, developed political institutions of its own, interacted independently with one another and engaged in war of conquest to gain access to natural resources and assert sovereignty over other territories. Examples of this experience among kingdoms and empires were apparent in different regions of Africa. Such include the Berber states in the Maghreb in North Africa,<sup>6</sup> the ancient Ghana, Mali and Songhai Empires, Kanem-Borno, Old Oyo, and the Benin Kingdom. These kingdoms and empires dominated their respective regions in the Western Sudan of West Africa.<sup>7</sup> The same is true of East Africa in which Bungada and Bunyoro kingdoms led and dominated in the region. The Zulu also emerged as the most powerful among the ethnic groups in the southern region of Africa and asserted their influence until the incursion of the British in Southern Africa in the nineteenth century.<sup>8</sup>

Interestingly, these kingdoms and empires mentioned above articulated their own policy that guide their relations with others whether to maintain peace or go to war on issues that may threaten their interest. The approaches that shape relations between kingdoms and empires in across Africa, before the arrival of the European were preserved and passed from generation to another through oral sources. In centralised societies in Africa during the pre-colonial era, the decision to embark on any action that concerns the well-being of any of the kingdoms or empires rests on the behaviour of the rulers. Predominantly, the rulers of most kingdoms and empires in Africa were driven by personal ambition, not mutual interest. It is worthy to note

that this behaviour by some Africa rulers was not different from rulers in Europe, Asia and other parts of the world. They emphasise their individual pursuit and the exercise of coercive powers, not minding the effect on their subject.

Development in Europe after the Thirty Years War in the seventeenth century resulted in the shift in the way some rulers in the continent were managing inter-state. The shift was made possible by the attempt by Ferdinand II (1578 – 1637), the newly crowned Hapsburg Emperor of Spain, to revive and install Catholic universality over the Protestant Princes of Central Europe.<sup>9</sup> Ferdinand II's action was resisted. Before the occurrence of the Thirty Years War instigated by Ferdinand II's ambition, the Treaty of Augsburg of 1555 had settled the religious differences between the Protestants and the Catholics. Arising from the reform led by Martin Luther in the sixteenth century<sup>10</sup> the Treaty of Augsburg had made it possible, in places like Bohemia, an area in which Germans and Czechs, and Lutherans, Calvinists and Catholics lived in relative peace. The peace was shattered when Ferdinand II became the king of Bohemia in 1617. He was driven by Catholic sentiment. Having succeeded as the Hapsburg Emperor of Spain, Ferdinand II's aim was to re-establish the Catholic faith in parts of Europe that were already Protestants. The stiff resistance put up by the Protestants to the religious, geo-strategic and geo-political ambitions of Ferdinand led Europe to arguably one of the darkest periods in the history of Europe.

In the midst of chaos and bloodshed, following the outbreak of the Thirty Years War in Europe, the modern state was born. The architect of the modern state was France's First Minister, Cardinal de Richelieu. Cardinal Richelieu, interpreted Ferdinand II's action as a geo-political and geo-strategic threat to France's national interest and security, during this time, France was a predominantly Catholic country. In order to prevent Ferdinand II's from actualising his objectives regarding the Protestant states in general and France in particular, Richelieu initiated the policy of *Raison d'etat* (reason of state) or national interest to guide

France's relations with the House of Hapsburg of Spain and other European states. Raison d'état replaced the medieval tradition of universal moral values as a guiding principle of foreign policy.<sup>11</sup> As a policy Raison d'état uphold the interest of the state above the religious or ideological sentiment of the leader, as was the case with Ferdinand II. In other words, the highpoint of the policy is that a state interaction with states in the international system should focus on its national interest. It holds that the survival of a state is what its national interest seeks to accomplish in an anarchical global international environment. To this extent, it reasons that whatever, threatens the very existence of a state negates her national interest. In his own way, Richelieu opposed Ferdinand II's ambition. Holding that France was a predominantly Catholic, he interpreted the actions Ferdinand II as a major threat to his country's survival, especially against the backdrop that France will be surrounded by states under the control of Hapburgh. Richelieu saw what was coming, particularly how it subjected France to political manoeuvring in Central Europe and placed her in a marginal position.<sup>12</sup> This led him to oppose Ferdinand II by subsidising the war for the Protestant states who were opposed to Ferdinand II and, later, entering the war against Hapburg and Ferdinand II. The war led to the defeat for Hapburg Spain and Ferdinand II. The defeat of Ferdinand II and Hapburg, it was a victory for France and the Protestant states in Central Europe. It was a triumph of national interest over ideological and religious sentiment of an individual.

Although, the Cardinal Richelieu died in 1642, before the end of the war in 1648, his successor Cardinal Mazarin continued with his policy of Raison d'état, which contributed to France triumph in the Thirty Years War. Similarly, the principles of Raison d'état were applied in the Westphalia Peace Treaty of 1648. One of the principles of Raison d'état that was applied was the recognition of the state as the primary actor in interstate relations in the international system.<sup>13</sup> Cardinal Richelieu, prior to his death, apart from initiating the policy

of Raison d'état, equally professionalised the French military and established France's Ministry of Foreign Affairs (MOFA) in 1626.<sup>14</sup>

With a First Minister at the helm of affairs, the French Ministry of Foreign Affairs was responsible for managing the country's relationships with foreign countries. It was also responsible for foreign-policy decision-making and the management of diplomatic services. The creation of the MOFA in France to conduct and manage foreign relations between France and the rest of the world was a major milestone contribution of Richelieu to France and the rest of the world. Other nations in Europe and other parts of the world from the seventeenth century onward followed the example established by France in their official conduct with other states in the international system. For instance, Peter the Great of Russia adopted the French model in establishing his country's Ministry of Foreign Affairs.<sup>15</sup> In Africa; it was after the attainment of independence that countries in the continent could formulate their own foreign policy based on their national interest. To actualise this, they set up their own Ministry of Foreign Affairs.

Foreign policy, unarguably, is an important instrument in discerning the behaviour of a state in its interaction with other states. According to P. Chandra, "it is not possible to understand inter-state relations without understanding their foreign policies."<sup>16</sup> Several reasons account for this. Key among them is that foreign policy has several meanings. The meanings of foreign policy can in some instances, be determined by the definition of individuals, to suit certain purposes.<sup>17</sup> However, certain conceptions about foreign policy have been well defined by experts in the field of international relations. Their insights offered, in no small measure that have enriched the understanding of the concept. For instance, Ceil Crabb affirmed that foreign policy consists of two elements— national objectives to achieve and the means for achieving them.<sup>18</sup>

On their part, Keith R. Legg and James Morrison define foreign policy as a set of explicit objectives with regard to the world beyond the border of a given social unit and a set of strategies and tactics designed to achieve those objectives. It is, premised on the need to influence the behaviour of a state or states or international organisations or institutions.<sup>19</sup> In the same vein, Solomon Akinboye, in his inaugural lecture, "Beautiful Abroad But Ugly at Home: Issues and Contradictions in Nigeria's Foreign Policy" (2013) at the University of Lagos. Defined foreign policy as the instrumentality by which states influence or seek to influence the external world and to attain objectives that are in consonance with their perceived national interest.<sup>20</sup>

Clearly, from the above definitions of foreign policy, it is evident that the goal and objective of foreign policy of any country is to promote and defend their national interest. Norman Hill observes the symbiotic relations between foreign policy and national interest. To Hill, "the starting point of foreign policy making is the national interest."<sup>21</sup> Hans Morgenthau also points out the interface between foreign policy and national interest. For him, the objectives of foreign policy must be defined in terms of national interest and must be supported by power.<sup>22</sup> In other words, states in the international system project their national interest through foreign policy. Like foreign policy, various scholars at different times have defined the concept of national interest. National interest for this study means the totality of the national values of a state that she is ready to preserve and defend in her interaction with other states in the international arena. Although, the composition of the national interest of countries differs from one another, the core of national interest is the same from one state to the other. They are in the areas of the defence and preservation of their sovereignty, territoriality, promotion of the economic well-being of their citizens and the promotion of a stable world order. There is also the promotion of cultural ideas, national status and prestige, moral and democratic ideas, among others.



National interest is never static. It responds to a new and emerging threat to the national security of a state in the international system. Development in the international system during the Cold War and post-Cold War period greatly influenced the national interest of states and, by extension, their foreign policy. For instance, part of the United States (US) national interest was to checkmate the spread of communism, seen by Washington as a threat to capitalism and democracy.<sup>23</sup> The US initiated different foreign policy strands such as the policy of containment, the Marshall Plan, among others, to resist the Soviet Union until her collapse in 1990. In the post-Cold War period, following September 11, 2001, terrorist attacks in the US, her national interest and, by extension, the country's foreign policy was broadened to incorporate measures and policies to combat terrorist organisations and the transnational organised criminal group, whose activities across the US border threatens her national security.

### **The Principles of Nigeria's Foreign Policy and National Interest**

Geographically, Nigeria is strategically located in West Africa with an area of 923, 769 square kilometres. Nigeria shares boundary with Benin Republic in the west; Cameroon to the east; Chad to the north-east; Niger to the north; and Equatorial Guinea, to the south on the Atlantic coast.<sup>24</sup> Like every independence states, the Nigerian government at independence articulated her foreign policy, with Africa as the centre-piece. In other words, the Nigerian government would pursue the African course in the international system. In addition, she would not consider herself truly independent, until the shackles of colonialism are broken from the continent. Several factors influenced the choice of Africa as the cornerstone of Nigeria's foreign policy pursuit in the global arena. The factors include her size, population (the most populous black nation in the world) economic base and military power.<sup>25</sup>

The Balewa led-government at independence articulated the principles and objectives to guide Nigeria's foreign policy in her interactions with the rest of the world. The principles and objectives include the following:

- ❖ The defence of Nigeria's sovereignty, territorial integrity and national independence
- ❖ The creation of the unnecessary economic, political, social and cultural conditions to secure the independence of Nigeria and other African countries
- ❖ The promotion of the rights of all blacks and others under colonial domination
- ❖ The promotion of African unity
- ❖ The promotion of world peace built on freedom, mutual respect and equality for all peoples of the world
- ❖ Respect for the territorial integrity of all nations and
- ❖ Non-partisanship in East-West ideological disputes, freedom of association and action in the international system<sup>26</sup>

In the words of Femi otubanjo, these principles have retained their vitality and remained virtually unedited through the changes of regimes and the vagaries of domestic policies.<sup>27</sup>The guiding principles and objectives of Nigeria's foreign policy formulated by the Balewa administration since independence have remained sacrosanct in influencing successive administrations relations with the rest of the world. In the same vein, despite different foreign policy strands (policy of good neighbourliness, economic diplomacy, citizen diplomacy and principle of reciprocity)of some administrations since independence, none had altered the objectives of Nigeria's foreign policy. Interestingly, even the Adedeji Foreign

Review Panel Report of 1976 aligned with the guiding principles and objectives of Nigeria's foreign policy formulated during the Balewa administration.<sup>28</sup>

As already stated in this chapter, states project their national interest through foreign policy. The Nigerian state likewise, has employed her foreign policy to make known to the international community her national interest. However, it is imperative to state that national interest is a reflection of a state's history, cultural autonomy and its sense of identity.<sup>29</sup> This a state owes dearly. This notwithstanding, Nigeria's national interests are derived from the shared values, goals and aspiration of her citizenry – which are equally stated in Chapter II – Fundamental Objectives and Directive Principles of State Policy of the 1999 Constitution of the Federal Republic of Nigeria. Likewise, also, some of the provisions of Nigeria's national interest are contained in the 2012 review of the country foreign policy edited by Emeka Anyaoku, Nigeria's former Secretary General to the Commonwealth.<sup>30</sup> These goals and values could be described as territorial, political, economic, scientific and socio-cultural. Specifically, they are the protection of her territory and the wellbeing of her citizenry, democracy and good governance with protection of values. Others are technological development, human dignity, domestic and regional peace. They also include protection of her culture, ensuring the stability of the government, strengthening the system.<sup>31</sup>

The core of Nigeria's national interest is in three parts namely, the vital, strategic and peripheral interests. The vital interest concerns the inviolability of her territory, the guarantee of her sovereignty, protection of democracy, economic resources and citizens wherever they may be as well as preservation of culture. This is a priority task for the Nigerian Armed Forces that requires the use of force when threatened.<sup>32</sup> The strategic interest refers to those interests that are important to her but less than vital. They are in keeping with the desire to conduct economic, political and diplomatic relations with other nations in consonance with national goals.<sup>33</sup> Regional security by way of combating terrorism and other

transnational crime falls into this category. The defence of these interests would contribute to or enhance the protection of Nigeria's vital interests. Lastly, the peripheral interests relate to Nigeria's obligation to the international community as a member of the comity of nations.<sup>34</sup> In keeping with the demands of these peripheral interests, Nigeria shall participate in support of international peace and security under the auspices of the United Nations (UN).

Nigeria has witnessed several threats to her national interest domestically and externally in the post-colonial era. The country has been the playground of several communal and ethno-religious conflicts that have claimed several lives in different parts of the country. There have been periods of intense political tension that almost brought the country on the brink of disintegration. The height of these developments was during the Nigerian Civil War (1967 – 1970).<sup>35</sup> The followings are some of the ethnic/religious, communal and political crises in the post-civil war era. The Maitasine religious riot in the northern part of the country in the 1980s, the annulment of the June 12 1993, presidential election, and its aftermath, the Agulere-Umuleri boundary dispute of 1999, the Urhobo and Itsekiri crisis of 1999 and the protracted Ife-Modakeke crisis 2000- 2005.<sup>36</sup> Others are the Jukun-Tiv ethnic crisis of 1999, Kaduna religious riot of 2000, Kano religious riot of 2001, Jos crisis of the 2001 and the OPC crisis in Lagos State 1999- 2003.<sup>37</sup> There was also, minority agitation, struggle for resource control and the Niger Delta crisis to mention but a few.

Externally, the major threat that has confronted the country has emanated from her borders with her immediate neighbours. Nigeria is surrounded by Francophone countries that were former colonies of France. Their attachment to France in the post-colonial era has remained a security concern to Nigeria, particularly, following development that ensued between Nigeria and Benin Republic, during the Nigerian Civil War.<sup>38</sup> Other border issues that have created friction between Nigeria and her immediate neighbours include the incursion of their military into Nigeria territory, killing of Nigeria soldiers at the border between Nigeria and Cameroon

and contention over mineral resources situated at the border between Nigeria and Cameroon.<sup>39</sup>

There is also the issue of illegal movement of migrants from ECOWAS countries through the porous borders into Nigeria. Likewise, also, there is the security and economic threats of trans-border criminals operating in Nigeria's borderlands with her immediate neighbours. The threat across the border particularly, trans-border crime despite efforts by the Nigerian government and in collaboration with her neighbours to curb the phenomenon has continued to expand. The expansion of the illicit enterprise raises concerns on the vital and strategic interests of Nigeria's national interests. In the sense that the perpetrators of the illicit enterprise continuously violate Nigeria's territory space and sovereignty, and their actions infringe on the economic development of the country and citizens. Some of these border issues are the legacy of colonial legacy bequeathed on Africa, during the Berlin Conference of 1884/85.

It is therefore imperative that the Nigeria government as part of measures to address border related issues between her and her immediate neighbours – should articulate a border policy that stipulates the actions of the government on border-related issues between Nigeria and her neighbours. The Nigerian government therefore should incorporate the border policy into her vital and strategic national interests. Issues on Nigerian border would be discussed in the last section of this chapter.

### **Nigeria's African and West African Foreign Policy in the First Republic (1960 – 1966)**

The attainment of independence on October 1, 1960, ushered Nigeria to the comity of nations. Interestingly, Nigeria achieved her independence in an era when the international system was already bifurcated into two rival camps known as the East and West blocs, clearly divided by ideological differences. There was the third bloc referred to as the Non-Align

movement, dominated by third world countries that do not wish to be involved in the East/West confrontations. The structure of the international system during the Cold War period greatly influenced the posture and direction of the foreign policy of most developing countries, Nigeria inclusive.

Until 1966, the government of the three regions, having attained autonomy in 1957, established foreign missions outside the shore of the country. This was made possible by the federal structure of the country that permit the regions to have diplomatic missions to conduct trade and cultural relations with countries of their choice as well as seek loans.<sup>40</sup> However, the exclusive right to conduct official relations in the field of diplomatic relations, economic relations, defence and others, rest with the federal government. The task of piloting the country's affairs in her interactions with the rest of the world was in the hands of the coalition government, led by the Northern People's Congress (NPC), which had the Prime Minister, Sir Abubakar Tafawa Balewa as the Head of Government.

The management of Nigeria's external relations or foreign policy by the Sir Abubakar Tafawa Balewa-led government during the First Republic was described by some sections of Nigerians, as contradictory, conservative, pro-west and lacking assertiveness to project the country's national interest and overall national objectives. The Balewa-led government, like others after him, ensured that Nigeria's foreign policy was guided by the principles and objectives of the country's national interest, and with Africa as the centrepiece of her foreign policy. Nonetheless, the inconsistency that characterised his foreign policy direction was his special sentiment or attachment to Britain and the West. Similarly, his administration showed non-commitment to the Non-aligned Movement to which she was an active member. In addition, Balewa's administration implementations of Nigeria's Africa and West African foreign policy raise fundamental questions on the genuineness of commitment. For instance, shortly, after independence, the Nigerian Prime Minister at the time made a popular statement

that confirms his government special relation with Britain. According to him, the British were known “first as masters and then as leaders and finally as partners, but always as friends.”<sup>41</sup> With respect to foreign relations, although the administration formulated the basis of the country foreign policy, however, the Prime Minister relied on his British expatriate private secretary, Peter Stallard, who was formerly a member of the British Colonial service, for advice.

This, however, explains his government’s special relations with Britain and, by extension, the West. The height of Balewa’s romance with Britain was his approval of the unpopular Anglo-Nigerian defence pact in September 1960. The defence pact though ratified by the country’s parliament in October, shortly after independence. Unfortunately, the Balewa-led government failed to reveal the content of the defence pact to Nigerians. Chief Obafemi Awolowo, the leader of the Action Group (AG) in 1961, revealed the content of the pact to Nigerian.<sup>42</sup>

Obafemi Awolowo revelation attracted public outcry and demonstrations from the academia and university students, which forced the Balewa government to abrogate the defence pact in 1962.<sup>43</sup> The defence pact, without doubt, negates the objectives of Nigeria’s national interest and, by extension, her foreign policy. If the defence pact had remained, it would have deprived Nigeria of her sovereignty and breached her territorial integrity. Similarly, the defence pact would have made Nigeria to remain as British appendage not only in Africa, but also in the world. This was because among the provisions of the pact was the stationing of British soldiers on Nigeria’s soil. In addition, one of the reasons the British Defence Minister, Duncan Sandy initiated the defence pact was to contain any Soviet Union threat and spread of communism or penetration into the West Africa sub-region. The Balewa government equally tended to use the defence pact against the leaders of the western region, for their criticism and opposition to the central government in Lagos.<sup>44</sup>

Furthermore, Balewa's attachment to Britain and the West made the government pay lip service to the Non-aligned Movement where Nigeria was seen as a key member because of some of her unique attributes, especially as the most populous black nation in the world. However, instead of being neutral, in the East/West dichotomy of the international system, the Balewa-led government openly embraced the West and maintained unfriendly relations with the Eastern bloc. For example, the Balewa government pursued hostile relations with the Soviet Union, and other countries aligned with Moscow, such as China. For fear of communism the Prime Minister objected to establishing Nigeria's mission in Moscow, and tactically tried to prevent the Soviet Union from opening their embassy in Lagos.<sup>45</sup> However, despite his administration's romance with Britain and the West, the Balewa government was quick to condemn France's testing of the atomic bomb in the Saharan desert in 1962. This development led to a diplomatic tension between Nigeria and France, and compelled the Nigerian government to suspend diplomatic relations with France in 1963.<sup>46</sup> This development marked the beginning of misgiving in Nigeria-France relations.

Nigeria's unique characteristic of being the most populous black nation in the world convinced the leaders of the First Republic and subsequent administrations that the country would not regard herself free, until colonialism and the white minority was dethroned from the continent. This was in line with some of the principles and objectives of Nigeria's foreign policy at independence that emphasised the promotion of the right of all blacks and others under colonialism as well as the promotion of Africa's unity. Similarly, in his acceptance speech at the United Nations on October 8, 1960, Balewa portrayed Africa as the foremost concern of his foreign policy. He made the following statement to justify his claim:

So far I have concentrated on the problems of Africa. Please do not think that we are not interested in the problems of the rest of the world; we are intensely interested in them and hope to be allowed to assist in finding solutions to them through this



organisation, but being human we are naturally concerned first with what affects our immediate neighbourhood.<sup>47</sup>

Indeed, the Balewa-led government was committed to African affairs namely, the liberation of countries still under colonialism and white minority rule as well as projecting a united and prosperous Africa, speaking with one voice in the international arena. Similarly, the government of the First Republic and others afterwards showed enormous commitment to African external relations. Their actions were not limited to geographical barriers nor political differences. Nonetheless, some of the actions of the Balewa government concerning issues affecting the continent contradict the rhetoric of the government concerning Nigeria's Africa foreign policy and, by extension West Africa. This was demonstrated in several events that took place across the continent during the tenure of the First Republic, such as the Sharpeville Massacre in South Africa in 1960, the expulsion of South Africa from the Commonwealth and the testing of the atomic bomb by France in the Saharan desert. Others are the impasse during the formation of the Organisation of African Unity (OAU), African Union (AU), the Congo Crisis of 1964 and Ian Smith's unilateral declaration of independence of Southern Zimbabwe in 1965.<sup>48</sup>

The government of the First Republic like others afterwards championed the decolonization of the continent from colonialism. Nigeria's First Republic Minister of Foreign Affairs, Jaja Nwachukwu made a formal request to the United Nations General Assembly on September of 1961. His request was to seek an end to colonialism in Africa by 1970.<sup>49</sup> Although, this was a noble and patriotic call to the colonial masters to grant independence to their colonies, the politics and power play involved exceeded mere rhetoric at the UN General Assembly. On the other hand, the call by the Nigerian government that colonialism should end from the continent by 1970 was received with reservations.

The administration opposed, in strong terms, the oppression of Africans under white minority rule, especially in Southern Africa. The Balewa administration condemned the Apartheid regime in South Africa and vehemently condemned the Sharpeville massacre in which South African police killed over sixty peaceful Africans demonstrators in March 1960. This dastardly act and other inhuman policies of the South African Apartheid regime on Africans compelled the Balewa-led government to campaign for the expulsion of South Africa from the Commonwealth in 1961.<sup>50</sup> Similarly, the administration condemned Ian Smith's unilateral declaration of independence of Southern Rhodesia in 1965. However, unlike its stand on the Sharpeville Massacre, the Balewa government negotiated for a solution to the crisis. The administration pleaded with other African countries not to break diplomatic relations with Britain. In the same vein, the administration planned to host a Commonwealth Summit in Lagos in January of 1966 to discuss the issue. However, the military coup of 15 January 1966 prevented the meeting from holding.

Other African issues that dominated Nigeria's external relations during the First Republic included the rivalry between Nigeria and Ghana. This rivalry revolved around who was qualified to lead the continent in the international arena and serve as her mouthpiece. Both countries had laid claim to this role. Similarly, both countries were at loggerhead during the formation of the Organisation of African Unity (OAU) in 1963. Ghana's leader at the time, Kwame Nkrumah and the Casablanca group advocated a United States of Africa continental regional body, with a military high command as the idea for the continent to challenge Western imperialism and colonialism in Africa. Nigeria, on her part, led the Afro-Malagasy group to canvass for a gradualist and functionalist regional body to promote the continent's interest in her interaction with the rest of the world.<sup>51</sup> The Afro-Malagasy group proposition triumphed at the end. In a national broadcast before the inauguration of the OAU, Sir Tafawa Balewa made the following comment, "... I am happy that our stand has been vindicated"<sup>52</sup>

There was also the Congo Crisis that divided member states of OAU on the best approach to resolving the political impasse among the country leaders. This led to a civil war in that country. The Balewa government had initially opposed OAU-led intervention in the Congo as a violation of her sovereignty and interference in her internal affairs. On the other hand, the Balewa government was ready to support the American-Belgian intervention on the side of Moise Tshombe Patrick Lumumba, regarded as a protégé of Kwame Nkrumah and a communist.<sup>53</sup> In addition; the Nigerian government equally sent Nigerian soldiers on peacekeeping mission as part of the diplomatic effort to resolving the Congo crisis.

Nigeria's relations with countries in the West African sub-region and, by extension, her immediate neighbours during the First Republic were influenced by the principles of the country's foreign policy. The Balewa-led government equally promoted the policy of good neighbourliness in the country's relations with her immediate neighbours. In the sense, he ensured that Nigeria's relations with her immediate were cordial.

However, it is imperative to note that the Balewa-government never considered countries in the sub-region nor Nigeria's immediate neighbours. It did not consider also the close ties between France and her former colonies in the West African sub-region during the post-independence era as a potential threat to Nigeria's national interest. This explains why the government of the First Republic did not take seriously France-led formation of the West African Customs Union (UDEAO), comprising the eight francophone countries in West Africa.<sup>54</sup> Similarly, the Balewa government did not welcome the idea of a West African economic community, initiated by Togo and Dahomey (now Republic of Benin) in the 1960s. The inability or failure of the Balewa-led government to interpret the implications of such a union, in her relations with countries in West Africa and France influence, demonstrates to some extent the administration's inexperience to modern diplomatic politics.

However, the Balewa-led government maintained cordial relations with countries in the sub-region through political, bilateral and joint economic relations. The administration aided the government of Niger morally during the violent struggle against the Sawaba opposition party. The government aided the Cameroonian government during her clashes with the “Union des populations Cameroon”<sup>55</sup> The Balewa government driven by the desire to protect and monitor the interest and wellbeing of Nigerians working in the plantations in Equatorial Guinea, opened diplomatic office in the former Spanish territory of West Africa. However, with respect to the majority of countries in the sub-region the Balewa administration was aloof or indifferent to their internal political struggles. The principle of non-interference in Nigeria’s foreign policy explains why this is so.

In the area of economic relations, the administration entered into customs and trade agreements with Togo, Niger and Dahomey in the early 1960s. Likewise, the Balewa government in 1964, in conjunction with Chad, Cameroon and Niger, established the Chad Basin Commission.<sup>56</sup> Interestingly, Nigeria had poor trade relations with the majority of the countries in West Africa, with the exception of countries that are members of the Commonwealth. This was because Nigeria’s trade relations focus more on the West, Britain and the Commonwealth countries.

On January 15, 1966, the curtain came close on the Balewa-led government, following the partial success of an attempted coup to end his administration. His government left a landmark in Nigeria’s external relations, despite its shortcomings. The administration put in place a foreign policy thrust with Africa at the centre which successive administrations have continued to follow up to this day.

## **Nigeria's African and West African Foreign Policy During and After the Nigerian Civil War (1966 – 1979)**

The January of 1966 coup ended the First Republic and ushered the military into the political governance of Nigeria. Major-General Aguyi Ironsi, the most senior military officer in the land, assumed the position of the Head of State of the country. His administration lasted less than six months before its overthrow by yet another military coup in July of 1966. Although, his administration was short-lived, Ironsi committed to continuing with the foreign policy thrust of his predecessor. He made this known in an address to a group of Nigeria's diplomats summoned home, shortly after the January coup. Major-General Ironsi, made the following remarks concerning the country's foreign policy:

In the whole sphere of Nigeria's external relations, the government attaches the greatest importance to African policy. We are aware that because of our population and potentials, the majority of opinion in the civilised world looks up to us to provide responsible leadership in Africa: and we realise that we shall be judged, to a very extent, by the degree of success, or failure with which we face up to challenge which this expectation throws on us. We are convinced that whether in the political, economic or cultural sphere, our destiny lies in our role in the continent of Africa.<sup>57</sup>

The Ironsi military administration, like the Balewa's administration condemned the Apartheid regime in South Africa and white minority in Southern Africa. His regime went further to deny South Africa and Portuguese aircraft Nigerian airspace, sea port facilities and to all other aircraft and ships travelling to and from South Africa. In addition, the Ironsi administration equally shut down the Portuguese foreign mission in Nigeria due to relations with South Africa.<sup>58</sup>

Unfortunately for the Ironsi military regime, the unstable nature of Nigeria's domestic environment at independence and the uncertainty of the country's future following the January coup of 1966 hindered the administration from actively focusing on the country's external environment. The relative peace in the country may have compelled his

administration to stop the practice of sending regional economic missions overseas and closed down regional consulate abroad.<sup>59</sup> Like the Balewa administration, Ironsi military regime was replaced by a military coup in July of 1966. Nonetheless, before his death, Major-General Ironsi continued with Nigeria's Africa-centred foreign policy during his short regime as Head of State.

Major-General Yakubu Gowon emerged from the chaos and uncertainty that befall the country, shortly, after the July coup of 1966. It must be said that both the January and the July coups, had ethnic interpretations that present grave threat to Nigeria's domestic environment and, by extension, her corporate existence as an indivisible country. The January coup, despite the reasons for the revolutionary coup plotters to deliver the country from corruption, ethnicity, nepotism and bad governance among others - the manner the coup was executed left little to be desired. The majority of the victims of the coup were from the northern parts of the country, among them, prominent among them was the Sultan of Sokoto, Ahmadu Bello and the country's Prime Minister, Sir Abubakar Tafawa Balewa. The Premier of Western Region Chief Samuel Akintola and Minister of Finance Chief Festus Okotie-Eboh were equally victims of the coup. The January coup plotters were majorly from the eastern part of the country, mainly of Igbo origin, while few were from western of Nigeria participated in the coup. Likewise, also, there some few northern soldiers that assisted Major Chukwu Kaduna Nzeogwu leader of the coup in carrying out his mission. This, however, explains why the northern soldiers carried out a counter-coup in July of the same year against Igbos in the military and public service. Among the victims of the coup was the Head of State, Major-General Aguyi Ironsi. Similarly, the Hausa's, in retaliation of the January coup, equally killed many Igbos living in the north. This led Colonel Ojukwu, the then Military Governor of the Eastern Region, to demand Igbo indigenes in the northern region to return home for the sake of their lives. Consequently, the Governor declared secession of the

Eastern Region from the rest of the country. It must be said that the failure of the country's senior military officers to find or reach a compromise and find a potent resolution to the crisis emanating from the two military coups, accounted for the outbreak of the Nigerian Civil War (1967 – 1970), arguably one of the darkest periods in the country's history.

The Nigerian Civil War ended in January of 1970. The civil war left an indelible imprint in the conduct of the country's external relations that requires changes in the post-civil war era. In the course of the war, Britain and other Western countries that are Nigeria's major allies refused to sell arms and ammunition to the Nigerian government. This compelled the Major-General Yakubu Gowon-led military government to turn to the Soviet Union for weapons that tilted the tide of the war in favour of the federal government.<sup>60</sup>

Similarly, during the Nigerian Civil War, the Gowon-led government made it known to the world several for a in Africa and outside the continent, that the civil war was an internal issue. In addition, his administration would not entertain any country within Africa and beyond to meddle into her domestic affairs. However, contrary to the expectations of the Nigerian government, the governments of Tanzania, Zambia, Ivory Coast, Gabon and the white minority countries in Southern Africa recognised the state of Biafra and gave covert support.<sup>61</sup>

In the West African sub-region, similar situation repeated itself. Benin Republic, one of Nigeria's immediate neighbours released her airspace for the International Committee of the Red Cross (ICRC) for relief materials to the secessionist state of Biafra. The Nigerian government frowned at this action because she believed it was an avenue to arm the secessionist state by her sympathizers.<sup>62</sup> In the same vein, the action by the Benin government under President Emile Zinsou, to bow to pressure from the ICRC, provoked confrontations at Nigeria/Benin borders by their military in mid-1969. The Nigerian

government also during the period following the action of the Beninoise government closed her borders with the former French colonies. Developments in the sub-region during the civil war equally revealed to the Nigerian government France's powerful influence on Nigeria's francophone immediate neighbours, an action regarded as a serious threat to the country's national security.<sup>63</sup>

The lessons learnt by the Nigeria government during the war necessitated a new approach in the conduct of the country external relations with countries of the world, especially Nigeria's relations with countries in Africa, West Africa and her immediate neighbours. The Gowon administration, after the civil war, became committed to the Non-aligned Movement, unlike the rhetoric approach of the government of the First Republic, which was principally pro-west. The Gowon embarked on state visits to the communist countries of the Soviet Union and the People's Republic of China, a demonstration of a shift towards Non-aligned Movement, and an indication of a balance of relations with the rival blocs.<sup>64</sup>

Fortunately, for the Gowon-led government, the post-civil war era ushered the country into an era of prosperity – owing largely to Nigeria exportation of crude oil to the international market. The sale of crude oil brought enormous wealth to the country. In the same, it gave birth to foreign policy pursuit during the period – from a moderate to an active foreign policy thrust.<sup>65</sup> This remarkably distinguished the conservative and moderate foreign policy posture of the First Republic from the post-civil war radical foreign policy thrust of the Nigerian state. One of the reasons attributed to the conservative, moderate and pro-west posture foreign policy direction of the Balewa-led government's was that this administration depended on the West for foreign aid and financial support to carry out developmental projects. Invariably, the development prevented the administration from asserting itself and implementing some of the fundamental objectives of the country's foreign policy such as the non-alignment posture. Fortunately, for the Gowon administration, the exportation of crude



oil resulted in economic prosperity for the country. It removed any attempt to seek external assistance from the West or East, which would have robbed his administration the freedom to implement the principles of her foreign policy in her dealing with the rest of the world.

General Gowon, having learned some bitter lessons with respect to the country's external relations during the civil war, especially the manner some countries in the continent, and Nigeria's immediate neighbours conducted themselves towards Nigeria. The lessons learned led his administration to pursue a more activist and influential external relations in the post-civil war era in line with the objectives and principles of the country's foreign policy. The Gowon administration after the Nigerian Civil War, in pursuit of African unity and oneness, restored diplomatic relation with Tanzania, Zambia, Ivory Coast and Gabon. These countries had recognised the secessionist states of Biafra, during the Nigerian Civil War.<sup>66</sup> General Gowon made known his appreciation to OAU member countries that respected the principles of non-interference in the internal affairs of member countries as stated in the OAU Charter. He appreciated the countries especially for their understanding for not meddling into Nigeria's domestic affair during the country's civil war. He visited majority of the countries, shortly after the civil war, to thank them and assured them of Nigeria's support and commitment to Africa unity. Similarly, the Gowon administration, basking in the euphoria of wealth and prosperity, derived from the sale of crude oil in the international market, displaced his country's wealth by being magnanimous to the needs of several countries in Africa financially and through the sale of crude oil at concessionary price.

One of the lessons learnt by the Gowon administration was the threat posed by the white minority rule countries in Southern Africa, especially Apartheid South Africa to Nigeria's national interest and security. The continuous condemnation of Nigerian government since independence against white minority rule in Africa compelled the Apartheid regime to recognise the secessionist state of Biafra and to give her assistance during the Nigerian Civil

War. They did in the hope that Biafra would secede, thereby weakening Nigeria's power status in the international arena. After the war, the Gowon administration devoted sufficient resources as well as an international condemnation against white minority rule in Southern Africa. The Nigerian then Head of State, issued uncompromising messages on decolonization to all the racist regimes and repeatedly urged the OAU to co-ordinate its efforts to assist the liberation movements in their wars of independence.<sup>67</sup> In the same vein, the Gowon administration gave generous technical, diplomatic, financial, and material assistance to the liberation movements resisting white minority rule across Africa.

Nigeria's leadership role in Africa during the Gowon administration, was however, not confined to issues of decolonization. Lagos also cultivated bilateral economic relations with many countries and provided some leadership to the continent in the negotiations between the African, Caribbean, and Pacific Countries (ACP) and the European Economic Community (EEC). This led to the signing of the Lome Convention in February 1975. Nigeria's economic leadership was also evident at the regional level.<sup>68</sup>

Nigeria's West African foreign policy, after the civil war, equally witnessed activism during the Gowon military regime. The Gowon administration maintained cordial relations with countries in the sub-region. More especially, his administration maintained cordial relations with the country immediate neighbours through the policy of good neighbourliness. General Gowon assured Nigeria's immediate neighbours, through the policy of good neighbourliness, that Nigeria's neighbours had nothing to fear from its size and military might, and that Nigeria's was committed to promoting peaceful co-existence and the primacy of diplomacy over coercive force.

The regime, owing to the wealth derived from the sale of crude oil in the international market, was able to share in the burden of several states in the sub-region through financial support,

among others. The Gowon administration after the civil war restored diplomatic relations with the Republic of Benin. This resulted in the opening of the border linking both countries closed during the Nigerian Civil War.

Equally, the Gowon administration, arising from the lessons of the civil war in which the francophone countries were an easy pawn in the hands of France to fulfil her interest and desires in the sub-region, compelled the Nigerian government to create a platform that would unite the entire sub-region and reduced France's influence over her former colonies. Gowon's military regime, in partnership with General Gnassingbe Eyadema of Togo, convinced West African leaders to form the Economic Community of West African States (ECOWAS).<sup>69</sup>

However, despite the existence of UDEAO, comprising francophone countries in the sub-region – the Nigerian leader insisted on the formation of a broader platform that will accommodate the entire countries in the sub-region.<sup>70</sup> The establishment of ECOWAS in May 1975, shortly before the overthrow of Gowon government in July of that year was a watershed in promoting multi-lateral diplomacy in the sub-region. Since the formation of ECOWAS Nigeria has played and continued to play active role concerning the objectives of the sub-regional body.

Nigeria's Africa and West African foreign policy during the Murtala/Obasanjo led military regime was not only activist, it was equally assertive. The new regime, like the Gowon regime, was completely committed to Nigeria remaining Non-aligned in a bifurcated international system. The regime was of the view that the continent had come of age to take a decision of her own without western interference. The Murtala/ Obasanjo military regime, as part of their African foreign policy thrust, demonstrate their commitment to the dethronement of colonialism and white minority rule from the Africa continent. The regime therefore mobilised member countries of the OAU to boycott the Montreal Olympic Games in 1976. It

also mobilised against the tour of South Africa by New Zealand rugby players and the failure of the International Olympic Committee (IOC) and the rest of the world to exclude New Zealand team from the games.<sup>71</sup> In 1978, similar event repeated itself. The regime protected against further New Zealand sporting links with South Africa in defiance of a United Nations (UN) ban on such links and in breach of the Gleneagle Agreement, galvanised Commonwealth Africa countries to boycott the Edmonton Commonwealth Games.<sup>72</sup>

The Mohammed/Obasanjo activism and assertiveness in African affairs were demonstrated in the fight against colonialism and white minority in the continent. The regime gave unflinching support to liberation movement in Southern Africa in terms of financial, diplomatic and material support.<sup>73</sup> Nigeria's commitment to the liberation of Southern Africa from minority rule manifested in various ways. The Nigerian government condemned the atrocities committed by white minority government in Southern Rhodesia, South Africa and Namibia at the UN. The activism, in the course of Southern Africa, made countries in Southern Africa to invite Nigeria to their meetings as well as regard her as a member of the frontline states in spite of the fact that Nigeria was geographically located in West Africa.

The height of the Murtala/Obasanjo-led government's opposition to western interference in Africa affairs and decolonization was the regime's open declaration and mobilisation of other countries in Africa to recognise the MPLA-led government in Angola against the wishes of the West. In a famous speech at the OAU extraordinary meeting in Addis Ababa, Ethiopia in 1976, the Nigerian Head of State made his position clear to member countries of the regional body. He affirmed that the continent had come of age and did not need foreign counsellors to warn Africans against communism and the alleged Soviet-Cuban threat.<sup>74</sup>

In addition, the regime nationalised the Barclay Bank (later known as Union Bank) and the assets of the British Petroleum (later known as African Petroleum) to force the British

government to grant independence to Zimbabwe (formerly called southern Rhodesia under Ian Smith's regime). These actions by the Murtala/Obasanjo's administration, with respect to Nigeria's African foreign policy, won the regime popular support at home and in the black world.<sup>75</sup> The regime, like its predecessor, equally was magnanimous in the sale of crude oil at a concessionary price to African countries, against the Organisation of Petroleum Exporting Countries (OPEC) price.

The Murtala/Obasanjo's administration West African foreign policy remained the same from that of previous governments. The administration ensured that it did not meddle in the internal affairs of countries in the sub-region. Similarly, the administration continued to promote the spirit of good neighbourliness between Nigeria and her immediate neighbours. There were pockets of trans-border criminal activities across the Nigeria borders with her immediate, Benin Republic inclusive. In addition, there were disputed border clashes between Nigerian communities in the northern part of Nigeria/Benin border with their Benin counterpart over boundary-related issues. However, Nigeria closed her border with Benin in 1977, at the instance of the Beninese Government, following foreign mercenaries invasion of the country, in conjunction of some Beninois.<sup>76</sup> After ten days of closure, the borders between both countries were re-opened.

Nigeria's immediate neighbours and countries within the West African sub-region benefited from Nigeria's sale of crude oil at a lesser price to them. According to Olajide Aluko, the decision of the Murtala/Obasanjo's administration to sell crude oil at lower price to countries in West Africa was based on the administration's view that "West Africa occupies a special area of concentration of Nigeria's diplomacy".<sup>77</sup> Finally, the regime gave its support to the newly-formed sub-regional body - ECOWAS. The activism and assertiveness of the regime enabled her to have the headquarters of ECOWAS relocated in Nigeria. The initial plan was to locate the headquarters of the sub-regional body in Lome, Togo.<sup>78</sup> Notwithstanding; the

regime in line with member states of ECOWAS signed the ECOWAS Treaty in 1978. The Treaty among its provisions includes the protocol on free movement of persons and goods across member countries. It also allowed for the opening of borders of member countries to ease the flow of goods and services and right of person to reside in ECOWAS countries for 90 days without passport, among others.<sup>79</sup>

The signing of the ECOWAS Treaty was greeted with enthusiasm by member countries. This is because it provided a platform to follow the example of the European Economic Community (EEC), now known as the European Union (EU). However, years after the signing of the ECOWAS Treaty and its review in 1993, events have shown that, with respect to the treaty of free movement of persons and goods and the opening of borders to ensure the cross-border trade, the security of countries in the sub-region has been undermined. Nigeria's national security has been compromised by her adherence to some of the provisions of the ECOWAS Treaty. Trans-border criminals operating in the country's border with her immediate neighbours have exploited the free movement of persons and goods to smuggle contraband goods into Nigeria. The Murtala/Obasanjo regime ushered the country back to civilian rule in 1979, having successfully carried out a transition programme that would draw the curtain on military rule since 1966. Alhaji Shehu Shagari led the new civilian administration, after over a decade of military rule. He was saddled with the responsibility of managing the country's foreign policy at the global, continental and sub-regional level for four years until the conduct of another election.

### **Nigeria's Africa and West African Foreign Policy in the Second Republic (1979 – 1983)**

Femi Otubanjo succinctly captured Nigeria's foreign policy in the Second Republic and the manner the country's leadership piloted its external affairs in relations to Nigeria's Africa and West African foreign policy. In Otubanjo's words:

The period between 1979 and 1983 could be described as one of withdrawal from power. It was a period of prevarication and obtuseness of policy. Nigeria simply failed to exercise the leadership role which the activism of the previous regimes had conferred on her. Indeed, Nigeria neither led nor followed the lead of the others in any coherent or even discernible pattern. General Buhari, in fact, expressed the minds of the Nigerian foreign policy observers when in his inaugural broadcast to the nation he described the foreign policy of the Shagari administration as one which had brought shame to Nigeria.<sup>80</sup>

An examination of Nigeria's Africa and West foreign policy before President Shagari's civilian administration ended in a military coup in December of 1983 reflected the description of Femi Otubanjo. Although, Shagari continued the decolonisation and eradication of racist and white minority rule in the African continent, unlike his predecessors, his approach lacked vigour and enthusiasm. Therefore, he relied on the OAU, the United Nations (UN), and the Commonwealth as the platforms to actualise this goal. Similarly, because of the economic recession confronting the country, the Shagari administration was compelled to reduce the country yearly allocation to aid liberation movement in Southern Africa.

Shagari's handling of the Chadian crisis did not go down well with Nigerians who were disappointed by the manner his government pursued her cause. The Shagari administration failed to assert full control of the crisis in Chad. His intervention was an embarrassment to Nigeria.<sup>81</sup> However, despite some of the weaknesses witnessed in Shagari's African foreign policy, his administration midwived the independence of Zimbabwe in 1980. His administration also initiated the Lagos Plan of Action in 1980. The plan, aimed at promoting African economic self-reliance and the emergence of an African Common Market by 2000.<sup>82</sup>

Nonetheless, one area the Shagari administration demonstrated weakness, with respect to Nigeria's relations with her immediate neighbours, was the failure of his administration to act in retaliation when the rights of Nigerians who reside in the country's border with her immediate neighbours were violated. This was the case with some Nigerian villages in Illo

district in Sokoto State, when in 1981; some military officials in Benin invaded their villages. They even hoisted their country's flag in the villages. The same was repeated in 1983 when Cameroonian troops ambushed and killed five Nigerian soldiers at Ikingi, a border town adjoining Cross River State. In the same vein, Chadian soldiers encroached into Nigerian territory and occupied some border towns in 1983.<sup>83</sup> In all of these events, the Shagari government failed to act decisively with force towards the infringement of Nigeria's territories and citizens, instead, relied on diplomatic solution to resolving these border disputes. This development greatly annoyed Nigerians for the weakness demonstrated by their leader, an action that clearly revealed a departure from the activism of Shagari's immediate predecessor. The weakness displayed by the Shagari-led civilian government, together with his inability to find a lasting solution to the myriad of challenges confronting his administration contributed to his overthrow in December of 1983 by a military coup that ushered in the General Muhammadu Buhari-led military regime. Prior to his removal from office, the Shagari administration expelled hundreds of thousands of illegal aliens from ECOWAS countries residing in different parts of Nigeria in 1983.<sup>84</sup> The decision of the Shagari government to take such a drastic decision, ignoring the provisions of the ECOWAS Treaty on free movement of persons and residence binding on Nigeria, reveals the effect of the protocol on his administration. Many Nigerians have condemned the country's commitment to the protocol citing several security implications it posed to the country.<sup>85</sup>

### **Nigeria's African and West African Foreign Policy in the Closing Decades of the Twentieth Century**

Three military regimes emerged in Nigeria prior to the end of the twentieth century. The regimes recorded varying degrees of successes in the implementations of Nigeria's African and West African foreign policy during their tenures in office. The first of these regimes was the Muhammadu Buhari-led military government that overthrew the civilian administration of Shehu Shagari in 1983. The Buhari-led military government inherited a crippled economy



that had been assaulted by corruption, indiscriminate importation of goods and irrational borrowing, an economy that and was on the verge of collapse. Allied with these challenges was the abysmal state of the country's foreign policy which was in need of resuscitation, and which the immediate past government brought to a deplorable state. The Buhari military regime made effort to resolve the situation. The regime adhered to the guiding principles of the country's foreign policy, as his predecessors did. However, the administration articulated areas of priorities and commitments in the implementation of the country's foreign policy that is contained in the "concentric circle theory."

According to the theory, the inner circle is the core of Nigeria's national interest, the protection of its citizens' fundamental rights, economic wellbeing as well as the defence of its territorial integrity and sovereignty. Next in the circle focuses the economic stability and security of the West Africa sub-region and her immediate neighbours. The last stage in the circle is the African continent where Nigeria has continuously demonstrated its commitment to wipe out colonialism.<sup>86</sup> The concentric circle theory guided the foreign policy thrust of the Buhari-led military government. However, like the Shagari civilian administration, financial resources limited Buhari's government. This, however, did not deter the regime from asserting itself and Nigeria's influence in Nigeria's Africa and West Africa external relations during the brief period of the administration. The concentric circle theory made Africa the centre of Nigeria's foreign policy goal.

Shortly after the regime seized power, it wasted no time to reassert its influence in African affairs. This, the regime did, by re-affirming Nigeria's unwavering support to liberation movement in Southern Africa and the decolonisation of colonialism from the continent in material and diplomatic terms. At the 1984 OAU Summit in Addis Ababa, Ethiopia, the regime recognised the Polisario as the legitimate government of the Saharawi Arab Democratic Republic (SADR). It also facilitated her admission to OAU membership.<sup>87</sup> The

administration appointed Joseph Garba as Nigeria's permanent representative to the UN. He also chaired the anti-apartheid Committee of the UN.

The Buhari's regime West African foreign policy did not shift from that of previous governments. However, the regime responded to the reality confronting the country's national security. It responded to trans-border criminal activities, economic recession and the desire to protect local industries from imported and smuggled goods. In April of 1984, the Buhari regime closed Nigeria's borders with her immediate neighbours to all human and material traffic in the wake of the change of currency and the unending smuggling of goods outside and into the country through her land borders with her immediate neighbours. In the same year, precisely in December, the regime expelled foreign nationals from West African countries. It regarded them as illegal aliens residing in Nigeria without conforming to ECOWAS protocol on the free movement of persons.<sup>88</sup> Both actions by the Buhari regime galvanised disappointment and angered leaders of ECOWAS countries, particularly from Nigeria's immediate neighbours. Buhari's policies affected the economies of the countries negatively. Fundamentally, the closure of Nigeria's borders with her immediate neighbours by the Buhari military regime taken partly to address the increasing threat of trans-border crime in Nigeria border communities and the country at large. The closure was to curtail the criminal activities of smugglers that smuggled goods in and out of the country. Furthermore, the decision was equally to protect the country's infant industries and manufacturers whose products had been affected by the cheap prices of smuggled goods into the country.

The Buhari-led government equally made effort to checkmate the activities of trans-border crime in the country's border, beyond the closing of Nigeria's border with her immediate neighbours. This, the regime achieved with the Quadripartite Agreement that has Nigeria, Togo, Ghana and Benin Republic as members of the Agreement. The Quadripartite Agreement was an initiative of General Gnassingbe Eyadema of Togo to collaborate with

these four member countries to extradite dissident from his country planning to overthrow his government residing in any of the member countries. However, the Buhari government considered it wise to incorporate the fighting of trans-border crime across the international boundary of the countries involved in the arrangement. In June of 1985, the leaders of the four countries in Lagos signed the Quadripartite Agreement. This marked the beginning of the first time a concerted effort by countries in the sub-region to tackle the menace of trans-border crime across their borders.<sup>89</sup>

The Buhari military regime was the first Nigerian government to take a decisive step to combat the menace of trans-border crime in Nigeria's border through a multilateral arrangement with her immediate neighbours and countries in the sub-region. The regime did not stay long in power to oversee the implementations of this policy. The Buhari military regime was overthrown through a military coup on August 27, 1985.

Nigeria's Africa and West African foreign policy during the General Ibrahim Babangida-led military regime witnessed some dynamism arising from the array of approaches to Nigeria's relations with countries in Africa in general and West Africa in particular. The regime maintained the cardinal objectives and principles of the country's foreign policy namely, good neighbourliness, non-interference, non-alignment, among others. The regime introduced several innovations to the country's foreign policy direction to boost Nigeria's economic needs, which had been a major challenge to his immediate successor. Among these innovations or strands was the "concert of medium powers", economic diplomacy and south-south cooperation.<sup>90</sup> In addition, it equally implemented the technical aid corps to assist countries in West Africa and the Caribbean lacking skilled manpower, with Nigerians to provide essential services in the form of health, economic, teaching to mention a few.

General Ibrahim Babangida continued with Nigeria's opposition to colonialism and white minority rule in Africa, especially in South Africa and Namibia. The regime, in 1986, mobilised British colonies in Africa to boycott the Edinburgh Commonwealth Games in Scotland in 1986, in response to the support the West gave to the Apartheid government in South Africa.<sup>91</sup> The regime, like others before it, continued to play a major role as a frontline state that is committed to dethroning white minority rule in Southern Africa. Despite the harsh economic reality that confronted the regime, the Babangida-led government continued to donate to liberation movements in Southern Africa. In 1989, the regime gave SWAPO 1.5 million dollars, ANC 1 million dollars and the PAC 600,000 thousand dollars. Similarly, the regime continued to mount pressure on the ills of the Apartheid regime, in South Africa, and the decolonisation of Africa at the UN.<sup>92</sup>

The pressure from Nigeria and other African countries, as well as the international community, yielded fruit when Nelson Mandela was released from prison, after 27 years in incarceration in Robben Island in South Africa. The release of Mandela from prison subsequently ushered in the first black president of South Africa, following his election as the president of the country in 1994. This was a major triumph in Nigeria's Africa-centred foreign policy since independence in seeing to the end of decolonisation and white minority in Southern Africa. The release of Nelson Mandela from prison also restored diplomatic relations between Lagos and Pretoria and marked the beginning of rapprochement in Nigeria-South Africa relations. Beyond the developments in Southern Africa, the Babangida-led government played a major role in the maintenance of peace and stability in Africa, as the Chairman of OAU. The regime was instrumental in mediating and resolving the civil wars in Uganda and Angola. In addition, the regime in association with the OAU and UN made effort to resolve the Chadian crisis.<sup>93</sup> The Babangida-led government is credited with initiating and signing the treaty for the African Economic Community in 1991.

Like in the African continent, Nigeria's foreign policy in West Africa was equally eventful during of Babangida's military era. Babangida reversed the policy of his immediate successor of closing Nigeria's borders with her immediate neighbours. His decision for the re-opening of Nigeria's borders was to end the sufferings faced by these countries and their nationals.<sup>94</sup> The reopening of the country's borders was in line with policy of good neighbourliness, a major objective and principle of Nigeria's foreign policy. In addition, the decision was taken to affirm Nigeria's commitment to the ECOWAS protocol on free movement of persons and goods. The regime took measures to address the country's border challenges domestically and externally. As part of the measure was the establishment of the National Boundary Commission (NBC) in 1987. It was during the Babangida-led military regime that the formulation and signing of Cross-Border Corporation Treaty between Nigeria and Benin Republic was began.

The administration introduced the technical aid corps to assist several countries in the West African sub-region lacking skilled manpower's in chosen fields and professions. Several Nigerian teachers, doctors, lecturers among others, were sent to West African countries to assist countries within the sub-region that have a shortage of skilled personnel. The following countries in West Africa benefitted from the programme. They include: Sierra Leone, the Gambia, Cape Verde, Guinea-Bissau, and Equatorial Guinea.<sup>95</sup> The regime, in the spirit of Nigeria's big brother gesture provided humanitarian assistance to Cape Verde in 1986 when, the country witnessed a natural disaster of unprecedented magnitude.<sup>96</sup> With respect to ECOWAS; it was during the Babangida regime that the ECOWAS Treaty was reviewed and expanded in 1993.

In the area of conflict resolution, the Babangida-led military government made a giant stride. The regime orchestrated the formation of the ECOMOG Monitoring Group (ECOMOG), in 1990, in conjunction with ECOWAS member countries. During the Heads of State Summit in

Banjul, The Gambia – ECOMOG was established to intervene in an intra-state conflict in West Africa through peacekeeping.<sup>97</sup> The formation of ECOMOG had been instrumental in resolving conflict particularly, intra-state conflicts in the sub-region, through peacekeeping operations.<sup>98</sup> The birth of ECOMOG was partly necessitated by the delay and non-commitment of the West to intervene in the Liberia crisis, despite the casualties and humanitarian plight suffered by Liberians. The formation of ECOMOG played a major part in finding a solution to the Liberian crisis and other intra-state conflicts that emerged in West Africa in the 1990s and at the beginning of the twenty-first century.

The curtain was drawn on the Babangida-led military regime in August of 1993, following the failure of his administration to carry out a transition programme that would usher the country into civilian administration. Babangida's administration was bedevilled with several domestic problems that he failed to resolve. These challenges included economic recession, corruption, unemployment, high rate of crime, trans-border crime among others. General Babangida handed over power to an Interim National Government (ING) led by Ernest Shonekan on August 25, 1993.

The ING hold to power was short-lived to make any impact on Nigeria's external relations. Besides, the ING was confronted with several political challenges from different quarters. On November 17, 1993, the ING was replaced by the military led by General Sani Abacha, after an interlude of 82 days. General Sani Abacha-led military government not only ushered the country into a dark era in Nigeria's political development as a nation, but also smeared the country's external relations with the rest of the world. The Abacha military government was very unpopular at home and abroad. This was because of his administration anti-democratic policies, witch-hunting of pro-democratic activists and his deliberate policy that seeks to transform him from military to civilian rule, through a well-orchestrated transition programme in which the political parties will adopt him as their presidential candidate.<sup>99</sup>

Apart from being unpopular with Nigerians, the Abacha regime was accused of the assassination of high profile personalities such as Kudirat Abiola, Alfred Rewane, and Musa Yar' Adua. Similarly, he, in 1995 approved the execution of Ken Saro- Wiwa and eight other Ogoni activists, despite the appeal by the international community to the Nigerian government to suspend the verdict of the military tribunal that found them guilty.<sup>100</sup> The killing of the Ogoni activists led several of the western countries to suspend diplomatic relations with the Nigerian government. Similarly, the Commonwealth suspended Nigeria's membership with the body, as the U.S., Britain, Germany, France sanctioned the Abacha-led military regime.<sup>101</sup> Nigeria became a pariah state. Nigeria's fallout with the West, its traditional allies since independence compelled the Abacha-led government to tilt towards the East to find new friends. The majority of the countries the Abacha-government made friends with were enemies of the West. They are North Korea, Iran, Iraq, Syria, Libya, and Sudan.<sup>102</sup> Nigeria's foreign relations with the rest of the world during the Abacha military regime was a complete departure from previous administrations. This brought the country to its lowest ebb in the international system.

Nigeria's Africa foreign policy during the Abacha administration lacked vibrancy it was rather combative. The ills that characterised Nigeria's domestic environment during the Abacha years affected the country's external environment with African countries, especially South Africa. South Africa, under Nelson Mandela, openly chided the Abacha government for the killing of the Ogoni activists.<sup>103</sup> The development halted diplomatic relations between the two leading African nations. The fallout of the two countries led the Nigerian government to prevent its national football team from participating in the African Cup of Nations hosted in South Africa in 1996, citing security reasons. It is imperative to note that the Abacha regime because of the uncertainty of the country's domestic environment remained at home,

to monitor development within the country. This made the regime to pay little attention to development outside the shores of the country.

Like Nigeria's Africa foreign policy, her West African foreign policy under the Abacha military government lacked vibrancy. Abacha engaged in combative and show of force to deter government that criticised his regime or tend to follow the direction of the West against Nigeria. Buhari-led government closed Nigeria's border with her immediate neighbours, following the change of currency and the rise of the threat of trans-border crime to the country's local industries, especially her economic development. However, General Abacha, during his tenure, closed Nigeria's borders with Benin Republic in 1996, because President Soglo criticised his handling of the Ogoni killings.<sup>104</sup> Similarly, Abacha embarked on a show of force with Cameroon over the disputed Bakassi peninsula, an area rich in crude oil deposit. This led to the exchange of fire by soldiers from both countries in the disputed area. The Nigeria government had the area well-militarised. To this end, commentators and international scholars in Nigeria and abroad argued that Abacha's action in the Bakassi peninsula was prompted by the need to divert attention from the domestic home front that was unfavourable to him.

The same action was taken in Sierra Leone, to win credibility and acceptance and turn away attention from home. Abacha successfully prevented the Sierra Leone Army (SLA) and the Revolutionary United Front (RUF), a rebel group, from truncating the democratic process in that country. The SLA and RUF had, through a military coup, ousted the civilian government of Ahmed Tejah Kabbah in 1997. In 1998, General Abacha committed Nigeria dominated ECOMOG peacekeepers in Liberia to Sierra Leone, to dislodge the military government in Freetown. This they achieved successfully, with Ahmed Tejah Kabbah restored back as the leader of his country.<sup>105</sup> These were some of the high point of Abacha's West Africa foreign



policy. He however, died on June 8, 1998, thereby putting to end the reign of terror in his regime.

Nigeria's foreign policy during the Abacha military regime failed to make any useful impact in Nigeria's external relations. Instead, it destroyed relations that had been established for years, between Nigeria and other states in the global arena. Abacha's successors were saddled with the responsibility of restoring the country's image in the company of nations battered during Abacha's military regime.

The death of General Abacha in June of 1998 paved the way for General Abdulsalami Abubakar to become the next Head of State of the country. General Abubakar set out a transition programme that would usher the country back to civilian rule in May of 1999. This he successfully achieved. General Abubakar prepared the stage for the next civilian government on the eve of the new millennium.

### **Nigeria's African and West African Foreign Policy in the Twenty-First Century**

#### **Nigeria's African and West African Foreign Policy during Obasanjo's Civilian Administration 1999 – 2007**

President Olusegun Obasanjo's civilian-led administration ushered the country into the new millennium, following his inauguration on 29 May 1999. One of the cardinal objectives of Obasanjo's government, following his assumption of office, was to restore the country's image and relations with the West, battered by the ultra-dictatorial and anti-West posture of General Sani Abacha, during his era as Head of State. Although, General Abdulsalami Abubakar tried to improve Nigeria's relations with the West, the short period of his administration prevented him from fully accomplishing the task of mending the country's broken relations with the West. President Obasanjo made effort to restore Nigeria's image and relations with the West and international organisations like the United Nations (UN), European Union (EU), the Commonwealth and the International Monetary Fund (IMF), the

World Bank and others. He made this vital in his administration. In realising, the Obasanjo administration embarked on what is popularly referred to as “shuttle diplomacy.”

He traversed the globe in his attempt to restore Nigeria’s image and relations with the West, while the same time attract foreign direct investment to the country.<sup>106</sup> The exercise, to some extent, was successful in restoring Nigeria’s image back to the international community and resuscitate her pride and place as a major actor in the international system.

Obasanjo’s administration brought back vibrancy to Nigeria’s African foreign policy that was lacking during the Abacha years. During the Obasanjo civilian administration, Nigeria became a major voice in African affairs, with respect to issues affecting the continent, and outlining what steps the continent ought to take in addressing her many challenges. Nigeria played a major role in the transformation of the OAU to the African Union (AU) in 2002. Similarly, President Obasanjo of Nigeria, Thabo Mbeki of South Africa, Abdoulaye Wade of Senegal and Abdelaziz Bouteflika of Algeria, championed the New Partnership for African Development (NEPAD) to guide Africa trade relation with the West in 2005.<sup>107</sup>

In the area of conflict resolution, Nigeria was active in mediating to resolve conflict in different parts of the continent through the multilateral forum at the AU and as a special envoy as third party mediator. Obasanjo’s administration was actively engaged in the Democratic Republic of Congo (DRC) and Darfur (Sudan) crises where it sent peacekeeping troops. Nigeria also held peace talks between the Sudanese government and the warring factions in Abuja.<sup>108</sup> Similarly, the Nigerian government, under President Obasanjo, intervened in the Zimbabwe political crisis between President Mugabe and Prime Minister Morgan Tsvangirai in 2005. Likewise, the President settled for a diplomatic solution to resolve the Bakassi boundary dispute between Nigeria and Cameroon, after the International Court of Justice ruling over the disputed Bakassi Peninsula in 2003.

During the President Obasanjo civilian administration, the strands of Nigeria's West Africa foreign policy remained. Obasanjo, like other leaders before him, continued to ensure that the West African sub-region was devoid of conflict in order to achieve her economic and political interest in the region. However, unlike previous administrations, the Obasanjo-led government was cautious with respect to Nigeria's peacekeeping operations in the sub-region. He refused to send Nigeria peacekeepers to partake in peacekeeping operations in Guinea Bissau in 1999 and Cote d' Ivoire in 2002. This is because of the huge financial burden peacekeeping operations had had on the country since 1990. In the same vein, his administration gradually began to disengage Nigeria soldiers in Sierra Leone and Liberia back home. The reasons why Obasanjo took these actions was revealed in his address to the UN General Assembly in September 1999. According to him:

For too long, the burden of preserving international peace and security in West Africa has been left almost entirely too a few states in our sub-region... Nigeria's continual burden in Sierra Leone is unacceptably draining Nigeria financially. For our economy to take off, this bleeding has to stop.<sup>109</sup>

Indeed, Obasanjo's action to review Nigeria's peacekeeping operations in the sub-region was commended in some quarters as a wise and timely decision. Similarly, it was believed that such decision would enable the government to focus on domestic issues and channelled the money for peacekeeping to infrastructural and economic developments at home. Despite, the action of President Obasanjo, his administration still played an enormous role in resolving conflicts in West Africa. The Obasanjo administration, for instance, was instrumental in resolving the protracted Liberian crisis. He mediated severally between various rebel factions in the Liberian crisis and eventually granted asylum in 2003 to former Liberian President, Charles Taylor, in order to end the crisis in that country. The Obasanjo administration also intervened to restore stability in Sao Tome and Principe, Guinea-Bissau and Togo, following the death of President of Gnassingbe Eyadema, during the period of his administration.<sup>110</sup>

Nigeria's relations with her immediate neighbours during Obasanjo administration were cordial. However, the incident of trans-border crime across the country's international borders received full attention from the Obasanjo-led government. The criminal activities across the border, especially across the Nigeria-Benin borders, compelled the Obasanjo administration to close the border in 2003. The closure of the border between the two countries affected commercial activities between traders from both countries. For the border to be reopened, the Nigerian government demanded the Beninese government to hand over Ahmed Tijani, a notorious criminal engaged in trans-border crime to the Nigerian government.<sup>111</sup> The leaders of the government of both countries worked out modalities to address the threat of trans-border crime across their international borders. Some of the modalities are contained in the Cross-border Cooperation Treaty signed by the leaders of both countries in 2003.

### **Nigeria' African and West Africa Foreign Policy during Yar'Adua/Jonathan Civilian Administration 2007-2013**

Umaru Musa Yar'Adua replaced the Obasanjo administration in 2007. Like previous administrations, he maintained the principles and objectives of Nigeria's foreign policy in her relations with the rest of the world. The Yar'Adua administration introduced citizen diplomacy, which became a major component for his foreign policy thrust. Citizen diplomacy focuses on promoting and protecting the interest of Nigerian at home and abroad. The Nigerian government, during this period, reacted directly to the treatment of Nigerians in the diaspora by foreign authorities.<sup>112</sup>

President Yar'Adua, due to ill-health, could not complete the first tenure of his administration. He passed on 5 May 2010 and was succeeded by his Vice President Goodluck Jonathan, who completed his in 2011. Goodluck Jonathan contested the presidential election on that same year and won through a popular majority vote.

President Goodluck Jonathan, like other leaders before him, adhered to the goals and objective of Nigeria's foreign policy. His administration did not deviate from Nigeria's African and West Africa foreign policy objectives. Similarly, his administration maintained the principles of good neighbourliness and friendly ties with countries within the West African sub-region. At the inception of the Jonathan's administration after the 2011 election victory, his administration had a diplomatic row with South Africa. This was because of the deportation of Nigerian government officials from South Africa for not having the yellow fever vaccine. The Nigerian government in retaliation denied South Africans wanting to travel Nigeria visa. However, both governments for economic and political interests found a way to resolve the issue.<sup>113</sup> Also, the Jonathan administration, in collaboration with other African countries through the AU, worked to find a lasting solution to stop the killings in Darfur, Sudan and ensured the independence of South Sudan.

In West Africa, the Nigerian government under President Jonathan in collaboration with France and the UN ensured that Laurent Gbagbo the defeated candidate in the Ivorian Presidential election in 2010 did not remain in power as the country's leader. Instead, Alassane Quattara the winner of the election was installed as the country's leader, after a difficult period in which force was sanctioned by the UN to remove Laurent Gbagbo from the country's Presidential Ville.<sup>114</sup>

During the Jonathan administration, the country witnessed a new threat to its corporate existence, manifesting in Islamic terrorism through the agency of Boko Haram. As a religious sect, Boko Haram is an Islamic terrorist organisation opposed to western influence and education. The organisation wishes to establish an Islamic caliphate in the North-eastern part of Nigeria.<sup>115</sup> Although, the threat of Boko Haram began during Yar'Adua's administration, it, however, blew out of proportion, shortly, after Jonathan was declared the

winner of the 2011 presidential election. One feature of the threat posed by the group is that they exploit the porous nature of the country borders with Chad, Niger and Cameroon. This work is not concerned with development in the north-eastern part of the country's international boundary. However, the development raises concerns as to the threat that can emanate from the country's borders with her immediate neighbours, if the country's borders are not well managed or manned.

From the foregoing examination of Nigeria's African and West African foreign policy since independence, the various administrations examined maintained the objectives of Nigeria's national interest in their pursuit of the country's foreign policy in the international system. In the pursuit of Nigeria's foreign policy, some administrations introduced new strands to accommodate and respond to the vagaries in the international arena, Africa and West Africa inclusive. Nigeria's foreign policy with countries in West Africa in general and her immediate neighbours in particular Nigeria's foreign policy has remained the same as already discussed in this chapter. Their implementations however, have not only threatened Nigeria's territorial integrity, but equally, impinged on the country's national security and economic development particularly across her borders. Trans-border crime is one of the threats that manifested across Nigeria's borders with immediate neighbours owing partly to the implementation of her foreign policy. This has remained a major threat to Nigeria's national security in the post-independence era.

### **Nigeria's Border in Retrospect since the Colonial Period**

In the words of Colonel J. N. Shagaya, a former Minister of Internal Affairs, "the history of Nigeria ... maybe described as one of a continuous encounter with border problematics. We have varying manifestations of all the categories. The spatial dimensions are evidently the most dramatic."<sup>116</sup> Colonel J. N. Shagaya's assertion of Nigeria's border, particularly, with respect to her international borders, affirmed the fact shared by the country's defence and

foreign policymakers. That one of the most serious areas of threat to the country emanates from her porous borders with her immediate neighbours. Several examples attest to these facts, parts of which have been discussed in this chapter. Furthermore, Nigeria is surrounded by Francophone countries that maintained economic and military pacts with France, their former colonial masters.

One of the major factors responsible for the border problematics faced by Nigeria and other African countries in the post-colonial period is the manner and motives the colonial imperialist created the continent borders during the colonial period. The colonial masters (Britain, France and Spain) that colonised Nigeria and its immediate neighbours artificially created Nigeria's international boundaries. The Berlin Conference on Africa of 1884/85 provided the platform for the respective European powers with economic and political interests in Africa to debate and settle their colonial interests among them. Therefore, it is imperative to state that perhaps all political boundaries are artificial creation, because they are the product of man's whims. As in, most cases fueled by the accident of history, the vagaries of geography and the exigencies of economics played in determining the boundaries of Africa.<sup>117</sup>

This had also, been the experiences of other continents in North and South America, Middle East, Asia and Europe. In the case of Africa during the periods of European partitioning, the lines demarcating spheres of interest were often haphazard and precipitately arranged. The European agents and diplomats were primarily interested in grabbing as much African territory as possible, and were not unduly concerned about the consequences of disrupting ethnic groups and undermining the indigenous political order.<sup>118</sup> It is imperative to state that one of the motives for partitioning Africa by the colonial powers was to gain territories. This would serve their economic interest. They were completely unperturbed of the resultant effects their actions might have on the continent in later years.

Furthermore, a more insulting manner in the partitioning of Africa by the colonial masters was in their complete ignorance of the territories they were drawing lines of demarcations and the peoples they were uniting and separating in far away Europe. This again, done in total disregard to the consequences it might have on post-colonial African states. Two incidents revealed this fact. The first was from British Prime Minister Lord Salisbury, after the signing of the Anglo-French Convention of 1890 which foreshadowed the international boundaries between Nigeria, Dahomey (now Benin Republic) and the Chad Republic. Lord Salisbury opined that:

We have been engaged in drawing lines upon maps where no white man's foot ever trod; we have been giving away mountains and rivers and lakes to each other, only hindered by the small impediment that we never knew exactly where the mountains and rivers and lakes were.<sup>119</sup>

A former Commissioner and Consul-General in British West Africa provide the second example. He was instrumental in mapping the boundary of Nigeria and Western Cameroon.

According to him:

In those days, we just took a blue pencil and a rule, and we put it down at Old Calabar, and drew that blue line to Yola ... I recollect thinking when I was sitting having an audience with the Emir (of Yola), surrounded by his tribe, that it was a very good thing that he did not know that I, with the blue pencil, had drawn a line through his territory.<sup>120</sup>

The manner and motives Africa colonial boundaries were created not only raises concerns on the future of the continent's borders, but also more especially, how post-colonial African states would manage their attendant effects Nigeria inclusive. The attendant effects such as irredentism, imprecise boundary delimitation, location of mineral resources at borderlands, unauthorised boundary incursion by the military of one country to another and the activities of trans-border criminals – have been more intense in borderlands colonised by rival colonial powers.<sup>121</sup> For instance, the Nigeria-Benin border was the machination of the British and



French colonial powers, following the several signing of boundary conventions and agreements, such as that of 1889, 1906, 1912 and 1914.<sup>122</sup> Other boundary agreements and conventions reached between the European powers concerning Nigeria's international boundaries with her limitrophe neighbours include the the followings. The 1886 and 1913, Anglo-German Agreement that demarcated the southern part of the Nigeria-Cameroon border boundary<sup>123</sup>

There is the 1893 Anglo-German Agreement that specified the extent of the northern part of the Nigeria-Cameroon boundary. The 1920 Anglo-French Convention concluded the boundary demarcation of Nigeria-Cameroon, following the defeat of Germany, after World War I.<sup>124</sup> The 1961 plebiscite conducted by the UN brought together British Cameroon in the southern part of the country, with the northern part under French control. It is important to note that following the fall of Germany after the First World War, her colonial territories in different parts of the world, passed to the League of Nations Mandate. The League of Nations shared German Cameroon between the French and Britain. Both territories were reunified through the plebiscite of 1961. Lastly, among the agreements and conventions of the various colonial powers in West Africa that decided the territory boundaries of post-colonial Africa was the 1898 Anglo-French that demarcated Nigeria's northern boundaries with her immediate neighbours. The convention concluded the extent and limit of Nigeria-Chad boundary, Nigeria- Cameroon (northern parts) and Niger.<sup>125</sup>

Nigeria's international boundary with her immediate neighbours covers a total length of about 5000 kilometres, drawn through extremely diverse geographical and cultural zones. The Nigeria-Benin border in the west covers 1000 kilometres, to the north with Niger it extent to about 1500 kilometres, 75 kilometres with Chad in the north-east, almost 1700 kilometres with Cameroon in the east and 700 along the Atlantic seaboard.<sup>126</sup> The vagaries by

which, the colonial masters created the colonial boundaries between Nigeria and her immediate neighbours led to continuous spatial and functional border problematics in the post-colonial period.

The spatial border problematics between Nigeria and her immediate neighbours arises from the poor boundary demarcation and delimitation carried out by the British and French colonial authorities – to define their respective colonial borderlands.<sup>127</sup>

The development accounted for some border-related issues that have emanated over the years between Nigeria and her proximate neighbours over claims and counter claims on the exact location of their boundary lines.<sup>128</sup> Others include contention over mineral resources located at the border. The tussle between the Nigerian-Cameroonian governments over who owns the Bakassi peninsula rich in crude oil deposit is one of the highpoint of spatial border problematics in the Nigeria-Cameroon border. The spatial border problematics have partly contributed to the incursion of border communities across Nigeria's border from Benin Republic, Niger, Cameroon and Chad Republic into Nigeria's territories disregarding the boundary demarcation. Some of them claiming that their territories extended into Nigeria.<sup>129</sup> The developments have often resulted to clashes between border communities from both side of the border. The southern part of the Nigeria-Cameroon border and the northern portion of the Nigeria-Benin border have recorded several of these incidents.<sup>130</sup>

Like the spatial border problematics, the functional border problematics have created worrisome concerns for the Nigerian state in relations with her immediate neighbours. A major functional border problematic grappled by successive Nigerian governments has been how to manage partitioned ethnic groups residing between her borderlands. For instance, in the Nigeria-Benin border resides the Yoruba, Aja and Bariba speaking peoples with kiths and kins from both countries. In northern Nigeria, the Hausa and Kanuri speaking peoples were

fused with peoples of southern Niger and Chad. In the Nigeria-Niger and Nigeria-Chad border – the same event took place in the Nigeria-Cameroon border, the Mandara, the Jukun, the Chamba and the Efik partitioned between the borders of both countries.<sup>131</sup> One of the major effects of the functional border problematics on Nigeria is the threat of irredentism, shared by some Nigerians. The Nigerian government since independence have been very cautious despite clamour from some of its citizens for the government to annex territories belonging to some of its immediate neighbours; where ethnic groups with shared history with those in Nigeria dwells. The late Chief Obafemi Awolowo, the former Premier of Western Region Nigeria. Had argued that the Nigerian government incorporate the Yoruba speaking peoples in far away Togo and Benin Republic, partitioned by the 1884/85 Berlin Conference into Nigeria.<sup>132</sup>

The functional border problematics has equally contributed to the inability of security agencies at the border post to effectively police the borders.<sup>133</sup> Ethnic groups of shared history dwelling on both sides of Nigeria's international borders. Through the sharing of information has been able to exploit the borders to carry out clandestine criminal activities such as trans-border crime; on how to circumvent the porous borders to the disadvantage of the customs, immigration and security outfit at the country's border post. This development has become a common trend across Nigeria's borderlands, among the border communities.<sup>134</sup>

Asiwaju has documented some of the major resultant effects of the functional border problematics on Nigeria and other Africa countries in two of his famous works. The first was his inaugural lecture held at the University Lagos, in 1984. The titled of his paper was *Artificial Boundaries*. The second is an edited work by him published in 1985 titled *Partitioned Africans: Ethnic Relations across Africa's International Boundaries*. Both works traced the functional border problematics on Africa to the Berlin Conference. Among the effects of the functional border problematic on the continent linked to both books, include the

followings. Africa culture areas or ethnic groups were split into two or more colonies and later, independent African successor states.<sup>135</sup> This development had political and cultural impact on post-colonial African states. Another effect recorded in the books is that by forging different ethnic groups (the Maasai between the Kenya-Tanzania border, Khoisan Basarwa astride the Botswana-Namibia border, the Soninke and the Tukulor across the Senegal-Mauritania boundary) together of different historical experiences set in motion opposing integrative processes in the different states in the post-colonial Africa.<sup>136</sup>

In the words of Asiwaju, such processes have tended to make the divided groups look in different political, economic and social direction. This therefore explains, in the partitioned culture areas of the distinct policies, which the various states pursue in matters of trade and currency, transport and communication, politics and administration, ideology and education.<sup>137</sup> However, despite the ills that had accompanied the problematics in Nigeria and other Africa countries in the post-colonial period. The partitioned peoples across the continent residing in the borderlands have ignored the demarcating lines or boundaries, to preserve their ancestral bond and continued their socio-cultural and economic relations that had existed before the line of separation was drawn between them.

Maximal borderlands one of the three among the types of borderlands propounded by C. S. Momoh provides insight into the functional border problematics faced by Nigeria and other African countries. The maximal borderlands exist in a boundary where the people are of similar ethnic groups, though divided by boundary demarcation.<sup>138</sup> This is the situation in all of Nigeria's international boundaries. The ethnic, cultural, linguistics and ancestral affinity of the people in the borderlands, whether Nigeria-Benin, Nigeria-Chad or Nigeria-Cameroon have created a platform for enormous cooperation in economic, commerce and trade to thrive in the border areas.<sup>139</sup>

On the other hand, the primordial ties of the people in Nigeria's borderlands have equally aided clandestine criminal activities – smuggling and other forms of trans-border crime. Furthermore the desires for gains inherent in the lucrative enterprise have made the people at the border to collaborate in order to circumvent security personnel at the border post.<sup>140</sup> In the Nigeria-Benin border, these events are very pronounced. In addition, it is justified by the people.

Nigeria's colonial border experience has no doubt left an indelible imprint in her border relations with her limitrophe neighbours in the post-colonial period. The manner and motives behind the creation of her international boundaries set in motion the various border problematics faced by successive administrations since the 1960s. Boniface Obichere made the following assertion concerning border-related issues between Nigeria and Benin Republic. He affirmed that: "partitioned ethnic groups constitute a veritable social, economic, political and diplomatic problem for the rulers of contemporary Nigeria and Benin."<sup>141</sup> This, to some extent, has hindered successive Nigerian governments from taking punitive actions against her immediate neighbours when some of their actions infringed on the vital and strategic objectives of her national interests. This was the situation when some Nigerian soldiers were killed by Cameroonian military in 1981, in Ikang border town in the Nigeria-Cameroon border. Similar, situation repeated itself in 1983, when Chadian military overran and occupy Nigerian islands on Lake Chad, a body of water which Nigeria shares with Chad, Niger and Cameroon.<sup>142</sup> There are several other examples to illustrate the violations of Nigeria's borders by her immediate neighbours, whereby the Nigerian government failed to take drastic and retaliatory actions against her neighbours. Some Nigerians have attributed the inability of the government to take the necessary actions against its neighbours to the historical link between the peoples, instead sought peaceful negotiation to address the border-related problem.

Trans-border crime is one of the one resultant effects of the partitioning of the continent by its colonial masters. The illicit enterprise evolved in the borderlands across Africa owing to the rival tariff regimes, differences in the price of commodity and deliberate policy to ban local goods in place of foreign or imported goods by the colonial authorities. At the detriment of the indigenous people whom their foreign masters were exploiting economically. The factors that fuelled smuggling in the continent was pronounced in rival colonial territories sharing boundaries. In West Africa, the Nigeria-Benin border witnessed high rate of smuggling during the colonial period. Because of the manoeuvring of the British and French for economic gains.<sup>143</sup> The indigenous peoples from both sides of the colonies sought alternative route at the border to evade taxes and circumvent their movement across the border to trade with neighbours.

Trans-border crime in the Nigeria-Benin border progressed in the colonial to the post-colonial period. Unlike, the colonial period when the rival economic policies of the British and French fuelled the illicit enterprise, this has not been the case in the post-colonial period. Several other factors have contributed to its growth and expansion. These factors are discussed in subsequent chapters of this work. Trans-border crime has posed enormous threat to Nigeria's socio-cultural, economic and political development as well as her national security. Over the years, the Nigeria government had initiated several efforts to curb the threat of trans-border crime, some of which are in collaboration with her immediate neighbours. Vary degrees of successes have been recorded. However, a major impediment to the efforts to curtail the perpetrators of the illicit enterprise emanate from the borderlands.<sup>144</sup>

The impediments include the activities of the border communities involved in the illicit enterprise, the ethnic solidarity of the people on both sides of the border to liaise with each other in order to benefit from the lucrative venture of trans-border crime. There is also, the issue of the porous nature of the border and poverty, absence of infrastructural facilities to

support the people economically and the perception or interpretations of the border communities that trans-border crime is a legitimate business in the movement of goods across the border.<sup>145</sup>

This is contrary to the views of the Nigerian state, deprived of huge tariff and taxes by the activities of smugglers operating in the Nigeria-Benin border daily. If the war on trans-border crime in the Nigeria-Benin border and other borderlands in Africa will be won, adequate attention must be devoted to the borderlands to address some inherent features influencing development in the border.

### **An Overview of Nigerian Border Management since Independence**

The Nigerian government since independence has treaded cautiously in managing issues emanating from her borders problematics. This is due to the precarious nature of her border, more especially, surrounded by perceived weak francophone nations that have military alliances with France. The presence of ethnic groups with historical ties between Nigeria and her immediate neighbours have equally shaped, if not influenced the border approaches of the Nigerian government in dealing with border issues between her and her limitrophe neighbours. These developments however, had prevented some administrations in taking drastic actions in line with realist perspective of defending and protecting the border of the state, which is seen as sacrosanct. In 1984, the Nigerian government closed her with her immediate neighbours, Benin Republic inclusive in order to curb the activities of trans-border criminals operating in across her borders.<sup>146</sup> The decision was drastic it paralysed movement and other activities in the borderlands. The governments of the affected states ran to Lagos to plead for the quick re-opening of the Nigerian side of the border. This is because their citizens depend on the Nigerian market for their merchandise. The border closure lasted for twenty-two for months (February 1984 – April 1986).

In 2003, the Obasanjo civilian administration for security and economic reasons closed Nigeria borders with Benin Republic. The decision was an urgent call for the Benin government to take the fight against trans-border criminals operating in her borders with Nigeria seriously.<sup>147</sup> Unlike, the 1984 border closure, that of 2003, lasted for a week. Following the re-opening of the Nigerian side of the border, measures were set in motion by the governments of both countries to curb, trans-border crime in their borderlands. The border closures of 1984 and 2003 were the highpoints in border management by the Nigerian government to manage border related-issues with her proximate neighbours. This action followed the realist perspective of taking the necessary steps to protect the border from any form of threat that threatened the state.

Aside the border closure of border management, the Nigeria government has pursued collaborative and initiated several border initiatives instruments and programmes to address border problematics between her and immediate neighbours. To this effect, the Balewa government in 1964, in conjunction Chad, Cameroon and Niger to establish the Chad Basin Commission, to exploit mineral in Lake Chad. In addition, the objective for the Chad Basin aimed at promoting border relations among the border communities of the three nations.<sup>148</sup> In 1971 the Nigeria - Niger Joint Cooperation was established to resolve the various form of challenges facing both countries, especially the border communities. Likewise, also, the Nigeria-Benin Joint Border Commission was established 1981 to address the challenges emanating from the both sides of the border the two countries.<sup>149</sup>

The Nigerian government in 1987, created the National Boundary Commission (NBC). The NBC has been instrumental in organising transborder cooperation workshops in between Nigeria and its five immediate neighbours. The first workshop was held in 1991 known as the Nigeria-Benin Transborder Cooperation. Four other workshops had followed the first. The workshop provided a platform for scholars, traditional rulers, governments officials from



both countries and border communities to discuss, deliberate and recommend ways of addressing issues of border problematics.<sup>150</sup>

The Nigerian-Beninoise government as part of efforts to manage and address border issues between them have been involved in cross-border cooperation treaties aimed at establishing a documented framework to guide their resolutions in dealing with border problematics. There are also joint border patrols by security personnel from Nigeria and Benin Republic approved by their governments to police and monitor their borders.<sup>151</sup> These measures have resulted in mixed results in tackling the phenomenon of trans-border crime. The perpetrators of the illicit enterprise in the Nigeria-Benin border and other borderlands in Nigeria, despite these measures, have continued to record huge profits, which have kept them in the lucrative enterprise. In order to stem this tide, there is therefore the need to strengthen bilateral and multilateral border approaches within the ECOWAS sub-region and Nigeria and its immediate neighbours to curb the menace of the illicit enterprise, particularly, between the Nigerian-Beninoise governments. This will be discussed in chapter six.

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## CHAPTER FOUR

### **TRANS-BORDER CRIME IN THE NIGERIA – BENIN BORDER: CAUSES, NATURE AND PATTERNS 1960 – 1985**

Trans- border crime over the years has become a major threat to human and globe security. The illicit criminal enterprise manifest in various forms such as drug and human trafficking, smuggling of contraband goods, small and light weapons, stolen vehicles, crude oil, among others. These criminal activities of trans-border criminals have created a worrisome situation for several countries, with severe implications on their socio-economic, political and psychological wellbeing. Consequently, the security threats cause by trans-border crime, on the well-being of nations and their citizens have compelled world leaders to come together to form a united front against the perpetrators of illicit trade. In their coming together, they laid down the framework for curtailing the phenomenon of trans-border crime. Infact, there there was a formal gathering of world leaders to tackle the threat posed trans-border crime held in Naples, Italy in 1994, under the auspices of the World Ministerial Conference on Organised Transnational Crime. The conference ended with a communiqué titled, “Political Declaration and Global Action Plan against Organised Transnational Crime.”<sup>1</sup>

The communiqué of the conference outlined some principles and mapped out specific guidelines and plans member states at the national and international levels should adopt to combat the menace of trans-border crime. Another major attempt by world leaders to curtail the menace of trans-border crime was organised in December 2000, under the aegis of the United Nations Convention against Transnational Organized Crime which took place in Palermo, Italy.<sup>2</sup> The United Nation Convention against Transnational Organised Crime demonstrated the international community political resolve to respond to a global challenge

with a global response. The meeting, when it held, had as its slogan, “if crime crosses borders, so must law enforcement.”<sup>3</sup> The convention defined the scope and reach of transnational organised crime, its nature and pattern as well as global response.

Nevertheless, despite the efforts by leaders of nations to address the scourge of trans-border crime, the phenomenon has continued to undermine the peace, security and development of countries, globally. Trans-border crime had long been in existence for centuries in different parts of the world. But, in the second half of the twentieth century, the illicit enterprise has transformed in scope, reach and pattern of operations into networks of gangs controlling different areas and regions of the world. Since the 1990s and with the advent of globalisation, criminal activities of individuals, gangs and group across borders have greatly increased.

The nature and patterns of trans-border crimes vary from one country to another. This study, mindful of this, limits its discussion to the Nigeria-Benin border, from independence era to 2013. To this end, this chapter examines the nature and patterns of trans-border crime in the Nigeria-Benin from 1960 – 1985. It begins with the clarification of the meaning of cross and trans-border crime. It also clarifies what transnational organised crime entails. Against this background, it discusses the idea of trans-border crime as it is conceived globally. Examining the peculiarities of international borders in general and the Nigeria-Benin border in particular will also frame the basis of discussion. In doing so, attempt is made to ascertain why borderlands constitute fertile grounds for the criminal activities of trans-border crime.

### **Defining Trans-border Crime, Transnational Organisation Crime and Cross-Border Crime**

In studies on trans-border criminal activities, trans-border crime is used interchangeably with cross-border crime and transnational organised crime.<sup>4</sup> The interchangeability deserves some clarifications. Notably, ‘trans-border crime,’ ‘cross-border crime’ and ‘transnational organised crime’ have the same meaning. They denote the smuggling and trafficking of all forms of

criminal activities across the border of two or more countries. For instance, cross-border crime refers to illicit conducts which jeopardise the legally protected interests in more than one national jurisdiction and which is criminalised in at least one of the states/jurisdictions concerned.<sup>5</sup> Transnational organised crime, according to the United Nations Convention against Transnational Organised Crime signed in Palermo, Italy 2000, is a crime committed in more than one state in which a substantial part of its preparation, planning, direction or control takes place in another state, involving the organised criminal group.<sup>6</sup>

Trans-border crime by way of definition, refers to a number of illegal and notorious activities carried out by individuals and groups across national and international borders, either for financial, economic benefits, socio-political, or religious considerations.<sup>7</sup> It is a set of criminal acts whose perpetrators and repercussions go beyond territorial borders. The use of each of these terms depends on the discretion of individuals studying the illicit cross-border phenomenon.

Since the last decade of the twentieth century, trans-border and transnational organised crime have been used to explain criminal activities across borders. Criminal activities across the borders was by influence of globalisation on cross-border flow of goods and services and the opening of borders to promote trade and regional integration in the West, especially in Europe. The impact of globalisation through the interconnectedness of global economic through information technology and new innovations to enhance free market economy were exploited by cross-border criminal gangs operating across borders to make their trade more organised in scope. The term cross-border crime predates trans-border and transnational organised crime in usage. There are some who share the view that not all cross-border crimes are equally serious, sophisticated or organised.<sup>8</sup> However, they all involve criminal activities prohibited by law, locally and internationally across the national borders of nation-states in the international system.

## **An Overview of Trans-Border Crime**

Trans-border crime is a phenomena that have continued to underminethe peace, security, socio-economic, political and human development of nations globally. Trans-border crime has existed for centuries in different parts of the world, manifesting in the smuggling of illicit and contraband goods, agricultural produce and mineral resources, trafficking of arms, persons and other illegal items across the borders of states. The illicit enterprise,in the words of Isaac Olowale Albert, is an age-old business worldwide in which the perpetrators of the illicit enterprise seek to maximise profit or gains by illegally smuggling and trafficking items prohibited by law into and outside their countries, in collaboration with their partners in other countries.<sup>9</sup>

There is no consensus amongscholars as to when trans-border crime began.For some they have long evolved before the formation of the state system in 1648. Others argued that the illicit enterprise became prominent with the recognition of states' boundaries, owing to formation of the state system. One of the earliest forms of the illicit enterprise was smuggling.In Europe, Central and Southeast Asiaand the American continent, examples abound of cross-border criminal activities of smuggled items. For instance, in Central and Southeast Asia, items such as spices, textiles, precious stones, opium, among others, were smuggled across the border from one stat to another.<sup>10</sup>

In Europe and American continents, trans-border crime manifested in the smuggling of hard drugs, agricultural produce, illegal migration and prohibited manufactured goods. In South and North America, hard drugs and illegal migration were the dominant trans-border criminal activities in both continents.<sup>11</sup>

Interestingly, however, insome cases, it was observed that some countries aided the illicit trade. Peter Andreas in “Gangster’s Paradise: The Untold History of the United States and

International Crime” published in 2013 by Foreign Affairs, reveals that the United States was involved in the illicit enterprise in the early years proceeding her independence. In his words:

Far from being a passive victim, the United States has fostered as rich a tradition of illicit trade as any other country in the world. Since its founding, the United States has had an intimate relationship with clandestine commerce, and contraband capitalism was integral to the rise of the U.S. economy.<sup>12</sup>

In Africa, following the establishment of colonialism by the respective colonial masters namely, the British, French, German, Portuguese and Spanish, led to the introduction of the state system in the continent. Similar to what obtained in Europe, in line with the provisions of the Treaty of Westphalia of 1648 in which the features of the modern state were enshrined. One of the provisions of a modern state was the sanctity of the border or boundary line that differentiates one independent and sovereign state or territory from another.<sup>13</sup> The colonial authorities in Africa, having secured their respective colonies, introduced the state system in colonies across Africa. Consequently, the colonial boundaries not only separated kin and kith across the borders but also, equally contributed to cross-border crime activities.

The desire of the colonial authorities in West Africa to maximise gains at the detriment of their colonies led to the introduction of obnoxious tax systems that prompted reaction from the people to seek alternative route in order to escape the payment of tax. In British and French colonial territories of West Africa, the introduction of tax on goods traded by the people and the prohibition of certain goods in place of foreign products opened the door for clandestine trade and illegal movement across the borders of the sub-region, the Nigeria-Benin border inclusive.<sup>14</sup>

For instance, in West Africa, rival British and French trade policies and banned items such as local gin, cash crops and highly taxed imported goods in their respective colonies made the indigenous peoples across the borders to smuggle some of these items through the



borders.<sup>15</sup>This was sourcing cheap and untaxed goods through smuggling. It was from this period onward that cross-border crime became a major feature of cross-border criminality in West African in particular and Africa in general.

Trans-border crime has steadily progressed in scope since the second half of the twentieth century. The illicit enterprise has been revolutionised through the breakthrough made in science and technology. Likewise, the opening of borders by states involved in economic cooperation to enhance economic interdependence and regional integration as well as globalisation have been exploited by criminals engaged in the illicit enterprise.<sup>16</sup>These events had remarkable impact on the expansion and growth of trans-border crime, shortly after the end of the Cold War. Trans-border criminals operating in different parts of the world exploited innovations in technology and the principles of globalisation, to maximise profit. This has enabled them to transact their illegal enterprise and circumvent security and law enforcement agencies.<sup>17</sup>

In the same vein, the neglect of borderlands by national governments in parts of Asia, North and South and Africa especially, provided the pretext for border communities to aid trans-border criminals and profit from engaging in the illicit enterprise. Arising from the expansion of trans-border crime, partly owing to the post-Cold War development in science and technology, liberal economic policies, open border, among others, the United Nations Office on Drug and Crime (UNODC) was quick to highlight the effect. According to the UNODC:

Organised crime has diversified, gone global and reached macro-economic proportions: illicit goods are sourced from one continent, trafficked across another, and marketed in a third. Mafias are today truly a transnational problem: a threat to security, especially in poor and conflict-ridden countries. Crime is fueling corruption, infiltrating business and politics, and hindering development. And it is undermining governance by empowering those who operate outside the law.<sup>18</sup>

The impact or effect of the various forms of trans-border crime in both developed and developing economy are unimaginable.<sup>19</sup> In recent times, trans-border criminals have been associated with terrorism, arising from the clandestine network of terrorist groups in smuggling arms and other deadly weapons that have resulted in the death of several lives in different parts of the world. It is imperative to note that terrorist organisations like the Taliban engaged in the smuggling of natural resources like crude oil, opium and hard drugs to raise finance that will aid their activities and political objectives.<sup>20</sup>

The dastardly activities of trans-border criminals have led to a drastic response by the international community against the heinous crime. Until the mid-1990s, trans-border crime was viewed as a domestic issue that any government was able to resolve without the involvement of its neighbours. The notion that the fight against trans-border crime was solely to an individual state has changed. This is due to the realisation that the threat is global and as such requires a global cooperation to overcome. The idea of a collaborative and united front against trans-border crime was affirmed at the United Nations Convention against Transnational Organized Crime in Palermo, Italy, in December 2000. At the convention, the international community demonstrated the political resolve to answer a global challenge with a global response. Development after the convention followed an increased realisation that the threat of organised crime was no longer merely a domestic one, but had grown into one of a global proportion. The realisation that an international threat requires an international response became an important driving force to address the menace of illicit enterprise.<sup>21</sup>

### **The Nature and Patterns of Trans-Border Crime**

Trans-border crime, like many other world's phenomena possesses certain characteristics that distinguish the illicit enterprise from other forms of crime. The nature and patterns of trans-border crime are constantly evolving. This is due to three main factors. The first is the increased impact of the use of technology. This, in its own way, has transformed the illicit

from between states into a global criminal enterprise. The second involves the differences in the nature and patterns of trans-border crime in different parts of the world.<sup>22</sup> In a remarkable way, this may be used to explain the different views as to the problem involved in trying to understand and conceptualise the idea of trans-border crime. Situating the idea of trans-border crime within the West African context, Etannibi, E.O. Alemika notes that:

The nature, type, scope, incidence and impact of organised criminal activity in the region are still not adequately captured and understood largely because of poor record-keeping by law enforcement agencies and the paucity of rigorous and comprehensive research.<sup>23</sup>

It is, therefore, logical to affirm that a rigorous and comparative research on trans-border crime is vital and necessary in understanding the changes in the nature, patterns and developments in the illicit enterprise. In the long run, this may be vital in combating the menace of trans-border crime.

Thirdly, encouraging the nature and pattern of trans-border crime is the demand and supply of prohibited products and certain merchandise through illegal procedures across the borders. Such prohibited products and merchandise include hard drugs, sex workers, small and light weapons, mineral resources, and many others. Interestingly, the demand for some of these illegal commodities or services within the purview of trans-border crime are influenced by the values ascribed to them by the society.<sup>24</sup>

With these in mind, the nature and patterns of trans-border are discussed. In this regard, examples are taken from different parts of the world to illuminate the composition of the illicit enterprise in the Nigeria-Benin border.

### **Multifaceted Structural Hierarchy**

One of the nature and patterns common in the activity of trans-border criminal groups in the last two decades and which are evident in studies on illicit enterprise is the multifaceted rigid,

narrow and flexible structural hierarchy among trans-border criminal groups and organisations in different parts of the world. Until the transformation of the illegal enterprise in the 1990s, it revolved around narrow linear structural hierarchy, headed by family and close relatives. In North, South and Central America, Asia and Europe, trans-border criminal groups operated a rigid structure.<sup>25</sup> They include: the La Costa Nostra, Fuk Ching, Motorcycle Gang, Yakuza, Triads, among others. These groups are involved in human and drug trafficking, smuggling of arms, contraband goods, natural resources, to mention only a few. The structure enabled the leaders to maintain a tight, ethnic and discipline structure. This structure still exists among the various trans-border criminal groups. In Africa, the rigid structure is what is practised among the trans-border criminal groups operating in the continent, with links with other networks in other parts of the world.

Development in the international system during the post-Cold War era ushered in a new economic world order anchored on liberal economic ideas fueled by globalisation, through the revolution in science and technology. For trans-border criminal groups, it afforded them the opportunity to adjust their structural hierarchy to a flexible, devolved and hierarchical conglomerate. This structure enables criminal groups to have a line of command, often with regional structures with their own hierarchy and a degree of autonomy.<sup>26</sup> In addition to associations with organised crime groups with a single governing body, the flexible, devolved and conglomerate structure of trans-border criminal groups have made the fight against the illicit crime more fluid and dynamic, and pose unique challenges for law enforcement agencies across the world.

### **Advancements in Science and Technology**

The breakthrough in science and technology revolutionised business transaction across the world, especially, in the 1990s. The development aided the criminal activities of trans-border criminal group across the world, likewise. The breakthrough was tagged globalisation. As a

phenomenon, it brought the world together into a global village through information technology in telecommunication, internet services and the invention of various forms of electronic devices which have enabled individuals and organisations to keep in touch and transact business, despite their distance. Trans-border criminal groups and organisations, like several business organisations, involved in legitimate business took advantage of the innovation in technology to expand the scope of their activities, maximise profit and reduce the risk involved in their illicit enterprise. In order to exploit these new opportunities, trans-border criminals acquired a much higher level of expertise in information technology. Indeed, the revolution in science and technology, to Ogaba Oche and Charles Dokunbo ... expanded the horizons of transnational crime, and its ability to challenge the nation-state.<sup>27</sup>

### **Geographical Proximity or Contiguity**

Geographical contiguity between countries has also aided the growth and expansion of trans-border crime. Trans-border criminal groups exploit the proximity and porous nature of borders in their areas of operation to carry out their activities. There are examples abound of trans-border criminal groups and individuals operating between two countries that have taken advantage of geographical proximity to smuggle contraband and other forms of trans-border crime. In North America, with reference to the United States-Mexico border, several works on smuggling in the region have shed light on the illicit enterprise in the US/Mexico borders.<sup>28</sup>

In Europe, the proximity of the continent to some countries in Central Asia like Turkey, and the removal of barrier with Eastern European countries have enabled trans-border criminal groups to smuggle hard drugs such as heroine and others forms of hard drugs from Central Asia such as Afghanistan and Turkey to Western Europe.<sup>29</sup>

In Africa, the same situation obtains in Eastern and Southern Africa. To be specific, Kenya and South Africa have had similar experiences. Both countries have not only been susceptible

to trans-border crime from neighbouring countries, namely Tanzania, Uganda, Somalia, Zimbabwe, Zambia, Mozambique, Angola and Swaziland,<sup>30</sup> but have equally become transit countries for trafficking of persons, arms, heroin and cocaine to Europe, the United States, China, Turkey, Pakistan and India. Nigeria, on her part, has equally been a victim of trans-border crime perpetrated by criminals from her immediate neighbours. Likewise, trans-border criminals of Nigerian origin have equally being involved in the illicit trade across Nigerian borders with her immediate neighbours.

### **Cultural Homogeneity of Borderlands and its Effect on Border Crime**

The uniqueness of borderlands or border regions globally is another interesting feature in the nature and patterns of trans-border crime. Across the world, borderlands possess the uniqueness of cultural homogeneity. In Africa, the quest for territorial acquisition by the European powers in the second half of the nineteenth century climaxed in the 1884/85 Berlin Conference on Africa resulted in the demarcation of the continent. The boundary demarcation opened a chapter in the continent's history that witnessed the separation of ethnic groups that have lived together for centuries.<sup>31</sup>

For instance, the Bariba, Egun, Aja and Yoruba speaking were partitioned between Nigeria and Benin Republic; the Hausa of northern Nigeria and southern Niger; the Kanuri of northeast Nigeria and Chad; the Mandara, the Jukun, the Chamba, the Efik of Nigeria and Cameroon; the Ewe of Ghana, Togo and Benin, among others. The same was the experience of several African countries in the eastern and southern parts of the continent. However, despite the separation of these ethnic groups they continue to maintain their long-existing ties. This perhaps informs the basis for a high density of economic and social exchange across the border. The socio-cultural and historical link of the partitioned ethnic groups within borderlands in Africa has contributed to clandestine cross-border activities such as smuggling and other forms of the illicit enterprise, particularly, illegal entry of illegal aliens.

This development has posed a huge security threat to the economy of several African states.<sup>32</sup> In other words, individuals with family ties, residing at the opposite side of borderlands involved in trans-border crime collaborate to profit from the illicit enterprise.

Interestingly, these individuals and others involved in trans-border crime exploit the porous nature of the borders to smuggle contraband and other illegal items across their respective borders. With reference to the Nigeria's borderlands in general and Nigeria-Benin border in particular, the existences of many entry and exit points between the borders of both countries have aided trans-border criminals operating in the borderlands. Their mastery and knowledge of the terrain as well as collaboration with the border communities have boosted their enterprise.<sup>33</sup> Unfortunately, some of the entry and exit points are located in remote parts of the borderlands. This makes it difficult for security personnel saddled with the responsibility of policing the borders to effectively discharge their duty. As a result, trans-border criminal groups take advantage of the porosity of the borders to carry out their enterprise.

Another interesting feature in the nature and patterns of trans-border crime with reference to Africa in general and the Nigeria-Benin border in particular, is the concept of trans-border crime among border communities. The majority of the people in the border communities in the Nigeria-Benin border neither share nor accept the view that trans-border crime is truly a crime. Many of them believe that the creation of the artificial boundary by the European powers during the colonial period obstructed their economic activities. In the same vein, they are of the view that the tax system introduced by the colonial authority was exploitative. Therefore, their belief that their attempt to divert to alternative route to escape the payment of taxes and exchange their agricultural produce and other items of trade with their neighbours across the border, cannot be regarded as an illicit trade.<sup>34</sup>

Likewise, they conclude that the post-independence leaders of their respective countries have maintained this structure to rob them of their commercial activities and their means of livelihood. Therefore, they had to seek alternative route like their predecessors in the colonial period to continue their legitimate commercial activities with fellow traders on the other side of the border. By so doing, they believe that they have not committed any crime. Moreover, some of the border communities blamed the neglect of the government, especially the Nigerian government to the plight of the people on her side of the border as a factor that has contributed to the illicit enterprise.<sup>35</sup>

### **Informal Cross-Border Trade and Satisfying Demand and Supply**

Among the other nature and patterns of trans-border crime is that the illicit enterprise revolved around informal trade and the phenomenon of demand and supply. Kate Meagher, in several of her works on informal trade in West Africa, has highlighted some of the impacts of the unofficial trans-border trade on the sub-region. This, she attributed to the absence of an appropriate regulatory framework.<sup>36</sup> With respect to Nigeria's borderlands (Nigeria-Chad, Nigeria-Niger and Nigeria-Cameroon), including Nigeria-Benin border, the absence of a regulatory framework has affected the non-harmonisation of their economic policies. This had made the informal trade to thrive in the borderlands between Nigeria and her immediate neighbours. The unofficial nature of the informal trans-border trade in which goods are exchanged among traders across the borders outside official channel (inability of customs and other border officials to document items of trade, the volume of trade, items of exchange and price) provide avenue for contraband to be smuggled items into and outside Nigeria's borderlands.

In the Nigeria-Benin border beyond agricultural produce (cocoa, palm kernel, groundnut, and kola nut), several contraband goods restricted by Nigeria's trade policy from entering the country whether through her sea ports or land borders have, over the years, become the major



items of trade in the informal cross-border trade between Nigeria and Benin Republic. For instance, textile materials, cigarette, tobacco, second-hand clothes, vehicles, petroleum product, consumables and more, constitutes the major items of trade in the informal cross-border trade. That are smuggled across the borders into Nigeria.<sup>37</sup> Majority of the contraband comes from Benin Republic, arising from her neo-liberal economic policy as an entrepôt of goods from Europe and America to the West Africa market. This same applied to Nigeria-Chad border border, Nigeria-Cameroon border and Nigeria-Niger border. However, the traffic of smuggled goods is higher in the Nigeria-Benin border compared to the traffic of her other borderlands.<sup>37</sup>

Studies carried out by the Laboratoire d'Analyse et d' Expertise Sociale (LARES) shown that Benin Republic and Nigeria have structured their development politics around the trade of re-exportation: Benin Republic imports goods from Europe and Asia and exports them to the Nigerian market. All of Nigeria's CFA neighbouring countries practice re-exportation, but Benin is on the lead in this regard. This is mainly due to the geographical proximity between two major cities from both countries of Cotonou and Lagos.<sup>38</sup> According to estimation, informal cross-border trade constitutes around 75% of Beninois GDP. This figure, which show a contrasts with an average of 43% in all of sub-Sahara Africa, illustrates the dependency of the Beninois' economy on this activity and on its strategic position as "Etat-entrepôt."<sup>39</sup> Nigeria, with its immense and steadily growing national consumer market, represents Beninois' main trading partner in the region. Interesting, however, most of the imported items, imported into Benin Republic constitute the majority of the informal trading items smuggled into Nigeria through the borders illegally by Nigerians and Beninois involved in the illicit enterprise. According to the Director of Economic Development in Manufacturing Association of Nigeria (MAN), some of the smuggled goods are cloned with made in Nigeria label.<sup>40</sup>

The cloned smuggled items comprises mostly textile materials having Nigeria label but are manufactured in China, with inferior quality, and smuggled through the Nigeria-Benin border.<sup>41</sup> Among the items smuggled into Nigeria are rice, spaghetti, turkey, vegetable oil, textile materials, second-hand clothes (okirica), tin tomato, apple, perfume, cosmetic, etc. Some of these items are locally made in Nigeria and constitute a major threat to the Nigerian manufacturing sectors. This notwithstanding, these banned items find their way into the Nigerian market. One of the measures taken by the Nigerian government to address the smuggling of illegal and contraband goods through the Nigeria-Benin border was to close her borders with Benin Republic as a temporal remedy. This can be seen in the 1984 border closure by the Muhammadu Buhari led Military Administration. The next was in 2003 when the Nigerian government, under the civilian Administration of President of Olusegun Obasanjo, closed the Nigeria-Benin border. This became necessary as a result of the increased threat posed by trans-border crime in the Nigeria-Benin border, and the failure of the Beninois' government to take decisive step to address the menace from her side of the border.<sup>42</sup>

Other salient features in the nature and pattern of trans-border crime globally is the phenomenon of meeting demand with supply, terrorism and corruption. Some of the illegal items involved in trans-border crime are smuggled by trans-border criminal groups in areas where there are in demand for them. For instance, in Africa, United States and Europe none of these countries are endowed with heroin, cocaine and other hard drugs. But they constitute a major market where the drugs are in high demand.<sup>43</sup> Therefore, trans-border criminal groups and individuals involved in drug trafficking smuggled hard drug from South America and Asia where they are in large quantities to countries where they are in high demand. The same applies to other forms of trans-border crime, such as human trafficking in which young women from Africa, Asia and Latin America are smuggled to Europe and the United States to

engage in prostitution. In recent times, there has been the nexus between trans-border criminal groups and terrorism. Terrorist organisation such Taliban, al-Qaeda in the Islamic Maghreb (AQIM), Hamas and few others are engaged in trans-border crime to raise cash to acquire arms and ammunitions to achieve their objectives. In the same vein, corruption is a major feature in trans-border crime. Trans-border criminal groups and individuals bribed their way to smuggle illicit items across the borders. Several security officials policing the borders, especially across Africa, compromise in the discharge of their duties. Through corruption, organised criminal groups obtain protection from public officials, influence political decisions and infiltrate state structures and legitimate businesses.<sup>44</sup>

### **Causes of Trans-Border Crime**

In different countries of the world, various factors are responsible for the phenomenon of trans-border crime. With respect to Nigeria and Benin Republic, the following are some of the factors that have attracted individuals and groups to engage in the illicit enterprise.

#### **Absence of Employment Opportunities and Poverty**

The absence of job opportunities in several Africa countries has created socio-economic and political instability across the continent. Unfortunately, for many Africans the promises made by their political leaders during the struggle for independence and after independence such as creating job opportunities for their citizens are far from being achieved. The failure of many of the continent's leaders to provide job opportunities for their teeming unemployed population, especially the youths, has pushed many of them to go into crime.

Trans-border criminals in the Nigeria-Benin border and other borderlands across Africa blamed their involvement in the illicit enterprise on their inability to secure job, and escape poverty.<sup>45</sup> In the Nigeria-Benin border. Trans-border crime has turnout to be a lucrative venture that has improved the lives of the people residing in the Idiroko, Ilara and Seme

border towns between Nigeria and Benin Republic. According to Michael Amosun, to live comfortably in the borderlands, such a person must be a smuggler engaged in the illicit enterprise.<sup>46</sup> This, thus, explains the view of the border communities that since the government has failed to provide job opportunities for them, they on their own have to seek alternative means to survive. This has led them into trans-border crime.

### **Failed Structural Adjustment Programme (SAP)**

Apart from the absence of jobs, the Structural Adjustment Programme (SAP) embarked upon by several African governments in the 1980s, under the auspices of the International Monetary Fund (IMF) and the World Bank, failed to produce the needed result. SAP was embraced by Third World countries in Africa, Asia and Latin American as a panacea to address their economic misfortunes. In addition, the programme was meant to help them make debt repayments on older debts owed to commercial banks, governments and the World Bank.<sup>47</sup> The Structural Adjustment Programme was attached with conditions that came with loan borrowed by the third world countries from the IMF and the World Bank. These global financial institutions forced these countries to stop the provision of certain incentives for their nationals in the education and social sectors. Furthermore, it provided the medium for both IMF and World Bank to achieve their economic goal in these countries that include export-led growth; privatisation and liberalisation; and the efficiency of the free market. In the course of their implementation of SAP, many governments in Africa, including Nigeria and Benin Republic, carry out stringent economic policies that were unfavourable to their nationals.

Some governments that accepted the IMF loans were forced to place embargo on job opportunities and devalue their currency in response to the directives of the global financial institutions. Contrary to expectation, many African leaders that embraced SAP brought untold hardship to their citizens. In Nigeria, SAP was introduced in 1986, by the General Ibrahim

Babangida-led government. Before its introduction, the country's economy was already witnessing recession. The economic recession started during the civilian administration of Shehu Shagari. Shagari's austerity measures failed to address the economic situation in the country. The failures of the austerity measures of the Shagari government worsened the already-crippled economy. The official inflation rate of the country in 1983 was 23.2 per cent and rose to 39.6 per cent in 1984.<sup>48</sup> Several private also companies embarked on sacking their employees. Also, the Federal Government could not recruit unemployed Nigerians in her ministries and agencies.

Similarly, the country's inflation rate was grew high during the period. The failure of the government and the private sectors to create opportunities resulted in high crime rate in different parts of the country. Trans-border crime received a boost during the period, as the resident of the border communities engaged in the illicit enterprise as their source of livelihood. Successive administration attempts to bail the country from its economic downturn led to the decision to approach the IMF and the World Bank. In Nigeria SAP was introduced and implemented by the Military Administration of General Ibrahim Babangida from 1986 until the end of his administration in 1993.

In Benin Republic, following the near-collapse of the country's economy in the late 1980s, President Mathieu Kerekou went to the IMF and the World Bank to negotiate for loan. In return for the loan, Kerekou-led government accepted the economic policies of SAP in 1989.<sup>49</sup> Despite the protest of nationals from both countries, their governments went on to take loans from both financial institutions. This compelled them to implement the economic policies that come with SAP. In Nigeria and other countries in Africa, the implementation of the harsh economic policies of SAP led several of their citizens to seek greener pastures in foreign lands in order to fend for themselves and their families. Those who could not live their countries, in the absence of job opportunities turned to crime. In this regard, trans-border

crime received a boost during this period and onward in the Nigeria-Benin border and other border regions across Africa.<sup>50</sup> At the centre of this is the liberal economic policies of the IMF and the World Bank.

### **Different Economic Policies between Neighbouring Countries**

Another factor responsible for trans-border crime in the Nigeria's borderlands in general and Nigeria-Benin border in particular is the different economic policies implemented by both countries. The Republic of Benin economic policy, unlike that of Nigeria, depends on importation of consumables and other items. In other words, her economy is import-driven. Nigeria's economy on the other hand, does not encourage importation. This explains why the government placed embargo on certain imported goods from entering the country. The goal behind the policies of the Nigerian government in banning certain manufactured goods and items into the country is to protect the local industries.<sup>51</sup> By so doing it will keep them running, and Nigerians working in these manufacturing companies will be fully engaged. Smugglers from both countries took advantage of the contrasting economic policies of both countries to smuggle contraband items across their borders. Most of the smuggled items are consumables such as chicken, turkey, tin or canned tomatoes, apple, spaghetti, foreign drinks, textile material, vegetable oil, and more. Other smuggled items include vehicles, petroleum product, used clothes, tobacco, cigarette, cosmetics among others. Most of the smuggled goods come from the Beninois side of the Nigeria-Benin border influenced by low tariff on imported goods compared to that of Nigeria.

In Nigeria, second-hand vehicles popularly referred to as "Tokunbo" and rice import duties varied from one administration to another.<sup>52</sup> In addition, in Nigeria, the life span of second-hand allowed differed from that of Benin Republic. Therefore, when the import duties are high, it encourages the smuggling of both items across Benin Republic into Nigeria, through the Nigeria-Benin border. Similarly, Nigerians who have imported second-hand vehicles

whose lifespan exceeded what is allowed by the Nigerian government smuggled their imported vehicles, through the Nigeria-Benin border into the country. Interestingly, most of the consumables, detergents and other goods smuggled into Nigeria sales at a cheaper price at Benin Republic due to their low import duties at the Beninois port. The contrasting economic policies of both countries create demand and supply in both countries. This is what Nigerian and Beninois traders, in collaboration with trans-border criminals exploit, to maximise profit without considering their national interest or the consequences of smuggling adulterated goods with serious health implications on their nationals.

### **Lucrative Nature of the Venture**

Another factor responsible for the causes, growth and expansion of the illicit enterprise, despite the risk involved in different parts of the world is that it is a lucrative venture. It is very difficult to estimate the annual profit made by trans-border criminal groups and individuals in different parts of the world, particularly in the Nigeria-Benin border and Africa in general. The reasons are not far-fetched. Trans-border crime is carried out in secrecy. There is no documentation of the transaction by the parties involved. Likewise, the illicit enterprise is equally carried out as an illegal informal trading activity lacking official inspection and supervision. These factors enabled trans-border criminal groups and individuals to reduce risk and maximise profit. Interestingly, due to the lucrative nature of the illicit enterprise, it has enabled more people to go into it in order to improve their living standard. For instance, in the Nigeria-Benin border, arising from the profit derived from the illicit trade, some of the indigenes in the borderlands have changed their economic activities from farming to smuggling.<sup>53</sup>

It has improved their economic status, as many of them, through the proceeds they made from the illicit enterprise, have diversified their economic base into other ventures. Some of them have established fuel stations, hotels, shopping centres, transport business, and other

businesses.<sup>54</sup> Trans-border crime had made many people in the border communities to live a comfortable life. The lucrative nature of the enterprise and the ability of the smugglers to manoeuvre security personnel, at the border post as well as exploit alternative outlet has continued to encourage several peoples within and outside the border communities to remain in the illegal enterprise.

### **Borderlands and Trans-Border Crime**

The peculiar nature of borderlands across the world has made the region an area of special interest by government and security agencies as well as scholars of various disciplines who seek to understand the peculiarity of borderlands - the peoples, socio-cultural, economic and political activities. The concept of border, particularly international borders dates back to the formation of the state system in Europe in the seventeenth century. This is however, debatable. In other parts of the world, especially countries that experienced colonialism in Africa, Asia and the American continent, the concept of border and borderlands became a feature of their colonial legacy. Borderlands across the world share certain features that are common to all of them. Among these features include: a coalesce or melting pot of different ethnic nationalities, an emporium of trade between traders across the borders as well as an area of neglect in term of basic infrastructure. Borders are also areas of conflict between two rival states an areas characterized by illicit criminal activities such as trans-border crime.<sup>55</sup> As opined Anthony Asiwaju:

The peculiarity of border regions is revealed in the events that had taken place in different border regions across the world. For instance, in the Middle East, most terrorist organisations operates from the border regions, likewise also from there they mastermind their dastardly act to carry out their target. Still, in the Middle East, hard drugs such heroin and cocaine are smuggled in the border region of Afghanistan and other Central Asia countries to Turkey, from where they are smuggled into eastern and western Europe countries.<sup>56</sup>



The feature of border regions is not particular to the Middle East. In Africa with particular reference to Nigeria and Kenya, the Boko Haram and Al Shabaab terrorist organisations operate across their borderlands. The Boko Haram terrorist group, for instance, circumvent between the Nigeria - Cameroon, Chad, Niger and Benin Republic borders to carry out their terrorist attacks on civilians within and outside the borderlands of Nigeria and her immediate neighbours, especially those in the northern part of Nigeria's international boundary.<sup>57</sup> In Kenya, the Al Shabaab terrorist group operate within the Somalia border areas to attack Kenya. Similarly, across the various borderlands in Africa, trans-border crime has succeeded tremendously arising from the various factors earlier discussed in this chapter. The same can be of the American continent where hard drug from countries in South America are smuggled into Mexico, from where they are smuggled through the borders between Mexico and the United States into the United States.<sup>58</sup>

Apart from being the centre or take off point of criminal activities such as trans-border crime and terrorist activities, borderland has equally been at the heart of irredentist struggle in Africa and Europe. With reference to Europe, the outbreak of the wars of expansion embarked upon by various European kings and rulers to expand their territories from 1618 to the end of the Second World War, led to the partitioning of European boundaries on several occasions. This development propelled irredentist agitations and struggles among ethnic nationalities separated by the partitions, especially in the Balkan region of Eastern Europe.<sup>59</sup> In Africa, irredentist agitations manifested in different parts of the continent in the post-independence era. It was a by-product of the colonial legacy exploited by some post-independence African leaders to win popular support among their people. African leaders such Kwame Nkrumah of Ghana was one of the prominent leaders in the continent that championed irredentism.

However, despite the negative experiences associated with borderlands in different parts of the world, there emerged a shift from the second half of the twentieth century with respect to

border relations, among states in their borderlands. In post-Second World War Europe, borderlands have been transformed from the area of friction and conflict arising from the rigidity of the pre-World War II European border policy to bridge of promoting socio-cultural and economic cooperation among European states tagged “Europe without frontiers.”<sup>60</sup> Through this medium, the European Union (EU) member countries have been able to achieve several of their objectives as reached at Maastricht in 1992. The objectives reached at Maastricht on regional integration are open border policies, security, tariff and customs duties on goods crossing the borders, trade policies, among others. Other continents have tried to adopt the European model to promote trade and commercial activities. However, compared to the European model, the degree of success recorded by other continents can only be described as modest.

Borderlands are seen as the hub of trans-border crime in different parts of the world. The reasons are not far-fetched. With reference to the Nigeria-Benine border, the failures of the Nigerian and Beninese governments to provide job opportunities for their teeming population in their respective border communities have contributed to the reason in the region are involved in the illicit enterprise. The porous nature of both countries borders is also to blame. Apart from the official border post in the borderlands between both countries, there are several other outlets unmanned by security personnel. Some of the outlets are a bush path, some between houses abutting the international boundaries, while others are in remote areas known only to the border communities. In the same vein, the lucrative nature of trans-border crime has equally made the trade central among resident of the border. Added to this is the perception of the border communities towards trans-border crime. Residents in the border areas are unable to understand what constitutes economic crime. For this reason, they continue to engage in illicit trade.<sup>61</sup>

### **Trans-Border Crime in the Nigeria-Benin Border in the Colonial Period**

Trans-border crime in the Nigeria-Benin border and other borderlands in Africa as already stated in this work dates back to the colonial period, owing to the rival economic interest of the colonial authorities to the detriment of that of the Africans. The colonial authorities deliberately banned local items traded by Africans in place of theirs and prevented trade across the borders by imposing taxes on the people. This action by the colonial masters in Africa and West Africa in general and the Nigeria-Benin border in particular set gave birth to the illicit enterprise of smuggling across the borders during the period and beyond.<sup>62</sup> This development marked the beginning of cross-border crime in Africa, and West Africa particular. In addition, the neglect of the border communities in Africa in general, and the Nigeria-Benin border in particular, in the post-colonial era has contributed to the growth of the illicit enterprise across the continent.<sup>63</sup>

### **Trans-Border Crime in the Nigeria-Benin Border during the Colonial Period until the Eve of Independence**

In Africa, trans-border crime started in the colonial period. In the Nigeria-Benin border, smuggling one of the earliest forms of trans-border crime was traced to the contradictory economic policies of the French and British colonial authorities in the sub-region. L.C. Dioka, in his book *Lagos and Its Environs* provides an insight into some factors that ignited smuggling in the borderlands. To Dioka:

The Anglo-French agreement of 10th August 1889 transformed the colonial boundaries into the international boundary. But rather than curtail the excessive degree of smuggling, the boundary exacerbated it hence with it (the boundary), smuggling became a stable feature of the region. British and French nationals were confined to their own side of the boundary while waging tariff wars. While the French, in order to encourage investment and settlement of their nationals in keeping with their policy of assimilation, imposed low tariffs, the British on the other hand, imposed high tariffs on their colonies to cover administrative cost.<sup>64</sup>

This, however, was evident in the different tariff imposed on certain items such as alcohol, fire-arms and other goods, by both the British and French colonial authorities.<sup>65</sup> Furthermore, both colonial authorities tried to manoeuvre each other by monitoring the impact of their tariff on each other's territories. To this effect, the British Colonial Office Committee carried out a survey on the effect of spirit trade on southern Nigeria in the later part of the eighteenth century. The Committee Report noted that the spirit trade (alcohol) could be checked by a sharp increase in tariff. It, however, held that such a step could not be taken unilaterally because the lower duties in force in Dahomey would encourage the entry of smuggled spirits into Yorubaland.<sup>66</sup> In French territory in the borderlands, the tariff on imported and exported goods was cheaper, compared to that of the British territories. The same can be said of duties levied on goods. The development, no doubt, galvanises smuggling in the region as traders and people dwelling in the borderlands, due to the high tariff on the price of goods in Lagos and Badagry, were forced to seek cheaper goods from Porto Novo through smuggling.<sup>67</sup>

It is imperative to note that during the colonial period, the strict border movement and taxes charged on goods crossing the British and French colonial territories of West Africa, equally affected the free movement of agricultural produce, in the Nigeria-Benin border. The development contributed to the smuggling of cash crops during the colonial and post-colonial eras in border regions across West Africa, arising from price differentiation in the different colonies in West Africa. For instance, in the Nigerian-Nigerienne border groundnut farmers in Niger under French colonial rule, smuggled their produce into neighbouring British colony of Hausaland in Nigeria, during the colonial period, especially during the Second World War and after, to sell their produce at a higher price. According to John Davidson Collins, over 90% of Niger's commercial groundnut crop was sold in the four neighbouring districts of Maradi, Tessaoua, Metameye and Magaria, each of which has a southern border with Nigeria.<sup>68</sup>

In the same manner, in the Nigeria-Benin border, cocoa, kola nuts, palm kernel and palm oil were some of the major cash crops smuggled from the Nigerian side of the borderlands into Benin Republic during the colonial period and after. Cocoa later dominated other cash crops before it was replaced by fuel in the second half of the twentieth century. Cocoa farmers and middlemen involved in the sales of agricultural produce from the western part of Nigeria transported their cocoa produce in large quantity to the border region between Nigeria and Benin Republic where they are sold at favourable price, and later smuggled into Benin Republic.<sup>69</sup> Cocoa was in high demand in the French colonies, where they re-export to France. Likewise, cocoa was in high demand for local industries operating in Benin Republic. Beverage companies demand highly for cocoa. Since cocoa was not cultivated in Benin Republic, the beverage companies relied on external supply, that comes mainly from neighbouring British colony of Nigeria.<sup>70</sup> On the other side of the border, several imported items were smuggled from Benin Republic into Nigeria territory. These items include fabrics, spirit, liquor, cigarette/tobacco, smoked fish, enamel, used clothes, among others.<sup>71</sup>

Smuggling progressed steadily during the colonial through the post-colonial period. Most people involved were nationals from both countries, who discovered early, the lucrative nature of the illicit enterprise, in addition to the major items in demand by nationals from both sides of the border. However, it is interesting to note that the major actors involved in the business smuggling on the Nigerian side of the border were not indigenes of the border communities. They are Nigerians from other parts of the country with a history of long-distance trade. They are the Ijesha, Ikiri, Ogbomosho and the Osun people.<sup>72</sup> These Yoruba-speaking people were settlers on both sides of the Nigeria-Benin border. The indigenes of the border communities were mainly farmers. They, however, served as guards to alternative border routes. Nevertheless, the Nigeria-Civil War changed their perception of the illicit

enterprise. After the Civil War, they became the major actors in the illicit trade of smuggling of different goods across the borders between the two countries.

The respective colonial authorities in the Nigeria-Benin border failed to do anything remarkable to stop the smuggling of goods across the border of their respective colonies. To some extent, it favoured their economic interest, especially part of the French colonial authorities. Throughout the duration of colonialism, French firms imported several goods into their respective colonies in West Africa. The goods were smuggled into British and other European-controlled territories in the West African sub-region. Smuggling and other forms of trans-border crime took a new form in the Nigeria-Benin border after Nigeria and Benin Republic attained independence from their respective colonial masters in 1960. The illicit enterprise took a new dimension after independence. The features that peculiarised the illicit enterprise after independence will be the focus of the next section.

### **Trans-Border Crime in the Nigeria-Benin Border, 1960 – 1985**

Trans-border crime in the Nigeria-Benin border, in the form of smuggling, advanced from the colonial period into post-independence Nigeria and Benin Republic. Interestingly, both countries attained independence from their respective colonial masters (the British and the French) in 1960. At independence, the government of both countries did little or nothing to address the threat of the illicit enterprise posed on the economy, development and security. One of the reasons the Nigerian and Beninese governments at independence failed to give adequate attention to the threat of trans-border crime in the form of smuggling in their borderlands – was due to the dependent structure of the economy of both countries. The economy of Nigeria and Benin Republic was literally tied to the apron string of their colonial masters – the British and the French. In fact, their economies, like those of many countries in Africa, are an inheritance, an extension of that of their respective colonial masters.<sup>73</sup>

Both economies, like in the colonial period, continued to be vertically linked to the advanced market economy of the West and their former colonial masters to which they supplied and continue to supply primary products of agricultural produce and mineral resources even in the post-colonial era.<sup>74</sup> As a result, most of the leaders of the newly independent countries in Africa paid less attention to intra-trade, in their sub-regions, especially in the informal sector among individuals and groups in their respective borders characterised by the smuggling of contrabands across their borders.

Thus, while the Nigerian post-colonial economy served the interests of the British, those of its immediate Francophone neighbours, namely, Benin (then Dahomey), Niger, Chad and Cameroon were structured to serve the needs of France. In the process, formal trade between Nigeria and her immediate neighbours was very low. This is due mainly to the concentration of her trade and other economic relations in the hands of capitalists and advanced economies of the West. However, in the midst of trade between the Nigerian government and her western economic allies, like the government of Benin Republic during the period, informal trade between indigenes or nationals from both countries flourished in the form of smuggling of contraband in their respective borders. A.O. Olukoshi and C.I. Obi captured the trend of trade relations between Nigeria and her immediate neighbours shortly after independence. They noted that:

Within this scenario, trade relations between Nigeria and its neighbours accounted for a very small proportion of their total foreign trade. ... It has been pointed out that a lot of unrecorded or informal trade continues to take place across the 'artificial' borders of Nigeria and its immediate neighbours, almost overshadowing the low level of formal trade between and among them, taken together, these informal flows still constitute a small proportion of the total trade of the sub-region.<sup>75</sup>

Similarly, the economic policies of independent states of Nigeria and the Republic of Benin at post-independence era were influenced largely by their colonial experiences. This, to a

large extent, accounted for the continuation of smuggling trade in the borders of both countries. In Nigeria, different administrations from Prime Minister Tafawa Balewa encouraged the protection of local or infant industries through a high tariff on imported goods. In addition, Prime Minister Balewa also placed an embargo on certain goods not produced locally from entering the country. Contrastively, the Beninois economy, right from independence, opened her border to the importation of all kinds of goods smuggled into neighbouring countries bordering her, Nigeria inclusive. One major reason that influenced the decision of the Beninois government to open her port to all kinds of goods, from overseas is that one of the major sources of her internally generated revenue comes from import duties charged on imported goods entering the country. In the process, the Beninois government likewise, maintained favourable custom duties to ensure quick clearing of imported goods. This partly explains why the government of Benin Republic allowed the importation of all sorts of goods, save toxic waste and ammunition into their country.<sup>76</sup>

In the same vein, the population difference between the two countries to some extent encouraged the illicit trade. Nigeria, at independence, was sixty million, while Benin Republic was ten million. The population differences between both countries, according to Ogunsola John Igué, with respect to Nigeria, makes her larger market to be attractive to more goods of different kind to the country.<sup>77</sup>

Nigerian leaders and those of her immediate neighbours at independence paid less attention to the effect of the illicit enterprise in their respective borders. This, however, does not deny the fact that trans-border crime, in the form of smuggling, was impacting negatively on their corporate existence. Jorge I. Domínguez revealed the effect of smuggling in developing countries, including Nigeria and Benin Republic. In his words:

Smuggling destabilises relations with allies. It is a source of frustration in areas ranging from industrial protection to



population growth. It dulls the effectiveness of foreign policy instruments such as trade and immigration acts. And it can affect the internal structure of a society by creating new actors, power bases, and patterns of consumption. Smuggling maybe the extreme instance of loss of state control. A part of frenzy in less developed countries to regulate the activities of multinational enterprises stems from the concern that not all of their activities are legal. ... Smuggling is a more complex problem than illegal trade because it often requires the establishment of alternative market systems in the target country.<sup>78</sup>

Smuggling in the Nigeria-Benin border during the colonial and post-colonial period was carried out through circuits. This is in the form of tracks known by smugglers linking both sides of the border, waterways and official routes connecting the borders of both countries.<sup>79</sup>

The following tracks were used to smuggle goods across the borders of both countries namely: the Ilara-Ketu track via Iselu, Igolo - Idiroko track, Saki-Parakou track by Okuta and Porto-Novo-Ponton track by Malahoui. Others include: the Seme border track, the Save (Saki) -track by Ayegun-Imeko, Saki-Parakou track by Okuta, among others.<sup>80</sup> The official routes are roads that passed through the borders of both countries and which security personnel, especially customs and immigrations officials are carrying out their duties of checking if vehicles and commuters are in possessions of contraband. It is interesting to note that commercial bus drivers and traders arranged how to smuggle goods by hiding it in the commercial bus, plying the Nigeria-Benin border route. In some cases, traders pay drivers huge sums of money to convey their goods, mostly contraband. When they do this, they indirectly pay bribes to drivers, customs and security personnel along the roads not to confiscate their goods for they are indeed contraband.

Smugglers, in smuggling of goods across the Nigeria-Benin border, used various waterways. They may use the Ouemene River that passes through the villages of Hetin, Kessounou, and the city of Porto-Novo. They also use the River Agougu in Badagry that is often used to smuggle goods within Badagry and its environs. These waterways serve as channels to some

tracks such as Ijofin – Maridjonou. Most of the waterways used for smuggling are located in southern parts of the border between Nigeria and Benin Republic.<sup>81</sup> Likewise, the waterways are used to smuggle luxurious goods, especially jewellery, tobacco and alcohols. The existence of tracks and waterways served and continues to serve an appropriate means of moving and evacuating the goods.

The mastery of the geographical environment of the border region enabled the smugglers operating in the Nigeria-Benin border carry out their illicit enterprise successfully. Similarly, the absence of natural or physical obstacles such as mountains and valleys makes it easy for smugglers to navigate the forest tracks and bush paths in smuggling contraband across the borders of both countries. The Okpara River for its part, served as the borderline separating the Sabe (Shabe) Yoruba-speaking people on both sides of the border region. In addition to being a major obstacle to smugglers passing through the border town linking Nigeria and Benin Republic, especially, during the raining season when the banks of the river overflow.<sup>82</sup> This development hindered communication and movement of the border communities and the movement of contrabands across the border separating the two countries.

Smuggling in the Nigeria-Benin border is more widespread in the southern parts of the borderland than in the northern and central parts. The northern and central parts of the borderland comparatively are not as populated as the southern part. Both the central and northern part possess savannah landscape characterised by open grassland. Three states on the Nigerian side of the border namely, Kwara, Niger and Kebbi shares boundaries with Oueme, Zou and Bougou, on the Beninois side of the border.<sup>83</sup> However, despite, the topography of these parts of the Nigeria-Benin border, records abound of different forms of trans-border criminal activities taking place in the borderlands.<sup>84</sup> They include the followings smuggling of agricultural products, petrol products, vehicles and prohibited items such as textiles materials, used goods, rice, and spirit (gin).<sup>85</sup>

The people on the Nigerian side of the border are predominantly Muslims, likewise, some of their neighbours on the side of the border. Islamic laws, to some extent, regulate the lifestyle of the people to adhere to Islamic injunctions and refrain from criminal activities such as smuggling and the consumption of alcohol, among others. The existence of Islamic or Sharia laws was expected to discourage smuggling in these parts of the border. This however, had been not the case because of differences in the prices of goods in the borderlands. Likewise, also, the lucrative nature of the illegal trade and the ability of the perpetrators of the illicit enterprise to circumvent security personnel at the border post, encouraged the clandestine trade.<sup>86</sup>

Alcohol (spirit) is one of the major smuggled items, smuggled into northern Nigeria during the colonial and post-colonial periods, despite the liquor prohibition of 1890 that extended into northern Nigeria.<sup>87</sup> In addition; strict Muslim practices had ensured strict application of Islamic injunctions against liquor trafficking in the region. The smuggling of liquor (alcohol) into northern Nigeria was not restricted to the borders, with Nigeria's immediate neighbours, such as Cameroon, Niger, Chad and Benin Republic. The majority of liquor smuggled into northern Nigeria came within the country. Traders engaged in the liquor business purchased their product from British importers at the coast in Lagos, from where they move to Asaba and Niger, it is from these parts of the countries that liquor is smuggled into northern Nigeria.<sup>88</sup>

The southern part of the Nigeria-Benin border, unlike the northern and central parts of the border was never under religious injunctions during the colonial and post-colonial period. The secular state of affairs and the absence of restrictive laws on certain items of trade encouraged commercial activities on both sides of the border, particularly informal trade. The southern portion of the Nigeria-Benin border has a high population density, with several towns and villages closely linked with each other, despite the boundary lines demarcating

them. These town and villages include: Meridjonou, Adjara, Ifonyin Itedo, Avrankou, Saki, Sabe, Kobejo, Pobb, Ketu, Ilara, Save, and Chikanda relate amicably socio-cultural and economic activities.<sup>89</sup> It is very easy for smugglers residing in these border towns to network among themselves to carry out their smuggling activities.

The peculiar nature of some of these border towns equally makes it easy for smugglers to embark on their illicit trade. For instance, smuggling is very rampant in the border town of Ilara because of the nature of the location of the houses between the boundary lines. Some houses have their frontage in Nigeria and their backyard in Benin Republic.<sup>90</sup> It is very difficult to apprehend smugglers operating in Ilara town. Contraband such as agricultural produce, consumables and luxurious items were easily smuggled across the Nigeria-Benin border through Ilara.

Ifonyin Itedo is another border area within the Idiroko border town that smugglers penetrate to smuggle across the Nigeria-Benin border. In the 1960s and after the civil war, the area was basically an agricultural town. It was from Ifonyin Itedo that agricultural produce were smuggled across the Nigerian side of the border to Benin Republic. Likewise, the southern parts of the border are linked to major cities and towns such as Lagos, Abeokuta, Ibadan, Ilaro, Sango Ota, Ijebu-Ode, and Sagamu.<sup>91</sup> Traders from these major towns and cities come to the border towns in Nigeria and Benin Republic to purchase contraband. Some cross the borders to buy banned items, that have been smuggled across the border by smugglers, specialised in moving goods across the border.

Prior to the outbreak of the Nigerian Civil War (1967 – 1970), the major items smuggled across the borders of Nigeria and Benin Republic include the following. From the Nigerian side of the border agricultural produce such as cocoa, groundnut, palm kernel, enamel, bicycles, motorcycle and accessories were smuggled. On the Benin side, alcohol,

tobacco, cigarette, consumables and luxurious items were smuggled into Nigeria. During the Nigerian Civil War, the illicit trade continued on both sides of the both border.

Despite the activities of smugglers at both sides of the Nigeria-Benin border, the government of both countries maintained cordial relations. The cordial relation that had existed between both countries was cut-short during the Nigerian Civil War. This was due to the decision of the Benin government to allow the International Committee of the Red Cross to use her airbase as a route to provide relief material for the Biafra forces waging war of separation against the Nigerian state. The development not only resulted in the closure of Nigerian border with Benin Republic in 1969, but also frozen diplomatic relations between the two countries.<sup>92</sup> After the war, Nigeria-Benin border re-opened, following the restoration of diplomatic relations between the two countries. It is interesting to note that during the period of the border closure, the illicit enterprise still persisted covertly in remote parts of the Nigeria-Benin border that were not effectively policed, during the border closure.<sup>93</sup>

During and after the Nigerian Civil War, the production capacity of the local industries in Nigeria fell significantly. The development influenced the various items that were imported into the country. Because of the low production capacity of the local industries in Nigeria, smuggling thrived during and after the Nigerian Civil War. Smugglers smuggled imported items from Benin Republic into Nigeria, especially through the Benin Republic border. Benin seaport was opened to all kinds of imported goods from the economically advanced countries of Europe and North America and Asia.<sup>94</sup> In the years preceding the war, several new items were smuggled across the borders of both countries. From Benin Republic came several western-made goods, namely: fabrics (textile materials), used clothes, liquor, consumables cigarettes among others. On the Nigerian side, used vehicles, motorcycle and their accessories, agricultural produce, which was later replaced by petroleum products such as fuel and kerosene, currency, among other items were smuggled out of the country.

Interesting, however, arising from the clandestine nature of smuggling that is carried out in the form of informal trade, there is scanty statistical records or data to substantiate the volume of smuggled goods across the borders of both countries. However, the records of import and export trade, especially of goods that passed through the land borders between Nigeria and Benin Republic from 1966 to 1974, provide insight as to the volume of trade across their borders during the period. The following tables will reveal this fact.

**Table 1**

Imports from Nigeria to Benin Republic 1966 – 1973 (imports units: 1000000)

Goods	1966	1967	1968	1969	1970	1971	1972	1973
Enamels	47	180	117					
Cycle & acc.	11	3					41	
Biscuits		35	31					
Fabrics		35						
Wood saw			32					
Cocoa	328	900	1385	1728	1371.8			
Palm oil					59		48.1	
Miscellaneous	130	300	420	600	200	150	200	435
TOTAL	188	553	600	928	1100	1594	1928	1869.9

Source: Ogunsola John Igué, "Évolution du commerce clandestin entre le Dahomey et le Nigeria depuis la guerre du Biafra" Canadian Journal of African Studies / Revue Canadienne des Études Africaines, vol. 10, no. 2 (1976):235-257 (Translated from French to English) Ogunsola John Igué "clandestine trade developments between Dahomey and Nigeria since the Biafra war " Canadian Journal of African Studies / Canadian Journal of African Studies , Vol. 10 no. 2 (1976): 235-257.<sup>95</sup>

**Table 2**

Exports from Benin Republic to Nigeria 1966 – 1973 (Exports unit: 1000000)

Products	1966	1967	1968	1969	1970	1971	1972	1973
Smoked fish	20	30						
Food products	53	176	216					
Tobacco/Cigarettes	66	137	207	560.40	873.20	680	1680.40	1173.90
Textiles / thrift shop		134	123	1525.00	2696.00	4270	2970.00	2.569.60
Liqueur	34	87	18	24645	600	265.00	640.00	572.00
Beer			28					
Pets			41					
Preserves				160.00	207.40	446.80	500	557.40
Miscellaneous	5	167	192	145.00	325.00	164	200.60	308.60

TOTAL	158	721	855	236.85	4366.60	6214	5297.80	5241.50
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Source: Ogunsola John Igué, “Évolution du commerce clandestin entre le Dahomey et le Nigeria depuis la guerre du Biafra” *Canadian Journal of African Studies / Revue Canadienne des Études Africaines*, vol. 10, no. 2 (1976):235-257 (Translated from French to English) Ogunsola John Igué "clandestine trade developments between Dahomey and Nigeria since the Biafra war " *Canadian Journal of African Studies / Canadian Journal of African Studies* , Vol. 10 no. 2 (1976): 235-257.<sup>96</sup>

The two tables above reveal the various items or goods that were imported and exported from Nigeria and Benin Republic from 1966 – 1973 through their land borders, in line with their terms of trade. In the same vein, the tables equally disclose that these goods were in high demand in both countries. Also, they and others are some of the major goods smuggled across both countries’ international borders before, during and after the Nigerian Civil War. It is interesting to note that majority of the exporters are expatriates of Europeans, North Americans, Japanese Indians and Lebanese origin. Only, a few are Beninois and some Igbos who fled Nigeria to Benin Republic during the Nigerian Civil War.

The re-export trade between Nigeria and Benin Republic and across the Nigeria-Benin border was dominated by foreigners. They are the major importers of foreign goods to Benin Republic, and equally are involved in their transit to other countries in the sub-region sharing border with the former French colony including Nigeria – through the formal and informal sectors. Among the foreign companies involved in the re-export of goods across the border include: CFAO, the AOCS. John Holt, John Walden, the Sodaic, Cica, Critel Fabre, Unicomer, and Hollando. Between 1971 and 1972, illegal exports of items from Benin Republic to neighbouring countries reached a record of \$10.2 billion CF franc. This value was calculated from the surveys conducted by the Central Bank of the States of West Africa (BCEAO) from departmental stores, retailers of Benin Republic and foreign businessmen in Cotonou. Of these ten billion two hundred millions of CFA francs were exchanges with Nigeria, which represented 93 % of the total.<sup>97</sup>

Three major goods dominated the re-export trade and smuggling across the Nigeria-Benineborder during and after the Nigerian Civil War. They are fabric/used clothing (English Wax, Wax Dutch, Japanese fabric, Vichy basin, Nylon- terga, handkerchiefs and India and Japan Poplin). Tobacco from Britain, the United States and other European countries, among the cigarette brands include Benson& Hedges, Rothmas, among otherswere also smuggled. These also include alcohols/Liquor (Dubonnet, Whisky, Cognac Gin Rum Champagne Schnapps).<sup>98</sup> After the war, itemsof clothing became a high demand in Nigeria.As result, it influenced the re-export and smuggling of fabric of various kinds and used cloths known as okrika into Nigeria. In other words, after the problem of food stuff, items of clothing were the other major issue that arose following the end of hostility that lasted for thirty months. Alcohol and tobacco consumption in the country during and after the Nigerian Civil War were influenced by the demands of the military. These items were restricted from entering Nigeria. Despite this, owing to the exigencies of the time and the ready market offered by Nigeria, the items were smuggled into Nigeria.

After the Nigerian Civil War, fuel soon became the major item smuggled across the Nigeria-Benin border from Nigeria. It replaced agricultural produce such as cocoa, groundnut, palm kernel, palm oil, lantern glass, motorcycles and other smuggled goods from Nigeria. The smuggling of fuel from Nigeria goes beyond Benin Republic to as far as Togo and other West Africancountries in need of the commodities. Nigeria played a major role in meeting the oil demands or needs of several countriesof the world, from the early 1970s – when she started exporting crude oil to the international market. This was made partly to the Arab/Israeli War of 1970/1971 which informed the decision of the Arab countries not to sell their crude oil to the West.The development in the Middle East during the period launched Nigeria to the global oil market as a major supplier of crude product, following the discovery of crude oil in the country in 1956.<sup>99</sup> In Africa, Nigeria was considered as a major player in the international



system and one that can carry the burden of the continent. This is due in large part to its large crude oil deposit which brought her wealth. In the same vein, many African countries not only depend on Nigeria for crude oil import, they saw her as a nation that can sell the product to them at a concessionary price. Since the 1970s, the standard has been set by the Yakubu Gowon-led government for other administrations to maintain.<sup>100</sup> However, unscrupulous and criminal-minded Nigerians, driven by the desire to enrich themselves by whatever means necessary, began to smuggle petroleum products across the country's border to supply Nigeria's immediate neighbours and other West Africa countries where the product was in high demand.

Of interest is the nature and pattern of the smuggling of petroleum products such as fuel (petrol), kerosene and gas across the Nigeria-Benin border since the 1970s. One of the major factors that was responsible for the smuggling of petroleum products across Nigeria borders to neighbouring countries is the subsidised price of the product in Nigeria, compared to neighbouring countries. Petroleum products are cheaper to buy from Nigeria than in other countries. As a result, Nigerians involved in the illicit enterprise, in collaboration with their partners in other parts of West Africa, with the aid of some security personnel at the borders and indigenes of the border communities, collaborate to smuggle petroleum products to market in the sub-region where the price is higher and supply is in less demand. This phenomenon began immediately after the Nigerian Civil War. Following the exportation of crude oil abroad, the Gowon-led military government, in his attempt to satisfy certain social demands and contribute to strengthening the peace after the war, decided to subsidise petroleum products meant for local consumption.<sup>101</sup> Smuggling of petroleum product across Nigerian borders with her immediate neighbours (Benin Republic, Chad, Niger, and Togo), have been encouraged by the awareness of the price differences in the sale of petroleum products in Nigeria and her neighbouring countries. It was also encouraged by the desires of

citizens of these countries to purchase petroleum products at the black market, arising from high pump price for which the product is sold at their fuels stations. Since the 1970s, this trend has continued to influence the smuggling of petroleum products across Nigeria's international borders with her immediate neighbours – Benin Republic, Togo, Ghana, Cameroun, and others.

Since the 1970s, the smuggling of petroleum products has become a norm among the people residing on both sides of the Nigeria-Benin border. The people on the Beninois side of the border relied on smugglers from Nigeria to help meet their demand on petroleum products through smuggling. Petroleum products are cheaper in the black markets which are derived through smuggling from Nigeria. In addition, Beninois in the southern part of the border look to Nigeria smugglers for petroleum products due to insufficient distribution networks and outlets to supply them petroleum products. This to a large extent is blamed on the Benin government. For instance, there is no supply centre in Igolo, Meridjonou, Ifohinto, Gbawojo, Ita-Jebou, Ipinle, among others.<sup>102</sup> However, supply towns such as Sakete, Pobe and Ketu lacked the huge storage facilities to stock Petroleum products such as kerosene and fuel to meet the demands of the people that sell in tanks and bottles of various sizes and forms. Sakete and its region have about 100,000 inhabitants; only one filling station is serving the town. The situation is the same at the Pobe district with 70,000 inhabitants and two industrial complexes namely, the Research Institute for Oils and Oilseeds (IRHO) and the Agonvi Agro-Industrial Complex.<sup>103</sup> The inadequate supply of petroleum products in these towns encouraged smuggling of the product as the only way the demand for the product among the people can be satisfied.

Benin towns and villages in the Nigeria-Benin border depend on smuggling petroleum products from the Nigerian side of the border region to satisfy their petroleum needs. Unlike, the Beninois towns and villages on their side of the border, several towns and villages on the

Nigerian side of the border region have several fuel stations supplying them petroleum products. Where there is no filling station, there is constant supply to outdoor tanks serving communities and villages. In the Idiroko border town during the 1970s, there are three gas stations, belonging to Shell companies, Mobil Oil and Agip.<sup>104</sup> These stations possess all automatic pumps which operate with electric generators. These stations have a big impact in the region and extend their influences even until Porto-Novo.

Trans-border crime in the form of smuggling of contraband flourished across the Nigeria-Benin border like other international borders and border region across West Africa. The illicit enterprise progressed from the colonial into the post-colonial period and influenced by several factors discussed above. However, post-independence African leaders were confronted with several challenges. Among challenges was how to resolve the 1884/1885 partitioning of the continent which set in motion several problems for the newly independent states of the continent. One of such problem was how partitioned ethnic groups constitute a veritable social, economic, political and diplomatic problem for the rulers of contemporary Nigeria and Benin Republic.<sup>105</sup> Indeed, leaders of both countries after independence had challenges on how to deal with the threat of the illicit enterprise, although, the Beninois government arising from her economic policy was benefiting from the re-export trade through the revenue entering the state coffers. The Nigerian government was in a dilemma on how best to address the problem of trans-border crime in the country's border region, so as not to be seen as contradicting some aspect of her foreign policy strands towards Africa, West Africa and her immediate neighbours. This development made several administrations stand and watch, as smuggling persisted in the border regions, especially that with Benin Republic. The Nigeria government closed her border with Benin Republic during the Nigerian Civil War, not basically because of smuggling. The border was shut because of the approval by the

Beninoise given to the international community of the Red Cross to use her airspace as route for providing relief materials to the Biafrans during the war.

In February of 1984, the Nigerian military government led by General Muhammadu Buhari closed Nigeria's borders with all immediate neighbours, including Benin Republic as a way to stopping smuggling and trans-border criminal activities taking place at the country international borders.

### **The Closure of Nigeria's International Border with Her Immediate Neighbours (Including Benin Republic), 1984 - 1986**

In April of 1984, the Muhammadu Buhari-led military regime closed Nigeria's international borders with her immediate neighbours arising from the threat posed by trans-border crime on the country's economy following the change of currency. The decision was unpopular among Nigeria's immediate neighbours. However, for the General Buhari-led government, the decision was taken for the sake of national security and stability of the country's economy infiltrated by contraband goods through the country's international borders, particularly, Nigeria's border with Benin Republic. The activities of trans-border criminals across Nigeria's international border were a major threat to the country ailing economy struggling to find her feet at the time. The smuggling of contraband goods and other illegal items into the country threatened the local manufacturing industries employing thousands of Nigerians in different parts of the country.<sup>106</sup> For Nigeria's immediate neighbours; the decision was taken without their consultation. For them, the closure violates some provisions of the ECOWAS Treaty that allowed for the free movement of persons and goods across their respective international borders. In addition, the border closure hindered several business men and women and traders that cross the border for commercial activities.<sup>107</sup> During the period of the border closure, oral data collated from fieldwork through interviews reveal that the illicit enterprise reduced drastically.

Efforts were made by Nigeria and some countries in the sub-region affected by the border closure to address the security challenges by posed by trans-border crime. This was a collaborative measure initiated by the Togolese leader, General Gnassingbe Eyadema, initially to foil an attempt by a dissident group planning to overthrow his government. It was the Nigerian government that incorporated measure to counter trans-border crime into his initiative. The initiative led to the Quadripartite Agreement reached between the four member countries, namely, Benin Republic, Togo, Ghana and Nigeria in June of 1985.<sup>108</sup> Among the provisions of the Quadripartite Agreement is that the four member countries will work together to combat trans-border crime in their border regions. Interestingly, however, the signing of the agreement did not immediately lead to the re-opening of the borders by the Nigerian government. It was another military regime led by General Ibrahim Babangida that re-opened the border in 1986. However, it was expected that following the signing of the Quadripartite Agreement, the signatories will work together to combat the illicit enterprise. It was also expected that there will be a reduction of trans-border crime and its impact on the four member countries. Nevertheless, as event soon revealed in the aftermath of the re-opening of the borders, especially the Nigeria-Benineborder, the illicit enterprise took new dimensions fuelled by development within and outside the border of both Nigeria and theRepublicBenin.

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## CHAPTER FIVE

### **TRANS-BORDER CRIME IN THE NIGERIA-BENIN BORDER DURING AND AFTER THE STRUCTURAL ADJUSTMENT PROGRAMME (SAP) AND RESPONSES, 1986 – 2013**

The impact of trans-border crime on the Nigerian economy, security and development from the mid-1980s, prompted a response from the country's leadership with the aim of curbing the illicit enterprise in her borderlands. Unfortunately, the period equally witnessed the

introduction of the Structural Adjustment Programme (SAP), by the Ibrahim Babangida-led military government. The implementation of the policies of SAP by his administration brought untold hardship on Nigerians. Furthermore, the austerity measures introduced by the Babangida-led government, in line with the SAP policies, made many Nigerians who were uncomfortable with the development at home to leave the country, most especially academicians and professionals. The poor state of the country's economy during the period and after contributed to the increase in crime rate in different parts of the country. Trans-border crime flourished during this period, aided by corruption among government security agencies at the various border posts. Arising from the weak state of the Nigerian economy during from the mid-1980s, and its impact on crime rate, such as trans-border crime, made Isaac Olawale Albert, to submit that "smuggling flourished the more in Nigeria with the introduction of SAP in 1986, which forced an increase in the price of virtually every commodity in Nigeria."<sup>1</sup>

The threat posed by trans-border crime during and after the SAP programme prompted different administrations to respond through various medium. Babangida's predecessor, General Muhammadu Buhari had closed Nigeria's border with her immediate neighbours in 1984 as a panacea to eradicating the threat of trans-border crime in the country's borderlands. The decision of the Nigerian government to close her borders with her limitrophe neighbours did not go down well, with her immediate neighbours and member countries of the Economic Community of West Africa States (ECOWAS), who are signatories to the ECOWAS Treaty. The treaty pledged member states of the sub-regional body to open their borders to facilitate the free movement of persons and goods across their respective international borders. Several months after the closure of Nigeria's international borders with her immediate neighbours, it was re-opened in 1986, during the military administration of General Ibrahim Babangida. The

illicit enterprise persists, prompting other measures by succeeding administrations to respond to the phenomenon.

This chapter examines the impact of SAP and development in the post-Cold War international economy world order of neoliberal economic policies on trans-border crime in the Nigeria-Benin border and the various responses by the Nigerian government and her Beninois counterpart to address the threat the illicit enterprise posed on their economy, development and national security, from 1985 to 2013.

### **Worsening Economic Situation in Nigeria and the Introduction of SAP**

The worsening economic situation faced by the Nigerian state under the civilian administration of President Shehu Shagari from 1979 – 1983, arising from corruption, poor economy planning and failed austerity measures accelerated crime rate in the country, trans-border crime inclusive. The near-collapse of the Nigerian economy prompted the military to overthrow the Shagari-led civilian administration in December of 1983. Shagari's successor, General Buhari, in his attempt to revive the Nigerian economy, closed the country's border with her immediate neighbours to curb the smuggling of contraband goods into the country.<sup>2</sup> The country's economic situation worsened during the military administration of General Ibrahim Babangida, who succeeded General Buhari in August of 1985. The decision by the General Ibrahim Babangida-led government to approach the International Monetary Fund (IMF) for loan led his regime to introduce the Structural Adjustment Programme (SAP), which further exacerbated the condition of the Nigerian economy. The government was forced to introduce stringent economic measures and policies that banned employment opportunities in government institutions. Others are the removal of educational welfare packages for Nigerian students in tertiary institutions and the implementation of liberal economic policies that favoured, the industrialised economic of the West.<sup>3</sup> In the midst of uncertainties, many Nigerians voluntarily left the country to seek greener pasture abroad. It

was an era of brain drain, in which several Nigerian professionals in sectors such as health, banking, engineering and the education left the country to foreign lands to practise their professions.<sup>4</sup>

The inability of the Nigerian government and private firms to recruit thousands of Nigerians without jobs contributed to an increase in crime rate in different parts of the country from the second half of the 1980s to the 1990s. Trans-border crime progressed during this period, especially with the high rate of robbery and the smuggling of vehicles across the Nigeria-Benin border.<sup>5</sup> It was during this period that Shina Rambo terrorised Lagosians.<sup>6</sup> He and his gang robbed car owners of their cars and smuggled them to Benin Republic and other West African countries where they are sold. Apart from the smuggling of cars, other items smuggled between Nigeria and Benin Republic during the period include fuel, consumables, second-hand clothes, textile materials, human trafficking, among others. The worsening state of the Nigerian economy from the second half of the 1980s contributed to the growth and expansion of the illicit enterprise.

### **Impact of Globalisation**

Another factor that contributed to the growth and expansion of trans-border crime in the Nigeria-Benin border from the mid-1980s to the dawn of the twenty-first is the impact of globalisation. The phenomenon of globalisation transformed the global economic order into a free market economy, dominated by the capitalist West shortly after the end of the Cold War in 1989. Globalisation accelerated economic interdependence and the integration of all national economies into one economy within the framework of a capitalist market.<sup>7</sup> In addition, according to O'Brien R. "... globalisation had put an end to geography, creating a borderless world, and signalling the twilight of sovereignty."<sup>8</sup> One of the remarkable features of globalisation that has transformed businesses, trade and the way financial institutions do business in a globalised world is the impact of the innovation in information technology and



communication, which connected all forms of businesses across the world, both legitimate and illegitimate. Ogaba Oche captures the effect of technology on illegal businesses, especially trans-border crime in West Africa. He affirmed that:

Rapid technology change has facilitated the activities of illegal economic activity in two ways. First, it has ensured a range of new commodities, which because they are highly sought after, offer a market for criminal opportunity. Mobile phones, for example, provide huge opportunities for fraud and organised theft and resale in West Africa. The internet opens new opportunities for fraud. At the same time, the technological revolution ensures that communication between groups and individuals in the criminal economy is facilitated. In the way as technology change has altered the way people work in the formal economy, so too is it having a similar effect in the illegal economy. Individual or small groups of operators are better placed to market their skills and also to communicate with other individuals and small groups, smoothing the flow of transactions in the illicit economic sphere. These developments encourage the development of networks of criminal enterprise, and undercut hierarchical operations, particularly in criminal enterprises that are comparatively new and have few traditions of operation and engagement.<sup>9</sup>

In the Nigeria-Benin border, the various trans-border criminal groups and individuals engaging in the illicit enterprise and informal trade such as smuggling of contraband goods, consumables, fuel, trafficking in arms, persons, hard drug, among others, exploited the impact of information technology to transact their illegal trade across the borders.

### **Different Neo-Liberal Economic Policies between Nigeria and Benin Republic**

The failure of Structural Adjustment Programme and its successor neo-liberal policies to transform the economic structure of West African economies in any significant way became obvious in the late 1980s.<sup>10</sup> Obvious in the sense that liberal economic policies within and between Africa countries have failed to produce a satisfactory result in rescuing the continent from its economic woes. Instead, the neo-liberal economic policies foisted on the African

continent by the International Monetary Fund (IMF) and the World Bank favoured the industrialised economies of the West whose technological advancement gives them an advantage over the market competition and price of finished goods. Several of their finished goods find their way to the African market, which their liberal economic policies have opened up. In West Africa, Nigeria and Benin Republic have experimented with the neo-liberal economic policies. Nigeria had been very cautious in its implementation of the neo-liberal economic policies. She has however retained some degree of protectionism, in an attempt to protect her local industries by preventing imported goods from finding their way into the country.<sup>11</sup> Similarly, the Nigerian government maintained high tariff on some goods, including vehicles and others to discourage them from entering the country either through her land borders and seaports.<sup>12</sup>

On the other hand, Benin Republic, unlike Nigeria opens her doors to the neo-liberal economies ideas, which made the country an entrepôt, where imported goods are re-exported and smuggled to other countries in West Africa. The Gambia is another country in West Africa, like Benin Republic that relies on entrepôt economic policy to survive economically. Interestingly, both countries due to their entrepôt policies have failed to develop significant industrial base in the 1960s and 1970s. Instead, both countries through their entrepôt policies have evolved development strategies designed to undercut the trade policies of their more protectionist neighbours.<sup>13</sup> The only other significant export industries, apart from smuggling in these two countries are declining primary products (groundnuts in The Gambia and cotton in Benin Republic) and tourism. In both countries, since the early 1970s, the authorities have sought to maintain trade taxes below those of their neighbouring countries in a deliberate attempt to foster re-exports to their larger neighbours.<sup>14</sup>

The Gambia and Benin Republic have become highly dependent on their entrepôt services, especially for government revenues. In both cases, the relationship involves a francophone

member and an Anglophone non-member of WAEMU. But the roles are reversed in the two cases (francophone Senegal and Anglophone Nigeria are protectionist, while Anglophone The Gambia and francophone Benin are more liberal). Since the 1990s, the Beninese government has continued to maintain her liberal import policy by opening her port to all kinds of foreign goods from France and other European countries as well as goods from Asia countries such as China.<sup>15</sup> This development has and continued to encourage smuggling in the Nigeria-Benin border, with negative impact on Nigeria's economy particularly, the manufacturing sector.

Similarly, since the 1970s, Benin Republic has maintained her status as a transit country in the West African sub-region. Benin Republic status as a transit corridor for imports from Europe and America into West Africa has remained a major feature of her economic strategies to generate revenue for the state. The port of Cotonou serves Benin Republic immediate neighbours, especially landlocked states, namely Burkina Faso and Niger, in the 1970s, and 1980, and even Nigeria since the 1990s.<sup>16</sup> From the 1990s, Nigerians in large numbers began to patronise the Beninese ports because of her efficient and effective port management in the clearing of imported goods and low port charges.<sup>17</sup> This was a major difference to that of Nigeria, owing to her poor port management and delay in the process of clearing imported goods and corruptions witnessed in Nigerian seaports. Several of the goods cleared in Benin Republic seaports by Nigerians are smuggled into the country through the porous borders between the two countries. Similarly, corrupt customs officials and other security agencies at the borders connived with smugglers to smuggle contraband and other illicit items into the country.

Therefore, one can conclude, with the submission of Isaac Olawale Albert, that the prevailing liberal import policy of Benin Republic was designed to enable her benefit from the fallout from the mismanagement of the Nigerian economy.<sup>18</sup> In the same vein, the differential

economic policies of both countries had equally affected legitimate cross-border trade between both countries. In 2000, the Nigerian Customs Service Comptroller-General, Alhaji Ahmed Mustapha decried how it has affected cross-border trade between West African countries under the West African Transit of Goods Scheme. The Customs Chief alleged that Beninois officials often imposed heavy charges on Nigerian bound imports on the excuse that both countries did not have goods transit agreement.<sup>19</sup> He affirmed further that besides, the Beninois authorities delay clearance of Nigeria bound goods for the reason that they do not have current or authentic prohibition lists from Nigeria.<sup>20</sup>

Thus, it is obvious the Benin Republic has been able to infiltrate Nigeria's economic development programme, by creating an alternative economic way out for Nigerians seeking lower port charges for the importation of their goods. In the same vein, Nigeria's attempt to accommodate her immediate neighbours, and West Africa countries have led to the implementation of a soft foreign policy posture towards them. A resultant effect of Nigeria's soft foreign policy posture towards her immediate neighbours in particular is that they have been emboldened to implement economic policies that are inimical to Nigeria's interest. Benin Republic is one country in the sub-region that has continued in the act of infiltration to the detriment of Nigeria's economic interest. The infiltrationist action of the Beninois state on Nigeria was well-captured by Emeka Nwokedi. To him:

Given Benin's position and given also its deliberate pursuit of an economic infiltrationist policy towards Nigeria, the foreign policy challenge for its leaders seems to determine when and how to safeguard Benin's autonomy by cushioning it from the inevitable consequences of economic malaise in Nigeria.<sup>21</sup>

### **ECOWAS Treaty**

The ECOWAS Treaty provided for the free movement of persons and goods. This Treaty encouraged open borders among member countries, similar to the European model. One of the

objectives of the protocol on free of persons and goods in line with the ECOWAS Treaty is to promote cross-border trade and cooperation among member states of the sub-regional body. Unfortunately, some unscrupulous individuals and groups within the sub-region (the Nigeria-Benin border in particular) that considered personal and financial interest, against collective interest of ECOWAS member states, have abused this objective. These unscrupulous individuals and groups through their criminal activities have played a part in the growth and expansion of trans-border crime in the Nigeria-Benin border, and other borderlands across the West Africa sub-region since the 1980s.

On the other hand, the implementation of the ECOWAS Treaty on free movement of persons has been greeted with mixed reactions and results in the sub-region. Some countries in the sub-region, signatory to the protocol on free movement persons and goods, for security and economic reasons expelled nationals from other countries in the sub-region to leave their countries. They accused nationals from poorer countries of being an additional burden on their expenditure annually, likewise, on their socio-economic infrastructure. In some cases, the poor management of expelling of nationals another from countries have resulted in xenophobic in West Africa, as in the case in South Africa.<sup>22</sup>

The security and economic threats posed by illegal aliens from the West African sub-region led the government of Shehu Shagari to deport over 2000 West African immigrants from Nigeria in 1983.<sup>23</sup> Similarly, in Cote d' Ivoire, from 1999 – 2003, the government pressured tens of thousands of migrants from Burkina Faso to leave their country. These developments have manifested in other parts of the continent, as citizens of host countries subject immigrants from neighbouring countries seeking a better life in a foreign land to inhuman treatment.

Similarly, in 1984, the Nigerian government closed her borders with her immediate neighbours to curb the smuggling of contraband into the country and other illegal items within the orbit of trans-border crime. A Similar incident repeated itself in 2003, during the civilian administration of President Olusegun Obasanjo. This took place because of the inability of the Beninese government to address the activities of trans-border criminals operating between their country and Nigeria. The Obasanjo government closed the borders between both countries in order to curb smuggling, and other forms of illicit enterprise that take place at the Nigeria-Benin borders.<sup>24</sup> In Nigeria, there has been a debate on the security implications of the ECOWAS protocol on free movement of persons and goods - and the opening of the country's borders to facilitate commercial activities between Nigeria and member countries of ECOWAS. Charles Dokubo notes that:

The protocol and free movement of people and goods might provide avenues for unscrupulous citizens from the neighbouring countries to import drugs, small arms and light weapons into Nigeria. The trafficking of illegal drugs has been traditionally regarded as principally a matter for law enforcement agencies. This is demonstrably no longer the case. The globalisation of criminal activities and the ability of narcotic trafficking to undermine the political and economic sovereignty of states have already made the illicit drug trade a significant threat to national security.<sup>25</sup>

In a meeting of ECOWAS Heads of State and Government held, in Abuja in 2000, an agreement was reached regarding a borderless sub-region. Other decisions reached include: the elimination of rigid border formalities and modernisation of border procedures through the use of passport-scanning machines. Immigration officials are also to be instructed to accord the maximum 90-days period of stay to ECOWAS citizens at entry point by 15 April 2004. In addition, and personnel at border posts would be limited to essential staff such as customs and immigrations.<sup>26</sup> This noble attempt by leaders of the sub-region are not properly monitored. Events over the years had shown that even security agencies at the border post

have continued to violate some of these measures put in place to accelerate commercial activities. In the same vein, trans-border criminal groups have equally exploited these measures to their advantage. Nigeria therefore needs to review some of the measure put in place by ECOWAS to ascertain if they are compatible with her economic and security interests.

### **Women and Smuggling in the Nigeria-Benin Border**

The lucrative nature of trans-border crime, particularly, smuggling attracted women to the illicit trade. Women involvement in the illicit enterprise of smuggling in different parts of Africa, including the Nigeria-Benin border dates back to the 1980s.<sup>27</sup> There are however, those that argued that women involvement in smuggling in Africa predate the 1980s. They traced women participation in smuggling to the period before and after independence.<sup>28</sup> This view is based on the fact that women are very active in the informal trade across the border, dating back before the coming of the Europeans to Africa. The argument for 1980s is based on the worsening economic crisis faced by several Africa countries, which led several women residing within and outside the borderlands into the illicit trade in order to ameliorate their weak economic situation.<sup>29</sup>

This was the period several countries in the continent were facing economic crisis. In addition, during the period some countries introduced the Structural Adjustment Programme (SAP) as solution to their economic predicament. However, SAP did little or nothing to improve the situation. Instead, it worsened the already battered economy of those countries that applied to the World Bank and International Monetary Fund (IMF) for loans, which opened them to SAP stringent policies that disadvantage their national economically. Women participation in smuggling in the Nigeria-Benin border and other borderlands across Africa manifested in informal cross-border trade.

The informal cross-border trade is both legal and illegal. Legal when goods exchanged across the border between traders are in line with regulations guiding trade, in which the trade are documented and the appropriate duties charged. On the other hand, the informal cross-border trade becomes illegal when the traders from both sides of the borders engaged in contraband, evade customs duties and circumvent the borders to engage in illicit trade. Smuggling as a form of informal cross-border trade is an illegal movement of goods in or out of a country, in order to avoid taxation.<sup>30</sup> It is also, a form of international trade that avoids import duties and restrictive laws. Interestingly, according to the United Nations Development Fund for Women (UNDFW), in the Southern African Development Commission (SADC) region, women constitute about 70% of the informal cross-border traders.<sup>31</sup> In the same vein, in the western and central parts of Africa, women constitute nearly 60% of informal traders.<sup>32</sup> This revealed that women contributes significantly in the growth and expansion of the informal cross-border trade in Africa, more especially, in the illegal version of the trade that has to do with smuggling.

Economic reasons are some of the major factors responsible for women participation in smuggling in the Nigeria-Benin border, Nigeria-Cameroon border and other borderlands in Africa. The majority of the women involved in the illicit trade despite the risk involved in terms losses of capital and goods, sees their involvement as an alternative to cater for their needs and that of their families. In addition, help meet the demands for cheap imported items at major towns in the cities led many women within and outside the border communities into the illegal informal cross-border trade.<sup>33</sup> According VanSanten, women involved in smuggling in Africa are the marginalised in the society. Likewise, the uneducated who have responded to the declining economic opportunities in the wage economy by moving into the gray areas of illegal trade.<sup>34</sup> The women traders involved in smuggling



in the Nigeria-Benin border and other borderlands in Africa take advantage of the differential import duties and ban restrictions in their country and that of their neighbours.<sup>35</sup>

In the Nigeria-Benin border at the Seme and Idiroko border post, women informal cross-border activities are very pronounced. Women are seen moving from one place to another at the border engaging in wholesale and retail trade with fellow women and men in one form of trade to another. The women have their major dealers on both sides of the borders that they traded with on regular basis. The majority of the goods traded at the informal cross-border trade by women are contraband. On the Beninois side of the border the women traders there sell and display virtually all the various contraband items. Such as frozen foods, used clothes, vegetable oil, spaghetti, textile materials, rice, foreign drinks and much more banned from entering Nigeria across the border.<sup>36</sup> The women from the Nigerian side of the border purchased these banned items and have them smuggled directly or indirectly through a third party, whom they paid for their services.<sup>37</sup> The smuggled items moved from the borders to major towns in Nigeria, such as Lagos, Ogun and Oyo states.

Some women engaged in the informal cross-border trade actually are involved in smuggling. These set of women not only traded in smuggled items but also moved their items across the border themselves, by hiding their items within their bags, body and inside the vehicles conveying them across the border.<sup>38</sup> On the other hand, those women who cannot engage in such practices and who purchase large items employed the services of *fayawo* or booked an entire vehicle to move their goods to their destinations, to their homes or shops and warehouses.<sup>39</sup>

However, whatever forms of involvement of these women directly or indirectly in moving their contraband across the borders itself is a crime and that makes them guilty of the act of smuggling. Their actions robbed the Nigerian government huge revenue annually. Likewise,

by smuggling foreign goods into the country through the borders hinders the growth of the manufacturing sector in Nigeria. The women faced several hazards in the course of their trade from robbers who try to rob them of their cash or steal their goods. Similarly, security officials tend to take advantage of their dealing in contraband, by harassing them.<sup>40</sup>

### **An Overview of the Various Forms of Trans-Border Crime in the Nigeria-Benin Border from 1986 – 2013**

#### **Smuggling of Contraband Goods**

Among the illicit enterprise that flourished in the Nigeria-Benin border since the mid-1980s is the smuggling of contraband. These are goods prohibited from entering a country or those placed on high import duties to discourage their importation through seaports and land borders. Contraband goods also include goods that do not have customs duties placed on them, hence are not allowed into a country. One of the aims of the Nigerian government for placing embargo on certain goods is to protect the local industries, which to all intent and purpose, is fundamental to the growth and development of the country's economy. In order, to create job opportunities for unemployed Nigerians, therefore, embargoes are on certain commodities. However, despite the protectionist policy of the Nigerian government, smuggling has continued to thrive across Nigeria's borders, that of Benin Republic inclusive. The development prompted the closure of the Nigeria-Benin border in 2003, by the civilian administration of President Olusegun Obasanjo.<sup>41</sup>

Nonetheless, there are those who blamed trans-border crime as well as smuggling on Nigeria's trade policy that focuses on prohibitive, protectionist and high tariff on import duties aimed at dissuading the importation of certain goods produced locally into the country. Nigeria's trade policy has been based on tariff protection in order to stimulate production diversification and encourage increased value-added in a mono-economy dominated by oil sector.<sup>42</sup> The Nigerian government has continuously pursued restrictive trade policies,

especially for manufacturing and agricultural goods. Linchpins of the Nigerian trade policy are numerous tariffs peaks and import bans, with the sole aim of supporting local production. A report by the World Trade Organization (WTO) highlights Nigeria's high average tariffs and import bans and demonstrates that trade restrictions have been on the rise since 2001.<sup>43</sup> Critics of the country's trade policy argued that:

Supply, however, has failed to respond to the restrictive trade policy and tariff differentials with neighbouring countries. Instead, these measures have created strong incentives for traders and importers to smuggle goods from neighbouring countries such as Benin to meet demand, inducing a non-compliant and non-transparent culture among traders, which is aggravated by corrupt behaviour on the part of many customs officials.<sup>44</sup>

The smuggling of contraband in the Nigeria-Benin border and other borderlands in Africa manifest in the informal cross-border trade. The informal cross-border trade is estimated to range from 20% of Nigeria's Gross Domestic Products (GDP) and 75% of Benin's GDP.<sup>45</sup> Most goods exchanged between traders from Nigeria and Benin Republic are contraband. Most of the goods imported into Benin are smuggled illegally into Nigeria through her borders with the former French colony. Nigeria has suffered heavily from the unofficial nature of the informal cross-border trade on contraband between Nigeria's and her immediate neighbours - especially from Benin Republic - in terms of the smuggling of adulterated pharmaceutical products and other fake goods into the country through their borders. Arising from the fact that Nigeria's vast external trade remains largely informal, unrecorded and untaxed... this fact leaves much of the country's economic potential unrealized.<sup>46</sup> This view is attested to by Akinjide Osuntokun. According to Osuntokun, a substantial part of the trade between Nigeria and Benin Republic and other francophone countries bordering Nigeria is undocumented because much of the trade is carried out through smuggling. This, according to

him, seriously limiting the virility of the Nigerian economy and poses a security threat to the nation.<sup>47</sup>

This largely has made the country a dumping ground for all sorts of goods from different parts of the world. Similarly, the Nigeria government has lost huge revenue to smugglers, importers, traders and their collaborators (government agencies at the borders) engaged in the illicit enterprise. According to the World Bank N750 billion (\$5 billion) worth of assorted goods are smuggled into Nigeria through Benin Republic alone every year.<sup>48</sup> The report claimed that it has “enough evidence” that over \$400 million (N6 billion) representing about 25% of the total current annual revenue collected by the Customs Service is lost through nefarious smuggling across the sub-regional borders.<sup>49</sup> In other words, more than \$400million import duty revenue is lost to smugglers and their collaborators in the Nigeria-Benin border.<sup>50</sup>

Furthermore, the head of the Nigerian Custom Service (NCS), Badagry Area Command comptroller Aliu Barbriel Toba reveal that the command between 1999 and January 2010, had made massive seizure of contraband smuggled into the country, from the Nigeria-Benin border. The head of the command, put the value of goods seized between this period at N573.3 million annually.<sup>51</sup>The following contraband items seized by the command include (Tokunbo) vehicles, bags of rice, wines, textile material and vegetable oil as well as pharmaceutical products topping the list of the seizure.

**Table 1:** Nigeria’s Import Prohibition List, (Contraband Goods) October 2008

Items	
Frozen poultry	Meat (beef, pork, lamb, etc.)

Eggs	Vegetable oils and fats
Spaghetti – noodles	Fruit juice in retail packs
Waters without added sugar	Waters with added sugar
Bagged cement	Medicaments (various ones)
Used pharmaceuticals	Tooth picks
Mosquito repellent coils	Plastics
Electric generators sound proof casings	Used car tyres
Corrugated paper, paper boards, and boxes	Toilet paper and facial tissues
Textile fabrics of all types and articles of clothing	Furniture
Hollow glass bottles for beverage	Gaming machines
Footwear and bags of leather and plastic	Ball point pens
Used air conditioners and compressors	Telephone re-charge cards
Used motor vehicles over 10 years old	Finished soaps

Source: Nigerian Customs, provided by The World Bank, cited in Stephen S. Golub, “Entrepot Trade and Smuggling in West Africa: Benin, Togo and Nigeria” *The World Economy* (2012), 6.<sup>52</sup>

Still on the losses, the Nigerian state has suffered in the hands of smugglers; especially across the Nigeria-Benin border include the followings. In 2004, the Manufacturers Association of Nigeria (MAN) declared that the country lost \$6.3billion (about N800 billion) to unwholesome trade practices of smuggling and product counterfeiting in 2003 through the trafficking of contraband goods.<sup>53</sup>

In the same vein, PRAN (Patriotic Rice Association of Nigeria), quoted by *Thisday Newspapers* of May 24, 2013, submitted that the Nigerian government “lost revenue from imported rice from Cotonou amounts to N10 billion monthly but the Nigerian Customs

Service's figure is put at N27 billion in four months..."<sup>54</sup> Rice stakeholders in Nigeria, under the aegis of Nigeria Rice Development Association (NRDA), noted that the country loses N110 billion every year as a result of rice smuggling.<sup>55</sup> They added that when other smuggled commodities, apart from rice, are computed, Nigeria's losses will run into billions of dollars every year. The further noted that the country was losing a whopping sum of N9.7 billion monthly from an estimated 80,000 metric tonnes of rice smuggled into the country from Benin Republic alone.<sup>56</sup>

The above figures reveal staggering amount of money smugglers operating in the Nigeria-Benin border and their collaborators deprived the Nigerian government regularly. The losses buttressed the view of this study already pointed out that; the illicit enterprise is a lucrative venture. The Nigerian government must take drastic actions to curb the activities of smugglers, in her borderlands, the Nigeria-Benin border in particular, or else she would soon begin to record deficit in income generation from the Nigerian customs.

**Table2:** Selected Import Barriers in Nigeria, 1995 – 2007 (Tariff Rates in % or Bans)

	1995	1997	1999	2001	2003	2005	2007
Edible oil	Banned	Banned	55	40	Banned	Banned	Banned
Poultry meat	Banned	Banned	55	75	Banned	Banned	Banned
Beer	Banned	Banned	100	100	100	Banned	Banned
Wine	100	100	100	100	100	20	20
Milk products	55	55	50	50	100	20	20
Tomato preserves	45	45	45	45	45	20	20
Used clothes	Banned	Banned	Banned	Banned	Banned	Banned	Banned
Tires	Banned	Banned	Banned	Banned	Banned	Banned	Banned
Wheat dough	Banned	Banned	Banned	Banned	Banned	Banned	Banned
Used cars	Banned	Banned	Banned	Banned	Banned	Banned	Banned
Sugar	10	10	10	40	100	50	50
Cloth and apparel	Banned	50	65	55	100	Banned	Banned
Tobacco and cigarettes	90	90	80	80	100	50	50
Rice	100	50	50	75	110	50	50

Source: Soulé (2004) and Nigerian customs data provided by the World Bank cited in Stephen S. Golub, "Entrepreneurial Trade and Smuggling in West Africa: Benin, Togo and Nigeria" *The World Economy*.<sup>57</sup>

**Table 3: Imports from Benin to Nigeria, by Selected Re-export Items, 2004–07 CFAF, billions**

<b>Product</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>
used cars	150.5	178.7	264.2	327.7
Rice	50.4	90.9	104.4	151.7
Textiles	44.7	60.1	57.0	82.9
used clothes	27.8	32.7	41.9	48.9
Palm oil	9.1	9.0	27.1	44.4
Frozen poultry	29.7	26.0	23.6	38.5
Batteries	20.4	23.5	29.6	34.5
Furniture	4.7	6.6	14.5	28.6
Sugar	8.0	9.8	13.2	13.4
Clothing	4.1	10.7	2.3	8.8
Cigarettes	1.9	3.8	5.7	8.8
Prepared tomatoes	0.7	0.7	2.4	4.6
used tires	3.5	4.2	4.2	4.5
Cardboard	4.3	4.2	3.7	3.1
Subtotal	359.7	460.9	593.9	800.2
Share of GdP (%)	22.4	23.6	26.6	32.4

*Source:* Customs data for Benin; Includes goods imported in transit status. Cited in Stephen Golub, Government Policies, Smuggling, and the Informal Sector.<sup>58</sup>

Table 2 and 3 reveal re-export goods that are smuggled into Nigeria, through the Nigeria-Benine border, through the southern part of the border. Table 2 shows a list of banned items and the high tariff placed on in order them to discourage importers from importing these items into the country. Interestingly, however, these banned items find their way into the country, through her porous land borders. Table 3 reveals the huge revenue that accrues to the government of Benin Republic through re-export trade. It is pertinent to note that most of the re-export are exchanged through the informal trade. The implication of this is that the government of Nigeria and Benin Republic lose huge revenue to the smugglers.

Another group that has suffered from the nefarious smuggling activities of trans-border criminals is the Chemical and Non-metallic Products Employers Federation (CANMPEF). The group accused the Beninois government of state-sponsored smuggling which is taking a devastating scale on Nigerian businesses CANMPEF therefore urged the Nigerian government to take urgent attention to address the issue.<sup>59</sup> According to the President of the Association, Devakumar Edwin, the menace of smuggling of goods into Nigeria through

Cotonou, which their investigation had shown to be directly encouraged by the government of that country, has led to the closure of 53 companies in Nigeria.<sup>60</sup> The Association, therefore, wants Nigerian borders with Benin Republic closed. Indeed, Nigerian businesses and the Nigerian government have suffered immensely from the illicit activities of smugglers across the country's border, more especially the Nigeria-Benin border. The country's image and economy have been undermined by the activities of smugglers, smuggling all sorts of contraband into the country. In the process, the smugglers and their collaborators denied the Nigerian government of its much-needed revenue through customs duties and tariff.

Likewise, the smuggling of goods with cheap price rivals locally made goods in the country. Moreover, criminal activities of smugglers across Nigeria's international borders with her immediate neighbours, especially Benin Republic, send a negative signal to the international community of the inability of the Nigerian government to maintain sovereignty over her international borders.



**NIGERIA CUSTOMS SERVICE HEADQUARTERS – ABUJA**  
**YEARLY ANALYSIS OF SUMMARY OF SUPPRESSION OF SMUGGLINGS/SEIZURES REPORT FROM**  
**2002 - 2012 (JANUARY-DECEMBER)**  
**NAME OF AREA WESTERN COMMAND: SEME/IDIROKO AREA COMMAND**

Year s	Total no of seizures made on vehicles	Qty of vehicles involved	Total no ofseizures made on second hand clothin gs & others	Total no of seizures made on rice	Qty of bags of rice seized in 50kg	Total no of seizures made on frozen poultry	Qty of cartons of frozen poultry destroyed	Total no of seizures made on motor cycles	Total no of seizures made on v/oil	Total no of seizures made on arms & ammunition s	Total no of seizures made on India hemsps	Total no of seizure s made on petroleum	Total no of seizure s made on sugar	Total no of seizure s made on furnitureres	Total no of seizures made on tobacco & Cigararett es	Total no of seizure s made on wine & spirits	Total no of seizure s made on other goods	Yearly total no of seizures made(general)	CIF Value (#)	Duty (#)	Duty paid value (DPV #)
2002	139	139	2	nil	nil	nil	nil	nil	nil	nil	nil	nil	nil	nil	nil	nil	1	142	41,520,200.00	20,374,800.00	61,895,000.00
2003	167	167	8	6	1,251	41	4,620	nil	9	1	1	nil	nil	nil	nil	nil	6	250	207,332,982.46	32,636,907.52	239,969,889.98
2004	133	168	34	28	548	48	2,725	nil	12	nil	nil	nil	nil	nil	nil	1	59	315	94,197,308.44	32,636,907.52	126,834,215.96
2005	63	63	57	108	4,917	45	2,861	1	10	nil	nil	4	2	1	1	4	nil	296	637,180,254.49	302,138,921.05	939,319,175.54
2006	167	167	12	114	5,470	22	2,391	nil	16	nil	1	nil	nil	1	nil	nil	28	362	259,081,533.00	59,020,494.00	318,102,027.00
2007	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
2008	116	116	6	3	174	8	3,012	nil	2	nil	nil	3	nil	nil	1	nil	51	189	117,941,600.00	29,587,970.00	147,529,570.00
2009	32	32	21	2	32	14	200	nil	2	nil	nil	5	nil	nil	1	nil	101	532	104,388,600.00	25,033,940.00	129,422,540.00
2010	214	214	29	6	113	29	1,866	13	4	nil	nil	nil	1	nil	1	nil	57	354	161,074,060.00	53,115,562.00	214,189,622.00
2011	730	730	93	41	739	56	12,332	91	48	nil	1	8	nil	6	nil	nil	169	1,244	754,207,535.00	159,145,158.00	913,352,693.00
2012	753	753	51	45	1,640	64	6,803	41	24	1	30	15	1	nil	nil	nil	58	1,083	554,365,082.00	127,532,624.00	681,897,706.00
TOTAL	2,514	2,549	313	353	14,884	327	36,810	146	127	2	33	35	4	8	4	5	530	4,767	2,931,289,155.39	841,223,284.09	3,772,512,439.48

Source: Enforcement, Investigation & Inspection Department (Statistics Office), Nigeria Customs Service Headquarters – Abuja<sup>61</sup>

The closure of Nigeria-Benin border in 2003 by the Obasanjo-led civilian government led to various ideas on how best to stamp out the illicit trade from the Nigerian border region and those of her immediate neighbours. During the meeting of the leaders of Nigeria and Benin Republic, following the 2003 border closure, efforts were made to resolve the problem of trans-border crime and the smuggling of contraband into Nigeria. In addition, suggestions were given on how to improve the exchange of goods manufactured from both countries across their borders. Because of this, during the signing of the Badagry Protocol of 2003, President Obasanjo and his Beninois counterpart, President Mathieu Kerekou initiated the establishment of the Joint Committee on Commerce (JCC), between Nigeria and Benin Republic.

The establishment of the JCC was to facilitate the exchange of manufactured goods made from both countries. According to the then Nigerian Minister of State for Finance, Mrs Nenadi Usman, during the signing of the Memorandum of Understanding (MOU), of the JCC "the business community of Benin Republic had requested that the Nigerian government should open the Nigeria-Benin border to enable them to bring in certain goods needed by Nigerians."<sup>62</sup> One of the aims of the Nigerian government for the establishment of the JCC was to prevent the dumping of smuggled goods from Benin Republic into Nigeria. Similarly, the exchange product must fall within the ECOWAS Enterprise List under the ECOWAS Trade Liberalisation Scheme (ETLS). The products include unprocessed goods (livestock, fish, plant or mineral products and raw materials that have not been processed for any industrial transformation), traditional handicraft product (wooden cooking, utensils, basket works, fancy goods, small cabinet work, mats, carpet, footwear, among others). The product also includes industrial products (processed and semi-processed products of community origin).<sup>63</sup> However, Mrs. Nenadi Usman in a press conference briefing on the modalities of the JCC, following the signing of the MOU, listed the items or products that Nigeria has opened her borders with Benin

Republic to enter the country. They include; textile/fabric, cottonseed, vegetable oil, palm kernel and palm seedlings.

Likewise, the Minister of State for Finance at the time, disclosed the corridor that the products or goods will pass between both countries. They were the Krake/Seme border, the Nikki-Chikanda border and the Igolo-Idiroko border. In the same vein, the product under the JCC arrangement shall be accompanied into the country by the customs and handed over to the customs of the other country, through the corridors. Mrs Usman affirmed that “we would now collect duty and other levies on the products that would be brought into the country. She stated clearly that it is best for the money to go into the coffers of the Nigerian government, than the hands of smugglers.”<sup>64</sup>

Additionally, the then Nigeria’s Minister of State for Finance disclosed that 12 companies in Benin Republic have been duly verified by the Joint Verification and Monitoring sub-committee (JVMSC) of the JCC. The JVMSC is tasked with the responsibility of verifying the origin, content and admissibility status of items into the Nigerian market.<sup>65</sup> Also, she noted that the local material used in the production of such goods must be monitored by the Standard Organisation of Nigeria (SON) at their manufacturing site in Benin Republic. Similarly, before their entry into Nigeria at the border post the finished goods must be inspected and certified by the National Agency for Food and Drugs Administration and Control (NAFDAC), Standard Organisation of Nigeria (SON), and the Nigerian Customs. The Nigerian Customs would usually collect custom duties on goods entering the country under JCC arrangement in line with the ECOWAS tariff charges.

The JCC came into operation in 2004 – The Ministry of Finance supervises its activities. For its part, the Customs Service plays a major role in ensuring that the Beninois government adheres to the term of reference of the JCC between Nigeria and Benin Republic. The

Nigerian Customs Service manages the JCC secretariat in Benin Republic and it is controlled by the Nigerian Consulate in the former French colony. The JCC has officials in Krake-Seme border, Igolo-Idiroko border and Nikki-Chikanda post as well as other border posts between Nigeria and Benin Republic. In addition, the Committee provide information to Nigerians customs officials at the border post on contraband moving from Benin Republic into Nigeria.

This initiative by the Nigerian and Beninois governments is aimed primarily at encouraging the manufacturing sectors in Benin Republic to take advantage of the Nigerian market arising from Nigeria's population. The initiative, however, has not stopped smugglers and their patronisers from refraining from the smuggling of contraband into Nigeria. Although the JCC is a laudable initiative, stringent measures should be taken against smugglers and their collaborators by the governments of Nigeria and the Republic Benin.

### **Smuggling of Fuel and Diesel**

The Smuggling of petroleum products, especially fuel and diesel across Nigeria's international borders into the borders of her immediate neighbours is a lucrative venture in the illicit enterprise of trans-border crime. The illicit enterprise in the smuggling of petrol, kerosene and diesel across Nigeria's international borders dates back to shortly after the Nigerian Civil War (1967 – 1970), when she began to export crude oil to the international market in the early 1970s. Similarly, it was during the period that the then government, led by General Yakubu Gowon and driven by the desire to satisfy certain social demands and contribute to the strengthening the peace after the war decided to subsidise petroleum products meant for local consumption.<sup>66</sup> General Gowon was driven by the spirit of African solidarity and brotherhood in line with Nigeria's foreign policy of Afrocentrism. Successive Nigerian leaders from Gowon sold petroleum products at a concessionary price to fellow African countries, particularly, countries in the West African sub-region.<sup>67</sup> However, despite the brotherly

gestures by the Nigerian government concerning the sale of petroleum products to fellow West Africa countries, it has not stopped the smuggling of petroleum products from Nigeria to her immediate neighbours.

One of the major factors fuelling the smuggling of petroleum products from Nigeria to her immediate neighbours is the price differences of the sale of the product in Nigeria and other West African countries. Unlike Nigeria's immediate neighbours; petroleum products are subsidised in Nigeria. This implies that it is cheaper to buy petroleum products in Nigeria, than to her immediate neighbours. Also, the pump price of petroleum products in these countries sharing borders with Nigeria are higher compared to that of roadside sellers of the product that buy from smugglers and their dealers. In Benin Republic and Togo, the sale of illegal petroleum products along the road has become a major economic activity of the people engaging over 40% of the citizens of both countries.<sup>68</sup>

The IMF estimated as far back as 1986 that smuggled petroleum product from Nigeria comprised 20% of Benin's consumption, rising to 68% by 1991.<sup>69</sup> Also in 1991, 17% of Cameroon's fuel consumption consisted of smuggled Nigerian petrol and diesel, despite the fact that the country was and remains a net oil exporter. Official recorded sales of petroleum products in Benin Republic fell from 134,800 tonnes in 1986 to 63,300 tonnes by 2001. This suggests that the volume of smuggled product increased during the 1990s.<sup>70</sup> The increase in the smuggling of petroleum products across Nigeria's borders with her immediate neighbours, from mid-1980s was due partly to the demand of the product across the country's borders, fuelled by the impact of SAP on the crime rate in the country. Similarly, according to investigations conducted on the illicit fuel trade in December 2005 by "Action Sociale" (a Beninese non-governmental organisation), about 80% of consumers buy from the informal market.<sup>71</sup> Interestingly, a report from an extraordinary meeting of the Beninese Cabinet on the illicit trade which was held on Friday, November 2, 2012, states that there is a predominance

of the informal market which supplies more than 90% of the petroleum sector. Claude Allagbé, Director General of Internal Trade Promotion (of the Beninese Ministry of trade) reckons that the petrol sold in the informal sector accounts to at least seven times the level of sales in the duly accredited filling stations. Taking into consideration the sales figures of the said accredited station (based on statistics from Benin's Ministry of Trade) estimated at about 2.5 million litres per month, Claude Allagbé notes that "more than 17million litres of fuel are introduced every month into Benin by fraudulent means, which is more than 200 million litres a year."<sup>72</sup>

The question that comes to mind is how have the smugglers being able to smuggle these quantities of petroleum products through Nigeria borders with her immediate neighbours, especially Benin Republic. The answer, to some extent, is not far-fetched. For Dauda S. Garuba, Nigeria's border communities play a central role in the smuggling activities of petroleum products in neighbouring countries. According to him, virtually all the routes used by smugglers to smuggle petroleum products from Nigeria into neighbouring countries predate the present-day artificial boundaries created by colonialism. Furthermore, Garuba affirmed that the desperation to de-link from a distrusted and disliked system which the Nigerian economy came to symbolize turned such border communities as Jibia in Katsina State, Kiisi in Oyo State, Idiroko in Ogun State, Bakassi in Cross River State, Badagry in Lagos State and Bama in Borno State, into informal centres for substitute exchange relations.<sup>73</sup> The porous nature of the borders between Nigeria and her immediate neighbours have been exploited by smugglers to smuggle petroleum products across the borders. The security agencies at the borders equally have aided smugglers to convey the products across the borders.

The smuggling of petroleum products across the borders are carried out both day and night. During daytime, commercial vehicle plying Nigeria-Benin route used their vehicle and motorbike to smuggle petroleum products. Prior to leaving Nigeria for Benin Republic, the

vehicle drivers filled their fuel tanks to the brim. On arrival at their destination, they empty their tanks to roadside sellers.<sup>74</sup>

At night, several tankers fully loaded with fuel and diesel cross the Nigeria-Benin border without any harassment from security personnel or customs officials discharge the product at the other side of the border. Prior to the night movement, the owners of the product would have booked with security agencies to allow their consignment to move freely without being stopped or harassed.<sup>75</sup> The booking with security personnel at the border post equally applies to other smuggling items across the borders involving security officials and smugglers. With reference to the Idiroko and Seme border region, several filling stations are located along the road. These filling stations are established for smuggling petroleum products to Benin Republic and other markets in the West African sub-region.<sup>76</sup>

The lucrative nature of the smuggling of petroleum products across Nigeria's international borders, especially that of Benin Republic, has resulted in the creation of a petroleum economy, as can be seen in the proliferation of the number of filling stations in the major roads along the border between Nigeria and Benin Republic.<sup>77</sup> These filling stations served as a springboard used by smugglers to smuggle fuel and diesel into Benin Republic as well as Togo. The Nigerian government must find a way to address the illicit enterprise because it is affecting the country's economy significantly.

### **Cross-Border Car Smuggling and Armed Robbery**

The smuggling of cars (second-hand vehicles) into Nigeria across the borders with her immediate neighbours is one of the thriving ventures in the list of criminal activities under trans-border crime. The smuggling of second-hand vehicles from Nigeria's immediate neighbours into Nigeria through her land borders is influenced by several factors. Among the reasons include the liberal economic policy of Benin Republic that allowed the importation

of all kinds of goods into the country, except arms and ammunition and toxic waste.<sup>78</sup> Others are the low tariff charges and customs duties compared to high tariff charges and customs duties in Nigeria, efficient port administration, and the absence of the years or life span of vehicle imported, as was the case with Nigeria. These reasons are associated with why several Nigerians import their vehicles from abroad through Benin Republic or go to the French colony to purchase their cars. Nigeria's cumbersome port system and high tariff on import duties are the reasons that has had made Nigerians to continue to patronise the Benin port to import goods into the country. However, these Nigerians are faced with the challenge on how to move their goods from Benin Republic to Nigeria. To some extent, it is argued that these individuals are prompted by the desires to evade taxes and the payment of the required customs duties, tariffs as well as avoid their vehicles from being impounded/confiscated, if their life span exceeds the years of second-hand vehicles allowed into Nigeria.<sup>79</sup>

The smuggling of second-hand vehicles across the Nigeria-Benin border takes place across the various illegal routes known to the smugglers, sometimes in collaboration with security personnel at the border post. Among these routes, include:

- Cotonou – Port Novo – Igolo (Benin) – Owode (Nigeria) – Badagry – Lagos
- Cotonou – Porto Novo – Igolo (Benin) – Owode Yewa – Ilaro – Ifo – Alagbado – Lagos
- Cotonou – Port Novo – Pobe – Ketu Owode (Benin) – Imeko – Abeokuta - Ogumakin – Ibadan/Lagos
- Cotonou – Port Novo – Pobe – Ketu (Benin) – Oke Agbede - Odeda – Ibadan
- Cotonou – Save (Benin) – Igbokoko - Iseyin – Ibadan
- Cotonou – Parakou (Benin) – Kisi - Igbeti – Ilorin/Offo/Ibadan
- Cotonou – Chikanda – Kisi – Igbeti - Ilorin/Ibadan
- Cotonou – Chikanda – New Bussa – Jebba - Ilorin/Offa/Ibadan



- Cotonou – Babana – Kainji – Jebba - Ilorin/Offa/Ibadan.<sup>80</sup>

Armed robbery, especially the robbery of exotic cars, prevailed in the Nigeria-Benin border and surrounding towns in Badagry, in Lagos state and others town in Ogun and Oyo states. the stolen or snatched vehicles smuggled into Benin, some find their ways to Togo where they are re-sold. According to a release by the Nigerian government, bandits from Benin Republic between 2000 and 2002 snatched over 2,000 vehicles. Likewise, in August 2003, about 380 vehicles had been traced to the Francophone country.”<sup>81</sup> Hamani Tijani, one of the notorious criminals involved in the robbery of expensive cars between Nigeria and Benin, resell the stolen cars in Benin Republic, Togo and Mali. However, he became the sacrificial bargain demanded by the Nigerian government for the re-opening of Nigeria-Benineborder closed by the Obasanjo administration in 2003. The Beninois government surrendered Hamani Tijani to the Nigerian government to have their borders with Nigeria re-opened.

**Below are some cars owned by Nigerians robbed and smuggled to Benin Republic and which were later recovered and returned to Nigeria by the Beninois Government:**

- ❖ M/Benz S500 Kompressor 2000 model. Colour-silver
- ❖ M/Benz 320 Kompressor Elegance auto convertible. Colour- navy blue
- ❖ Grand Cherokee Laredo 2000 model 4x4 automatic jeep. Colour- metallic blue.
- ❖ BMW Saloon car manual, 5 series 2000 model. Colour-Metallic grey.
- ❖ Ford GT Probe manual Sports- Colour-suspected to have been changed to red.
- ❖ Nissan Sunny Ex Saloon. Colour- Silver, Reg. No. FV 873 KJA.
- ❖ M/Benz S/Class. Colour-navy blue
- ❖ M/Benz 190. Colour- Metallic ash.

- ❖ Toyota Land Cruiser V8 Reg. No. DF 531 LSR. Colour black.
- ❖ Toyota Supra. Reg. No AQ 487 PHC. Colour – red
- ❖ Mitsubishi Pajero Jeep. Reg. No EV. 360 KJA Colour- blue
- ❖ Lincoln Navigator Jeep Chassis No. F75B14A206JA. Colour-Formerly black, now ox blood
- ❖ Honda Civic 4 doors. Likely to be ash colour, now painted navy blue. Chassis. No. JT3HJ09J7x00113396.
- ❖ Peugeot 406 new model S/car repainted navy blue.
- ❖ Toyota Land Cruiser most likely to be ash colour. Now painted navy blue. Chassis No. JT2HJ09JX0013396.
- ❖ Toyota Starlet with Regd. No. Katsina AG196 FTA. Chassis No. KP60V001260/2k082400.
- ❖ Toyota carina, Plateau AP 872 JJN. Chassis No. TA14007018/271794403.
- ❖ Toyota Corolla, Kano AG 932 FGE. Chassis No. JTILOAE 8200020525/10276461.
- ❖ Toyota L/Ace Bus, Kaduna AG 61GKW. Chassis No.JVFM30V0006303/SKD362327.
- ❖ Toyota Starlet, Kano. AE 343 RAN. Chassis No. JTIHOEP700045845/8C5Y C813720150.
- ❖ Toyota Corolla, Abuja XA 981 KUJ. Chassis No. JTIEOAE8000046970/2A5083190
- ❖ Toyota Starlet Chassis No JTYCOP7000069634/504202E.
- ❖ Toyota L/Ace Bus, Kaduna XA 700 ZAR. Chassis No. 2T545446.<sup>82</sup>

## Trafficking in Persons

Trafficking in persons especially adult and child trafficking, are among the nefarious illicit enterprise that prevail in the Nigerian border regions with her immediate neighbours. Both Nigeria and Benin Republic are the origin, transit as well as the destination country for trafficked children. Equally, both countries serve predominantly as an origin country for trafficked women. Similarly, young and adult women are trafficked from Niger, Nigeria and Togo and forced into prostitution in Benin. Likewise, Nigerian and Beninese women are trafficked to the Middle East, Europe and North America, for the purpose of sexual exploitation.<sup>83</sup>

Several factors are responsible for the trafficking of persons, according to a report by the United Nations Office on Drugs and Crime (UNODC) on “Measures to Combat Trafficking in Human Beings in Benin, Nigeria and Togo.” They are:

Poverty, large family size, lack of educational opportunities and lack of employment. Other factors facilitating trafficking in persons in Benin, Nigeria and Togo include ignorance on the part of families and children of the risks involved in trafficking, the high demand for cheap and submissive child labour in the informal economic sector, the desire of youth for emancipation through migration, institutional lapses such as inadequate political commitment, non-existent national legislation against trafficking in human beings, and the absence of a judicial framework allowing for the perpetrators and accomplices of trafficking to be held responsible and punished for their acts. Other contributory factors in trafficking in persons in the region include porous borders, corrupt government officials, involvement of international organised crime groups or networks, limited capacity of or commitment by immigration and law enforcement officers to control trafficking at the borders and lack of political will or desire to enforce existing legislation or mandates.<sup>84</sup>

It is interesting to note that most of the children trafficked to Nigeria come mainly from Benin and Togo (an estimated 96%, with 90% of that figure coming from Benin), Côte d’Ivoire and Niger. Children as young as five and six years old trafficked from Benin have been found

working in exploitive conditions in Nigerian mines in the Western part of the country.<sup>85</sup> Trafficked girls are used for domestic service or street trading as well as commercial sexworker. Similarly, boys are generally forced to work on plantations or in commercial farming, construction, quarries and mines, or engage in petty crimes and drug trade.

The trafficking of persons across the Nigeria-Benin border as well as other border regions in sub-Saharan Africa have been aided by the ease in crossing borders of countries of shared ethnic experience, similar language and customs, weaknesses in border or migration control, compromise of security personnel at the border post and expatriate populations in the country of destination.<sup>86</sup>

Nigeria and her immediate neighbours must find a way to nip this ugly trend in the bud so as to ease, if possible stop, the trafficking of persons in their respective borderlands. In this connection, collaborative actions must be undertaken to combat the traffickers, trafficking children and women outside the shores of West Africa to engaged child labour and prostitution.

### **Trafficking or Smuggling of Small Arms and Light Weapons (SALW)**

The trafficking or smuggling of small and light weapons (SALW) is among the illicit enterprise of trans-border crime in the Nigeria-Benin border. The SALW poses a threat to Nigeria's national security. In the 1990s, West Africa was dominated by intra-state conflicts that led to arms insurrection between government forces and rebel groups in Liberia, Sierra Leone, Cote d' Ivoire and Guinea Bissau.<sup>87</sup> It was a period that witnessed the proliferation of SALW both locally produced and imported from Eastern Europe, following the end of the Cold War and with the collapse of the Soviet Union . Several SALW found their way into developing countries, especially in Africa and West Africa in particular. These arms and

ammunitions were used to prosecute several intra-state conflicts that emanated in different parts of the continent.<sup>88</sup>

In Nigeria, the consequence of arms proliferation in the West African sub-region was linked to the use of arms by several ethnic and religious groups fighting against each other during the outbreak of sectarian, communal and political crises that manifested in different parts of the country. Shortly after the commencement of the Fourth Republic in 1999<sup>89</sup> SALW in Nigeria were derived locally and externally. In some parts of Nigeria, arms are manufactured locally in Awka in Anambra state, Calabar in Cross River, and in Kaduna and Katsina states in northern Nigeria.<sup>90</sup> From these locally manufacturing centres, SALW was distributed to different parts of the country where they are sold. Similarly, some arms locally produced found their way into other parts of West Africa. The other avenue SALW found their way into Nigeria is through external links, mainly across the country's international borders. For instance, Ghana and Burkina Faso, like Nigeria, produced arms locally, from both countries. SALW is smuggled into Nigeria through Benin Republic which serves as a transit point.<sup>91</sup>

The Nigerian Customs Service intercepted small arms and ammunition worth more than 4.3 billion naira (US\$34.1 million) on their way into the country in the first six months of 2002. The seized arms and ammunition were intercepted in land borders, particularly, the Nigeria-Benin border.<sup>92</sup> Imported quantities of small arms have come through the border with Benin Republic, and were brought into Nigeria either by land or by sea – in small boats. Equally active in this respect are the northern borders with Niger, Chad and Cameroon. However, despite the seizures made by the Nigerian Customs on SALW entering the country through her land borders with her immediate neighbours, there is no accurate data on the volume of SALW smuggled into the country. This is according to the Presidential Committee on Small Arms and Light Weapons set up by the then civilian administration of President Obasanjo.<sup>93</sup>

A more worsening dimension in the trafficking and smuggling of SALW into Nigeria emanated during the outbreak of the “Arab spring” which saw regime change in some countries in North Africa and the Middle East. For instance, the fall of Muammar Gaddafi of Libya in 2013, resulted in the proliferation of modern and sophisticated weapons stolen from his armoury into the hands of rebel groups, terrorist organisations and arms smugglers and dealers across the Sahel region to the Middle East and West Africa.<sup>94</sup> The Boko Haram radical Islamist and terrorist organisation in northern Nigeria were a beneficiary of the arms proliferation. Most of the arms the terrorist organisation used to engage the Nigerian military were smuggled into the country through her northern international borders with the Republic of Chad, Cameroon, and Niger and, to a large extent, the northern border of Benin Republic. Several of the weapons used by the Islamic sect such as pump-action guns, rifles, AK 47s, RPGs, G3 rifles, double-barrel guns, improvised explosives devices (IED), were all traced to Libya, Chad and Sudan.<sup>95</sup> It was no surprise that in 2011, the Nigerian security agency intercepted a consignment of a rocket launcher, grenades, and other arms along the Nigerian-Chadian borders. It is equally important to note that the volume or statistics of SALW that entered the country through her northern borders are unavailable. However, the impact has been disastrous. The number of deaths and destruction of property, home and institutions in the north-eastern part of the country is quite alarming.<sup>96</sup> It is, therefore imperative that the Nigerian government has to improve its surveillance and collaboration with her immediate neighbours so as to address the smuggling of SALW across her borders.

**Table 6:** The table below illustrates the predominant cross-border or transnational crime in West Africa, showing crime patterns in terms of the countries or border zones for these crimes, the actors involved, some major transit points for the criminal activities, and some recipient States for these crimes.

<b>Predominant Border Crimes</b>	<b>Country / Border Zones of activity</b>	<b>Groups/ Actors Involved</b>	<b>Transit States</b>	<b>Recipient States</b>
Narcotics/Drug Trafficking	Cape Verde, Ghana, Nigeria and Togo	Narcotics/Drugs dealers	Ghana/Togo/Benin/Nigeria	Spain, Portugal, UK, USA and South Africa
Human Trafficking	All across West Africa but mainly around Benin/Nigeria/Côte d'Ivoire/Burkina Faso	Traffickers who serves sometimes as middle-men, trade and business partners	Mainly Ghana and Sierra Leone	Other West African countries, and in North America, Europe, and the Middle East
Fire Arms Trafficking	Ghana/Togo/Benin/Nigeria/Sierra Leone/Liberia/Guinea/Côte d'Ivoire/Senegal	Rebels, local manufacturers of fire arms and middle-men	Togo/Benin/Guinea-Bissau and Gambia	Nigeria, Liberia, Sierra Leone, Guinea and Côte d'Ivoire
Smuggling of illegal goods, minerals and natural resources and cash crops	Côte d'Ivoire, Ghana, Togo, Benin, Nigeria, Liberia and Sierra Leone	Individuals, businessmen and women, warlords/civil wars combatants	Mainly Ghana, Liberia, Sierra Leone and Côte d'Ivoire	In Europe and North America

Source: UNODC, International Relations Institute of the University of Michigan, cited in Amado Philip de Andre, "West Africa Under Attack: Drugs, Organised Crime and Terrorism as the New Threat to Global Security" in UNISCI Discussion Papers no. 16 (2008), 208<sup>97</sup>

### **Drug Trafficking**

Drug trafficking is predominant in Nigeria's border with her immediate neighbours. Drugs are smuggled within and across by drug traffickers. It is interesting to note that the only internationally controlled drug produced in Nigeria is *cannabis sativsa*. The seedlings of the *cannabis sativa* (Indian hemp) were brought into the country by Nigerians soldiers returning from World War II in Myanmar in the 1940s.<sup>98</sup> Its cultivation and growth have spread widely

due to favourable climatic and soil conditions of the country. The other form of controlled hard drug includes narcotic substance, namely, cocaine and heroin. There is also growing traffic in psychotropic substances. These other forms of hard drug, apart from *Cannabis sativa* are smuggled into Nigeria on transit route to Europe, North America, Asia and the Middle East.<sup>99</sup> Smugglers and traffickers of hard drugs take advantage of the strategic location of Nigeria between Asia and Latin America, the main source of cocaine, to increase trade and communication. Similarly, Nigeria serves as a link to the rest of the world through direct air links with many consumer countries or easy connecting links to the source countries. Likewise, Nigeria's vast porous land borders make entry and exit of hard drugs into the country by land relatively easy. It is interesting to note that the movement of hard drugs across Nigeria's borders is as a result of her porous borders and the inability of her immediate neighbours to combat traffickers in their country. This has been one of the challenges confronting the National Drug Law Enforcement Agency (NDLEA) in the fight against drug smugglers in the borders.<sup>100</sup> The consequences of drug trafficking on the wellbeing of Nigeria as a country is enormous, according to the National Drug Law Enforcement Agency (NDLEA) Annual Report of 2009. It affirms that:

Activities pertaining to the production and distribution of illicit drugs cause several personal, social, cultural, political and national security hazards. The economic consequences of the cultivation, processing or manufacturing, packaging, smuggling, retailing and peddling of narcotic drugs and psychotropic substances are disastrous. Some of the consequences of illicit drug ventures are the destabilisation and distortion of national economic plans, frustration of monetary and fiscal control, and inflation due to laundering of profits. A serious implication of the vast assets derived from illicit drug trade is that it can be used to influence political decisions and overthrow legitimate government as we have been in the gulf of Guinea.<sup>101</sup>

The Nigerian government, through the activities of NDLEA, has strengthened the fight against smugglers and traffickers of the illegal drug trade across the country, especially at her airports,



seaports and land borders. NDLEA had made several arrests and seizures of the illegal substance across Nigeria borders with her immediate neighbours especially the Seme and Idiroko border posts with Benin Republic. The following tables show drug seizures and arrest of drug traffickers across the borderlands of Nigeria and her immediate neighbours – the Republic of Benin

**Table 7: Selected NDLEA Seizures in Kilogrammes of Hard Drug of 2009**

<b>Command</b>	<b>Cocaine</b>	<b>Heroin</b>	<b>Cannabis</b>	<b>Others</b>	<b>Total</b>
Edo	0.19	0.109	32, 609	-	32, 609. 299
Lagos	3.388	1.3	4, 373.7	-	4, 378.388
Delta	0.039	0.121	3, 065.62	-	3, 065.78
Kaduna	0.018	-	1, 568. 27	-	1, 568. 321
Enugu					
FCT	0.619	0.018	1, 560	0.3	1, 560. 937
Adamawa	-	-	1, 153. 66	-	1, 153. 66
Seme Border Post	138. 7	4.1	412. 945	293. 9	849. 645
Idiroko Border Post	0.008	-	204. 7	-	204. 708
Cross River	0.338	0.004	150. 922	-	151. 264

Sources: National Drug Law Enforcement Agency (NDLEA) Annual Report of 2009.<sup>102</sup>

**Table8: Selected NDLEA Arrest (Male & Female) - Seizures Index (ASI) 2009**

<b>Command</b>	<b>Arrest</b>	<b>Seizures (Kgs)</b>	<b>ASI</b>
Edo	199	32, 609. 299	163. 87
Lagos	201	4, 378. 388	21. 78
Delta	75	3, 065. 78	40. 88
Kaduna	289	1, 568. 321	5.43

Enugu	98	270.107	2.76
FCT	201	1,560.937	7.77
Adamawa	104	1,153.66	11.09
Seme Border	75	849.645	11.33
Idiroko Border	15	204.708	13.65
Cross River	72	151.264	2.10

Sources: National Drug Law Enforcement Agency (NDLEA) Annual Report of 2009.<sup>103</sup>

**Table 9: Selected NDLEA Seizures in Kilogrammes of Hard Drug of 2010**

Command	Cocaine	Heroin	Cannabis	Others	Total
Ondo	-	-	67,979.80	-	67,979.80
Anambra	0.487	0.022	2,010.44	-	2,010.948
Kano	0.171	0.021	3,254.05	-	3,254.246
Osun	-	-	5,433.18	-	5,433.18
Benue	-	-	1,620.69	-	1,620.69
Seme Border	2.834	4.182	436.996	50.8	494.812
Idiroko Border	-	-	31.792	-	31.792
Akwa Ibom	0.01	0.009	160.61	-	160.629
Plateau	0.002	-	109.436	0.362	109.8
Katsina	-	-	505.965	12.073	551.785

Sources: National Drug Law Enforcement Agency (NDLEA) Annual Report of 2010.<sup>104</sup>

**Table 10: Selected NDLEA Arrest - Seizures Index (ASI) 2010**

Command	Arrest	Seizures (Kgs)	ASI
Ondo	170	67,979.80	399.88
Anambra	280	2,010.948	7.18

Kano	638	3, 254. 246	5.10
Osun	173	5, 433. 18	31.41
Benue	114	1, 620. 69	14. 22
Seme Border	112	494.812	4.42
Idiroko Border	18	31. 792	1.77
Akwa Ibom	162	160. 629	0. 99
Plateau	77	109. 8	1. 43
Katsina	411	518. 038	1.26

Sources: National Drug Law Enforcement Agency (NDLEA) Annual Report of 2010.<sup>105</sup>

**Table 11: Selected NDLEA Seizures in Kilogrammes of Hard Drug of 2012**

<b>Command</b>	<b>Cocaine</b>	<b>Heroin</b>	<b>Cannabis</b>	<b>Others</b>	<b>Total</b>
Kogi	-	-	4, 023. 34	47. 95	4, 071. 285
Imo	0.137	0.078	526. 15	0. 006	5.26. 371
Seme Border	1.371	0.0065	417. 756	0.95	420. 0835
Rivers	0.334	0.543	918. 57	0. 5.01	919. 952
Abia	0.684	1. 436	1, 110. 29	-	1, 112. 412
Idiroko Border	-	-	100.845	-	100. 845
Kwara	-	-	716. 43	47. 197	763. 627
Lagos	6.706	1.121	2, 346. 70	87.7, 9	2, 451. 23
Oyo	0. 015	0. 004	7, 226. 26	5. 8	7, 232. 08
Bauchi	-	-	1, 083. 00	9. 57	1, 092. 568

Sources: National Drug Law Enforcement Agency (NDLEA) Annual Report of 2011.<sup>106</sup>

**Table 12: Selected NDLEA Arrest (Male & Female) - Seizures Index (ASI) 2012**

Command	Arrest	Seizures (Kgs)	ASI
Kogi	112	4, 071. 285	36. 35
Imo	184	526. 371	2.86
Seme Border	58	420. 084	7. 24
Rivers	281	919. 952	3. 27
Abia	230	1, 112. 412	4.84
Idiroko Border	100. 845	7	14. 41
Kwara	85	763. 627	8.98
Lagos	321	2, 451. 23	7. 64
Oyo	161	7, 232. 08	44. 92
Bauchi	213	1, 092. 568	5. 13

Sources: National Drug Law Enforcement Agency (NDLEA) Annual Report of 2012.<sup>107</sup>

**Table 13: Selected NDLEA Seizures in Kilogrammes of Hard Drug of 2013**

Command	Cocaine	Heroin	Cannabis	Others	Total
Borno	-	-	5, 206. 70	1, 063. 97	6, 270.7
Ekiti	-	-	8, 656. 50	28. 43	8, 684. 9
Delta	0.083	0.025	8, 144. 25	-	8, 144. 4
Zamfara	1. 004	-	1, 369. 01	62. 072	1, 431. 1
Ebonyi					
Niger	-	-	2, 157. 48	-	2, 157. 5
Adamawa	-	-	1, 647. 76	284. 77	1, 932. 5
Seme Border Post	1.2	1.3	422. 55	0. 95	426
Idiroko Border Post	-	-	126. 30	-	126. 3

Sokoto	-	-	850.717	295.29	1,146
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Sources: National Drug Law Enforcement Agency (NDLEA) Annual Report of 2013.<sup>108</sup>

**Table 14: Selected NDLEA Arrest (Male & Female) - Seizures Index (ASI) 2013**

Command	Arrest	Seizures (Kgs)	ASI
Borno	108	6,270.7	58.06
Ekiti	310	8,684.9	28.01
Delta	202	8,144.4	40.31
Zamfara	171	1,931.1	8.37
Ebonyi	237	520.92	2.20
Niger	143	2,157.5	15.08
Adamawa	186	1,932.5	10.39
Seme Border Post	21	426	20.28
Idiroko Border Post	4	126.3	31.57
Sokoto	185	1,146	6.19

Sources: National Drug Law Enforcement Agency (NDLEA) Annual Report of 2013<sup>109</sup>

The above tables reveal the quantity of hard drug seized and the numbers of arrest made by the NDLEA across Nigeria as well as her borders with her immediate neighbours from 2009 – 2013, with the exception of 2011. The Seme and Idiroko border post in the Nigeria-Benin border featured prominently in all the tables. As one of the major outlets for smuggling of hard drug, and where significant arrests were made of drug smugglers smuggling drug in and out of the country. Tables 7, 9, 11 and 13 show the various kilograms of seizures of hard drug such as cocaine, heroin, cannabis and others intercepted by personnel of the NDLEA in various parts of the country, including her borders. The Seme and Idiroko border post are among the zones or areas in the NDLEA command, where significant kilograms of hard

drug were confiscated. This reveals that the Seme and Idiroko border post is a major passage in the Nigeria-Benin border in the smuggling of hard drug between Nigeria and Benin Republic. Similarly, tables 8, 10, 12 and 14 reveals the numbers of arrest of drug smugglers in different parts of the country and the Seme and Idiroko borders by operatives of the NDLEA, 2009 – 2013. The tables showed that several arrest were recorded in the Seme and Idiroko border post. This therefore, shows that the Seme and Idiroko is one of the hotbeds exploited by smugglers to smuggle hard drug in and out of Nigeria.

NDLEA, since its inception in 1990, has been consistent in her fight against drug traffickers and the smuggling and trafficking of hard drug within and outside the country. The Agency has made several arrests of drug smugglers in Seme and Idiroko borders with Benin Republic. The agency should therefore be encouraged by the government and international organisations in their efforts to stamp out drug traffickers from operating in the country's international border.

### **Response of the Nigerian and Benin Government to the Threat of Trans-Border Crime in the Nigeria-Benin Border, 1986 – 2013**

Nigeria and Benin Republic had since independence maintained cordial relations. However, there have been periods of friction, especially during the Nigerian Civil War. This can be seen when the Benin government allowed her airfield to be used by the International Society of the Red Cross, to provide relief materials for the Biafra's.<sup>110</sup> This action was seriously criticised and condemned by the Nigerian government because of the security implication it posed to the Nigerian government during the war. Apart from this area of friction, both countries have collaborated in several areas such as joint road construction such as the Seme/Badagry and Idiroko road that linked the borderlands of both countries. Both the governments of Nigeria and the Republic of Benin have also undertaken joint venture partnership that led to the establishment of a cement factory.<sup>111</sup>

Also in the area of collaboration, the governments of Nigeria and the Republic of Benin established a boundary commission to resolve border border issues between them. The goal of the collaborations is aimed at strengthening bilateral relations and other forms of cooperation between the two nations. In the area of crime fighting, precisely trans-border crime, both governments have collaborated against the phenomenon. Both governments have done quite a lot to curb the threat posed by trans-border criminals in their border regions. It has to be said, however, that the Nigerian government, has been more visible and committed in the fight against smugglers and trans-border criminals operating in the Nigeria-Benin border. This is not to imply that the presence of the Beninese government can be regarded as negligible. But Nigeria, perhaps being the worst-hit in the activities of trans-border criminals has taken the fight more seriously. Nowhere does her seriousness become obvious than in the closure of her borders with Benin Republic in 1984 and 2003.

Despite the close door policy pursued by the Nigerian government to address the threat posed by trans-border crime on her economy and national security, various administrations have explored other avenues, in collaboration with the government of Benin Republic to try and curtail the threat of trans-border criminals operating in their border. The governments of Nigeria and Republic of Benin took the following decisions discussed below as immediate solutions to quell the menace of trans-border crime.

### **Border closure in 1984 and 2003**

Smuggling and other forms trans-border criminal activities in the Nigeria-Benin border predate the post-independent era. However, it was not until the military administration of General Muhammadu Buhari in 1984 that a drastic action was taken by the Nigerian government to arrest the situation. The illicit enterprise involving the smuggling of contraband into the country was having its effect on the already worsening economic situation. Nigeria had been experiencing since the first half of the 1980s. Similarly, the inability of Nigeria's

immediate neighbours especially Benin Republic, whose economy was dependent on importation, did little or nothing to address the situation of cross-border crime on her side of the border with Nigeria. The development compelled General Buhari's government to close Nigeria's borders with her immediate neighbours. The border closure had severe consequences on Nigeria's immediate neighbours, especially their socio-economic activities. Their economy was affected negatively by the decision of the Nigerian government. Because of the closure, Niger lost nearly one-fourth of its 1984 customs revenue.<sup>112</sup> In the same vein, traders from Benin Republic who usually come to Nigeria to buy goods which resell in their country also suffered from effect of the border closure.

Following the border closure by the Buhari-led military regime, the leaders of Nigeria's immediate neighbours ran to Lagos to plead with the Nigerian government for a re-opening of the borders. The affected countries sent their delegates to Lagos to plead with the Nigerian government for reconsideration of the decisions that came be reach on the border . The Beninois delegation was led by Brigadier-General Owens, who lamented before the then Nigerian Chief of Staff Supreme Headquarters, the Second in Command to the Head of State, Brigadier Babatunde Idiagbon, the socio-economic difficulties currently faced by his country because of the border closure. He therefore appealed to the Nigerian government to do all within its power to alleviate the problems in the spirit of ECOWAS.<sup>113</sup>

It was in the process of re-opening the border that the Quadripartite Agreement was reached between Nigeria and some of her immediate neighbours. During the negotiation of the Quadripartite Agreement between Nigeria, Ghana, Benin Republic and Togo, measures to combat trans-border crime in the borderlands of the four nations were included in the treaty. The then Nigerian Head of State reiterated the reasons for the closure of her borders. Hefurtherarticulated how their cooperation can address the phenomenon of the illicit enterprise. According to the then Nigerian Head of State, "we are better prepared to combat



criminals, incapacitate smugglers, and defeat the traffickers in arms, drugs and currencies.”<sup>114</sup>

Despite, the signing of the Quadripartite Agreement by the four member countries in December 1985, the Buhari-led military regime refused to re-opened the borders with Nigeria’s limitrophe neighbours. It was following the change of government, under the leadership General Ibrahim Babangida in 1986 that the new government re-opened the country borders with her immediate neighbours.

Nigeria’s border with Benin Republic was again closed during the civilian administration of President Olusegun Obasanjo in 2003. The reasons were not far to seek. First, was the inability of the Beninois government to address the threat of smuggling of contraband into Nigeria from her own side of the border. Ally to this is the activities of trans-border criminal groups whose nefarious activities pose enormous security threat to Nigeria’s existence as a nation. Second, the Nigerian government closed her border with Benin Republic because of the general upsurge in cross-border crimes especially armed robbery, smuggling and human trafficking.<sup>115</sup> Third, Economic consideration was a key factor for the border closure. The smuggling of contraband, threatens the product of the various manufacturing companies operating in Nigeria. This explains the justification why President Obasanjo had to close Nigeria’s border with the Republic of Benin. President Obasanjo during a meeting with a delegation of the Nigerian Textile Manufacturing Association in Abuja, shortly after his administration closed Nigeria’s border with Benin Republic, disclosed the positive impact the border closure would have on the country’s economy.<sup>116</sup> To President Obasanjo, the border closure would contribute to the effort to revive the country’s economy, especially the manufacturing sectors, whose capacities have been hampered by the smuggling of similar locally produced goods which have filled the Nigerian market at a cheaper price.

The border closure had a socio-economic impact on the border communities, especially those residing in the borderlands. It prevented family and relatives across the border from visiting

one another and distorted their economic activities.<sup>117</sup> It was no surprise that there was jubilation on both sides of the border when it was re-opened, on August 18, 2003. During the period of the border closure, the Nigerian and Benin governments made efforts to tackle the threat of cross-border criminals in their borderlands. Mathieu Kerekou-led government of Benin Republic was forced to handover to the Nigerian government, a notorious cross-border criminal involved in armed robbery between Nigeria and Benin Republic Hamani Tijani was handed over to the the Nigerian authorities.<sup>118</sup> In the same vein, several stolen vehicles smuggled into Benin Republic were returned to Nigeria.<sup>119</sup> Likewise, during the period of the border closure and negotiation to re-open the border, both governments were able to work out modalities for the creation of the Joint Committee on Commerce (JCC). Through the JCC ban Benin goods earlier banned were allowed into the Nigerian market as long they are manufactured in the former French colony and that the goods have certified by the Standard Organisation of Nigeria.<sup>120</sup>

### **Treaty between Nigeria and Benin Republic in Resolving and Promoting Cross-Border Cooperation**

The leaders of Nigeria and Benin Republic as part of effort to maintain cordial relations and improve their border relations sanctioned series of cross-border cooperation treaties, aimed at addressing issues affecting their borders, such as trans-border crime, border dispute and issues on security. To to the effect periodic bilateral meetings that led to the signing of treaties to resolve and promote cross-border cooperation between the two countries was reached by experts from both countries Ministry of Foreign Affairs, Interior, Boundary Commission and other relevant government institutions.

The first in the line of the treaties reached by the two countries was that of 1992. The 1992 treaty laid the foundation for subsequent treaties signed by the leaders of both countries. This is in accordance with the directives of the Minister of the Interior, Federal Republic of

Nigeria, and Minister of Interior of Security and Territorial Administration of Benin Republic, after the Cotonou meeting reached on November 16, 1992. Nigerians and Beninois experts agreed to convene in Lagos on 27, 28 and 29 January 1993 for a thorough review of security problems that are affecting the two states. Similarly, it is imperative to note that the treaties according to their preambles were drafted based on existing agreement that was reached by the government of both countries bilaterally and multilaterally. The preambles read thus:

- The Republic of Benin and the Republic of Nigeria hereinafter referred to as Parties;
- Given the need to consolidate the peaceful cooperation and friendly relations between the two Parties at the national and local levels;
- Considering the Economic Cooperation Agreement, the Scientific and Technical signed by both Parties on 1st February 1979 and which established the Joint Commission of Benin-Nigerian cooperation;
- Considering the Extradition Treaty, the Agreement on Cooperation in Criminal Investigations and Administrative Mutual Assistance Agreement on Customs, Trade and Immigration of 10 December 1984 entered into by the Republic of Benin, the Federal Republic of Nigeria, Republic of Ghana and the Togolese Republic;
- Taking into account the fact that both Parties are Member States of the Economic Community of West African States (ECOWAS) created May 28, 1975;
- Reaffirming their vis-à-vis the Charter of the Organization of African Unity (OAU) and the principles set forth therein;
- Determined to preserve their economic interests and to ensure the well - being of Border Communities
- With regard to cultural, traditional and socio-political affinities of the Communities living along the border that must be mobilised in the service of both Parties for the promotion of peace and cooperation in socio-economic, political and security;
- Driven by the spirit of a genuine commitment to the principle of good neighbourliness and by the desire to increase the current level of cooperation between the two Parties and their peoples;
- Recognising the need to protect the sovereignty and territorial integrity of both parties and to find a rapid solution to the difficulties that often in the course of their common border;
- Aware of the benefits of cross-border cooperation as contained in the report of the Seminar-Workshop on the Benin-Nigeria border cooperation held from 9 to 13 May 1988 in Badagry in Nigeria;

- Considering the statement issued after the summit meeting of the Presidents of the two Parties to SEME approving September 21, 1988, the recommendations of the Seminar-Workshop Badagry;
- Respectful of the communiqué issued by the presidents of both parties to the Summit of 21 September 1988 approving the recommendations of the workshop Badagry;
- Considering the memorandum of understanding between the two countries on the reopening of the border signed in August 2003 by the Presidents of both parties to Badagry;<sup>121</sup>

### **Treaty on Cross-Border Cooperation between Nigeria and Benin Republic of 1993**

The treaty addresses and covers several aspects of border-related issues between the two countries. Aspects of trans-border related issues covered in the treaty are:

1 Restitution of stolen vehicles

2 Trans humane

3 Achievement administrative buildings of SEME – KRAKE

4 Delimitation of Borders

5 Smuggling and drug trafficking

6 Refuge Criminals

7 control stations along interstate highways

8 Exchange of prisoners

9 Non-application of the treaty quadripartite extradition

10 economic crimes

11 No application I quadripartite agreement of cooperation in the field of criminal police

12 Illicit trafficking of armies<sup>122</sup>

Articles 5, 10 and 12 focus on trans-border crime challenges between the two countries. Therefore, the treaty recommends measures to be taken by the government of Nigeria and Benin Republic in addressing these challenges across their respective borders.

#### **Article 5 on Smuggling and Drug Trafficking**

Experts have noted the increase in smuggling activities and drug trafficking along the borders and recommended the following:

- The cooperation of security officer (Police, Gendarmerie and Customs) along the borders;
- Implementation of a program of exchange of statistical data;
- The Joint control of border areas;
- The establishment of a cooperation in the field of customs
- The implementation of existing trade agreement between the two (2) States;
- The periodic exchange of lists of proscribed items to guide the security guard in the fight against smuggling<sup>123</sup>

**Article 10: Economic Crimes:**

Experts took note of the rise of economic crimes perpetrated by organised groups, and individuals in both countries, and in the West African sub-region. They recommend that efforts be made at the highest level both bilaterally and multilaterally (ECOWAS) to eradicate this scourge. To this extent, they exhorted security forces to intensify their cooperation.

**Article 12: Illicit Weapons:**

The two (2) parties have deplored the resurgence of illicit arms trafficking in the sub-region. This constitutes serious threats to the security of our people. They accordingly propose that urgent steps be taken by the competent Authorities of two (2) countries in order to stem the scourge.<sup>124</sup>

**Treaty on Cross-Border Cooperation between Nigeria and Benin Republic of 1996**

The 1996 treaty on cross-border cooperation was influenced by development in Nigeria during the military administration of General Sani Abacha. The Nigerian Head of State closed Nigeria' borders with Benin Republic based on the allegation that the Beninois government was harbouring, some Ogoni's and political activist considered as enemy of the state. In the course of addressing the issue, it led to the review of previous cross-border cooperation between the two countries. The 1996 Treaty addressed some fundamental issues concerning

the border communities between the two countries. The following are some of the key aspects of the 1996 treaty on cross-border cooperation between Nigeria and Benin Republic:

#### **Article 5: The Creation of Joint Council of Border Cooperation**

It creates a Joint Council of border cooperation which consists of:

- ✓ Ministers;
- ✓ Governors and Prefects;
- ✓ The Ambassadors of the two Parties accredited to the respective Governments;
- ✓ Four (4) Experts Specialists questions of international borders appointed by each party;
- ✓ The local authorities of both parties;
- ✓ The Traditional Chiefs areas designated by the Parties

The joint council border cooperation is responsible for knowing all the problems beyond the jurisdiction of the Local Joint Border Committees and implements joint tours at all levels every year or as often as needed or other tasks falling under the scope of the maintenance of good relationships neighbourliness between the two countries.<sup>125</sup>

#### **Article 6: The Meetings of the Board Joint Border Cooperation**

- The Board of the Joint Border Cooperation meets two (2) times a year, alternately in the Republic of Benin and the Federal Republic of Nigeria to take stock of its activities. Extraordinary meetings may be held at the request of either Party;
- Each party shall appoint the head of its delegation to the meetings of the Joint Council;
- Each meeting of the Joint Council on cross-border cooperation is chaired by the head of a delegation of the host Party;
- The draft agenda of the meetings is developed by the host Party and communicated to the other party at least six (6) weeks prior to the council;
- The term "Ministers" means the ministers responsible for border and cross-border issues such as the Foreign Minister, the Interior Minister and any other Minister designated under the legislation of each Party;
- The term "Prefect" means the Prefect of a neighbouring Department in the Republic of Benin.

- The term "Traditional Chiefs" refers to local dignitaries officials of the Communities living near the border,<sup>126</sup>

#### **Article 8: Responsibilities of Local Border Mixed Committees**

- The local joint border committees are loads including the implementation of cooperation agreements between the Parties.
- In part, they bring when needed assistance to local authorities in accordance with the legislation in force in the territory of each party, in particular, regarding:
  - Monitoring and protection of border demarcation and other objects terminals;
  - The free movement of people and movement of animals;
  - The safety of people and property including the prevention of crime and the search for the perpetrators;
  - Assistance to the security services in their efforts against the illegal movement of people and goods through the border areas.
  - They can perform other functions for the strengthening of cooperation in accordance with the provisions of this Treaty.
  - They are also empowered to resolve disputes between border communities and use all the means in their possession in this case the sub-committees and expert working groups to ensure peace and develop good relationships neighbourliness between peoples.<sup>127</sup>

#### **Article 9: The Meetings of Committees Local Border Mixed**

Meetings of Committees of Mixed Border Premises held alternately in the Republic of Benin and the Federal Republic of Nigeria as frequently as necessary in order to discuss specific urgent questions and to see the progress realise in implementing the Treaty at the resort concerned.

However, these Committees meet at least once quarterly. Each Joint Border Committee Local submits the activity report of its locations in the meeting of the Joint Council of border cooperation and attend to it urgently by the Permanent Secretariat of the burning problems he could not solve.

### **Article 13: Communication and Free Movement of People**

Two purposes of maintaining a climate of peace and promote socio-economic development of border communities. Each party shall ensure, through the Joint Border Committee Local, building confidence between Local Communities and their leaders taking contemptuous regulations on communication and the free movement of persons in border areas.<sup>128</sup>

### **Treaty on Cross-Border Cooperation between Nigeria and Benin Republic of 2003**



There was, in 1996, a Treaty on cross-border cooperation between Nigeria and Benin Republic. Another Treaty, taking a more advanced form, but with the same objectives like that of 1996, was signed in 2003 on cross-border cooperation between the two countries. The Treaty of 2003 was influenced by the closure of the Nigerian border with Benin Republic, because of the activities of trans-border criminal groups engaged in acts of smuggling, human trafficking, and cross-border robbery, among others. The 2003 treaty on cross-border cooperation between Nigeria and Benin Republic did not add anything new, to the treaty compared to that of 1996. However, it was the treaty signed in 2005 that made a significant impact on cross-border cooperation, especially in the area of how to combat the threat of cross-border criminals across their respective border regions and communities.

### **Treaty on Cross-Border Cooperation between Nigeria and Benin Republic of 2005**

The following are some of the major issues contained in the 2005 cross-border cooperation treaty between Nigeria and the Republic Benin.

#### **Article 2: Objective**

This Treaty establishes the entire border cooperation between both parties in the following areas:

-  The free movement of persons and goods;
-  The maintenance of peace and security along the land and maritime boundary;



- ✚ The safety and security, including the prevention of crimes such as fraud, human trafficking, child labour, drug trafficking, financial and economic crimes;
- ✚ The promotion of trade and other activities;
- ✚ Protection of the surrounding
- ✚ Conservation and joint exploitation of natural resources and equitable;
- ✚ Mutual assistance in disaster or calamity;
- ✚ Development of border communities
- ✚ The exchange of information<sup>129</sup>

The cross-border cooperation treaties between Nigeria and Benin Republic represent avenues to address issues concerning border-related challenges between the two countries. The treaties provide a platform to tackle border issues, key of which are trans-border crime and the challenges confronting border communities. Several of the recommendations outlined in each treaty signed by the leaders, such as the establishment of a joint council border cooperation and Joint border mixed were created to promote cooperation among border communities. They were also created to assist security personnel tackling the activities of trans-border criminals. The treaties were built on existing protocols reached by both countries in the past. Indeed, guiding the treaties as well is the ECOWAS Protocols. In addition, it recognised some of the strands of Nigeria's West African foreign policy, such the policy of good neighbourliness. However, a major issue regarding these treaties is their implementations. If the treaties are effectively implemented they would address some border-related problems between both countries ease of trans-border crime.

### **Joint Border Tour and Admonition, Border Conference and Agency Collaboration in the Fight against Trans-Border Criminals in the Nigeria-Benin Border**

The Nigerian and Benin governments formulated various treaties to address the threat posed by trans-border criminals across their borderlands. Aside this, the governments of both countries equally embarked on measures to eradicate the illicit enterprise from the respective

border regions and communities located within their domain. The measures adopted include: border tour, the sensitisation of border communities on the negative implications of engaging in illicit border activities and the sanctioning of security agencies to form joint border patrol to confront trans-border criminals engaged in the illicit enterprise in the Nigeria-Benin border. The various joint collaborations embarked upon by the Nigerian and Beninese officials and governments will be discussed below.

### **Border Tour and Admonition to Border Communities in the Nigeria-Benin Border**

Nigerian and Beninese authorities, as part of measures to promote cooperation among their border communities, discouraged them from engaging in trans-border crime and encouraged them to assist security agencies from both sides of the borders in their fight against smugglers and other illicit crime within and around their borderlands.

In February of 1986, few months before the re-opening of the Nigeria-Benin border, Nigeria's Minister of Interior Lieutenant-Colonel Shagaya and his Beninese counterpart Lieutenant-Colonel Edward Zudehoughan, embarked on a five-day joint tour of the Nigeria-Benin border areas.<sup>130</sup> The exercise took them to 22 towns and villages. In the course of the border tour, the then Nigerian Interior Minister appealed to the people in the border area to live peacefully with themselves. He stated that the closure of the Nigerian border was not a punitive measure. He added that it was rather in the interest of both countries. Furthermore, he enjoined the communities sharing the border to refrain from activities that led to their closure, specifically trans-border criminal activities.<sup>131</sup> His Beninese counterpart, similarly, stressed the need for the people in the border areas to live in harmony.

Still on measures to address border-related issues between Nigeria and Benin Republic, with regards to border tour, the leaders of both countries met at the Seme border to find a lasting

solution to the challenges. Speaking at a one-day meeting, the Nigerian Head of State, General Ibrahim Babangida spoke of:

A resolution between Nigeria and Benin Republic which would permit no sanctuary on their respective territories to those who had sought to erect artificial barriers between the two countries. And that the security law enforcement officers on both sides had a heavy burden to shoulder to enforce this.<sup>132</sup>

The then Nigerian Head of State suggested that the leaders of both countries should work towards, a workable and satisfactory solution to the recurring misunderstanding inborder settlement areas.<sup>133</sup> He further urged an examination of practical measures, for translating into reality, the goals of the sub-regional organisation – ECOWAS. In the same vein, in 1989, following a three-day workshop on Nigeria-Republic of Benin Trans-Border Corporation held in Abuja, the governments of both countries agreed on new measures to strengthen corporation among the inhabitants of the borders between Nigeria and the people of Republic of Benin. According to the communique at the workshop, Nigeria’s Minister of Internal Affairs, Colonel John Shagaya and his Beninois counterpart, Colonel Edward Zudehoughan agreed on measures to stamp out drug trafficking, discourage dumping of toxic waste and other anti-social behaviour in the borders of their countries.<sup>134</sup>

They equally agreed to check the possible excesses of their respective border guards by setting up a channel for receiving complaints from aggrieved member of the public, who could report erring officials through their Embassies, External Affairs Ministries, Immigration or Customs offices.<sup>135</sup>

Border tours and admonition by government officials from both Nigeria and Benin Republic have helped to create an awareness among border communities to refrain from cross-border criminal activities. It has also enabled the government of both countries to promote African solidarity among the border communities and to live in harmony among themselves. It equally

provides the border communities with the opportunities to interact with government officials and make known their demands.

### **Cross-Border Cooperations Workshops**

Border conferences have equally served as veritable tools in promoting cross-border cooperation between Nigeria and Benin Republic in various areas. They have sensitised participants about the ills of trans-border crime to the economies of Nigeria and Benin Republic, including the national security threat it poses to both countries. The Nigeria-Benin trans-border cooperation workshop held in Badagry in 1988, was a welcome development.<sup>136</sup>

The workshops examined a wide array of topical issues in which leading experts in the academia and professional bodies, as well as traditional rulers, from both sides of the international border presented papers. The workshop examined issues on culture, local administration, border economy, delimitation question and border security and legal issues. The workshop ended with conclusions and recommendations on how to improve trans-border relations. Indeed, the trans-border cooperation workshop was a noble idea that had not only addressed border-related issues, but also served as a platform to promote nation-building between Nigeria and Benin Republic. The maiden edition has been documented in a book form to promote and spread the ideas of the workshop to government officials and policy makers on how best to address border issues between Nigeria and Benin Republic.

A similar conference was organised by the Integrated Management Agency Benin Border Areas in the implementation of the Strategic Orientation No. 3 of the National Policy for Development of Border Areas with the theme, "Developing cross-border cooperation to strengthen good neighbourly relations and regional and pan-African integration." The following conferences were organised by the Integrated Management Agency Benin Border Areas between Nigeria and Benin Republic to strengthen border relations. In addition, they were organised to resolve the numerous border challenges confronting both countries, in their

respective borderlands. They include the international fora border cooperation between Benin and Nigeria in Boo cultural eras, Ségbana in December 2011, Baatonou Nikki in December 2012 and Nago / Yoruba has Kétou in December 2013.<sup>137</sup>

### **Cross-Border Community Policing Workshop**

The alarming threat of trans-border crime in Nigeria's borderlands and its resultant effects on the country's socio-cultural, economic and national security continues to generate ideas and initiatives on how best to address the menace. Cross-border community policing workshop is one of such initiatives. The Workshop is an initiative of the Ogun State Boundary Committee in collaboration with the Centre for African Regional Integration and Border Studies (CARIBS) of the University of Lagos.<sup>138</sup> The workshop is mid-wifed by the Committee and in active cooperation with the Community Policing Project Office of the Ogun State Police Command in Abeokuta. The cross-border policing workshop is a follow-up of a special Submit on Crime held in Abuja in 2004, by the Nigerian Police Force (NPF). The NPF during the special submit launched its Community Policing Project as its operational initiative for combating the ever-increasing wave of crimes within and across the national boundaries.

The maiden edition of the workshop was held at the African University Institute, Imeko, Ogun, Nigeria from 24 – 26 February 2006. It brought together stakeholders concerned about finding a lasting solution to the problem of crimes and policing in the border areas of Ogun State and its adjacent neighbours, at the other side of the border. Various papers were presented by security operatives, local government administrators, traditional rulers and local community leaders, spokespersons of business community, experts from research institutions and civil society organisations and members from the ECOWAS Secretariat. The causes of cross-border crime and the challenges to cross-border community policing (poverty and unemployment, poor infrastructural development, poor logistics and communication equipment to police the border area, inter-agency conflict, porous border, cultural ties of the

people etc) by the police were outlined and the way forward discussed.<sup>139</sup> The cross-border community policing in the Ogun State border involves the regular policing of men and officers of the NPF at the border town, to police, arrest individuals and group engaged in the illicit enterprise. The NPF collaborate with members of the border communities to carry out their duties at the border areas. The Ogun State Boundary Committee, Cross-Border Community Policing Workshop is a pilot project in the future will encourage other bordering states northern and eastern parts of the country to do similar workshop.

### **Joint Border Patrol**

As part of measures to combat smugglers and cross-border armed robbers operating in the Nigeria-Benineborder, the government of both countries sanctioned joint border patrol. This joint border patrol was made up of men and officers of the customs and police force of the two countries. In 1992, the governments of Nigeria and the Republic of Benin reached an agreement on the establishment of a joint border patrol, made up of men and officers of the customs of the two countries. The agreement barred all their security personnel from going into any of the countries in uniform but in mufti, to guard against operational conflict.<sup>140</sup> Furthermore, the Nigerian Police Force and that of the Republic of Benin, in 2001, agreed to establish a joint patrol team comprising policemen from both countries to check cross-border banditry in their respective territories.<sup>141</sup> The agreement followed a meeting between the then Nigerian Inspector General of Police Mr. Musiliu Smith, and the President of Benin Republic Mr. Mathieu Kerekou.<sup>142</sup> The joint border patrol between the police force of Nigeria and Benin Republic was re-launched in 2005, during the reign of Tafa Balogun, the then Nigerian Inspector General of Police.<sup>143</sup>

The joint border patrols by security personnel from Nigeria and Benin Republic have powered the fight against smugglers and other forms of trans-border crime in the Nigeria-Benineborder. The constant border patrol has enabled security personnel to intercept cross-border criminals

operating across the borders of the two nations. It has equally assured traders of adequate security to carry out their legitimate businesses in the border regions of the two countries.

### **Border Communities Development Agency**

Border communities on the Nigerian side of her international boundaries have criticised the Nigerian government on several occasions of neglect concerning the provisions of basic social amenities, infrastructures development and lack of job opportunities for its teeming population. They likewise argued that the neglect of these provisions had driven some of them into trans-border crime. However, as part of measures to address the neglect of border communities in Nigeria, the federal government in 2003, established through an Act of the National Assembly the Border Communities Development Agency Act, 2003 (as amended in 2006). The formal inauguration of the Governing Board of the Agency to supervise its activities took place in December 10, 2009.<sup>144</sup>

The agency in the words of its Executive Secretary Numoipte Wills is mandated to prepare a comprehensive programme of action for the development of the border communities, execute such border development policies, projects and programmes, coordinate the activities of all relevant Ministries in the implementation of federal government policies and policies and programmes for the development of border communities. Identify and determine in each year, such deliberate or conscious infrastructural projects required for their overall and set guidelines for the implementation and monitoring of federal government projects in the border communities, among others.<sup>145</sup>

The development of border communities on the Nigerian side of her international border is very critical in order to address some of the challenges faced by the people at the border. This is because the neglect suffered by border communities in Nigeria has contributed to security challenges the country is presently witnessing such as trans-border crime.<sup>146</sup> The neglect of the

border communities particularly the young men and women without commercial activities had made them vulnerable to outside influences. The agency has carrying inspection tour to the country's border communities to identify the needs of the people and the project to embark upon.<sup>147</sup> The agency likewise, has been able to build hospitals, water, roads and other social infrastructures for the people in the Northeast, Badagry in Lagos and other parts of the country.

### **Establishment of Specialised Agencies in the Fight Against Trans-border Criminals in the Nigeria-BenineBorder**

The Nigeria government has responded well to the fight against some forms of trans-border criminal activities. She has done this by setting up some specialised agencies empowered by the country constitution to arrest and prosecute individuals and groups involved in illicit enterprise. The government agencies have offices at the various border posts to check and apprehend anyone on entry and exiting the country through her land borders with an illegal substance. These agencies include the National Agency for Food and Drugs Administration and Control (NAFDAC), National Drug Law Enforcement Agency (NDLEA), National Agency for the Prohibition of Traffic in Persons (NAPTIP), the National Commission for Small Arms, among others.<sup>148</sup>

It is interesting to note that the Nigerian government established these agencies in line with the objectives of the United Nations (UN).She set up the agencies primarily to combat criminals engaged in smuggling and trafficking of fake and adulterated drugs, hard drugs, and trafficking in persons. For instance, the establishment of the NDLEA was in response to the 1988 UN Vienna Convention on Narcotic Drugs and Psychotropic substance. The Conventionenjoined all countries that are signatory to the convention to domesticate the convention into local legislations and put in place an institutional framework to control the spate of drug-related problems.<sup>149</sup>



The same can be said of other governments institutions and agencies engaged in the fight against one form of trans-border crime or another. NAPTIP, for instance was created in 2003, in follow-up the 2000 United Nations Convention against Transnational Organised Crime.<sup>150</sup>

The agency was created to meet three of the protocols established at the convention:

- Protocol to prevent, suppress and punish trafficking in persons, especially women and children
- Protocol against the smuggling of migrants by land, sea, and air, and
- Protocol against the illicit manufacturing and trafficking in firearms, their parts and components and ammunition.<sup>151</sup>

The agencies created by Nigerian government have aided the war against individuals and groups involved in the trafficking and smuggling of fake and hard drugs, trafficking of persons, among other illegal activities in the Nigeria-Benin border.

### **An Analysis of the Efforts of the Nigerian and Beninois Governments to Curb Trans-Border Crime in their Borderlands**

Various approaches and initiatives by the Nigerian and Beninoise government to stem the tide of trans-border crime in their borderlands are discussed above. These approaches and initiatives are laudable programmes that can address the threat of trans-border crime and other related issues in the Nigeria-Benin border. However, what is lacking is the political will of the leaders of both countries to implement the various policy initiatives and communiqué that emanated from the various cross-border workshops and agreements reached at the cross-border cooperation treaties between Nigeria and Benin Republic. For instance, the 1996 Cross-Border Cooperation Treaty between Nigeria and Benin Republic created the Joint Council Border Cooperation. Membership of the Council comprises traditional rulers from both sides of the border, Ministers from both countries, local authorities from both countries and experts and specialist in border issues from the countries.

The Council is responsible for knowing all the problem beyond the jurisdiction of the Local JointBorder Border Committees and implements joint tours at all levels every year or as often as needed or other tasks falling under the scope of the maintenance of goods relationships neighbouring between the two countries. the question that comes to mind to what extent has this Council function to address issues emanating from the Nigeria-Benin border over the years. Likewise, the Local JointBorder Border Committees, which was also created by the 1996 Treaty but restricted to each country border area to discuss and find ways to address border related matters of each border communities. The Local Border Committee provides a platform for border community to create awareness that will address sensitive border issues, such trans-border crime. The lack of political will by the government of both countries, particularly, when the issue concerns a peripheral area of their countries not to take the necessary action to implement the provisions of the Treaty and communiqué reached in all of the border conferences and workshops organised by some of its agencies.

Another critical issue that is of concern, hindering the efforts of the Nigerian-Beninois government to curb trans-border crime in their borderlands is that of ethnic affinity of the people in the Nigeria-Benin border. This major issue transcend all the approaches and initiatives to curb border crime in the borderlands. The cultural and linguistic connection of the people at the Nigeria-Benin border is valued by them above the flags of separation that separate them between Nigeria and Benin Republic. This is evidence in their disregard to warnings by the governments of both countries to desist from criminal activities such as trans-border crime at the border. Their neglect of such warnings is worsened by their perception of cross-border crime. The majority of the border communities in the Nigeria-Benin border shares the view that the trade across the border is a legitimate for them dating to the pre-colonial period. In addition, that the freeflow of the trade was halted by the colonial masters through obnoxious tariff and border restrictions. They argued that the exchange of goods

between the people at the borders is a continuation of their long ethnic cooperation in trade and commerce. The issue of ethnic ties of border communities is a major challenge that all stakeholders from both countries must find a lasting solution, because it centred on the primordial sentiment of the people. Several of them have masqueraded their ethnic ties to perpetrate trans-border criminality at the Nigeria-Benin border.

The Nigerian and Beninois government should step-up the community policing in the fight against the perpetrators of the illicit enterprise. The Beninois government should initiates similar measure on her side of the border. In the same vein, the border communities should be allowed to form or established their own community-policing outfit to monitor and report incidence of trans-border crime in the borderlands to the appropriate authorities.

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## CHAPTER 6

### **NIGERIA'S FOREIGN POLICY IMPLEMENTATION AND TRANS-BORDER CRIME IN THE NIGERIA-BENIN BORDER, 1960 – 2013**

Nigerian leaders have implemented various strands of the country's foreign policy since independence. With respect to West Africa in general, and her immediate neighbours in particular, the following foreign policy strands have influenced Nigeria's relations with them. They are the foreign policy of Afrocentrism, policy of good neighbourliness, commitment to the provisions of ECOWAS Treaty on free movements of persons and goods, the relaxation of border and other related matters in line with her national interest. These foreign policy strands have produced a mixed bag of results. However, there are divergent views and opinions among many Nigerian scholars and policy-makers regarding the implementations of these strands and their overall impact on the country's border relations with her immediate neighbours. As a result, there has been the debate on the merits and demerits of these foreign policy strands, concerning the growth, expansion and the difficulties in resolving several border-related issues such as the threat posed by trans-border crime in Nigeria's border with her immediate neighbours.

Likewise, also, of particular concern is Nigeria's trade policy and that of her immediate neighbours concerning the criminal activities of trans-border crime in Nigeria's border with her immediate neighbours. Similarly, Benin Republic's liberal trade policy has contributed to the smuggling of contraband into Nigeria through her porous borders with the former French colony. This is of a great concern to the government of Nigeria.

An examination of the impact of Nigeria's foreign policy and, by extension, that of her immediate neighbours on various national issues have raised various questions on the factors

that have influenced the formulation of Nigeria's foreign policy over the years and their relevance in addressing diverse issues affecting Nigerians and the nation's well-being in particular. Of interest also is how relevant is Nigeria's foreign policy strands in terms of preferences, utilities, motives and perceptions in dealing with threats posed by trans-border crime in the country's borders with her immediate neighbours.<sup>1</sup> Also, of critical concern is Nigeria's foreign policy in influencing development in her borderlands.

Based on the following, this chapter discusses the above issues relating to the implementation of Nigeria's foreign policy, with regards to West Africa and, by extension, the country's immediate neighbours identifying their impact on trans-border crime in the Nigeria-Benin border from 1960 – 2013. It will equally throw light on the various foreign policy strands that have influenced Nigeria's relations with member countries of ECOWAS, especially her immediate neighbours. In addition, the chapter ascertains the extent these foreign policy strands have influenced the growth and expansion of trans-border crime in the country's international borders, particularly the Nigeria-Benin border. Likewise, also, it will shed light on Nigeria's signatory to the ECOWAS Treaty, and its overall impact on the country's security, regarding trans-border crime.

In this regard, it considers the effect of the ECOWAS protocol on free movement of persons and goods aimed at furthering regional integration in the sub-region, on Nigeria. Likewise, the chapter interrogates the foreign and trade policy of Benin Republic vis-vis her relations with Nigeria. Similarly, it critically analyses the policy-relevance of the country's West African foreign policy and, by extension, her immediate neighbours in addressing the security threat of trans-border crime in Nigeria's international border. Lastly, the chapter considers multilateral actions involving Nigeria and Benin Republic as well as member countries of ECOWAS in addressing the threat of trans-border crime.

## **Nigeria's Foreign Policy Implementations and Implications on Trans-border Crime in the Nigeria-Benin Border since Independence**

Nigeria's foreign policy was clearly articulated at independence. Its principles and objectives were clearly stated likewise by the country's leaders during the period. Africa has remained the cornerstone of Nigeria's foreign policy since she attained political freedom from her colonial master. Furthermore, successive administrations in the course of pursuing Nigeria's foreign policy in Africa have introduced different strands that have influenced their relations with countries in the continent, and Nigeria's immediate neighbours in particular. The implementation of these strands namely Afrocentrism, policy of good neighbourliness, commitment to regional integration through the ECOWAS Treaty and the relaxation of her border have been greeted with mixed results. The implementations of these strands over the years have won successive administrations goodwill and commendation across the continent. In addition, Nigeria has been tagged with several names such as a member of the frontline states in Southern Africa following her financial and moral support to liberation struggle against white minority rule in the sub-region. Likewise, Nigeria was regarded as the giant and big brother of Africa following her generosity to several countries in the continent as well as condemning actions detrimental to the continent interest.

It is equally imperative to note that these strands have had implications in their implementation. With reference to West Africa and Nigeria's immediate neighbours, one of the implications of Nigeria's foreign policy strands has manifested in the expansion of trans-border crime in Nigeria's borders with her immediate neighbours. The effect of Nigeria's foreign policy on Nigeria-Benin border will be examined below.

### **Afrocentrism: Implementations and Implications on Trans-Border Crime**

Afrocentrism has influenced Nigeria's foreign policy since independence. One of the factors that led to the formulation and implementation of the foreign policy of Afrocentrism was



Nigeria's status as the most populous black nation in the world. This is in addition to her endowment with abundant natural resources – cocoa, crude oil, limestone, tin diamond, etc – and a conglomeration of well-over 250 ethnic nationalities. These and other factors relating to them made Nigerian leaders at independence to believe that the country is ready to lead in the comity of Africans, and even in the global arena. This much is attested to by the first and only indigenous Governor-General of Nigeria, Chief Nnamdi Azikiwe who rightly noted “the historic mission and manifest destiny of Nigeria on the African continent.”<sup>3</sup> Since independence, Afrocentrism has not only guarded, but has also influenced Nigeria's foreign policy towards fellow African countries. This is because Nigeria do not considered herself an independence state until the shackle of colonialism and white minority rule is uprooted from the continent.<sup>4</sup>

Nigeria has taken upon herself, through the foreign policy of Afrocentrism the burden of promoting African solidarity among African states, provide moral, financial and military support to liberation movement against white-minority rule in the continent, resolving conflict among fellow African countries and championing the continent's course in the international arena. Similarly, Afrocentrism has equally influenced the formation of several foreign policy strands that have shaped Nigeria's relations with countries in West Africa and her immediate neighbours.

The implementation of Nigeria's foreign policy of Afrocentrism over the years has no doubt endeared Nigeria to many many countries in Africa. On the other hand, it has had some implications on the country's external relation, in Africa, especially her immediate neighbours and member countries of ECOWAS. Successive Nigerian governments have sacrificed so much at the expense of Nigerians in pursuing the foreign policy of Afrocentrism in the continent. In Southern Africa, for instance, Nigeria spent billions of naira to support liberation struggle against white minority in the region. However, in the recent times, these

countries have treated Nigeria and Nigerians with disdain. The same has been the case in West Africa with Nigeria's immediate neighbours. With respect to resolving conflict in the sub-region, Nigeria championed the formation of ECOWAS Monitoring Group (ECOMOG). ECOMOG was led by Nigerian soldiers who were instrumental to restoring peace in Liberia and Sierra Leone. In these countries, Nigeria financed the peacekeeping operations with well over 8 billion dollars in peacekeeping mission.<sup>5</sup> Yet, the events that later occurred would show that Nigeria efforts and sacrifices, in this regard, have not been well-appreciated. Developments in post-conflict Liberian and Sierra Leone attest to this reality. Private firms from Nigeria were denied opportunities to establish factories in the former war-torn countries of West Africa

Nigeria's foreign policy strands are encapsulated the foreign policy Afrocentrism. The foreign policy of Afrocentrism is the flagship to which the principles and objectives guiding her foreign conduct enshrined. The implementation of the foreign policy of Afrocentrism by the Nigerian towards her immediate neighbours has been in contrast with the response of her neighbours towards Nigeria and Nigerians. For instance, during the military administration of General Yakubu Gowon, some countries in West Africa pleaded with his regime to sale petroleum products at concessionary price to them. The Gowon administration accepted their plea, however, nationals from these countries, particularly, those from her immediate neighbours (such as Benin Republic) connived with Nigerians to smuggle petroleum products across Nigeria's borders into their countries. This development is a violation of African brotherhood which Nigeria's foreign policy of Afrocentrism entails. The smuggling of petroleum products and other forms of trans-border crime across Nigeria's border with neighbouring countries had been propelled by the relaxation of borders between Nigeria and her immediate neighbours.

Smuggling of petroleum products and other forms illicit enterprise have been very rife in the Nigeria-Benin. Smugglers operating in petroleum products at the Nigeria-Benin border take advantage of the subsidy of the commodity in Nigeria to smuggle it across the borders between the two countries for monetary gains.<sup>6</sup>Smugglers operating from Benin Republic exploit the goodwill of Nigeria's foreign policy of Afrocentrism to the detriment of Nigeria. Arising from this development the Nigerian government took drastic decision to shut her borders against her immediate neighbours in 1984 and 2003 respectively. Furthermore, Beninois liberal and entrepôt economic policy encouraged smuggling in the Nigeria-Benin border. The former French colony has been a dumping ground of sorts of imported items into the country, which are smuggled into Nigeria through her porous borders.<sup>7</sup>Nigerian governments aware of the effect of Beninois economic policy on Nigeria and cross-border crime has failed to take decisive action to this regard. Part of the reasons why Nigerian government overlook this situation, they do not want to interfere in the domestic affairs of the former French colony. This is one of the cardinal objectives of the principles of Afrocentrism. It is therefore imperative that the time has come for Nigerian leaders to re-evaluate the foreign policies of Afrocentrism, with respect to its implication on Nigeria's national security and economic development.

The abuse of the foreign policy of Afrocentrism against Nigeria's interest by ECOWAS countries and her immediate neighbours equally manifested when nationals from these cross into Nigeria without the requisite document inline with ECOWAS Protocol of Free Movement of Persons and Residence. The abuse of the protocol forced the Nigerian government to expel these nationals from the country in 1983 and 1985, respectively.<sup>8</sup>

### **The Policy of Good Neighbourliness: Implementations and Implications**

The policy of good neighbourliness has been a major strand of Nigeria's foreign policy since independence, in her relations with countries in West Africa, especially her immediate

neighbours. The policy, among other objectives, aimed at promoting cordial relations with Nigeria's immediate neighbours, even when the country is deliberately provoked by her limitrophe neighbours, as has been the case on several occasions. In addition, it equally aimed at removing any fear that Nigeria's immediate neighbours might have against her, based on her numerical strength and abundant mineral resources. The policy of good neighbourliness, likewise, seeks to promote the shared history that links some ethnic groups in Nigeria and her immediate neighbours dating back to the pre-colonial days. In other words, Nigeria's good neighbourly posture is at once the cynosure of historical affinity with its neighbours that predated the colonially - configured and partially- drawn boundaries.<sup>9</sup>

Colonialism deeply altered the link or affinity, a trend that became a common feature of the legacy bequeathed on the continent by the contending European powers in the late nineteenth century. Prior to the arrival of the Europeans in Africa and their demarcation of the people and their territories for economic gains, the various ethnic nationalities across the continent lived together, despite differences in their language. But with the partitioning of Africa, an outcome made possible at the Berlin Conference of 1884/1885 to protect, if not satisfy the economic interest of European powers, the peoples of West Africa were arbitrary separated and their cultures, deeply altered.<sup>10</sup>

It can therefore be safely said that one of the negative legacies left behind by the Berlin Conference was the separation of kith and kin into national flags. In Nigeria, for example, as an example, the Borgu, Aja and Yoruba-speaking people were separated between Nigeria and the Benin Republic. In the north, Hausa and Fulani-speaking group were separated between Nigeria and Niger. Likewise, part of the Kanuri-speaking group was separated between Nigeria and Chad Republic.<sup>11</sup> The separation of kin and kith into different countries in West Africa created problems for post post-independence African leaders. Across Africa, different approaches were employed to address the issue. While the approach adopted by some African

leaders made situation worse, that employed by others strengthened existing ties between ethnic groups separated by border demarcation. Aware of this development and the threat it poses to Nigeria and her immediate neighbours, policies aimed at promoting good neighbourliness to create greater historic ties between Nigeria and her close neighbours in the West African sub-region were formulated, regardless of existing border demarcation.

It is imperative to note that the policy of good neighbourliness is a borrowed concept adopted by the United States of America in her interactions with Latin American countries. President Herbert Hoover coined the 'good neighbour policy' in the United States (US) after his election in 1928. The policy aimed at mending relations with Latin American countries, following their criticism of anti-American policy towards them.<sup>12</sup> The implementation of the policy, since the 1920s, between the United States and her Latin America neighbours, has witnessed a mixed result. However, despite the attempt by the United States to improve relations with her Latin American neighbours through foreign aid, low tariff, and the United States protection during the Cold War, among others, Latin American countries still accuse the United States of neglect. In addition, they argued that the United States has reduced them to mere suppliers of raw materials and tropical foodstuffs to the United States. There has also been a decline in foreign investment from the United States to Latin American countries. However, despite the mixed interpretation of the good neighbour policy between the United States and Latin American countries, the US has ensured that her security is not mortgaged in order to placate them. The United States has been able to checkmate illegal immigrants and drug traffickers from her southern border into United States.<sup>13</sup> Likewise, the United States has been able to influence the direction of Latin American countries, in line with her national interests and desires.

Nigeria shares similar characteristics with the United States. Unlike Nigeria, US has been able to compel her immediate neighbours to desist from any actions, detrimental to her interest. A

Careful examination of Nigeria's policy of good neighbourliness with her limitrophe neighbours, especially as it relates to border issues, shows that Nigeria has not benefited much. To put it succinctly, Nigeria is yet to derive any concrete benefit from her policy of good neighbourliness, especially from West African countries. Commenting on the implementation of the policy of good neighbourliness, as practised by Nigeria on the affairs of her West African neighbours, Kyari Tijani says:

But concrete practicalisation of this principle seemed to have played into the hands of Nigeria's foreign partners and was used by them as means of exploiting Nigeria's goodwill, more for their own benefit than as a reciprocable exchange for mutual benefit with Nigeria.<sup>14</sup>

The implementations of the policy of good neighbourliness by successive Nigerian administrations have passed through different phases in Nigeria's relations with her immediate neighbours. Also, the degree of success and the implication of the policy of good neighbourliness on the country's national security have also passed through a similar phase. Nigeria's policy of good neighbourliness has been widely influenced by certain objectives. These objectives include: the non-interference in the domestic affairs of Nigeria's neighbours, moral obligation, accommodation, security concerns, promotion of ethnic ties and economic cooperation. In addition, there is the promotion of peaceful settlement of conflicts in the West African sub-region.<sup>15</sup> The implementation of the policy covers all aspects of relations between Nigeria and her limitrophe neighbours, at the bilateral and multilateral levels and covers socio-cultural, economic, political and security issues. Fundamental as well is the security implication of the policy of good neighbourliness on Nigeria's relations with Benin Republic. The security implication of Nigeria's policy of good neighbourliness is even more important with respect to the impact it has generated on criminal activities of trans-border criminals who abuse the policy to carry out their illicit trade.

The government of the First Republic, led by Sir Tafawa Balewa, laid the foundation for the policy of good neighbourliness between Nigeria and her immediate neighbours. The Tafawa Balewa-led government, in conjunction with the government of Chad, Cameroon and Niger, established the Lake Chad Basin Commission (LCBC) in 1964.<sup>16</sup> The Commission is bolstered by the mandate to sustainably and equitably manage the Lake Chad and other shared water resources of the Lake Chad Basin. This is in addition to preserve the ecosystems of the Lake Chad Conventional Basin, to promote regional integration, peace, and security across the Basin.<sup>17</sup> The LCBC has enabled citizens from member countries, especially fishermen, pastoralists, farmers, and others to benefit from the ecosystem and mineral resources located in the Lake Chad Basin. In addition, member countries are allowed to move freely across their respective borders in line with the promotion of economic cooperation between them. However, the unrestricted movement of nationals of the LCBC has created a worrisome situation among countries of the LCBC. Criminal gangs who have engaged in armed banditry across the borders of member countries of LCBC have exploited the porous nature of the border to attack and rob their victims of their belongings.<sup>18</sup> The criminal activities of the armed bandits takes place in the north-eastern part of Nigeria, sharing international boundary with the Republic of Chad and Niger. The armed bandits from Chad and Niger have attacked several states on the Nigerian side of the border. According to Bukar Abba Ibrahim:

The bandits are believed to be trained rebel soldiers who mostly belong to the Berber tribes of the Tubo (Tuareg) in Niger Republic and who resorted to armed banditry in our country in order to gather resources that would enable the sustenance of their uprising against their home government.<sup>19</sup>

Similarly, the intermittent incidences of chaos and rebellions in some member country of LCBC, such as Chad and Niger and Benin Republics, have had a serious effect on Nigeria. The effect include the illicit proliferation of arms across Nigeria's border with her immediate

neighbours in the north-eastern part of the country.<sup>20</sup> Similarly, there is also a collective threat experienced by member of the LCBC from the armed bandits and trans-border criminals. Recently, the threat of terrorist groups, such as the Boko Haram, operating in Nigeria with sporadic attacks on some member states of the LCBC, resulted in the formation of a multilateral action to combat the threat of trans-border crime and terrorist attacks.

In response to the threat posed by trans-border crime to member countries of the LCBC, in 1998, a Multinational Joint Task Force (MNJTF) between Nigeria, Chad, Niger and Benin Republic was set up in order to combat transnational crime in the Lake Chad region. The force is made of security personnel from the four member countries to patrol their respective borders and borderlands in search of perpetrators of the illicit enterprise.<sup>21</sup>

Interestingly, however, despite the positive idea behind the MNJTF in combating trans-border criminal by individuals and groups, in the Lake Chad Basin, the responses by member countries have been disappointing due to poor commitment. The MNJTF was revived in 2012 to deal with the threat posed by the Boko Haram Islamic sect on member countries of the LCBC. The incessant attacks of the Islamic sect on the citizens of the LCBC, especially Nigerians in the north-eastern parts of the country, led to the resuscitation of the MNJTF to stop the terrorists from further killings of innocent lives.

The Gowon-led military government took the policy of good neighbourliness to another level. The Nigerian Civil War experience influenced his action, especially given the lessons from the war. One lesson the Gowon regime learnt is maintaining good and cordial relations with the country immediate neighbours. The development compelled Gowon to visit these countries to re-assure them of Nigeria's friendly disposition towards them and that his administration was committed to promoting African brotherhood with each and every one of them.<sup>22</sup> As part of efforts to promote the policy of good neighbourliness, the Gowon military



government regarded the West African sub-region and her immediate neighbours as a special area of concentration of Nigeria's diplomacy. Therefore, his government concluded to sell petroleum products at a concessionary price to countries in the sub-region and other parts of Africa.<sup>23</sup> In the same vein, in the spirit of the policy of good neighbourliness, the Nigerian government, under General Gowon in 1971, sanctioned the Nigeria-Niger Joint Cooperation, established to resolve the various forms of challenges facing both countries, especially the border communities.<sup>24</sup> The height of Gowon's pursuance of the policy of good neighbourliness was the orchestration of the formation of the Economic Community of West African States (ECOWAS) in 1975. This community of West African states was formed with the aim of promoting social-economic relations through trade and multilateral economic cooperation among member states within the sub-regional.

Gowon's successor, Murtala/Obasanjo implemented the policy of good neighbourliness, in line with its objectives. It did this with the aim of maintaining cordial relations with Nigeria's immediate neighbours within the West African sub-region. The regime invested in uranium in Niger, in Guinea's iron ore and bauxite and substantial interest in cement and sugar projects in Benin Republic.<sup>25</sup> In addition, the regime gave concessionary sales of crude oil to most of the countries in the sub-region. Furthermore, the regime constructed expressway from Lagos to the outskirts of Cotonou.<sup>26</sup>

In the early 1980s, there was a shift in the implementations of the policy of good neighbourliness in the West African sub-region. This shift was influenced by its security implications in influencing the patterns of trans-border crime, among others. So also, there was the need to promote and protect national security interest above sub-regional interest. This explained why the Shehu Shagari's civilian administration was compelled to expel nationals from Nigeria's immediate neighbours and other West Africa countries from Nigeria for criminal reasons. This is in spite of Nigeria being a signatory to the ECOWAS protocol on

free movement of persons and goods.<sup>27</sup> In the same vein, General Muhammad Buhari-led military government not only expelled foreign nationals of West Africa origin from Nigeria, it equally closed Nigeria's borders with her immediate neighbours. The regime decision was driven by security and economic reasons: to secure Nigerians from trans-border criminals and stop the smuggling of contraband into the country.<sup>28</sup>

However, unlike his predecessor, the emergence of General Ibrahim Babangida in 1985 returned Nigeria to the implementation of the objectives of the policy of good neighbourliness. His administration re-opened Nigeria's border with her limitrophe neighbours earlier closed by the Buhari regime. The Babangida-led military government as part of his administration's efforts to promote border-related issues domestically and with Nigeria's limitrophe neighbours, established the National Boundary Commission (NBC) in 1987.<sup>29</sup> Also, the Babangida-led military administration started the cross-border cooperation treaty between Nigeria and Benin Republic to address border-related issues between both countries. He equally introduced the technical aid corps to provide socio-economic assistance to countries in the West African sub-region. The Babangida regime was instrumental to the formation of ECOWAS Monitoring Group (ECOMOG), in the 1990s to serve as security architecture in resolving conflict in West Africa, following the outbreak of intra-state conflicts in different parts of the sub-region in the 1990s.<sup>30</sup>

Other administrations such as the General Abacha and Abdusalami Abubakar's military regimes and the civilian administrations of President Olusegun Obasanjo, Musa Yar' Adua and Goodluck Jonathan, have all continued to maintain the objectives of Nigeria's policy of good neighbourliness in West Africa, especially with the Republic of Benin.

Nevertheless, despite the noble intent of the Nigerian government towards the policy of good neighbourliness, the policy had enormous negative impacts on Nigeria's external relations

with her limitrophe neighbours, especially, to Nigeria's disadvantage. The policy has encouraged the provocation of Nigeria's sovereignty and national interest by some of her immediate neighbours. As was the case in the early 1980s and 1990s, when military troops from Cameroon, Republic of Benin and Chad encroached into Nigeria's territories, as a consequence, killing some Nigerian soldiers.<sup>31</sup> Instead of retaliation, the Shagari and Babangida led governments, instead seek peaceful means in line with the country's policy of good neighbourliness to resolve the crisis that cost the lives of Nigerians. The implementation of the policy of good neighbourliness has resulted in mixed benefits for Nigeria and Nigerians since independence. Although, it must be said that the policy has promoted and encouraged historical ties among the border communities, promote trade and economic activities as well as provide a platform to resolve issues before they become complicated

Nevertheless, the implementation of the policy of good neighbourliness had serious security implications on Nigeria's national security, more especially, concerning border-related security threat, namely trans-border crime. Trans-border crime has long been in existence in Nigeria's borderlands with her limitrophe neighbours since the colonial period. The phenomenon of the illicit enterprise can be traced to the contradicting rival economic policies of the colonial powers, aimed at exploiting the colonies through obnoxious trade policies. In addition, they banned some of the goods traded by the people for foreign goods.<sup>32</sup> However, in return, Africans, especially those at the borders, took advantage of their knowledge of the porous borders to smuggle goods across to fellow traders across the borders. In the Nigeria-Benin border and other border regions across the continent, smuggling became a major feature that progressed into the post-independence era. Trans-border crime in the form of smuggling and other forms of illicit enterprise have received a boost by the implementation of some of the foreign policy strands of the Nigerian government in the post-independence era, namely the policy of good neighbourliness.

Trans-border criminal group and individuals operating in the Nigeria-Benin border have taken advantage of weaknesses in the policy of good neighbourliness to carry out their illicit enterprise across Nigeria's international border with her immediate neighbours. The relaxation of Nigeria's border to encourage free movement of persons and economic activities has made it possible for trans-border criminals to navigate Nigeria's border without valuable means of identification in perpetrating their illicit enterprise.<sup>33</sup> In addition, arising from the ethnic ties among the border communities in the Nigeria-Benin border, security operatives find it difficult to identify and apprehend smugglers smuggling contraband across Nigeria borders. Again, Nigeria's good intent for implementing the policy of good neighbourliness is not shared by her immediate neighbours, Benin Republic for instance. Benin Republic pursue a liberal economic policy such that seen to encourage smuggling. The liberal economic policies of the former French colony allowed the importation of all kinds of goods, most being smuggled into Nigeria. The lax border framework aimed at promoting the policy of good neighbourliness are exploited by smugglers to achieve their criminal enterprise.<sup>34</sup> In the same vein, contraband are smuggled into Nigeria through her porous borders with the former French colony, in connivance with some security officials at the border post with Benin Republic. Examples abound of the several forms of trans-border criminality that take place in the Nigeria-Benin border. There are also ample examples of the various items that are smuggled into Nigeria.

As a result, many Nigerians blamed the policy of good neighbourliness, as responsible for the country's vulnerability to transnational threat.<sup>35</sup> Indeed, due partly to the policy of good neighbourliness, Nigeria's national security has been greatly compromised by development in her borders, especially, the Nigeria-Benin border. For example, the intensity of cross-border crime like smuggling and illicit drug trade in West Africa, has had serious implications on Nigerians, and Nigeria's economic security.<sup>36</sup> In the same vein, illegal immigrants from

neighbouring countries have continued to pose a perennial security problem, such as underground criminal activities, civil disturbance, urban and rural violence, theft, armed robbery and general insecurity of lives and property in Nigeria.<sup>37</sup>

The security and economic implications of trans-border crime in Nigeria's borderlands, particularly, in the Nigeria-Benin border led the Nigerian government to close her borders with the former French colony in 1984 and 2003. In the same manner, Nigeria's Minister of Internal Affairs, Chief Sunday Afolabi in 2001, made an attempt to fence Nigeria's land borders with her immediate neighbours. Although the project failed to materialise, it was meant to address trans-border criminal activities across the country's borders.<sup>38</sup> Nigeria's leaders in the twenty-first century need to review the policy of good neighbourliness in the light of its security implications on Nigeria's national and economic interest and security. The threat posed by trans-border crime is huge. Therefore, it requires a holistic commitment, not one driven by solidarity to do good to others, but rather a realistic determination influenced by her national interest and solid foreign policy strand that will deter perpetrators from neighbouring countries and Nigerians from continuing in the illicit enterprise.

### **Nigeria's Foreign Policy and the ECOWAS Treaty: Implementations and Implications**

Some of the provisions of the Economic Community of West African States (ECOWAS) have influenced Nigeria's foreign relations with fellow West Africa countries, especially her immediate neighbours. Nigeria was instrumental in the formation of the sub-regional body in 1975. In fact, the then Nigerian Head of State, General Yakubu Gowon, in conjunction with General Gnassingbe Eyadema of Togo, initiated the formation of ECOWAS. They did this in order to midwife West African states to integrate their economies and achieve a faster pace of socio-economic and political development.<sup>39</sup> The formation of ECOWAS was influenced by several factors. Key of which was the shift towards regional integration which started in Europe, shortly, after the Second World War. The successes that greeted the European

Economic Community (EEC), now European Union (EU), as a regional economic bloc, with the goal of promoting and liberalising trade and economic activities among member countries, harmonising tariff to boost trade as well as encouraging inter-regional trade among its members and other regional economic bloc outside the EU, inspired the creation of ECOWAS. In the same vein, the creation ECOWAS was also informed by the EU's attempt to promote open borders to enhance economic activities among the EU member countries. In addition, to promoting free movement of persons and goods, in line with the EU policy. This primarily propelled the formation of similar international organisations at the regional and sub-regional levels in other parts of the world.<sup>40</sup> These, among other factors and others to a large extent, convinced West Africa leaders to have similar organisation in the sub-region to facilitate economic and socio-cultural cooperation among member-countries of the sub-region.

The ECOWAS Treaty of 1975 and its revised version of 1993 share several similarities with the goals and objectives of the EU. Among them are the promotion of trade liberalisation and intra-regional trade among member countries. It also include Promotion of monetary union and single currency project, infrastructural development, regional approach to industrialisation, free movement of persons, goods, and the right to resident as well as the relaxation of borders to boost trade and economic activities, among others.<sup>41</sup> Nigeria's commitment to some of the provisions of the ECOWAS Treaty, such as the free movement of persons and goods and the right to resident as well as the relaxation of borders to boost trade and economic activities among member countries of the sub-regional body, has impacted negatively on the country's national security, through the activities of trans-border criminals.<sup>42</sup>

Nigeria's commitment to the ECOWAS Protocol on free movement of person and right to resident has put much burden on the Nigerian government since the protocol came to effect in the early 1980s. Some Nigerians scholars have interrogated the essence and benefit of the

protocol on Nigeria and Nigerians.<sup>43</sup> They blamed the protocol for the influx of thousands of migrant workers from ECOWAS member countries and non-ECOWAS countries into Nigeria.<sup>44</sup> The majority of the migrants come to Nigeria to seek greener pasture and take advantage of the country's economic prosperity. In the process, they compete with Nigerians for the few available jobs and create additional burden on the country's infrastructures. Some of these nationals are equally engaged in armed robbery, domestic violence and trans-border criminal activities. This led to their expulsion from the country in 1983 and 1985.<sup>45</sup>

Of greater implication is the effect of the protocol on free movement of persons and residents on trans-border crime in the Nigeria-Benin border. Although the protocol was designed to stimulate growth and stability in the region, it has indirectly contributed to the spread of transnational crime along the border areas of both countries. The protocol has aided trans-border criminals to move freely and reside in either country. This development has enabled them to carry out many operations on illicit enterprise. When after their operations are complete, the criminals often easily retreat to the other side of the border to evade prosecution.<sup>46</sup> It is interesting to note that trans-border criminals operating in the borderlands of both countries exploited the weakness in the implementation of the protocol of free movement of persons and right to resident in Nigeria and Benin Republic. This weakness can be observed in the areas of weak governance and lack of institutional mechanism in the protocol on free movement to check the activities of criminals involved in the illicit enterprise in the sub-region, especially in the Nigeria-Benin border.<sup>47</sup>

Since the formation of ECOWAS, the Nigerian government has adhered to the ECOWAS Treaty on the protocol of free movement of persons and goods. The protocol encourages member states of the sub-regional body to open their borders to facilitate economic activities. Likewise, the goal of the free movement of goods is to aid the ECOWAS Trade Liberalisation Scheme. One of the objectives of the scheme is to establish a customs union

among the member states of ECOWAS over a 15-year period. Beginning from January 1990, ECOWAS would eliminate customs duties and taxes having an equivalent effect, removal of non-tariff barriers, and establish a common external tariff (CET).<sup>48</sup> In line with this, the sub-regional organisation has admonished member states to remove barriers that would hinder the free movement of goods, such as border barriers. Arising from this development, the Nigerian government has scrapped border posts and checkpoints on her international highways, which hitherto checked the free movement of goods and persons.<sup>49</sup> The relaxation of Nigeria borders, especially the Nigeria-Benin border has enabled trans-border criminals to carry out their illicit scheme. Trans-border criminals hide their illicit items sometimes inside the goods they have brought and used it to pass through the border checkpoints without being notice. Likewise, also, the relax border policy of the Nigerian government weakens law enforcement agencies at the border post and its environs to effectively carry out their functions in intercepting smuggled goods. It equally provides pretext for smugglers to challenge security operatives of their right to move their goods, claiming ECOWAS provisions to that effect.

Nigeria's implementation of the ECOWAS treaty on free movement of persons and goods as well as the opening of borders to promote trans-border economic cooperation and interactions in the sub-region, has not only demonstrated Nigeria's commitment to promoting regional integration, but also, broader Afrocentrism. However, the implementation of both provisions of the ECOWAS treaty has had serious implications for Nigeria's national interest and security. This has created the dilemma for Nigerian leaders who seek to fulfil obligation towards regional integration, while at the same time, protect national security. Among the security implications, is the growth and expansion of trans-border crime in her border regions, especially in the Nigeria-Benin border. The dilemma created by the implementation of Nigeria's government to some of the provisions of ECOWAS treaty, with respect to the



free movement of persons and goods and the relaxation of the country borders, opened up debate among scholars across Nigeria.

The debate on the free movement of persons and goods focuses on two fundamental issues concerning regional integration. This includes cross-border cooperation and security, namely, strict (close), and lax (open) border control or closed and open borders. Several Nigerian scholars and politicians have articulated in their various works and public statements the security implications of open border on the country's socio-economic and political development. The following scholars and individuals namely: R.I. Onwuka, Sunday Afolabi, Bassey E. Ate and Charles Dokubo blamed the impact of trans-border crime on Nigeria's lax border policy implemented by Nigerian leaders in line with ECOWAS Protocol. They believe that the implementation of the ECOWAS Protocol on free movement of persons and goods has cost Nigeria and Nigerians several pains and loss of huge revenue. These scholars, among others, justify their arguments that the threat to security created by the maintenance of open borders outweighs the benefits of a lax border.<sup>50</sup>

Furthermore, they argued that the open border policy of the Nigerian government, despite the presence of security personnel, has contributed immensely to the expansion of trans-border crime in Nigeria's borders with her immediate neighbours, especially the Nigeria-Benin border. In the same vein, they affirmed that Nigeria has sacrificed her security and that of her citizens on the altar of regional integration. These individuals have not called for Nigeria's withdrawal from the sub-regional body, but to take stringent measures to protect her national security and economy in order to mitigate against the effect of lax or open border on the country. They submit that the various forms of trans-border crime that have taken place in the Nigeria-Benin border have been possible due to the lax border policy of the government. For this reason, they they advocated for the implementation of a stricter border measures which cross-border criminals would find difficult to beat nor penetrate

However, on the other hand, advocates of open borders such as A.I. Asiwaju, B.M. Barkindo and Aguibou S. Diarrah maintained that open borders, through economic cooperation, offer the best opportunity for a crime-free border zone between states. Therefore, they believed that Nigeria and the rest of the African continent could learn from the experiences of Europe, whose experience of regional integration of “Europe without frontiers” have resulted in greater socio-economic and political development and positioned the continent to profit from globalisation.<sup>51</sup> These individuals, nevertheless, fail to critically examine the impact of open borders on trans-border crime. They often refer to the European experience, failing to distinguish the strict border policy between countries in Western Europe and Eastern Europe. Some countries in Western Europe maintain strict border policy with those of Eastern Europe in order to checkmate the smuggling of hard drug, weapons and contraband from entering their territories.<sup>52</sup>

Likewise, also, in North America, the United States, Canada and Mexico despite being member of the North America Free Trade Agreement (NAFTA), the United States and Canada have maintained strict border policy with Mexico, in an attempt to checkmate the entry of illegal migrants into their countries. Similarly, the strict border policy of the US and Canada towards Mexico is aimed at curtailing drug smugglers and other trans-border criminal activities from posing threat to their national security and economic development.<sup>53</sup>

Similarly, regarding, the free movement of persons across the borders, the Nigerian government should learn from the experiences of the EU, France, the United States and Canada. These countries, despite being signatories to regional integration body in their respective regions, put in place strict measures to regulate and checkmate the entry of illegal nationals without the required official document. In the same vein, some of these countries, through strict border control, are able to curb or checkmate criminal activities of trans-border criminal network, operating along their international borders. In Europe, there is the full

implementation of the Schengen Agreement from July 1995, comprising Belgium, France, Germany, Luxembourg, the Netherlands, Portugal and Spain. The Agreement allowed citizens from Schengen member countries to move freely without a passport, following the removal of internal controls, while strengthening external controls.<sup>54</sup> However, there exist a proviso on the Schengen arrangement which has to do with placing restriction countries of Southern Europe and developing countries whose would migrate to the Schengen territories in search for greener pastures.

The Schengen arrangement was not specific whether or not they were eligible to the arrangement. As it turn out the Schengen Agreement became the conduit through which nationals from developing countries, migrate to richer northern European Schengen states. The after effect of the influx resulted in the increase in illegal immigrants and the smuggling of contraband in Schengen territories.<sup>55</sup> One of the European countries that later took exception to the Schengen arrangement because of the security threat it posed to its nationals and herself, was France. As a result, France citing security reasons, decided to continue with passport controls at all its borders.<sup>56</sup> The Nigerian government can replicate similar measure in the Nigerian-Beniniose border, as a way of tackling threat posed illegal aliens and trans-border criminals in the borderland.

Similarly, the EU failed to admit Turkey into its fold as a member of the EU larger regional integration umbrella, for fear that her acceptance would lead to substantial emigration from Turkey to Western Europe, because of salary or wage differentiation.<sup>57</sup> This is in addition, to opening the EU to criminal networks operating in Turkey and Central Asia.

In North and South America, some regional integration organisations do not allow the provision of free movement of persons among member countries. For instance, among NAFTA countries, there is no provision for the free movement of people between Canada,

the United States and Mexico. Although, the United States and Mexico are member countries of NAFTA, the former has continued to strength its border controls with the latter. Similarly, the government of the United States of America initiated new anti-illegal immigration legislation to halt migrants from Mexico and other Latin American countries into her territories.<sup>58</sup> Likewise, the MERCOSUR Agreement of 1991 between Brazil, Argentina, Paraguay and Uruguay, makes no specific provisions related to the free movement of persons among member countries of the regional integration body in South America.<sup>59</sup>

The Nigeria government should take a cue from the example of some countries in Europe, North and South America, concerning their open border policy and the free movement of persons into their countries, despite being a membership of regional and sub-regional integration scheme. Being a member of ECOWAS does not prevent the Nigerian government from implementing stricter border control policy to halt the movement of contraband into the country as well as from preventing smugglers and trans-border criminal groups from profiting in their enterprise. This is because the criminal activities of trans-border criminals posed enormous threat to Nigeria's national and economic security. This, the government owed Nigerians and herself to protect the country from whatever security threat, even at the expense of ECOWAS protocol or provisions. Similarly, the examples of NAFTA and MERCOSUR show that the provisions of free movement of persons do not really determine the success of regional integration scheme, and member countries can afford to exclude it from their arrangement. France for instance, was forced to implement measure to address the Schengen arrangement pertaining to the free movement of nationals from other Europeans and developing countries because of the security implications it caused the French state.

The Nigerian government needs to reappraise the ECOWAS protocol on free movement of persons, goods and right to resident. Most of the nationals from ECOWAS have taken advantage of the protocol to migrate to Nigeria, for economic reasons. Nigeria provides them

with a better place to escape poverty, unemployment and a gloomy future. The nationals take advantage of the wage differences between their country and Nigeria. This burden, the Nigerian government had carried upon herself for years, with foreign nationals competing with Nigerians for the few available jobs. The Nigerian government should realise that the country is no longer in the oil boom era and that there is the need to carry out a cost-benefit analysis of this provision, with a view to retaining or renege on her implementation of the provision. France had had to review the Schengen arrangement so as measure to address its effect on her.

The NAFTA and MERCOSUR arrangement do not accommodate free movement of persons in their regional integration scheme, yet their organisation is progressing. This means that if Nigeria decide not to implement the protocol on the free movement of persons, goods and right to residence, it would not draw the curtain on ECOWAS. The government can retain her membership of ECOWAS broader integration scheme. She however, should do so without subordinating the interest and welfare of Nigerians in a bid to impress countries in the West African sub-region. Nigeria should regulate her border relations in line with based her security interest. This should be done in a way she could still adhere to the very provisions of ECOWAS. Indeed, the implementation of Nigeria's foreign policy has not only revealed the security implications for Nigeria and Nigerians but also, how it has influenced the patterns of trans-border crime in Nigeria's border regions, especially, the Nigeria-Benin border.

### **Nigeria's Trade Policy an Overview**

Observers of Nigeria's economic development, the World Bank and the World Trade Organisation (WTO), have blamed Nigeria's trade policy for the manifestation of trans-border crime in the country's border regions, especially, the Nigeria-Benin border. They argued that Nigeria's high level of protection, poorly functioning ports, and currency controls provide an open invitation to smuggling. Furthermore, they affirmed that Nigeria's trade policy has been based on tariff protection in order to stimulate production diversification and

encourage increased value-added in the non-oil economy.<sup>60</sup> For this reason, it has encouraged the smuggling of contraband into the country, arising from price disparity and differences in import duties between Nigeria and Benin Republic. However, this views, it must be said that the decision of the Nigerian government to maintain a protectionist trade policy was to protect the manufacturing sector and encourage agricultural goods.

A 2005 report by the WTO highlights Nigeria's high tariffs and import bans and demonstrates that trade restrictions have been on the rise since 2001.<sup>61</sup> Import bans are highest in the textile sector. In fact, more than 70% of tariff lies in this product group are subject to import bans. The ECOWAS common external tariff (CET) requires tariff duty rates to be set between 0 and 20%. While the adoption of the ECOWAS CET lowered average import duties rate to 11.6%, high tariff duty rates still apply to numerous imports. Contrary to ECOWAS CET, the Nigerian government insisted on the introduction of a fifth band at 35%. Nigeria also continues to apply a variety of import levies, such as a port development levy (7% of duty payable), a comprehensive import supervision scheme charge (1% of customs value), the ECOWAS levy (0.5% of customs value), and miscellaneous product-specific levies and excise duties, such as for rice and cement.<sup>62</sup>

However, despite the concerns of the World Bank and WTO, with respect to Nigeria's trade policy, it must be said that the protectionist trade policy of the Nigerian government is taken in good faith to protect the manufacturing sector that provides job opportunities for millions of Nigerians and encourages Nigerians to go into agriculture. Similarly, the decision is taken to encourage industrialisation which is critical to Nigeria's economic development.<sup>63</sup> Although, it must be said that, to some extent, price disparity and differences in import duties have fuelled the illicit enterprise in the borders of both countries, it would have being

contained to some extent, if the Nigerian government has maintained stricter borders management.

### **An Overview of Benin Republic's Foreign and Trade Policy**

At this juncture, it is imperative to evaluate Benin Republic's foreign and trade policy so as to ascertain how they have contributed to the growth of the illicit enterprise in the Nigeria-Benin border. Benin Republic attained independence on August 1, 1960, from France. Benin's foreign policy, since independence, had been geared towards promoting good neighbourliness and peaceful relations with her immediate neighbours in West Africa and the African continent.<sup>64</sup> The implementation of the foreign policy of the Republic of Benin is guided by some priority objectives. They include the following:

- Strengthen international cooperation in order to ensure the sustainable development of Benin Republic;
- Set forth diplomacy to the service of global democracy and national development;
- Make Benin Republic a prime destination for foreign investment;
- Encourage the creation of companies ' joint venture ' with foreign partners;
- Encourage the relocation to Benin Republic certain industries in developed countries;
- Promote a policy of development of tourism and hotel infrastructure Benin Republic; and
- Implement a clear and precise policy of decentralised cooperation.<sup>65</sup>

The priority action objectives in the implementation of Benin's foreign policy reveal the goal of her leaders to attract foreign investors to the former French colony, considering her disadvantage economic status. Benin Republic, shortly after independence, was classified by the United Nations (UN), the Latin quarters of Francophone Black Africa – as one of the

poorest nations in the world.<sup>66</sup>The country has limited mineral resources. She is heavily dependent on cotton for foreign exchange. The disadvantaged economic status of the country has influenced the foreign policy direction of Benin Republic, especially her relations with her immediate neighbours. The economic status of the country's has equally impacted on trans-border criminal activities in their borderlands. In the words of Emeka Nwokedi, "the foreign policy of Benin since independence has been concerned mainly with overcoming this disability and its relations with Nigeria are highly revealing in this direction."<sup>67</sup>The disadvantage economic position and the lack of abundant mineral resources to boost exchange in comparison with her her immediate, influenced heavily, Benin Republic's infiltrationist policy towards Nigeria. The infiltrationist policy of several Beninois administrations towards Nigeria is aimed at directing her foreign policy to safeguard the country's by protecting it from the inevitable consequences of economic malaise in Nigeria.<sup>68</sup>

One of the earliest episodes that reveals Beninois action to overcome her disability at the expense of Nigeria was during the Nigerian Civil War, 1967 - 1970. The Beninise government carried out an action that soiled diplomatic relations between both countries during the period. This was the decision of the Beninois government during the administration of Dr. Emile Zinsou to allow the International Committee of the Red Cross (ICRC) to use her territory as a transit post for the aircraft of relief materials to the Biafra forces, despite the objection of the Nigerian government and condemnation of the Nigerian press.<sup>69</sup> A critical assessment of the decision of Zinsou-led government to allow the ICRC to use her facilities was prompted by the country's economic disadvantage. It was gathered that the Swiss government, through press report, offered aid worth £2.1 million to the Beninois government for the ICRC to make use of her facilities, at the detriment of Nigeria's national security and unity.<sup>70</sup>This action is a gross negation of the negate the principles of African



brotherhood, solidarity and unity, canvassed by the then Organisation of African Unity (OAU).

However, on the other hand, the 1969 ICRC debacle reveals the foreign policy priority of the government of Benin Republic. The event of the time reveal Beninoise's aim of sourcing for revenues by whatever means possible to solve her economic challenges, even at the detriment of her immediate neighbours. The ICRC episode between Nigeria and Benin Republic indicate that the latter's government does not consider the security implications of her action on Nigeria's corporate existence. Apart from the 1969 ICRC crisis between Nigeria and Benin Republic, the latter's government, since the 1960s, has shown little or no concern for the threat of trans-border crime on both side and that Nigeria-Benine border. Successive Beninois governments have denied that the criminal activities of trans-border crime ever take place in her borderlands. Nonetheless, what the government cannot deny is that in sourcing revenue internally, Benin Republic seaport is opened to all kinds of imported goods, most of which are smuggled into Nigeria, through the Nigeria-Benin border. Hence, when the Nigerian government closed her borders with Benin Republic in 1984 and 2003, because of the threat trans-border crime was having on her economy, officials of the Beninoise government rushed to Lagos and Abuja to plead with the Nigerian government to re-open the border.

This, however, explains the effect of the border closure on Benin Republic source of revenue generation, as a transit state for the movement of imported goods to neighbouring countries, including Nigeria.<sup>71</sup> The effect of the border closure on Benin Republic compelled her government to cooperate with the Nigerian government to address the menace of illicit enterprise in their borderlands. Arising from this development, the government of Benin Republic was forced to hand over to the Nigerian government a notorious criminal – Hamani Tijani – involved in trans-border armed robbery of exotic cars.<sup>72</sup> This followed the order of

former Nigeria's President Olusegun Obasanjo as a sign of commitment in the fight against criminalelement involved in the illicit enterprise at the Nigeria-Benin border.

However, it important to stress that the implementation of Nigeria's foreign policy of Afrocentrism, good neighbourliness and commitment to ECOWAS Treaty of free movement of persons and goods and right to resident, have been exploited by her immediate neighbours to the disadvantage of Nigeria. With particular reference to Benin Republic, its leaders have been able to exploit the soft and brotherly foreign policy posture of the Nigeriangovernment towards her and other limitrophe neighbours to provide relief towards her economic disadvantage status. Moreover, the Beninoise government, through the ICRC incident, reveals that her foreign policy is driven by her national interest and survival unlike that of Nigeria that is idealist in nature and influenced by her natural endowment and population. Also, the inability of the Beninois government to responsd to the activities of trans-border criminals at the Nigeria-Benin border is because trans-border crime sustains the Beninois economy.

An examination of Beninoise's trade policy at this juncture is imperative in understanding the dynamics of trans-border crime at the Nigeria-Benin border. Thiswill help to ascertain the nexus between the priority action objective of Beninois' foreign policy with her trade policy vis-vis that of Nigeria. Benin Republic is one of the less developed countries (LDCs) in the world because of her limited natural resources and poorly developed infrastructure. Agriculture in that country accounts for about 80%of her GDP, employs about 60% of the labour force, and generates a major share of foreign exchange of earnings. Similarly, small farms produce 90% of agricultural output.Production is dominated by food crops; corn sorghum, cassava, beans and rice; cash crops like cotton, palm oil, and peanut; poultry and livestock output have not met the rate of consumption in the country.<sup>73</sup>

The political instability that was experienced by Benin Republic, shortly after independence, worsened its already poor economic status. Within twelve years after independence in 1960, the country witnessed five military coups. This situation that strained the treasury and weakened the economy as well as created social unrest and the polarisation of the country between the northern and southern zones of the Republic.<sup>74</sup> However, the emergence of Mathieu Kerekou as the Beninois' military Head of State in 1972, brought stability to the country. Mathieu Kerekou, unlike his predecessors, embraced socialism and implemented the centralised planned economy in which the state controlled the factors of production, as articulated by the Marxist-Lenin model. France and other western countries closed their doors on the former French colony for embracing socialism. However, it must be said that the centralised planned economic policy implemented by the military administration of Mathieu Kerekou did not affect the trade policy of entrepôt and transit economy of the government, particularly in her trade relations with her limitrophe neighbours. Of particular concern is her trade relation with Nigeria from independence to the last decades of the twentieth century. It is interesting to note that after the ICRC incident, President Zinsou was toppled in a military coup in December of 1969. His successor, a triumvirate military leader immediately restored diplomatic relations with Nigeria the following year.

The normalisation of diplomatic relations between Nigeria and Benin Republic led to the establishment of a trade treaty between both countries in 1971.<sup>75</sup> The trade agreement covered several areas of trade relations between the two countries. These areas include non-area origin of goods advantages, concessions and exemptions that each may have granted to adjacent countries or to fellow members of a custom union, free trade area, or a monetary zone already established or yet to be established.<sup>76</sup> In Article 3, of the trade agreement, both countries granted freedom of transit through their territories to all commercial goods

originating from them or from third parties and equally grant to each other all facilities for the use of port installations, storage and transport facilities of all kinds.<sup>77</sup>

The trade agreement reached between Nigeria and Benin Republic in 1971 favoured Beninois trade policy of entrepôt and transit economy, which seeks to remedy the country limited mineral resources in sourcing revenue to meet her capital and recurrent expenditure. Following the construction of the Cotonou port in the 1960s, it became the hub of imported goods from different parts of the world, arising from her low import duty charges compared to that of neighbouring countries. In the 1970s, the country abolished a 2.08% ad valorem tax, she had charged on goods on transit through Benin. Emeka Nwokedi, in his article, on “Nigeria-Benin Relations: The Joys and Anguish of Bilateralism,” affirm that arising from Benin Republic’s trade policy of entrepôt and transit economy was a long-term ambition to persuade Nigerian exporters and importers to use Cotonou port facilities.<sup>78</sup> This explains the traffic in the movement of goods across the Nigeria-Benineborder, since the late 1960s though halted during the Nigerian Civil War, and the closure of the Nigeria-Benineborder, following the ICRC incident in 1969.<sup>79</sup> However, following the restoration of diplomatic relations between Nigeria and Benin Republic in June 1970 and the signing of trade agreement between both countries in December in 1971 the traffic took another dimension. This is due in large part to Article 3 of the trade treaty between the two countries. Article 3 grants freedom of transit, through the territories of both countries to all commercial goods originating from them.

It is interesting to note that the trade policy of entrepôt and transit economy of Benin Republic encouraged trans-border trade in the Nigeria-Benin border. Similarly, it equally pertinent to state that, arising from price disparity and differences in import duties charged on imported goods between Nigeria and Benin Republic, several Nigerians importers took advantage of Beninois’ trade policy to import their goods through the Cotonou port. Some of

the goods were smuggled into Nigeria because they are contraband. It is equally important to state that Beninois' trade policy of *entrepôt*, transit economy and low import duties are a response to Nigeria's protectionist economic policy and high import duties. The Beninois government took advantage of the low production capacity in Nigeria, after the civil war, to initiate her trade policy. It is imperative to state that the taste of Nigerians for foreign goods has equally fuelled the smuggling of contraband from Benin Republic into Nigeria. For instance, in the 1970s and 1980s, prohibited items such as textiles, wheat flour, rice, hot drink, and cigarettes imported through Cotonou were smuggled into Nigeria, through the Nigeria-Benin border. In the same vein, some items were smuggled from Nigeria to the former French colony through the border region of both countries. They include: agricultural produce, the major being cocoa. This was later replaced by petroleum products. Other products smuggled into Nigeria include: hard drug, stolen vehicles, currency, and spare parts, among others.<sup>80</sup>

The effect of trans-border crime on Nigeria's economic development and security compelled the Nigerian government in 1984 to close her borders with her limitrophe neighbours, Benin Republic inclusive. Smuggling and other forms of trans-border criminal activities continued unabated in the Nigeria-Benin border, following the reopening of Nigeria-Benin border in 1986. This is not because the customs and immigration officials and other security agencies at the border post neglected their duties, or because they are prone to corruption. However, if the Nigerian government had maintained strict border, and object to the provisions of ECOWAS Treaty such as the free movement of goods, persons and right to resident among member countries, certainly, smuggling and other trans-border criminal activities would be checkmated at the Nigeria-Benin border.

In 1990, Benin Republic transitioned from military to democratic rule. This put an end to eighteen years of military incursion, and the centralised planned economy model

implemented by Mathieu Kerekou led government. The change of government, equally engineered new economic and trade policies to remedy Beninois' earning capacity, in addition to attracting foreign direct investment (FDI). This prompted the democratic government led by President Soglo to liberalise Beninois economy. The liberalisation of Beninois economy brought about changes in economic and trade policies in the country. According to the World Trade Organisation (WTO) report on Beninois liberalised economy, the following remarks was made.

The report noted that while Benin Republic's trade legislation is liberal, it is not applied transparently. Import duties, at an average of 13%, are among the lowest in Africa, but administrative procedures at the border are complex, slow and prone to irregularities. Benin Republic grants MFN treatment to imports from all sources. Nevertheless, the report highlighted that while import duties on agricultural goods have been bound, this is not true for most industrial products.<sup>81</sup>

One of the major features of Benin Republic liberalised trade policy is the maintenance of low import barriers to facilitate entrepôt port system. This is to enhance and maintain the Cotonou port as the major transit destination for neighbouring countries. This, the Beninois government during the post-Mathieu Kerekou military era, has maintained by having the lowest import duties in Africa, with the aim of attracting woo importers from neighbouring countries including Nigeria, to patronise her port. In order to meet this objective, the government ensured the efficiency of the Cotonou port and relative safety of cargoes at the port.<sup>82</sup>

Interesting, however, entrepôt trade policy promotes smuggling. According to Igue and Soule, 'entrepôt states' in West Africa, notably Benin, Togo and The Gambia, positioned their economic development strategies so as to enhance their attractiveness as trading hubs

that serve as conduits for both legal transit to landlocked countries in West Africa (Mali, Niger and Burkina Faso). This extends to illegal trade to more protectionist neighbours (Senegal and Nigeria).<sup>83</sup> They have achieved this by deliberately maintaining low import barrier and relatively well-functioning ports to lower costs of importing and transshipping. In Benin Republic, goods declared for domestic use are often smuggled to Nigeria, because Nigeria's protection is so high that it is still lucrative to smuggle even after paying import duties in Benin Republic.<sup>84</sup> This applies to products banned in Nigeria such as frozen chicken and cloth as well as goods facing high tariffs such as rice, among others. The calculated and destructive impact the entrepôt states such as Benin Republic and the Gambia are having on the economic development of their immediate neighbours, namely: Nigeria and Senegal. This was captured by Stephen Golub, in an article titled "Government Policies, Smuggling, and the Informal Sector" According to him:

The Gambia and Benin have never developed a significant industrial base and have evolved into entrepôt economies with development strategies designed to undercut the trade policies of their more protectionist neighbours. The only other significant export industries aside from smuggling in these two countries are declining primary products (groundnuts in The Gambia and cotton in Benin) and tourism. In both countries since the early 1970s, the authorities have sought to maintain trade taxes below those of neighbouring countries in a deliberate attempt to foster re-exports to their larger neighbours. The Gambia and Benin have become highly dependent on their entrepôt services, especially for government revenues. In both cases, the relationship involves a Francophone member and an Anglophone non-member of WAEMU, but the roles are reversed in the two cases (Francophone Senegal and Anglophone Nigeria are protectionist, while Anglophone The Gambia and Francophone Benin are more liberal).<sup>85</sup>

With respect to port's efficiency and prompt discharge of imported goods, Nigeria's procedure contrast with port management when compared with port management in Benin Republic. Nigeria's procedure is characterised by irregularities, bottlenecks and delays. This

is as a result of poor mismanagement of Nigeria's seaport, especially major ports such as Apapa and Tin Can Island. For this, several Nigerian importers prefer to patronise the Cotonou port. The informal or semi-formal operators, both foreign and domestic, dominate the entrepôt trade. They are smuggled across the border, mostly in contraband. Smuggling in the Nigeria-Benin border is well-organised and led by major smuggling group with many smaller units, comprising settlers in the Nigeria-Benineborder and other individuals outside the border communities. It is this smaller unit that moved the smuggled items across the border through the unmanned border route known to them.

### **Nigerian Customs Regulations for Selected Consumer Products 1995 – 2000**

From prohibition to the application of customs duties

Product	1995	1996	1997	1998	1999	2000
Cooking oil	prohibited	prohibited	prohibited	prohibited	55%	65%
Poultry	prohibited	prohibited	prohibited	150%	55%	75%
Beer	prohibited	prohibited	prohibited	100%	100%	100%
Wine	100%	100%	100%	100%	100%	100%
Milk	10%	10%	10%	10%	10%	5%
Cheese, butter	55%	55%	55%	55%	50%	50%
Tinned tomatoes	45%	45%	45%	45%	45%	45%
Second-hand clothes	prohibited	prohibited	prohibited	prohibited	prohibited	
Tyres	prohibited	prohibited	prohibited	prohibited	prohibited	
Wheat flour	prohibited	prohibited	prohibited	prohibited	prohibited	
Second-hand vehicles	prohibited	prohibited	prohibited	Depending on	Depending	on
				engine size	engine size	engine size
Fabric, garments	prohibited	prohibited	50%	65%	65%	30%
Frozen fish	5%	5%	5%	5%	5%	5%
Sugar	10%	10%	10%	10%	10%	10%
Tobacco, cigarettes	90%	90%	90%	90%	40%	60%
Matches				50%	60%	60%
Maize	prohibited	prohibited	prohibited	prohibited	25%	70%
Fertiliser				10%	5%	5%
Rice	100%	65%	50%	50%	50%	50%

Source: Organisation for Economic Co-Operation and Development (OECD) (Paris, 2001),<sup>86</sup>

It is imperative to state that price disparity and differences in import duties between Nigeria and Benin Republic, due to the different objective of their trade policies, have contributed to smuggling in the border region of both countries. Nigeria's trade policy of protectionism and a high tariff on import duties is the highest in the world. However, the goal is to promote



economic development. Following the release of the 2008 – 2012 Nigeria Tariff Book, the Nigerian government has reviewed a downward of 50% duty, earlier canvassed to 35%, with the exception of imported new cars vehicles which import stands at 70%.<sup>87</sup>. Used cars imported into the country duty charges still covered 35% duty fee. This contrasts to charges of import duties in Benin Republic. Low import duties encourage importation from abroad. In the process, it hindered the manufacturing and industrial sectors of a country, like Benin Republic. This, however, explains why the Nigeria government has made it a state policy to maintain protectionism and a high tariff to protect her manufacturing and industrial sector because both sectors and others provide job opportunities for millions of Nigerians. The decision of the Nigerian government to place some goods on prohibition list is to protect local industries, especially the manufacturing sector from foreign competitors. This is unlike the case with Benin Republic where every item is imported from abroad. The country economic and trade policies do not encourage, nor promote her local industries. It indirectly encourages the production capacity and industries of the metropolitan centres of Europe, America and Asia, where imported goods originate.

### **Interrogating Nigeria's West African Foreign Policy through the Policy-Relevant Theory**

It is pertinent to interrogate the policy thrust guiding the formulation and implementation of Nigeria's external relations, with particular reference with that of her immediate neighbours. Nigeria's unique features of being the most populous black nation in the world and others, influenced the formulation and implementation of Nigeria's foreign policy of Afrocentrism since independence. Afrocentrism shapes the foreign policy objectives of the Nigerian states in her interactions with the rest of the world, with the aim of promoting the country's national interest. The Nigeria's foreign policy seek to project the vital, strategic peripheral values of the country's national interest in the system.<sup>88</sup>

The principles and objectives of Nigeria's foreign policy such as the creation of necessary economic, political, social and cultural conditions to secure the independence of Nigeria and other African countries have influenced the direction of the country's since the 1960s.<sup>89</sup>

These foreign policy objectives had equally influenced Nigeria's external relations with fellow West Africa countries and her immediate neighbours. Moreover, the lessons learned from the Nigerian Civil War compelled the country's leaders to regard West Africa and particularly her immediate neighbours, as a special area of concentration in Nigerian diplomacy.<sup>90</sup> Likewise, development after the Nigerian Civil War influenced the formulation of foreign policy strands that seek to promote unity and cooperation between Nigeria and countries in the West African sub-region. This explains the serious attention given to the policy of good neighbourliness by the Gowon-led military regime, after the country's civil war. Nigeria equally pushed for the formation of a sub-regional integration body, partly to neutralise France's influence on her former West Africa colonies. Similarly, as a move to win the heart of countries in the West African sub-region, the Nigerian government from Yakubu Gowon sold petroleum product at a concessionary price to countries in the West African sub-region. Nigeria equally championed the formation of ECOWAS in 1975, to promote sub-region economic cooperation.<sup>91</sup> It is interesting to note that the implementation of Nigeria's foreign policy particularly, her West African foreign policy has had its cost on Nigeria's national security and economic development.

The implementation of Nigeria's foreign policy over the years has raised some fundamental questions on the factors that have shaped the formulation and implementation of Nigeria's foreign policy in relations to her immediate neighbours, particularly Benin Republic. One of such questions concerns the extent to which the formulation of Nigeria's foreign policy has been theoretically analysed when formulated. The same question is pertinent in understanding Nigeria's concentration of her foreign policy on the West African sub-region.

Based on these, this work employs the policy-relevant theory to interrogate the formulation and implementation of Nigeria's West Africa foreign policy, especially in relations to her immediate neighbours. The theory was initiated in the 1970s, and is linked to Alexander George. It is a response to the gap between theory and policy, and between academia and policy makers.<sup>92</sup> In other words, though abstract in nature the theory informs policy-makers of a specific problem, thereby helping to shape the debate on specific actions and decisions. Proponents of the have theory argued that the disconnection of policy-makers to theory in the formulation of policies in foreign policy, health, economic and other areas of their respective states have resulted in the formation of inappropriate policies lacking new ideas in response to contemporary global challenges confronting states internally and externally, which are in need of policy recommendations.

The policy-relevant theory, therefore, focuses on operationalization, which its practitioners describe as the core of any scientific enterprise. In other words, for policy to be relevant, its proposition has to be theoretically based on identified values like preferences, utilities, motives and perceptions.<sup>93</sup> These identified values or operational measures constitute the theoretical tools canvassed by policy-relevant theorists to ascertain the validity of a policy. The theory, with respect to policy-making, raises fundamental questions. Some of the questions seek to address the preference for a particular policy direction, its utilities, the motivation for a foreign policy, and lastly what are the perceptions of a policy's adversaries.<sup>94</sup> This is because, without these operational measures, a policy will remain mere intellectual and mathematical exercises lacking any relevance.<sup>95</sup> Therefore, it becomes imperative to reassess Nigeria's West Africa foreign policy using the operational theoretical tools of the policy-relevant theory to ascertain its impact on the phenomenon of trans-border crime.

The first important step is to consider in the operation and theorisation of Nigeria's West African foreign policy. In this regard, certain considerations are central in re-assessing the

policy-relevance in making Nigeria's foreign policy thrust in her interaction with countries in the West African sub-region, especially Nigeria's limitrophe neighbours. This is in addition to considering the impact of the country on the criminal activities at the Nigeria-Benin border. The first consideration here is the drive behind the policy Afrocentrism, good neighbourliness, open border and commitment to the ECOWAS Treaty. The second consideration is on how far Nigeria's status as the most populous black in the world and her endowment with abundant natural resources influence her foreign policy of accommodation in the West African sub-region. Yet another consideration is how Nigeria's economic, socio-cultural and political interest furthered her relations with citizens from countries within West Africa.

Thus, regarding the utility of the composition of Nigeria's West Africa foreign policy, the question that comes to mind is the impact it would have for the country and Nigerians. Likewise, also is the motive behind implementing such a generous and humanitarian foreign policy strand. Is it that the Nigerian state fears that to pursue a strict foreign policy with fellow West Africa countries posed threat to her survival, or the Nigerian state seeks to placate her limitrophe neighbours for security reasons to ensure that they do not become a tool to be exploited by Nigeria's enemies in the future? Within this context is the consideration of the kind of response Nigeria anticipates from her West African neighbour countries. It becomes fundamental to consider if Nigeria's immediate neighbours would give commensurate response, given the level of commitment she has shown them.

The above considerations on the preferences, utilities, motives and perceptions of Nigeria's West Africa foreign policy and commitment to the ECOWAS Treaty, reveal that they were not theoretically problematized within the context of power politics of national interest of states in the international system. In this regard is the perception of Nigeria's West African foreign policy when it shows a lack of understanding by Nigeria in asserting its influence over her immediate neighbour countries. This development has resulted in their disregard and

encroachment into Nigeria's territory, as was the case when Cameroonian and Chadian soldiers encroached into Nigerian territories and in the process killing some Nigerian soldiers in 1981, 1983, and 1987.<sup>96</sup>

With respect to the threat of trans-border crime in the Nigeria-Benineborder, the preference, utility and motive of the country foreign policy and commitment to ECOWAS Treaty, it is sad to admit that Nigeria's policy-makers fail to recognise that the government of Benin Republic given from her disadvantaged economic status would seek to manoeuvre economic malaise in Nigeria to her advantage. The incident that took place during the Nigerian-Biafran war, involving ICRC, Nigeria and Benin Republic presents a ready instance for the Nigerian state that other states do consider her interest over and above others. The Nigerian state should endeavour to do same.

The Beninois government's decision to allow her airspace and seaport to be used by the ICRC was taken in the spirit of national interest, not based on Pan-Africanism or African unity contrary to Nigeria expectation. Benin Republic is a very poor country struggling to finance her capital and recurrent expenditure. President Emile Zinsou had no choice but to accept the £2.1 million worth of aid from the Swiss government, which would go a long way to addressing several economic challenges facing the state. The Beninois government understand svery well that her trade policy promotes smuggling in neighbouring countries and states that implement protectionist and high tariff trade policy, such as Nigeria would face security challenges on how to curtail smuggling. The Beninois government equally aware that as long as a country like Nigeria continues to abide by the ECOWAS Treaty, which encourages free movement of goods and persons and open border, it would encourage Nigerians and other neighbouring countries to patronise her port. Hence, to halt trans-border crime at the Nigeria-Benineborder, even though if the Republic of Benin continues with her liberal trade policy, is for the Nigeria government to implement strict foreign policy thrust

that would halt the free movement of goods and persons from across her international borders, particularly with Benin Republic.

The theory of transnational communities is another theory used in the work. It projects the dynamics of human activities across the borders of nation-states. Transnational communities focus on social groups emerging from mutual interaction across national boundaries and oriented around a common project or 'imagined' identity.<sup>97</sup> The theory focuses on human agencies, namely: families and local groups or border communities, international cartels, merchant leagues, churches and the communist international, as well as transnational migrant communities involved in cross-border movement and cross-border activities. Randolph Bourne, the proponent of the theory explains how the theory can aid our understanding of the dynamic of culture and international migration of individuals and a group of people across international boundaries.<sup>98</sup>

At the Nigeria-Benin border, some of the human agencies that are involved in transnational communities carry out criminal activities across border. For instance, some families and smugglers that reside at the opposite side of the Nigeria-Benin border collaborate to smuggle contrabands across their international borders. Likewise, nationals from Benin Republic and ECOWAS countries take advantage of the ECOWAS protocol on free movement of persons and goods and the right to resident to migrant from their country to Nigeria to seek better living. It is vital to state here that the theory of transnational communities reveals the effect of cultural link between ethnic groups separated by boundary demarcation. In the southern part of the Nigeria-Benine border, this instance, this development is evident among the Yoruba and Ewe-speaking ethnic group.

Arising from this development, security personnel at the border post find it difficult to manage the movement of these people, who would usually claim to be crossing the border to

visit relatives on the other side of the border. This set of people would normally express their right to cross the border, even without the necessary document. Although, the Nigerian and Beninois governments, through the cross-border cooperation treaties, have tried to address this issue, it has remained unresolved. Thus, human agencies continue to influence developments at the Nigeran-Beninborder.This in large measure, weakensthe activities of security agencies at the Nigeria-Benin border.

### **Multilateral Actions between Nigeria and Benin Republic and ECOWAS in the Fight against Trans-Border Crime**

In chapter five of this work, the various bilateral efforts initiated by the Nigerian and Beninois governments to combat the threat of trans-border crime at the Nigeria-Benin borderwere discussed. The following unilateral bilateral actions discussed include: Joint Border Tour and Admonition led by the Internal Affairs Ministers of both countries across the border communities, at the Nigeria-Benin border. The goal of the tour is to sensitise the people to desist from the illicit enterprise of smuggling and other forms of trans-border crime. Likewise, the tour admonished people living in the people communities to live in harmony. Border workshops were also discussed as part of the unilateral and bilateral actions. The border conferences was an intellectual exercise organised by the Nigeria Boundary Commission (NBC) that brought together the academia, traditional rulers from both sides of the border, security experts and government officials from Nigeria and Benin Republic to brainstorm on various border-related issues affecting both countries such as trans-border crime. The border conference ended with recommendations. As part of the bilateral efforts by the governmentof Nigerian and the Republic Beninis the emphasis on collaboration in the fight against trans-border crimeat the Nigeria-Benin border.

Through this medium, officers and men of the Nigerian and Beninois customs and police force, embarked on joint border patrol of the Nigeria-Benin border. Lastly, among the

bilateral actions taken by the Nigerian and Beninese governments to address the threat of trans-border crime in their border areas was the signing of treaties on cross-border cooperation from 1993 to 2005. The treaties signed cover several issues relating to border-related challenges between Nigeria and the Republic of Benin and the mechanism to resolving them. The bilateral actions embarked upon by the Nigerian and the Beninese governments in the fight against trans-border crime in the Nigeria-Benin has recorded modest result.

Since the last decade of the twentieth century, arising from the impact of trans-border crime on the national security and economic development of nation-states globally, world leaders have resorted to multilateral cooperation in the fight against the perpetrators of the illicit enterprise. In 1984, following the closure of the Nigeria-Benin border, as efforts were being made to re-open the border, the affected countries sharing boundary with Nigeria and beyond signed a multilateral treaty to collaborate to fight the illicit enterprise in their respective borderlands. The treaty became known as the Quadripartite Agreement comprising Nigeria, Benin Republic, Togo and Ghana, signed in Lagos on 10th December, 1984. Following the signing of the treaty, the then Nigerian Head of State, General Muhammadu Buhari made the following remark. He said: “we are better prepared to combat criminals, incapacitate smugglers, and defeat traffickers in arms, drugs and currencies.”<sup>99</sup>

At the sub-region level, ECOWAS has adopted multilateral cooperation among member states to tackle the threat posed by trans-border crime on members of the organisation. The decision of ECOWAS to embrace multilateral approach in the war against trans-border crime in the sub-region was influenced by the speech of the then Secretary-General of the United Nations (UN) Kofi Annan, during the United Nations Security Council's 5131 meeting held on 25 February 2005. In his speech, Annan stressed the need for all efforts to be geared



towards curbing illicit cross-border activities in West Africa. In this context, this line, the Secretary-General, observed that “border areas were especially volatile with population risk from illicit trafficking of drugs and weapons, recruitment of child soldiers, banditry, rape and environmental damage.”<sup>100</sup> His submission on the threat of cross-border crime in West Africa influenced Section VIII: Cross-Border Initiatives of the ECOWAS “Conflict Prevention Framework (ECPF)”, adopted in January of 2008 by member states of the sub-regional organisation.

According to the ECPF, the objectives of Cross-Border Initiatives shall be to reduce tensions, fight cross-border crime and enhance communal welfare and harmony. Others are to enhance Community citizenship as espoused by relevant ECOWAS Protocols, including the Revised Treaty, the Mechanism, the Supplementary Protocol on Democracy and Good Governance and the Protocol on Free Movement of Persons and Goods, Right of Residence and Establishment. These objectives are intrinsically intertwined with initiatives regarding natural resource governance, gender equality, humanitarian crisis prevention and preparedness, youth empowerment, and the fight against money laundering, drug and human trafficking and weapons proliferation.<sup>101</sup> The ECPF outlined several measures to achieve its goal with respect to cross-border initiatives. Among them, include the following:

- ECOWAS shall set up an inter-departmental committee within the Commission to map out the challenges at sensitive borders and identify specific threats to peace, security and human well-being at different cross-border zones in the region, with special attention to the situation in an island and a landlocked Member States, criminality and threats to women’s livelihoods.
- ECOWAS shall actively cooperate with the UN system and other institutions working on cross-border issues in the region for the purposes of harmonisation and capitalization.

- ECOWAS shall promote the establishment of “Eco-Peace” community Radio Stations at sensitive borders to serve as rallying points for cultural exchanges, communal harmony, information sharing and combating cross-border crime.
- ECOWAS shall facilitate the strengthening and smooth functioning of the West African Police Chiefs’ Committee (WAPCCO) and other networks of security agencies as platforms for effective cooperation between the police, the gendarmerie, the intelligence services and other institutions working on security, and shall facilitate the harmonization and coordination of interventions to fight cross-border crime.<sup>102</sup>

It is interesting to note that Section VIII of the ECPF on cross-border initiatives, shares the objectives of the African Union Border Programme (AUBP). Among them is to respond comprehensively to the numerous border challenges confronting the continent, through comprehensive border problem-solving policy-making at the continental level.<sup>103</sup> ECOWAS member-countries are signatories to the AUBP Agreement reached during the declaration of the first-ever Conference of African Ministers in Charge of Border Issues, held, in Addis Abba, Ethiopia in 2007. This argument was endorsed by the African Union Council in Accra in the same year. The AUBP is driven by a four-fold policy thrust pursuit of:

- ❖ Accelerated demarcation of the international boundaries between member-states
- ❖ Cross-border cooperation focusing on a regional approach to the planning and development of “cross-border areas” or “Afregios” (African regions), equivalents of the more familiar “European regions” or Euregios” in the European integration process;
- ❖ Capacity-building with particular reference to relevant knowledge of infrastructural innovations and specialised training and research programmes in support of cross-border cooperation initiatives and wider regional integration orientation; and, finally
- ❖ Relevant resources mobilisation within and outside Africa.<sup>104</sup>

Of the measures articulated by the ECPF under the Cross-Border Initiative in combating the threat of trans-border crime in the sub-region, the role of WAPCCO seems most prominent in winning the war against trans-border crime in West African sub-region. WAPCCO was formed in the late 1990s, The Committee was formed to address violent crimes such as armed

robbery, trans-border banditry, illegal dealing in arms/ammunition, smuggling, illegal trafficking in persons and drugs, money laundering and financial scandals.<sup>105</sup> WAPCCO's main objective is to strengthen cooperation among ECOWAS member states police forces in order to prevent various forms of crimes threatening both state and human security in the West African sub-region across their border.

WAPCCO became a major tool for ECOWAS, following the adoption of ECPF in 2008, in the fighting against crime in the sub-region. ECOWAS has financed WAPCCO's statutory meetings since 2008. Members contribute to the operations they participate in. The INTERPOL Regional Bureau typically provides human and technical support.<sup>106</sup> The Committee's success in the fight against trans-border crime in the sub-region has been achieved in the area of information sharing and collaboration in policing the border area and the arrest of criminals in the illicit enterprise. Within the last five years of the adoption of the ECPF, with particular reference to Section VIII on Cross-Border Initiative, modest success has been recorded in the area of information sharing and annual conference to deliberate on measures on how best to tackle the menace of trans-border crime in the sub-region. In several of these meetings or conferences the police chiefs discuss a range of issues bordering on police operations in the West Africa sub-region, such as Police operations, cross-border and gender-based crimes, capacity building for police forces in the Sub-Region, and child trafficking.

The resolutions reached by the AUBP and ECPF fall within the framework of international law aimed at addressing issues on border-related matters, such as trans-border crime or transnational crime affecting the continent and sub-region. These resolutions fall within the confines of the United Nations (UN) broader programme on ways to combating transnational organised crime operating in different parts of the world. With respect to the ECPF in which

Nigeria and Benin Republic are signatories, a major challenge to the implementation of its provision in tackling trans-border crime in the Nigeria-Benin border, has do with corruption among security personnel from both countries charged with the responsibilities of manning the borders.

Oral interviews gathered from the field attest to the fact that corruption through bribe collection by security personnel, has hindered the implementation of the various resolutions reached on ways to tackle the illicit enterprise at the Nigeria-Benin border.<sup>107</sup> This is major a obstacle that must be addressed, itthe various laws, particularly international laws domesticated by Nigeria and Benin Republic to address trans-border crime in the Nigeria-Benineborder would yield the needed result. The government of both countries must take necessary steps that would compel their security personnel at the border post to implement laws to check trans-border crime the Nigeria-Benin border.

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## CHAPTER SEVEN

## **TRANS-BORDER CRIME IN THE NIGERIA-BENIN BORDER DURING PERIODS OF OPEN (LAX) AND CLOSED (STRICT) BORDERS**

An analysis of trans-border crime at the Nigeria-Benin border during the period under study reveal a sharp contrast on the effect of the illicit enterprise on Nigeria's economy, security and development, during periods of open and closed borders. During periods of open border, the effect of the illicit enterprise on Nigeria's economic development and national security were enormous. However, unlike, the period of open borders, the periods of closed border between both countries witnessed a reduction of trans-border criminal activities at the border. Likewise, the Nigerian government was able to manage her border effectively. Likewise, also, during the period, a more result-oriented measure was put in place to address some of the causes of trans-border crime at the Nigeria-Benin border. This chapter thus examines the level of trans-border crime at the Nigeria-Benin border during periods of open and closed borders.

### **Effect of Trans-Border Crime in the Nigeria-Benin Border during the Periods of Open Border**

Trans-border crime at the Nigeria-Benin border during the period of open border witnessed a progressive expansion in the various forms of illicit enterprise in the borderlands of both countries. This is due to the open border policy of the Nigerian government, in line with her foreign policy thrust of Afrocentrism, the policy of good neighbourliness as well as her commitment to the ECOWAS protocol on free movement of persons and goods. Apart from promoting the open border policy, in line with the ECOWAS Treaty, the Nigerian government equally promotes open border policy to encourage cross-border trade, as enshrined in the ECOWAS Trade Liberalisation Scheme (ETLS), among member countries of the sub-regional body. These factors, however, played a major part in encouraging the

smuggling of illegal goods across the Nigeria-Benin border within the period under study. The effect of trans-border crime in the Nigeria-Benin border arising from the openness of the border linking both countries does not mean that customs officials and other security operatives whose duty are to police the border are not carrying out their responsibilities at the border post. By open border, it means the restriction banning movement of persons and goods are relaxed, due to arising from the bilateral and multilateral agreement between the Nigerian and Beninois government and other governments in the sub-region.<sup>1</sup>

Border restriction in the movement of persons and goods began during the colonial period across Africa. The development was more prevalent in regions whereby rival colonial authorities share international boundaries. The border restriction was placed by the colonial masters to regulate the movement of proscribed local and foreign goods from crossing into the territories of their rivals. However, goods that were allowed to cross the colonial borders were tax by the respective colonial officials at the border post. Interestingly, the above development marked the beginning of the regulation of the movement of peoples across the borderlands across Africa.<sup>2</sup> One of the fallout of the border restriction introduced across Africa by the colonial masters was that it promoted and protected their economic interest to the detriment of the Africans.

Likewise, also, it contributed to the emergence of cross-border crime across the continent. African traders and farmers and middlemen responded by crossing their agricultural produce and other items of trade through other border routes, unknown to the colonial authorities. This development marked the beginning of the illicit enterprise of trans-border crime in borders across Africa. This was the situation in the Nigeria-Benin border during the colonial period. In post-independence Africa, several other factors have contributed to the growth of the illicit enterprise in the continent, especially in the Nigeria-Benin border. The factor factors include: unemployment and poverty, failed Structural Adjustment Programme (SAP),

differential economic policies between neighbouring countries, the lucrativenature of the illicit enterprise, among others.

However, following the attainment of independence, several African countries including Nigeria, opened their borders to promote cross-border trade with their immediate neighbours, encouraged the movement of persons and goods as well as promote Pan-Africanism and African solidarity to address the separation of kin and kith across the continent's borders. After independence, little or nothing was done by African leaders, including the Nigerian and Beninois governments to curb the illicit enterprise of trans-border crime taking place in their borderlands. This, to some extent, is due mainly to the ignorance of African leaders at independence about the threat the illicit enterprise posed to their economy, security and development during the period. One major factor responsible for this was the concentration of African leaders on formal trade with their former colonial masters in primary produce.<sup>3</sup>

The Nigerian government traded with Britain and other European countries, while France was the major trading partner of Benin Republic, following the attainment of her independence. Trans-border criminals operating at the Nigeria-Benin border, despite the presence of security personnel at the border post of both countries took advantage of the open border policy implemented by the governments of Nigeria and Benin Republic, in line with their foreign relations direction.

It took the Nigerian government a long period to respond to the effect of its open border policy in her relations with her immediate neighbours. The following trend of trans-border crime evolved during periods of open border at the Nigeria-Benin border.



### **Open Border Ease the movement of Contraband across the Nigeria-Benin Border**

Primary and secondary sources, particularly oral interviews, revealed that during the periods of open border encouraged the movement of contraband across the Nigeria-Benin border.<sup>4</sup> The quantity of goods that moved across the Nigeria-Benin border daily cannot be accounted for because of the lack of accurate data of the volume of goods as well as the various kinds of contraband. The majority of the goods that crossed the Nigeria-Benin border, especially its southern border, area are smuggled. Smugglers take advantage of the unmanned border route, bush path and creeks to move contraband across the borders of both countries. Smugglers smuggled goods across the Nigeria-Benin border with relative ease, despite the presence of security personnel and customs officials at the border post. Similarly, It is interesting to note that the Nigerian Customs officials and security personnel at the border post adhered to bilateral and multilateral agreement between Nigeria and Benin Republic on cross-border trade and open border as well as the ECOWAS Treaty on free movement of persons and goods across the borders. This has weakened the operations of security personnel. Likewise, it has indirectly, make ineffective carry out their constitutional responsibilities within the Nigeria-Benin border.

On several occasions, smugglers forged documents in order to move contraband across the Nigeria-Benin border with ease. Some who claimed to be traders hide banned items among their wares, or inside their bodies as they attempt to cross the border.<sup>5</sup> In addition, the inability of security personnel charged with the task of policing the Nigeria-Benin border, to police remote places in the border areas and checkmate the movement of contraband have contributed to the ease in the movement of smuggled goods in the border.

Trans-border criminals effectively carried out their smuggling activities across the Nigeria-Benin border by taking control of circuits such as tracks, known to smugglers linking both sides of the Nigeria-Benin border. They also use waterways and official routes connecting the

borders of both countries.<sup>6</sup> As already discussed in the work, Isaac Olawale Albert outlines the various route at the Nigeria-Beninborder used by smugglers to smuggle second-hand cars across the border of both countries.<sup>7</sup> Their knowledge of these remote routes enabled them to move contraband across the border areas of both countries with ease. It is equally important to state that customs officials and other security personnel at the border post have equally contributed to the ease of the movement of proscribed goods across the Nigeria-Benin border. They connive with smugglers to move their goods across the border at night. Smugglers and traders whose goods are on transit booked them with the customs officials to allow their goods to cross the border en route to their final destination.<sup>8</sup> The ease in the movement of contrabands at the Nigeria-Benin border during periods of open border takes place, partly because of the compromise of duty by security personnel at the border post.

### **Loss of Revenue**

Another common effect of trans-border crime at the Nigeria-Benin border during the periods of open border is the loss of state revenue to trans-border criminals. The main factors responsible for the loss of revenue to smugglers at the Nigeria-Benin border is the weakness in the management of the border in terms of effective policing during periods of open border. This development has enabled trans-border criminals, in collaboration with some government officials at the border post, to smuggled goods prohibited into the country, without paying customs duties and other charges levied on such goods. Another factor is the high tariff imposed on certain commodities from entering the country. Smugglers therefore exploit the open border policy to smuggle these goods through the porous border areas unmanned by security personnel. It is imperative to state that because of the informal nature of trans-border crime in Nigeria's borders; especially the Nigeria-Benin border, it is very difficult to ascertain the actual statistics of the losses of revenue to the Nigerian government. However, the World Bank report on the Nigerian economy in the first decades of the twenty-first reveals

astounding data in state revenue loss to smugglers in the country border areas, especially the Nigeria-Benin border.

According to the WorldBank Report, N750 billion (\$5 billion) worth of assorted goods are smuggled into Nigeria through the Nigeria-Benin border alone every year.<sup>9</sup> The report claimed that it has “enough evidence” that over \$400 million (N6 billion), representing about 25% of the total current annual revenue collected by the customs service, is lost through nefarious smuggling across the sub-regional borders.<sup>10</sup> In other words, more than \$400million import duty revenue is lost to smugglers and their collaborators at the Nigeria-Benineborder.<sup>11</sup> In the same context, between 1999 and January 2010, Nigeria Customs Service (NICS), Badagry Area Command says it made a massive seizure. The head of the command, comptroller Aliu Barbriel Toba, put the value of goods seized at N573.3 million. Among the seizures were (Tokunbo) vehicles, bags of rice, wines, textile material and vegetable oil as well as pharmaceutical products topping the list of the seizures.<sup>12</sup>

### **Corruption**

Corruption, among customs officials and other security personnel at the Nigeria-Benineborder post has played a major part in the loss of state revenue to trans-border criminals, during the period of open border. According to the World Bank report, more than \$400million import duty revenue is lost, as the Nigeria Customs Service (NCS) is short-changed through numerous sharp practices at border.<sup>13</sup> Residents on the Nigerian side of the border with Benin Republic attest to the fact that Nigeria security personnel at the border post connived with smugglers, importers and traders to smugglers contraband into the country. They affirmed the sharp practices involving the customs and security personnel that take place at night at the borderlands.<sup>14</sup> Various smuggled items such as consumables, vehicles, petroleum products, frozen chickens and foods, textiles materials and second-clothes, among others are moved across the borders of both countries. The security personnel and some

unscrupulous officials of the Nigerian customs, collect kickbacks and overlook smugglers moving their items across the borders of both countries. Similarly, despite, the number of security personnel namely the Nigerian Customs, Immigration, National Drug Law Enforcement Agency (NDLEA), National Agency for Food and Drug Administration Control (NAFDAC), National Agency for the Prohibition of Traffic in Person and Other Related Matters (NAPTIP), and the Nigerian Police Force at the border post, trans-border criminals still carry out their operations successfully.

The development raises questions as to the dependence on security personnel in the manning of Nigeria's borders. It also highlights the duplications in the discharge of duties by security personnel, depriving them of adequately policing the borders. At the centre of this development are the corrupt tendencies of security officials and customs staff. Most of them consider their posting to the Nigeria-Benine border as an opportunity to make wealth through kickbacks.<sup>15</sup> This act is to the advantage of smugglers, importers and traders that are willing to part with huge cash in order to smuggle their items into and out of the Nigeria-Benine border.

### **Open Border Aid Smuggling**

Smuggling in borderlands is aided by open border. This is evident in the Nigeria-Benin border. The open border policy of the Nigerian government towards her immediate neighbours as well as adherence to the ECOWAS Treaty have aided smugglers operating in her borderlands to carry out their illicit enterprise successfully. For instance, in North America, the United States' recognition of the effect of open border between her and her limitrophe neighbours, especially Mexico; compelled the US government to take steps to strengthen her border security and address loopholes exploited by criminal groups engaged in trans-border crime. In some other regions of the world, the issue of open border is sensitive because of its boomerang effect. However, the Nigerian government, because of her commitment to Pan-Africanism and Afrocentrism as stated in her foreign policy thrust

towards fellow African countries had, over the years, neglected the effect of her foreign policy on border-related issues like trans-border crime. At the Nigeria-Benin border, sources and data of seized contraband show that smuggling thrived more during periods of open border.

Smugglers have succeeded more in their enterprise at the Nigeria-Benin border when the borders between both countries are open. For instance, in 2004, the Manufacturers Association of Nigeria (MAN) declared that the country lost \$6.3 billion (about N800 billion) to unwholesome trade practices of smuggling and product counterfeiting in 2003 through the trafficking of contraband goods.<sup>16</sup> The majority of the smuggling activities took place at the Nigeria-Benin border. Contraband such as rice, petroleum produce, textile materials, consumables and other items have been smuggled in and out of the country during periods of open borders. The Patriotic Rice Association of Nigeria (PRAN) and the Nigerian Rice Development Association (NRDA) reveal the alarming rate of the smuggling of rice into the country through the Nigeria-Benin border and the huge sum of revenue lost in the process to smugglers. According to PRAN, the Nigerian government “lost revenue from imported rice from Cotonou amounts to N10 billion monthly, but the Nigerian Customs Service’s put the figure at N27 billion in four months.”<sup>17</sup> On its part, NRDA revealed that the country loses N110 billion every year as a result of rice smuggling.<sup>18</sup> They added that when other smuggled commodities, apart from rice, are computed, Nigeria's losses will run into billions of dollars annually. The group stressed that the country was losing a whopping sum of N9.7 billion monthly from an estimated 80,000 metric tonnes of rice smuggled into the country through the Nigeria-Benin Republic.<sup>19</sup>

The items smuggled from Nigeria to Benin Republic through the borderlands of both countries during the colonial period and shortly after independence were agricultural produce such as cocoa and groundnut and others. In the 1970s, petroleum products replaced

agricultural produce and became the most smuggled items across Nigeria land borders to other parts of West Africa. At the Nigeria-Benin border, petroleum products were smuggled on regular basis across Nigeria land border to Benin Republic and Togo. The smuggling of petroleum products across the Nigeria-Benin border progressed steadily during periods of open borders. According to the International Monetary Fund (IMF), as far back as 1986, smuggled petroleum produce from Nigeria, comprised 20% of Benin's consumption, rising to 68% by 1991.<sup>20</sup> Also in 1991, 17% of Cameroon's fuel consumption consisted of smuggled Nigerian petrol and diesel, despite the fact that the country was and remains a net oil exporter. By 2001, the volume of smuggled product increased significantly.<sup>21</sup>

The increase in the smuggling of petroleum products across Nigeria's borders with her immediate neighbours, from the mid-1980s, is owed partly to the subsidy on petroleum products in Nigeria, by the Nigerian government. The high cost of the commodity in the pump price of Nigeria's immediate neighbours, the high demand of petroleum products in the 'black market' in the borderlands and the effect of SAP in Nigeria and in her immediate neighbours, in which many of their nationals went into crime to fend for themselves. Similarly, according to investigations conducted on the illicit fuel trade in December 2005 by "Action Sociale" (a Beninese non-governmental organization), about 80% of consumers buy from the informal market.<sup>22</sup>

Other smuggling activities that thrived strong at the Nigeria-Benine border during periods of open borders were the smuggling of cars across the borders of both countries, trafficking of persons, hard drug, arms and ammunition, among others. The period of open border also witnessed the influx of migrants from neighbouring countries into Nigeria. These migrants not only competed and still compete with Nigerians for the few available jobs, some of them got involved in criminal activities. The attempt by the Nigerian government to open her

border, in line with her foreign policy and in adherence to the ECOWAS Treaty, directly and indirectly influenced trans-border crime in her border with Benin Republic.

### **Response of the Nigerian-Beninois Governments to Trans-Border Crime in the Nigeria-Benin Border during Periods of Open Border**

The Nigerian and Beninois governments made effort to respond to the threat of trans-border crime in their borderlands, during periods of open border. Several attempts were made in this regard. This include the sitting up joint border patrol and joint border tour to the border communities to advise them to desist from the illicit enterprise and other border-related issues. The Nigeria government went further to established agencies to address and combat specific crime associated with cross-border. As part of efforts to respond to cross-border related issues relating to cross-border crime during periods of open border, the Nigerian government, under General Ibrahim Babangida and his Beninois counterpart met in the Seme border in 1988 to find a lasting solution to the problem. Speaking at a one-day meeting, the then Nigerian Head of State, General Ibrahim Babangida push for:

A resolution between Nigeria and Benin Republic which would permit no sanctuary on their respective territories to those who had sought to erect artificial barriers between the two countries. And that the security law enforcement officers on both sides had a heavy burden to shoulder to enforce this.<sup>23</sup>

The then Nigerian Head of State suggested the promotion a workable and satisfactory solution to the recurrent misunderstanding along both countries' border settlement areas. He added that effort should be put in place to mandate experts from both countries for the mission. General Babangida suggested an examination of practical measures for translating into reality, the goals of the sub-regional organisation – ECOWAS.<sup>24</sup> Furthermore, several workshops have been held to find solutions to the trans-border crimes at the Nigeria-Benine border. A three-day workshop on Nigeria and Benin Republic Trans-Border Corporation was held in Abuja in which the governments of both countries agreed on new

measures to strengthen corporation among the inhabitants of the border areas between Nigeria and the Republic of Benin. At the workshop, then Nigeria's Minister of Internal Affairs, Colonel John Shagaya and his Beninois counterpart, Colonel Edward Zudehoughan Agreeson measures to stamp out drug trafficking, discourage dumping of toxic waste and other anti-social behaviour in their countries' borders.<sup>25</sup> They equally agreed to check the possible excesses of their respective border guards by setting up a channel for receiving complaints from the aggrieved public, who could not report erring officials through their Embassies, External Affairs Ministries, Immigration or Customs offices.<sup>26</sup>

Intellectual workshops through border conference, were organised as part of efforts to address the phenomenon of trans-border crime and other border-related issues affecting relations between Nigeria and Benin Republic. The first of its kind organised to discuss and recommend. The way forward to the myriad of border issues between both countries was held in 1988, in Badagry, Lagos State, with the caption the "Nigeria-Benin Trans-border Cooperation Workshop".<sup>27</sup>

The trans-border cooperation workshop examined a wide array of topical issues in which leading experts in the academia and professional bodies as well as traditional rulers from both sides of the border presented papers. The workshops examined also issues on culture, local administration, border economy, delimitation question and border security, legal issues and the workshop closes with conclusions and recommendations.<sup>28</sup> A similar conference was organised by the Integrated Border Area of Benin Republic to address border-related issues between Nigeria and Benin Republic in 2013.

Another measure taken by the Nigerian and Beninoise governmentst to address the threat of trans-border crime at the Nigeria-Benineborder was the establishment of joint border patrol to police the border area and intercept cross-border criminals' smuggling goods across their



respective borders. In 1992, the governments of Nigeria and Benin Republic reached a resolution for the establishment of a joint border patrols made up of men and officers of the customs of the two countries. The resolution barred all security personnel from going into any of the countries in uniform in order, to guard against operational conflict.<sup>29</sup> Effort was also made to operationalize the joint border patrol across the Nigeria-Benineborder. The Nigerian police force and that of her Beninois counterpart, in 2001, agreed to establish a joint patrol team comprising policemen from both countries to check cross-border banditry in their territories.<sup>30</sup> The agreement followed a meeting between the then Nigerian Inspector General of Police Musiliu Smith, and the President of Benin Republic, Mathieu Kerekou.<sup>31</sup> The joint border patrol between the police force of Nigeria and Benin Republic was re-launched in 2005, during the reign of Tafa Balogun, the then Nigerian Inspector General of Police.<sup>32</sup>

In addition, the Nigerian and Beninois governments equally signed series of treaties on Nigeria-Beninetrans-border cooperation as parts of ways to address border-related issues between them. Both countries also signed agreement on how to respond to the threat of trans-border crime in their respective borderlands, the role of border communities in the illicit enterprise, and the establishment of special commissions, such as the Mixed Border Commission to address security challenges emanating from the border region of both countries. Several cross-border corporation treaties were equally signed between both countries from 1993 to 2005.<sup>33</sup> Similarly, during periods of open border the Nigerian government established several specialised agencies to tackle specific cross-border crime. Among these agencies, are: the National Drug Law Enforcement Agency (NDLEA), the National Agency for Food and Drug Administration Control (NAFDAC) and the National Agency for the Prohibition of Traffic in Person and Other Related Matters (NAPTIP). These agencies were established to combatspecialised crime in borderlands, the Nigeria-Benineborder inclusive.<sup>34</sup> The formation of these specialised agencies was in line with the

United Nations (UN)'s, directive for member countries to create such institutions to monitor and checkmate crimes in their respective countries. Indeed, these agencies have done remarkably well in the fight against trans-border criminals involved in specialised cross-border crime that take place in the Nigeria-Benineborder. Several arrests have been made by NDLEA, NAFDAC and NAPTIP on individuals and groups engaged in these specialised crimes at the borderlands of Nigeria and the Republic of Benin. The agencies have all done very well to apprehend drug dealers, smugglers of adulterated food and the smuggling of persons across Nigeria-Benin border.

An examination of the Nigeria-Benin border during periods of the open border shows that the illicit enterprise progressed steadily. The ability of smugglers to navigate the borderlands was due to some extent to Nigeria's foreign policy thrust that accommodated fellow West Africa countries and her immediate neighbours to move across her border with ease. Also, the sharp practices of customs officials and other security personnel at the border post, as well as their failure to effectively police the border areas have made it possible for cross-border criminals to continue in their enterprise. This, notwithstanding the response made during the period to curtail the illicit enterprise, had a modest result. However, it did not effectively ease the phenomenon from the country's border with Benin Republic.

### **Trans-Border Crime in the Nigeria-Benin Border during Periods of Closed Border**

The Nigeria-Benin border had been closed on several occasions since independence. The first border closure was during the Nigerian Civil War (1967 – 197). Nigeria closed her border to Benin Republic because of what she perceived as a betrayal of trust. The former French colony in 1969, allowed the International Committee of the Red Cross (ICRC) to use her airspace as a platform to provide relief materials for the Biafrans during the war.<sup>35</sup> This action did not sit well for the Nigerian government. The government off Nigerian condmned this act and in a bid to demonstatra their displeasure, closed the borders linking both countries.

During period of elections in both countries, the border is usually closed for security reasons. Again, the Nigeria-Benineborder was closed in 1996, following the policitcal tensions between Nigeria and Benin Republic.General Sani Abacha accused his Beninois counterpart, President Nicephore Soglo, for providing sanctuary for NADECO leaders and other groups of people working against his government.<sup>36</sup> Arising from the development,the then Nigerian Head of State closed the Nigerian side of the border to prevent Nigerians from entering Benin Republic and Beninois from entering Nigeria. The border closure between Nigeria and Benin Republic affected economic and commercial activities of traderswho engaged in trade between the countries.

With respect to the effect of trans-border crime on Nigeria's economy, security and development, especially, the Nigeria-Benineborder, the Nigerian government closed her border with Benin Republic in 1984 and 2003 respectively. The decisions by General Buhari and President Obasanjo led governments to close Nigeria's border with Benin Republic were deliberate. This was because the illicit enterprise was having a negative impact on Nigeria's economic development. Smugglers operating at the Nigeria-Benin border took advantage of the porous nature of the borders to smuggle contraband from Benin Republic into Nigeria.Thisaction not only robbed the Nigerian government of the needed revenue, but also, affected the production capacity of several infant industries at home, among them the textile industries.<sup>37</sup>

In the same vein, the border closure was taken in order to nip in the bud, the activities of armed robber across the border who specialised in the robbery of exotic cars from Nigeria into Benin Republic, where they are sold at a lesser price to buyers from Benin Republic and Togo. In addition, the action of the Nigeria government to close her border with Benin Republic was to awaken the Beninois government to the reality of trans-border crime in her borderlands with Nigeria. This is done so as to push for an appropriate and workable action

that would address the illicit enterprise across the border either unilaterally or in partnership with her immediate neighbour country.

During the periods of the border closure between the two countries, trans-border criminal activities at the borderlands were reduced significantly. All forms of movements both human and commercial activities, were monitored during the period. The military was deployed to the borderlands to assist customs officials and other security personnel to manage and police the border post and its environs. During this period the Nigerian government suspended the implementation of her West African foreign policy her strand and her commitment to the ECOWAS Treaty. The following trends therefore characterised trans-border crime during the periods of the closed border at the Nigeria-Benin border.

#### **Effective Policing of the Nigeria-Benin Border**

One of the trends that emanated during the periods of closed border in the Nigeria-Benin border was the effective policing of the border post and the borderlands environ. This was made possible by the deployment of members of the armed forces to aid other security agencies saddled with the responsibility of securing the borders. The militarisation of the Nigerian border area stopped trans-border criminals from carrying out their enterprise.<sup>38</sup> Likewise, corrupt customs officials and security personnel at the border post stopped their nefarious acts. During the period of the border closure, Nigeria's border with Benin Republic was tightened to prevent any illicit enterprise from taking place at the Nigerian side of the border. Security personnel, including the customs and the military ensured that smugglers and other forms of trans-border crime that had been perpetrated at the Nigeria-Benin border were checked. Oral interviews conducted in the field, particularly at the Nigeria-Benin border attest to this fact. The interviewees revealed that the presence of armed security personnel at the Nigeria-Benin border at the time dissuaded smugglers from engaging in any illicit enterprise.<sup>39</sup>

### **Disruption of Cross-border Movement and Trade**

The period of the closure of the Nigeria-Benin border resulted in the disruption of cross-border trade and movement in the border region of both countries. It is pertinent to note that trans-border crime thrives through cross-border trade in the informal sector. Therefore, it became very important to suspend the trading activities among the border communities from the Nigerian side of the border. Unfortunately, however, for those involved in legitimate trading activities, among the border communities between Nigeria and Benin Republic, they had to tarry until the re-opening of the border to commence their commercial activities. The border closure did not only affect traders at the Nigeria-Benin border, it also affected traders from neighbouring states and ECOWAS countries that come to Nigeria to purchase goods.<sup>40</sup> This, however, explained the pressure mounted on the Nigerian government, following the closure of her border with her immediate neighbours, especially Benin Republic, and other ECOWAS countries. The Nigerian government at the time was pressured to re-open her border because of the effect it has on the economic lives of countries within the West African sub-region.

The movement of persons across the border was equally disrupted during the period of closed border between Nigeria and Benin Republic. The Nigerian government, for security reasons and national interest, has to suspend her adherence to the ECOWAS protocol on free movement of persons. The action was deliberate because of reports that several migrants from neighbouring countries have taken advantage of the ECOWAS protocol on free movement of person and are involved in clandestine smuggling activities. The border closure ensured that the Nigerian government temporarily halted the free movement of persons across her border, especially nationals from ECOWAS countries.

The action taken by the Nigerian government to close her border with Benin Republic was completely unacceptable not only to the Beninois government but to ECOWAS

leaders. However, the decision was taken in the interest of the country's national security. The border closure had a socio-economic impact on the border communities, especially those dwelling in the border regions. It prevented family and relatives across the border from visiting each other, and distorted their economic activities.<sup>41</sup> However, for security reasons the Nigeria government had no choice but to close her border with Benin Republic. This was in order for both governments to put an end to cross-border crimes in the sub-region.

### **Response of Nigerian and Beninois Government to Trans-Border Crime in the Nigeria-Benin Border during Periods of Closed Border**

Following the closure of the Nigerian side of the border with Benin Republic, efforts were made in the form of response to address the phenomenon of trans-border crime at the Nigeria-Benineborder. The government of both countries, during the periods of closed border, undertook the following measures or respond to address the threat of trans-border crime in the Nigeria-Benineborder.

#### **The Quadripartite Agreement**

The closure of the Nigeria-Benineborder in 1984 by the Buhari-led military regime was the first step taken by any Nigerian government to put an end to criminal activities of trans-border criminals, operating in the country's borderlands. Following the 1984 border closure, the leaders of Nigeria's limitrophe neighbours ran to Lagos to plead with the then Nigerian government to re-open her borders because of the effect the border closure was having on their citizens. As leaders of Nigeria's immediate neighbours continued to persuade the then Nigerian government to re-open her border because of the socio-economic hardship they were experiencing, the former Togolese Head of State General Gnassingbe Eyadema, initiated the Quadripartite Agreement. The idea behind the Quadripartite Agreement was how Nigeria, Benin Republic, Ghana and Togo can cooperate to address the threat of dissidents trying to overthrow any of their government.<sup>42</sup>

In addition, to the primary objective of the Quadripartite Agreement, the then Nigerian Head of State suggested that the Quadripartite Agreement should equally serve as a collaborative mechanism to which the signatories to the agreement would collaborate to combat trans-border crime in their borderlands. Arising from the submission of the Nigerian government during the negotiation of the treaty, measures to tackle trans-border crime was incorporated part of the objectives of the Quadripartite Agreement.<sup>43</sup>

During the signing of the agreement by the four Heads of States, the then Nigerian Head of State reiterated the reason for the closure of her borders and suggested how their cooperation can address the phenomenon of the illicit enterprise. According to General Buhari, “we are better prepared to combat criminals, incapacitate smugglers, and defeat the traffickers in arms, drugs and currencies.”<sup>44</sup> The Quadripartite Agreement marked the first attempt by Nigeria and some of her immediate neighbours to tackle the threat of trans-border crime in their borderlands. The agreement was a noble attempt. However, following the overthrow of the Buhari-led government reference to the agreement in tackling trans-border crime was permanently put on hold.

### **Creation of the Joint Committee on Commerce (JCC)**

In 2003, President Olusegun Obasanjo again closed Nigeria’s border with Benin Republic. Several reasons accounted for this. First is the security threat of trans-border crime on Nigeria’s economic development and the lives and property of Nigerians. Second, is the inability of the Beninois government to address the threat of smuggling of contraband into Nigeria from her own side of the border. The third is the rise in cross-border crime – armed robbery, smuggling, and human trafficking.<sup>45</sup> During the period of the border closure, the then leaders of Nigeria and Benin Republic met to discuss ways to eradicate trans-border crime in their respective borders. President Obasanjo demanded that the Beninois President Mathieu Kerekou, hand over to the Nigerian government a notorious criminal, Hamani

Tijani, who terrorised traders and business people at the Nigerian-Benin border. his demand was granted with the handing over to the Nigerian government, Hamani Tijani.<sup>46</sup> In the same vein, several stolen vehicles that was robbed in Nigeria and smuggled into Benin Republic were later returned to Nigeria.

In the course of the interaction between President Mathieu Kerekou and Olusegun Obasanjo during the border closure, they agreed to establish the Joint Committee on Commerce (JCC). Through the JCC, banned Beninois goods were allowed into the Nigerian market as long they are manufactured in the former French colony, and that the goods are deeply certified by the Standard Organisation of Nigeria.<sup>47</sup> Prior to the creation of the JCC, the Nigerian government had banned certain goods coming from Benin Republic from entering Nigeria. This was because of the liberal economic policy of the former French colony that allowed the importation of all kinds of goods into her country. Thus, most of the goods imported into Benin Republic were smuggled into Nigeria, through the Nigeria-Benineborder. This act of smuggling goods into Nigeria led to the collapse of many businesses in Nigeria. The small businesses and manufacturing industries were unable to compete with smuggle goods such as textile, due to, among other things, price differentiation.<sup>48</sup>

The development compelled the Nigerian government to place an embargo on Beninois products from Nigeria, whether locally made or imported due to the effect they were having on Nigeria economic development, most especially the manufacturing sector. However, during the period of the border closure and in the course of discussion on ways to address some of the factors fuelling trans-border crime atboth countries border, the leaders of Nigeria and Benin Republic finalised modalities for the exchange of goods across their borders. This decision was that goods that come into Nigeria from Benin must be locally made. The aim was to encourage manufacturers from both countries to take advantage of their respective



market. This discouraged the nationals of Nigeria and the Republic from engaging in trans-border crime.

During the signing of the Memorandum of Understanding (MOU), of the JCC, former's Nigeria's Minister of State for Finance, Mrs. Nenadi Usman, affirmed that "the business community of Benin Republic had requested that the Nigerian government should open up the Nigeria-Benin borders to enable them to bring in certain goods needed by Nigerians."<sup>49</sup> She reiterated the reasons the Nigerian government agreed to the formation of the JCC. Key of the reasons was to prevent the dumping of smuggled goods from Benin Republic into Nigeria. She listed the items or products that Nigeria has opened her borders with Benin Republic to enter the country. They include; textile/fabric, cotton, vegetable oil, palm kernel and palm seedlings. The Minister of State for Finance also disclosed the corridor that the products or goods will pass between both countries. They are the Krake/Seme border, the Nikki-Chikanda border and the Igolo-Idiroko border.

In the same vein, the product under the JCC arrangement would be accompanied by the country's customs and handed over to the customs of the other country, through the corridors. Mrs. Nenadi Usman further noted that "we would now collect duty and other levies on the products that would be brought into the country, instead of the money going into smugglers hands, it will go into Nigeria's pulse."<sup>50</sup> Similarly, the Minister of State Finance disclosed that 12 companies in Benin Republic have been duly verified by the Joint Verification and Monitoring sub-committee (JVMSC), of the JCC, which inspected their origin, content and admissibility status into the Nigerian market.<sup>51</sup> Interesting, the MOU states that the local material used in the production of such goods must be monitored by the Standard Organisation of Nigeria (SON) at their manufactured site in Benin Republic. Similarly, before their entry into Nigeria at the border post the finished goods must be inspected and certified by the National Agency for Food and Drugs Administration and Control

(NAFDAC), Standard Organisation of Nigeria (SON), and the Nigerian Customs. Customs duties are charged on the imported goods into Nigeria in line with the ECOWAS tariff charges. The JCC came into operation in 2004. It is supervised by the Ministry of Finance, while the Nigerian Customs Service plays a major role to ensure that the terms of reference of the JCC between Nigeria and Benin Republic are adhered to by the latter's government.

The response of the Nigerian and Beninois to checkmate the expansion of trans-border crime in their international border during the period of closed border was commendable. Similarly, the quadripartite agreement was a noble attempt at promoting collaborative measures between neighbouring countries to tackle the menace of illicit enterprise. Equally, the creation of the JCC by the government of Nigeria and Benin Republic to discourage Nigerians and Beninois involved in smuggling across their borders. However, a major issue bedevilling the success of the measures has to do with effective implementation.

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## CHAPTER EIGHT

### SUMMARY, CONCLUSION AND RECOMMENDATIONS

#### Summary

The research work has examined Nigeria's foreign policy, with a particular focus on Nigeria's West African foreign policy and its impact on trans-border crime at the Nigeria-Benin border, spanning 1960 - 2013. The study analyses the extent to which the implementation of Nigeria's foreign policy and its strands have contributed to the illicit enterprise of trans-border crime at the Nigeria-Benin border. The study reveals that the implementation of Nigeria's West African foreign policy in her interactions with countries in the sub-region, and her immediate neighbours in particular, have produced mixed results, with respect to border-related issues. One of such border-related challenges that has emanated from the implementations of Nigeria's West African foreign policy, especially in her relations with her immediate neighbours has been the threat of trans-border crime on the country's socio-economic development.

The study establishes that Nigeria's commitment to broader Afrocentrism in the West Africa sub-region and her immediate neighbours led to the formulation of the foreign policy strands of good neighbourliness, commitment to ECOWAS Treaty, particularly the protocol on free movement of persons, goods and right to resident and the relaxation of her borders. And that the implementations of these strands particularly, Nigeria's with her immediate neighbours have resulted in border-relations challenges for the Nigerian state. One of such border-related challenges is threat posed by trans-border crime. The opening of Nigeria's border for the free movement of persons and goods encouraged the illicit enterprise significantly. Similarly, the security implications of the various strands of Nigeria's West Africa foreign policy was

ignored during their formulation and as events would later show, they were not theoretically problematized. Similarly, the study revealed that Nigeria is not the only country in this dilemma, of how best to mitigate the commitment to the provisions of regional integration and the cost of trans-border crime, which open border encourages. However, the experiences of some other countries and the measures they took to address the phenomenon are lessons the Nigerian state should consider seriously.

In 1984 and 2003, arising from the threat trans-border crime posed to Nigeria economy and the security of Nigerians, the military regime of General Mohammadu Buhari and the civilian administration of President Olusegun Obasanjo closed Nigeria's border to curb the illicit enterprise. Both leaders, recognising of the threat the open border policy posed to Nigeria's national security, abandoned the ECOWAS Treaty and closed her border. she however re-opened the border when it was ascertained that concrete measures had be taken by her West African neighbour countries, particularly Benin Republic. Although, the action taken by Nigeria to close her border negates the ECOWAS Treaty, it compelled Nigeria's neighbours countries to collaborate with her to find solution to the phenomenon. Consequently, several measures were taken by the governments of Benin and Nigeria to address the threat of trans-border crime in their respective borderlands. These measures include the joint border tour, signing of trans-border cooperation treaties, organising border workshops, embarking on joint border patrol by men and officers of the customs and police of both countries, among others.

The study reveals other causes of the illicit enterprise in the Nigeria-Benin border. They include: unemployment, failed Structural Adjustment Programme (SAP), corruption among security agencies at the border post, porous nature of our borders and differential economic policies of Nigeria and Benin Republic. In the same vein, the study reveals that trans-border crime at the Nigeria-Benin border increased in the informal sector, making it impossible to ascertain the actual volume of the illicit trade. It also revealed that the increase in trans-border



crime in the informal sector makes it difficult for the Nigerian government to account for her actual revenue, due to the activities of smugglers at the Nigeria-Benin border.

Furthermore, the study shows that Beninois liberal economic policies, as well as her port efficient management and the low tariff on import duties, encouraged importers from Nigeria to import through Benin Republic. The study reveals that most goods imported into Benin Republic are smuggled into Nigeria. The protectionist economic policy of the Nigerian government, which equally encourages high tariff on certain commodities has equally been identified as responsible for smuggling in the Nigerian borderlands, particularly, the Nigeria-Benin border. Likewise, the study reveals how the delay and unpalatable experiences of Nigerians trying to clear their imported goods through the Lagos seaports had forced them to patronise the Beninois seaport. Arising from this development, the Nigerian government not only lost revenue to her Beninois counterpart she indirectly encouraged smuggling across the Nigeria-Benin border.

The study reveals that trans-border crime in the Nigeria-Benin border dates back to the colonial era. Owing to the rival colonial economic policies in British and French colonial territories of West Africa, it led to tariff war, and the prohibition of locally made goods in favour of foreign goods. The local people responded by seeking alternative route across the Nigeria-Benin border in order to bypass the colonial authorities. In addition, the border communities since the colonial periods preferred to purchase goods, where it is cheaper arising from the low tariff. This explains why border communities at the Nigeria-Benin border, particularly those on the Nigeria side of the border, preferred to go to Port Novo in French territory to buy goods and smuggled them through the border into British-Nigeria territory. The development progressed into the post-independence era, as nationals from both countries engaged in illicit enterprise because it is a lucrative venture.

The perception of the border communities the Nigeria-Benin border towards trans-border crime differs remarkably from the perception of people outside the borderlands. For them, the illicit enterprise is not a criminal activity. This explains why several people in the border communities are involved in the illicit enterprise. The Nigerian government must enlighten the people to jettison this erroneous perception of the illicit enterprise. The geographical setting of the southern part of the border aided smuggling and other forms of the illicit enterprise. Smugglers, due to the porous nature of the borderlands and the inefficient and ineffective policing of the Nigeria-Benin border area by security operatives from both countries, exploited this and used the waterways, bush paths and roads, to smuggle items across the Nigeria-Benin border.

The study equally shed light on the historical ties of the people from both side of the borderlands. In doing this, it identified the efforts made by them to promote cordial relations, despite the partitioning that has separated them. This has been made possible through cultural festivities and cross-border trade.

### **Data Analysis and Findings**

1. The data analysed in the study originated from primary and secondary sources. They were sourced through oral interviews from indigenes and non-indigenes residing in the Nigeria-Benineborder, namely: traders, shop owners, artisans, traditional rulers, smugglers in contrabands (*fayawo*) as well as leading experts in border studies and foreign policy practitioners from the countries under study. In addition, published and unpublished government documents were sourced from the Nigerian and Beninois Ministries of Foreign Affairs, Nigerian Customs, National Drug Law Enforcement Agency (NDLEA), Nigerian Immigration, Nigerian Institute of International Affairs (NIIA), newspapers publications, textbooks, journal articles and internet materials.

The data analysed and interpreted established that trans-border crime in the Nigeria-Benineborder was on the increase or flourished during periods of lax or open border management, compared to periods of strict or closed control.

The data also reveal that the Nigerian government, since independence, had maintained lax or open border (except in 1984 and 2003, due to criminal activities of trans-border criminals). This is in line with her foreign policy thrust of Afrocentrism, good neighbourliness as well as adherence to the ECOWAS Protocol on free movement of persons and goods. This lax border policy opened Nigeria's borders to abuse by illegal aliens and international criminals- largely smugglers, armed robbers and car snatchers.<sup>1</sup> Also, the study reveal that Benin Republic in particular, among Nigeria's immediate neighbours, exploited the lax border policy to her advantage.

This view is expressed in the statement below:

The country, through a policy disposition that has made it an 'etat-entrepot,' virtually absolutely dependent on Nigerian economy for survival, Benin has involved itself in a systemic formulation and implementation of some kind of (plunder-thy-neighbours) strategies vis-à-vis Nigeria, similar to the relationship between the Gambia and the Republic Senegal.<sup>2</sup>

The economic and security consequence of lax or open border policy on Nigeria's development led the military administration of General Mohammadu Buhari to close Nigeria's land borders with her immediate neighbours, Benin Republic inclusive, in 1984. Prior to the 1984 border closure, smuggled goods in Nigeria, were displayed defiantly in the public or open market. They not only competed favourably with locally made goods, but equally threatened the local industries in Nigeria. The 1984 border closure lasted from April 1984 to February 1986. During period, all kinds of smuggled items were smuggled in and out of Nigeria. The items include: textile materials, liquor, petroleum products, used cars, frozen and preserved foods,

currency, among others seized from entering the country through official border route. Oral data were collated from the field through interviews granted by traditional rulers, smugglers, customs officials and inhabitants of the Nigeria-Benine border. A former Nigerian ambassador to Benin Republic, also granted interview. Likewise, individuals from research centres in both countries also accepted to be interviewed.<sup>3</sup> With the analysis of data, the study reveals that in 1984 when the Nigeria-Benine border was closed, all kinds of criminal activities reduced drastically, compared to the period of open border. When smuggling was no longer lucrative, many smugglers took to other activities.<sup>4</sup>

Similarly, between August 9 to 16 2003, the civilian administration of President Olusegun Obasanjo closed Nigeria's land border with Benin Republic. In order to combat the threat of trans-border crime on the country's economic development and national security.<sup>5</sup> The decision of the Obasanjo government to enforce strict border management between Nigeria and Benin Republic was to address the huge revenue loss to smuggling of contraband into the country. In addition, the decision was taken to protect local industries, safeguard Nigerians from adulterated pharmaceutical products and prevent the smuggling of arms and ammunition into the country. Likewise, the border closure was equally aimed at combating the criminal activities of cross-border armed robbers led by Hamani Tijani involved in the theft of exotic cars from Nigeria into Benin Republic.<sup>6</sup>

Concerning this too, oral data were collected in the fieldwork from interviewees, including smugglers operating in the Nigeria-Benine border. The interviewees also include traders (especially women who sell all kinds of goods in the Nigerian and Beninois side of the border), traditional rulers and security officials at the border between both countries.<sup>7</sup> The views of these persons

reveal that during the one week the Nigeria-Benineborder was closed, trans-border crime reduced drastically. The impact was felt by the government of the Republic of Benin who engaged in an appeal for a change in the policy. It is in consideration of this appeal that the Joint Committee on Commerce (JCC) was established between both countries. The JCC was established to open the Nigerian market to locally made goods from Benin Republic, in place of imported goods smuggled into Nigeria.<sup>8</sup>

Oral data collated through interviews in Nigeria and Benin Republic as well as in the Nigeria-Benin border areashow that the illicit enterprise thrived during periods of lax border control, compared to periods of strict border management. Similarly, the oral data revealed that on both occasions the Nigerian government closed her borders with Benin Republic in 1984 and 2003, was due to the illicit activities of trans-border criminals in the Nigeria-Benin border. The closure was influenced by the astronomical increase in the various forms of trans-border criminal activities, occasioned by the easy access through which smugglers and other criminals involved in the illicit enterprise have in the movement of smuggled items. Additionally,during the period of border closure between both countries, smugglings and other forms of trans-border criminal activities in the Nigeria-Benin border were grounded along the official border route between the two countries. The unofficial border routes between Nigeria and Benin Republic were well monitored to prevent the movement of illicit goods into and out of Nigeria. Arising from this development, the border closure denied perpetrators of the illicit enterprise access to free movement, occasioned by the implementation of Nigeria's foreign policy. It should be emphasised that the reduction in trans-border crime has not been limited to periods when the border was totally closed. Oral sources and other data revealed that trans-border crime has equally

reduced when the border was effectively managed and when law enforcement agents effectively carry out their functions.

The oral data correlate with the two tables below which relate to analyses on various contraband goods or items smuggled across the Nigeria-Benineborder during periods of lax or open border management. The first table is a collation of several data derived from primary and secondary sources. The second table provides details of smuggled items across the Nigeria-Benineseized by Nigerian Custom Service, during period of lax border control. An analysis of both tables is presented below.

**Table 1. Data of some Smuggled Items across the Nigeria-Benin Borderfrom the 1980s – 2013**

S/N	Smuggled Item	Destination	Losses/Amount	Year
1	Petroleum Product	Nigeria – Benin (through the Nigeria-Benin Border)	Smuggled petroleum product from Nigeria to Benin was 20%	1986
2	Petroleum Product	Nigeria – Benin (through the Nigeria-Benin Border)	It increased to 65%	1991
3	Assorted Goods	Benin – Nigeria (through the Nigeria-Benin Border)	N573.3 million	1999 - 2010
4	Arms & ammunition	Benin – Nigeria (through the Nigeria-Benin Border)	N4.3 billion (US\$34.1 million)	2002
5	Contrabands	Benin – Nigeria (through the Nigeria-Benin Border)	\$6.3billion (about N800 billion)	2004
6	Petroleum Product	Nigeria – Benin (through the Nigeria-Benin Border)	Smuggled petroleum product from Nigeria-Benin increase to 80%	2005
7	Hard drugs seizure	Seme and Idioroko Border post in the Nigeria-Benin border by NDLEA Officials	2, 654. 1855 kilogram of cocaine, cannabis and heroin.	2009 - 2013
8	Assorted Goods	Benin – Nigeria (through the Nigeria-Benin Border)	N750 billion (\$5 billion) Yearly	2011
9	Stolen and smuggled vehicles	Benin – Nigeria (through the Nigeria-Benin Border)	Over 2000 stolen and smuggled vehicles	2000 - 2002
10	Rice	Benin – Nigeria (through the Nigeria-Benin Border)	N110 billion every year	2013

Sources: collated from newspapers, books, journal articles, magazines, NDLEA Annual Report and the internet.<sup>9</sup>

**TABLE 2 NIGERIA CUSTOMS SERVICE HEADQUARTERS – ABUJA  
YEARLY ANALYSIS OF SUMMARY OF SUPPRESSION OF SMUGGLINGS/SEIZURES REPORT FROM  
2002 - 2012 (JANUARY-DECEMBER)  
NAME OF AREA WESTERN COMMAND: SEME/IDIROKO AREA COMMAND**

Year	Total no of seizures made on vehicles	Qty of vehicles involved	Total no of seizures made on second hand clothings & others	Total no of seizures made on rice	Qty of bags of rice seized in 50kg	Total no of seizures made on frozen poultry	Qty of cartons of frozen poultry destroyed	Total no of seizures made on motor cycles	Total no of seizures made on v/oil	Total no of seizures made on arms & ammunitions	Total no of seizures made on India hems	Total no of seizures made on petroleum	Total no of seizures made on sugar	Total no of seizures made on furnitures	Total no of seizures made on tobacco & Cigararett es	Total no of seizures made on wine & spirits	Total no of seizures made on other goods	Yearly total no of seizures made(general)	CIF Value (#)	Duty (#)	Duty paid value (DPV #)
2002	139	139	2	nil	nil	nil	nil	nil	nil	nil	nil	nil	nil	nil	nil	Nil	1	142	41,520,200.00	20,374,800.00	61,895,000.00
2003	167	167	8	6	1,251	41	4,620	nil	9	1	1	nil	nil	nil	nil	Nil	6	250	207,332,982.46	32,636,907.52	239,969,889.98
2004	133	168	34	28	548	48	2,725	nil	12	nil	nil	nil	nil	nil	nil	1	59	315	94,197,308.44	32,636,907.52	126,834,215.96
2005	63	63	57	108	4,917	45	2,861	1	10	nil	nil	4	2	1	1	4	nil	296	637,180,254.49	302,138,921.05	939,319,175.54
2006	167	167	12	114	5,470	22	2,391	nil	16	nil	1	nil	nil	1	nil	Nil	28	362	259,081,533.00	59,020,494.00	318,102,027.00
2007	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
2008	116	116	6	3	174	8	3,012	nil	2	nil	nil	3	nil	nil	1	Nil	51	189	117,941,600.00	29,587,970.00	147,529,570.00
2009	32	32	21	2	32	14	200	nil	2	nil	nil	5	nil	nil	1	Nil	101	532	104,388,600.00	25,033,940.00	129,422,540.00
2010	214	214	29	6	113	29	1,866	13	4	nil	nil	nil	1	nil	1	Nil	57	354	161,074,060.00	53,115,562.00	214,189,622.00
2011	730	730	93	41	739	56	12,332	91	48	nil	1	8	nil	6	nil	Nil	169	1,244	754,207,535.00	159,145,158.00	913,352,693.00
2012	753	753	51	45	1,640	64	6,803	41	24	1	30	15	1	nil	nil	Nil	58	1,083	554,365,082.00	127,532,624.00	681,897,706.00
TOTAL	2,514	2,549	313	353	14,884	327	36,810	146	127	2	33	35	4	8	4	5	530	4,767	2,931,289,155.39	841,223,284.09	3,772,512,439.48

Source: Enforcement, Investigation & Inspection Department (Statistics Office), Nigeria Customs Service Headquarters – Abuja<sup>10</sup>

The figures provided in tables 1 and 2 show the various forms of trans-border criminal activities across the Nigeria-Beninese border. Table 1 shows the staggering amount or cost of contraband items and assorted goods that are smuggled between Nigeria and Benin Republic through the Nigeria-Beninese border. Likewise, the table shows an astronomical increase in the percentage of the smuggling of petroleum product from Nigeria to Benin Republic from 20% in 1986 to 80% in 2005 of Benin Republic's Consumption. It shows a high demand of petroleum product through the black market by Nigeria's immediate neighbours, particularly Benin Republic. Other smuggled items that are smuggled across the Nigeria-Benin border outlined in table 1 include; stolen and smuggled vehicles, hard drugs, rice and arms and ammunitions. The second table outlines seizures made by the Nigerian Customs on contrabands smuggled across the Nigeria-Beninese border, from 2002 – 2012.

The data from both tables and the study shows that the illicit enterprise in the Nigeria-Beninese border flourished during period of open border, compared to periods of closed border control. It also that smugglers from both sides of the countries exploited Nigeria's West African foreign policy to their advantage, particularly the Nigerian foreign policy strands of good neighbourliness. The following assertion was made concerning the policy of good neighbourliness and how Nigeria's immediate neighbours had abused it:

But concrete practicalisation of this principle seemed to have played into the hands of Nigeria's foreign partners and was used by them as means of exploiting Nigeria's goodwill, more for their own benefit than as a reciprocable exchange for mutual benefit with Nigeria.<sup>11</sup>



In addition, the data reveals that trans-border crime in the Nigeria-Benin border is a thriving enterprise, and that the smuggled items across the borders of both countries run into billions of naira annually. Likewise, the table reveals that Beninois entrepôt and low tariff regime, as against Nigeria's high tariff and protectionism allowed the importation of several kinds of goods into Nigeria. The product include: such as textile, used cars, cloths, tires, rice, frozen poultry, prepared tomatoes, spaghetti, Milkproducts, cigarettes, to mention a few, which constituted contrabands in Nigeria. These contrabands are smuggled from Benin Republic through the border.

There is the effect of trans-border crime in the implementation of Nigeria's West Africa's foreign policy, in her relations with her immediate neighbours, on Nigeria's economic development and national security. The data from the study equally revealed another threat that emanated from Nigeria's implementation of lax border control as well as fulfilling her obligations to the ECOWAS Protocol on free movement of persons and goods as enshrined by ECOWAS Treaty. The lax border control and the ECOWAS Protocol on free movement of persons and goods made it possible for several illegal aliens without the necessary documents from neighbouring countries, including Benin Republic to find their way into Nigeria. These nationals engaged in several criminal activities, and became a threat to Nigerians. This is reason, the administrations of Shehu Shagari and Muhammadu Buhari were forced to expel nationals from neighbouring countries and other parts of West Africa from Nigeria in 1983 and 1984.<sup>12</sup>

The decision of the Nigerian government to expel these nationals from Nigeria, despite her adherence to the ECOWAS protocol on free movement of persons and goods and

right to resident, was taken for the sake of national interest, above commitment to ECOWAS Treaty.

2. The study shows that the Nigerian and Beninois governments responded to the threat of trans-border crime in their common borderlands through bilateral and multilateral cooperation. This was in the form of thorough joint border tour and admonition to advise border communities to refrain from the illicit enterprise, joint border patrol comprising police and customs officials from both countries, and the signing of cross-border cooperation treaties. Other measures include cross-border conferences, Quadripartite Agreement Joint Committee on Commerce (JJC), the West African Police Chiefs, and border closure by the Nigerian government to address the threat of illicit trade to the country's wellbeing.<sup>13</sup> These measures employed the stick and carrot approach to combating trans-border criminals operating in the Nigeria-Benin border. The data show that the aforementioned responses to tackle smugglers and other individuals involved in other forms of trans-border crime in the Nigeria-Benin border were undertaken by both country's governments during periods of strict border control or closed border.

The attempt to reopen Nigeria's land border, following several pleas from the governments sharing boundary with Nigeria, led to the formation of the Quadripartite Treaty.<sup>14</sup> Four countries in West Africa signed the treaty. They are: Nigeria, Benin Republic, Togo and Ghana. The Quadripartite Agreement or Treaty was established to address security issues. Key of the issues was trans-border crime in the borders of the four member countries.<sup>15</sup> During, the signing of the treaty in Lagos, in 1985, the Nigerian Head State made the following remarks "we are better prepared to combat criminals, incapacitate smugglers, and defect the traffickers in arms, drugs and currencies."<sup>16</sup> In the

same vein, in 2003, the Obasanjo administration, during the negotiation to re-open the Nigeria-Benineborder, after one week closure, concluded an arrangement with his Beninois counterpart President Mathieu Kerekou for the creation of the Joint Committee on Commerce (JCC), between the two countries. The goal of the JCC is to encourage movement of locally made goods from both countries, in line with ECOWAS Trade Liberalisation Scheme (ETLS).<sup>17</sup> This was to discourage smuggling, especially from Benin Republic which allowed the importation of all kinds of goods into her country that are eventually smuggled into Nigeria. Similarly, goods coming from Benin Republic into Nigeria, according to the Memorandum of Understanding (MOU), between the two countries must be monitored and inspected by the Standard Organisation of Nigeria and the Nigerian Customs before being allowed into the Nigerian market.<sup>18</sup>

The Nigerian government,since the 1990s, had made tremendous effort to combating the various forms of trans-border crime in her international borders with her immediate neighbours, Benin Republic inclusive. The Nigerian government had establishedspecialised agencies guided by international law to tackle trans-border crime according to the United Nations directive with respect to the UN Convention Against Transnational Organised Crime reached in December 2000. The specialised agencies include: the National Agency for Food and Drugs Administration and Control (NAFDAC)and the National Drug Law Enforcement Agency (NDLEA).Others are the National Agency for the Prohibition of Traffic in Persons (NAPTIP), National Commission for Small Arms, among others.<sup>19</sup> Some of these institutions have made remarkable progress in their fight against perpetrators of trans-border crime in Nigeria's

international borders. Likewise, corruption among some officials of these agencies has equally stultified efforts to win the war against trans-border criminals

3. The study reveals some of the nature and patterns of trans-border crime in the Nigeria-Benin border and how they influenced the illicit enterprise during the period of study. Among the nature and patterns of trans-border crime in the Nigeria-Benin border discussed in the study are the followings, the geographical proximity between the countries, failed Structural Adjustment Programmes (SAP), the illicit informal cross-border trade, globalisation as well as the opposing economic policies of both countries. Similarly, the study establishes that the different economic and trade policies between Nigeria (protectionist and import restriction through high tariff) and Benin Republic (liberal and entrepôt and re-export centre) encouraged smuggling from the former French colony into Nigeria through the Nigeria-Benin border.
4. The research has revealed that Nigeria's commitment to the ECOWAS protocol on free movement persons and goods not only affected trans-border crime in the Nigeria-Benineborder, but also domestic crime such as armed robbery. The development prompted the civilian administration of President Shehu Shagari and military regime of General Muhammadu Buhari to disregard some provisions of Nigeria's foreign policy and commitment to the ECOWAS Treaty and regional integration to expel foreign nationals accused crimesin Nigeria, in 1983 and 1984.<sup>20</sup>
5. The study established that there are existing policies implemented by the Nigerian government to address the phenomenon of trans-border crime at the Nigeria-Benin border. These are the Quadripartite Agreement, the Joint Committee on Commerce

(JCC) and Nigeria's tariff regime on imported goods. These policies did not take into cognisance Beninois' foreign and trade policies. Which aimed at addressing her predicament not only as one of the poorest nations in the world, but one disadvantaged by the absence of mineral resources to boost her foreign exchange earnings.<sup>21</sup> The development has greatly influenced her tariff regime, place as the lowest in the world so to attract neighbouring countries to patronise her port. Likewise, also, the development equally influenced her re-export and entrepôt policy. Important as well, the study revealed that the most of imported goods are imported through the Cotonou port in Benin Republic by Nigerians are smuggled into Nigeria, through the Nigeria-Benineborder. For this reason, the study proffers the review of Nigeria's West Africa foreign policy strands, which has been exploited by trans-border criminals. This will to discourage individuals involved in trans-border crime at the Nigeria-Benin border. In the same vein, the study canvassed for a liberalised tariff regime that will encourage Nigerians to patronise their own seaports, because of the parity of import duties compared to her immediate neighbours.

### **Conclusion and Recommendation**

The study concludes that trans-border crime in the Nigeria-Beninborder has impacted negatively on Nigeria's corporate existence, especially on her national security and economic development. It establishes that Nigeria's attempt to promote African brotherhood, defend and protect black people arising from some of her unique features of being the most populous black nation in the world influenced her foreign policy of Afrocentrism, and other foreign policy strands implemented in Nigeria's relations with her immediate neighbours. Based on this the study reveals that Nigeria's West Africa's foreign policy has contributed immensely to the illicit

enterprise in Nigeria's international borders, especially, the Nigeria-Benin border. It also reveals that trans-border criminal activities thrived at the Nigeria-Benineborder during periods of open borders.

Similarly, the study demonstrates that it was during periods of closed border that concrete attempts were made by the governments of Nigeria and Benin Republic to eradicate the illicit enterprise from their international borders, through bilaterally collaboration and in conjunction with ECOWAS. The study, therefore, recommends that the Nigerian government should adopt from the model of countries that were forced to implement strict border control, namely, the United States and France. Nigeria should also adopt the procedures of regional integration organisations like NAFTA and MERCOSUR that prohibit free movement of citizens from member countries and the policy of open border because of its security implications. For these reasons, the study recommends that the Nigerian government should formulate strict foreign policy strands and effective border control measures to deter the illicit enterprise in her international borders, especially the Nigeria-Benin border where trans-border crime is rife. That is Nigeria's foreign policy should spell clearly to the country's immediate neighbours, she would not accept any act of saboteur particularly the activities of trans-border criminals within and around her borderlands. In the same vein, the Nigerian government should harmonised her various border initiative programmes and formulate a comprehensive border policy that would spell out or outline measures to tackle the menace of the illicit enterprise in Nigeria's borderlands.

In addition, the study recommends the need for the Nigerian government to review her tariff regime. This will discourage Nigerians from patronising the Cotonou port and the smuggling of

contraband items into the country. Likewise, the study recommends that the Nigerian government should decentralise her seaport. This will reduce traffic on the Lagos seaport. It will allow for prompt and efficient port services and revenue generation to the government coffers. The Nigerian government have more revenues from the seaport, and will reduce the revenues of Benin Republic which have seaports that are effective and efficient and usually attract Nigerians to import their goods from the seaport in Cotonou. Within this context, the study recommends that the Nigerian government should urgently engage the youth at the Nigerian side of the Nigeria-Benin border in the areas of productive enterprise and youth empowerment scheme. This, when initiated, would dissuade them from engaging in smuggling and other forms of trans-border crime.

### **Contributions to Knowledge**

1. The study demonstrated the interlocking relationship between the implementation of foreign policy and trends in trans-border crime in the Nigeria-Benin border, a shift of focus of analysis from the traditional preoccupation with the issues of causes and management of trans-border crime.
2. The research established that primordial ties and cultural affinities in the border communities were central to the pattern and scale of trans-border crime in the period studied which creates the imperative for cooperation between Nigeria and Benin Republic to tackle trans-border crime.
3. The thesis established the nexus between theory and policy formulation and implementation in the prevention of trans-border crime, which underscores the need for appropriate policies in the tackling of crime in the Nigeria-Benin border and beyond.
4. The study revealed that high tariff and poor port management in Nigeria as against Benin Republic's low tariff regime and efficient port management have been important influences on the smuggling of goods in the Nigeria-Benin border, and this creates the necessity for the Nigerian government to liberalise her tariff on imported items, expand her port facilities, and improve port management across the country.

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## APPENDIX

## **1993 TREATY ON CROSS-BORDER COOPERATION BETWEEN THE FEDERAL REPUBLIC OF NIGERIA AND THE REPUBLIC OF BENIN**

(This document was translated from French to English.)

In accordance with the directives of the Minister of Interior Federal Republic of Nigeria and Minister of Interior of Security and Territorial Administration, after their meeting in Cotonou on November 16, 1992, Nigerian and Beninese Experts will meet in Lagos on 27, 28 and 29 January 1993 for a thorough review of security problems that arise in the two states. Both parties were taken as the basis of work document, which was communicated on November 16, 1992 which has been the agenda of the Experts' meeting, the following:

- 1 Restitution of stolen vehicles
- 2 Trans humance
- 3 Achievement administrative buildings of SEME - KRAKE
- 4 Delimitation of Borders
- 5 Smuggling and drug trafficking
- 6 Refuge Criminals
- 7 control stations along interstate highways
- 8 Exchange of prisoners
- 9 Non-application of the treaty quadripartite extradition
- 10 No application of quadripartite agreement of cooperation in the field of criminal police
- 11 economic crimes
- 12 Illicit trafficking of arms
- 1 Return of Stolen Vehicles:

After a long debate, the Expert unanimously recognized the phenomenon of stolen vehicles, which is a concern for Authorities of two (2) countries.

It is to fight against this scourge efficaciously both

(2) Parts advocate:

- Strengthening cooperation in the field of criminal police:
- The proliferation of mixed patrols along the borders SAFETY
- The exchange of criminal information between security services of two (2) countries;

Prosecution of criminals across frontiers. To this end, a common strategy of action will have to be observed. Thus, a joint committee composed of officials of Units (Police, Gendarmerie and Customs) implanted on either of the other two (2) boundaries will be established to study the modalities of action in order to avoid incidents Nature I disturb public order;

- The adoption and signing of the Treaty of border cooperation

2. Transhumance:

The two sides recognized the seriousness of the problem of transhumance creates unfortunate situations to village communities through their individual cultures and the transhumant Fulani. That's why the Expert I'elaborate offer and signing of a bilateral agreement on transhumance.

In this regard, the experts recommended that the charges Ministers of Justice, External Affairs, Internal Affairs and any other structures whose competence can be equise by a I or I either party , working has I'elaboration texts REGULATING transhumance.

Considering the peculiarity of the nomadic way of life, the advocate Expert:

- The organization of awareness damages, awareness and education of transhumant Fulani;
- The tracing of passage colours
- The creation of grazing areas

3. Completion of Administrative Building Seme krake:

The two (2) parties recognized the need to accelerate I ' completion of construction of administrative buildings at the customs post SEME KRAKE on the basis of the cost sharing formula namely - 65% for Nigeria and 35% for Benin.

Accordingly, Experts Urge respective GOVERNMENTS has to honor their commitment before end June 1993 in order to avoid the rise in costs.

#### 4. Definition of Borders:

The two (2) delegation has appreciated the progress of work on the delimitation common border, especially in the south. They recommend the rapid resolution of problems related to the delimitation of the northern part and accordingly urge the Governments of the two (2) countries free the necessary funds I ' completion of the work until the Tripartite points.

#### 5. Smuggling and Drug Trafficking

The expert has noted the increase in smuggling activities and drug trafficking along the borders and recommend:

- The cooperation of the security officer (Police, Gendarmerie and Customs) along the borders.
- Implementation of a program of exchange of statistical data;
- The Joint control of border areas;
- The establishment of a cooperation in the field of customs
- The implementation of existing trade agreement between the two (2) States;
- The periodic exchange of lists of proscribed items to guide the security guard in the fight against smuggling

#### 6. Refuge of Criminals:

The two sides noted that criminals (Nigerians and Beninese) flow freely across frontiers in the common purpose of travel and refuge in either country. Consequently, they recommend:

- Exchange of information and statistical data on the activities of criminals and criminals themselves between the security services (police, gendarmerie, customs) of two (2) countries;
- Active cooperation the same security forces for quick apprehension of criminals with a minimum of formalities.

#### 7. Control Station along Interstate Highways:

Both parties reaffirm the need to maintain the provisions of ECOWAS on the maximum of the four control posts along our common border routes ensure the free movement of persons and property

#### 8. Exchange of Prisoners:



Faced with recognized shortcomings on both countries in the procedure of exchange of prisoners between the two (2) States May 19, 1988, at the border of KRAKE , two (2 ) parties agreed to the establishment a technical committee responsible for developing the texts that regulate this practice.

This committee will meet in Cotonou in the second fortnight of March 1993.

#### 9. Application of Non Quadripartite Treaty on Extradition

The two (2) parties recognized the complexity of extradition, both in the conditions required in the procedures to be followed, and accordingly advocated the establishment of a sub -Committee of monitoring the level of records administrative and judicial structures.

#### 10. No Applications of Quadripartite Cooperation Agreement Regarding Criminal Police:

- The (2) parties note insufficient application of the provisions of this agreement, particularly Article 4 which requires the Head of NCB -Interpol to hold at least one meeting for annualevaluation cooperation.

That is why the expert recommend:

- The exchange of criminal information;

- The meeting between the Judicial Police Officers to strengthen the fight against crime within two (2) countries.

#### 11. Economic Crimes:

Experts took note of the rise of economic crimes perpetrated by organized groups, not card only in their country but also in the West African sub-region.

They recommends that efforts be made at the highest level bilateral and multilateral (ECOWAS) to eradicate this scourge.

To this effect, they urge security forces to intensify their cooperation.

#### 12. Illicit Weapons:

The two (2) parties have deplored the resurgence of illicit arms trafficking in the sub-region which Constitute of serious threats to the security of our people.

They accordingly propose that urgent steps be taken by the competent Authorities of two (2) countries in order to stem the scourge.

The meeting was unwound in an atmosphere of brotherhood footprint and mutual understanding. The Beninese delegation expressed its gratitude with Nigerian authorities for the warm welcome that was reserved him. Done at Lagos January 29, 1993 in the English and French languages, two (2) texts being equally authentic.



## 1996 TREATY ON BORDER COOPERATION BETWEEN THE FEDERAL REPUBLIC OF NIGERIA AND THE REPUBLIC OF BENIN

### PREAMBLE

The Republic of Benin and the Republic of Nigeria, hereinafter referred to as Parties.

- **Given** the need to consolidate the peaceful cooperation and friendly relations between the two Parties at the national and local levels;
  - **Considering** the Economic Cooperation Agreement, the Scientific and Technical signed by both Parties on 1st February 1979 and which established the Joint Commission of Benin-Nigerian cooperation;
  - **Considering** the Extradition Treaty, the Agreement on Cooperation in Criminal Investigations and Administrative Mutual Assistance Agreement on Customs, Trade and Immigration of 10 December 1984 entered into by the Republic of Benin, the Federal Republic of Nigeria, Republic of Ghana and the Togolese Republic;
  - **Taking** into account the fact that both Parties are Member States of the Economic Community of West African States (ECOWAS) created May 28, 1975;
  - **Reaffirming** their vis-à-vis the Charter of the Organization of African Unity (OAU) and the principles set forth therein;
  - **Determined** to preserve their economic interests and to ensure the well - being of Border Communities
  - **With regard** to cultural, traditional and socio-political affinities of the Communities living along the border that must be mobilized in the service of both Parties for the promotion of peace and cooperation in socio-economic, political and security;
  - **Driven** by the spirit of a genuine commitment to the principle of good neighborliness and by the desire to increase the current level of cooperation between the two Parties and their peoples;
  - **Recognizing** the need to protect the sovereignty and territorial integrity of both parties and to find a rapid solution to the difficulties that often in the course of their common border;
  - **Aware** of the benefits of cross-border cooperation as contained in the report of the Seminar-Workshop on the Benin-Nigeria border cooperation held from 9 to 13 May 1988 in Badagry in Nigeria;
  - **Considering** the statement issued after the summit meeting of the Presidents of the two Parties to SEME approving September 21, 1988 the recommendations of the Seminar-Workshop Badagry;
- AGREE THAT:

#### Article 1: Definitions and the Purpose of this Treaty:

I. The term "Border Cooperation" means the Benin-Nigeria bilateral cooperation by which all administrative, technical, economic, socio-cultural are taken to consolidate and develop good-neighborly Allow us to observe in these regions on and side of the common border.

II. The term "Border Communities" means local people living near the border.

III. The term "Governor" means the Governor of a State Federated bordering the Federal Republic of Nigeria.

IV. The term "Joint Board" means the board in charge of boundary and transboundary issues.

V. The term "Local Authorities" means the authorities that govern border communities.

VI. The term "Border Committees Mixed Premises" means the joint committees of neighboring regions.

#### Article 2: The Scope

This Treaty establishes cross-border cooperation in the areas of free movement of people and goods, development, protection of the environment, conservation and optimum utilization of natural resources, improved infrastructure (equipment, services) and the living conditions of the two peoples and mutual assistance in case of disaster or calamity.

#### Article 3 of Implementing Rules

This trafficking is the basis of mutual agreements between peoples, communities, government institutions and non-governmental organizations existing in the border areas of both Parties.

The agreements mentioned in the preceding paragraph relating to:

- A cooperation of conflict and the quick and amicable settlement of disputes between the Communities and border institutions for greater unity and to promote globally well-being;
- A creation of infrastructure for economic, commercial, social and cultural;
- On the establishment and functioning of the Community institutions to manage loads border cooperation.

#### Article 4: Obligations

The Parties undertake to facilitate and strengthen cross-border cooperation between border communities and between local authorities. To this end, they should strive to promote the conclusion and implementation of bilateral agreements necessary for peaceful resolution of problems that may arise including border disputes and issues related to the various positive rights.

#### Article 5: The Creation of Joint Council Border Cooperation

It creates a Joint Council of border cooperation consists of:

- Ministers;
- Governors and Prefects;
- The Ambassadors of the two Parties accredited to the respective Governments;
- Four (4) Experts Specialists questions of international borders appointed by each party;
- The local authorities of both parties;
- The Traditional Chiefs areas designated by the Parties.

It is responsible for knowing all the problems beyond the jurisdiction of the Local Joint Border Committees and implement joint tours at all levels every year or as often as needed or other tasks falling under the scope of the maintenance of good relationships neighborliness between the two countries.

#### Article 6: The Meetings of The Board Joint Border Cooperation

(I) The Board of the Joint Border Cooperation meets two (2) times a year, alternately in the Republic of Benin and the Federal Republic of Nigeria to take stock of its activities. Extraordinary meetings may be held at the request of either Party.

(II) Each party shall appoint the head of its delegation to the meetings of the Joint Council.

(III) Each meeting of the Joint Council on cross-border cooperation is chaired by the head of delegation of the host Party.

(IV) The draft agenda of the meetings is developed by the host Party and communicated to the other party at least six (6) weeks prior to the council.

VII. The term "Ministers" means the ministers responsible for border and cross-border issues such as the Foreign Minister, the Interior Minister and any other Minister designated under the legislation of each Party.

VIII. The term "Prefect" means the Prefect of a neighboring Department in the Republic of Benin.

IX. The term "Traditional Chiefs" refers to local dignitaries officials of the Communities living near the border;

#### Article 7: The Creation of Joint Committees Local Border

It creates in border regions Border Committees compounds to more than 16 members. Members of the local joint border committees at number eight (8) on each side shall be nominated by the local authority concerned.

#### Article 8: Responsibilities of Local Border Mixed Committees

The local joint border committees are loads including the implementation of cooperation agreements between the Parties. In part, they bring when needed assistance to local authorities in accordance with the legislation in force in the territory of each party in particular regarding:

- Monitoring and protection of border demarcation and other objects terminals;
- The free movement of people and movement of animals;
- The safety of people and property including the prevention of crime and the search for the perpetrators;
- Assistance to the security services in their efforts against the illegal movement of people and goods through the border areas.

They can perform other functions for the strengthening of cooperation in accordance with the provisions of this Treaty.

They are also empowered to resolve disputes could be born between border communities and use all the means in their possession in this case the sub-committees and expert working groups to ensure peace and develop good relationships neighborliness between peoples.

#### Article 9: The Meetings of Committees Local Border Mixed

Meetings of Committees Mixed Border Premises held alternately in the Republic of Benin and the Federal Republic of Nigeria as frequently as necessary in order to discuss specific urgent questions and to see the progress realize in implementing the Treaty at the resort concerned.

However, these Committees meet at least one (I) quarterly. Each Joint Border Committee Local submits the activity report of its locations in the meeting of the Joint Council of border cooperation and grabbed it urgently by the Permanent Secretariat of the burning problems he could not solve.

#### Article 10: National Secretariat of the Permanent

In order to achieve the objectives of this Treaty and to harmonize structures to manage cross-border cooperation, it is created in each state a Permanent Secretariat directly under the Presidency of the Republic.

Each Party shall ensure the operating budget of the institutions responsible for promoting border cooperation after this Treaty.

#### Article 11: Exchange of Visits

The Parties shall encourage regular and frequent visits exchanged between the Ministers, Governors and prefects, local authorities and traditional chiefs on both sides of the border.

#### Article 12: Trade Exchange

Each Party undertakes to facilitate commercial exchange in border areas. To this end, the creation of markets and banks at the borders must be encouraged in accordance with current texts on commercial transactions in the territory of each Party.

#### Article 13: Communication and Free Movement of People

Two purposes of maintaining a climate of peace and promote socio-economic development of border communities, each Party shall ensure through the Joint Border Committee Local building confidence between Local Communities and their leaders taking contemptuous regulations on communication and the free movement of persons in border areas.

#### Article 14: Infrastructure

Parties cater to infrastructure such as medical center, schools, postal services, roads, water and electricity in border areas. To ensure that the Border Communities actually serving as a bridge between the two Parties, the latter also providing personnel and equipment to schools in border areas which could be signs mother tongues as well as English and the Benin coast the French coast of Nigeria.

#### Article 15: Training Programs

Staff-State institutions responsible for the management and control of the border areas must have a thorough knowledge of the Cooperation Agreements between the two (2) Parties. He must be familiar with the provisions and procedures for implementing these agreements through adequate education programs and continuing education. To do this, organization of seminars such agreements are jointly organized by the two countries at the point of executives called to assume these institutions.

#### Article 16: The Implementation of Existing Agreements

Parties must ratify and implement the existing treaties between themselves and with other countries of the sub-region, among other quadripartite agreements between the Republic of Benin, the Federal Republic of Nigeria, Republic of Ghana and the Republic Togo namely:

1. The Treaty on Extradition;
2. Cooperation Agreement in the field of Criminal Investigation;

3. Mutual Administrative Assistance Agreement on Customs, Trade and Immigration.

Article 17: Settlement of Disputes

The Parties pledge to settle any leads concerning the interpretation and application of this Treaty through negotiation, conciliation, arbitration or other peaceful means.

Article 18: Miscellaneous

I. The present Treaty shall enter into force provisionally on the date of signature, and definitively after exchanged instruments of ratification by Parties.

II. The present Treaty may be fined or modified by mutual consent.

III. The duration of this Treaty shall be five (5) years, automatically renewable unless either party expressly denounced six (6) months in advance.

IV. After termination of this Treaty, it shall continue to govern all existing signs agreements under this Treaty and which are not expired. –

DONE THIS

In two (2) originals in English and French languages, both texts being equally authentic. -  
FOR REPUBLIC FOR THE FEDERAL REPUBLIC OF BENIN AND NIGERIA  
HE HIS EXCELLENCY GENERAL

Mr. Nicephore SOGLO

Sani ABACHA



## **2003 TREATY ON BORDER COOPERATION BETWEEN THE REPUBLIC OF BENIN AND THE FEDERAL REPUBLIC OF NIGERIA**

### **PREAMBLE**

The Republic of Benin and the Federal Republic of Nigeria, one after referred < Parties >

**Desiring** to consolidate the relations of friendship and Cooperation between the two parties at national and local levels;

**Considering** I Agreement of Cooperation Economic, Scientific and Technical 1st February 1979 establishing the Joint Commission of Cooperation Benin- Nigerian;

**Considering** the Extradition Treaty, the Agreement of Cooperation in matters of Criminal Investigation and I Agreement of Mutual Administrative Assistance in the matter of Customs, Trade and Immigration of 10 December 1984 entered into by the Republic of Benin, the Republic Nigeria, Ghana and the Togolese Republic;

**Taking into account** the fact that the parties are State members of the Economic Community of African States I (ECOWAS) Created March 28, 1975

**Reaffirming** their commitments vis- a- vis the Charter I ' I Organization of African Unity (OAU) and the principles set forth therein

**Detrminees** has preserve their economic interests and ensure being of communities BORDER;

**Having regard** to cultural affinities, traditional and social policies of the Communities living along the border who must be mobilized serving both Parties for the promotion of peace and Cooperation in socio- economic relations , political and in matters of security;

**I moved** by the spirit of a real commitment to the principle of good neighborliness and by the desire to increase the current level of Cooperation between the two Parties and peoples  
Recognizing the need to protect the sovereignty and I territorial integrity of both Parties and find a quick solution to the difficulties that have been identified relating to the situation that prevails in their common border;

**Aware** of the advantages of the border cooperation as contained in the report of the Seminar - Workshop on the Nigerian –Benin border cooperation Between 9 to 13 May 1988 in Badagry in Nigeria

Considering the statement issued was the outcome of the Summit of Presidents recontre the two Parties SEME 21 September 1988 approving the recommendations of the seminar workshop Badagry

HAVE AGREED AS FOLLOWS;

Chapter I: DEFINITIONS, PURPOSE, SCOPE

## Article I: Definitions

For the purposes of this Treaty; the terms and Expressions below after s' is understood as precise below

i - The term " cross-border cooperation means the Cooperation bilateral Benin- Nigerian by which all administrative, technical , economic, socio- cultural are taken to consolidate and develop the good-neighborly relations in LOCATED regions on both sides of the common border;

ii- The term " Border Communities " means the populations living near the border ;

iii - The term " governor' s' means the governor a federated state borders in the federal republic of Nigeria;

iv - The term "Joint Board " means the Board assigns the boundary and transboundary issues;

v – The term “Locates Authorities" means the authorities that govern communities BORDER

vi - The expression Border “Committees Mixed Local” Committee Spouse means the neighboring regions;

vii - The term " Ministers " s ' means the officials of boundary and transboundary issues such as Foreign Affairs Ministers loads I' Interior and any other Minister designated under the legislation of each Party;

viii – The term " Prefect " s' means the Prefect of a Department in the Republic of Beinin borders;

ix - The term " Traditional chiefs " means the heads of local dignitaries Communities living near the border

## Article 2: Purpose

This Treaty establishes the border cooperation between the Parties in the following fields:

- Free movement of people and goods
- Maintenance of peace and security along the common border
- Promoting trade exchanges
- Protection of Environment
- Conservation and joint exploitation of natural resources

- Mutual assistance in case of disaster or calamity.

### Article 3: Scope of Application

This Treaty applies to adjacent areas of the parts.

### Article 4: Obligations of the Parties

1. The parties ' undertake to:

a - Facilitate and strengthen border cooperation between border Communities or between Local Authorities. To this end, they must s' endeavor to promote the conclusion and implementation of the necessary agreements between them, in order to solve a I amicably the problems that may arise including border disputes and issues related to disputes demesne

b- Facilitate commercial exchange in border areas. To this end, the creation of markets and banks at the borders must be encouraged in accordance with the legislation in force in matters of commercial transactions in the territory of each party;

c- Provide for infrastructure such as medical centers areas, schools, postal services, roads, the water and electricity in border areas;

d - to ensure that the border communities actually serve as a bridge between the two Parties, they provide personnel and equipment to schools in border areas in which could be signs mother tongues of even that I English the Beninese coast French and the Nigerian coast;

e - Ensuring by intermediary of the Committee Border Mixed premises referred to in Articles 10, 11 and 12 below to build trust between local communities and their leaders in the light of regulations relating to the communication and the free movement of persons in border areas;

f - Train staff of state institutions responsible in the management, control of border areas and I ' applications of Cooperation Agreements between the two (2) Parties.

2- The Traditional Chiefs and Local Authorities of the two (2) Parties are associated in the correct implementation of the regulation in matters of borders and more particularly those relating to the prevention of offenses and the search for the perpetrators.

They are to assist customs services and immigration control in their efforts to curb illegal movement of people and goods through the border areas.

## Chapter II: THE BORDER COOPERATION MECHANISMS

### Article 5: Management Bodies

For the purposes of application of this Treaty, it is created after the following management bodies:

- A Joint Council
- Committees of Local Mixed Border
- Two Permanent Secretariat.

#### Article 6: Composition of the Joint Council

The Joint Council is composed as follows:

- Ministers
- Governors and prefects;
- Ambassadors accredited to the two respective GOVERNMENTS Parties;
- Two (2) specialists of international experts appointed by the borders of questions each Party;
- Local Authorities of the two Parties;
- The Traditional Chiefs of Regions designated by the Parties.

#### Articles 7: Tours of Joint Border

The Joint Council organizes joint tour at all levels every year or as often as necessary to ensure good management, control, maintenance of peace and security along the common border.

#### Article 8: Exchange of Visits between Duke Council Members

The Parties shall encourage regular and frequent exchanges of visits between the Ministers, Governors and prefects, Local Authorities and Traditional Chiefs on both sides of the border.

#### Article 9: Meetings of the Joint Council

1 - The Joint Council shall meet two (2) times a year, alternately in the Republic of Benin Republic and Nigeria to take stock of its activities. Extraordinary meetings be held at the request of I one of the Party.

2 - Each Party shall appoint the head of its delegation to the Joint Council meetings.

3 - Each Meeting of the Joint Council is chaired by the Head of the delegation of the host Party

4 - The draft agenda of the meetings shall be prepared by the party host and communicates to the other Party at least six (6) weeks prior to the Council

#### Article 10: Mixed Local Committees Frontalires

The Border Committees Mixed seizes spaces (16) member (at most) of < bordering areas > are at the < communities >. Members of Local Committees Joint Border has eight (8) (at most) of each are designated by I quote ' Autories local authority concerned.

#### Article 11: Attibution of Mixed Local Border Committees

1 - The joint border Local Committees are loads, among others, I applying the Cooperation Agreements between the Parties.

2. In this context, they pernment knowledge and exercise powers of control and supervision conferred to Local Authorities under the law in force in the territory of each Party in particular regarding:

a - Monitoring and protection of border markers and other demarcation objects;

b- The free circulation of people and the displacement of animals;

c- Use the stairs, warehouses, roads and other business equipment

3 - They can take the other functions for the strengthening of Cooperation under the provisions of this Treaty.

#### Article 12: Meetings of Committees Local Border Mixed

1- The Committees shall meet quarterly as needed. These meetings are held alternately in the Republic of Benin and in the Federal Republic of Nigeria for the purpose of reviewing specific urgent questions and to see the progress made in application of the Treaty at the locality CONCERNED

2. Can Local Committees joint border use these Sub-Committees of Experts or Working Groups whenever you need in order to study the burning problems he could not solve.

#### Article 13: Permanent Secretariats

In order to achieve the Aims of this Treaty and to harmonize charged structures to manage the border cooperation, it is created in each state a Permanent Secretariat directly under the Presidency of the Republic.

Each Party shall ensure the operating budget responsible for Institutions promoting border cooperation after this Treaty. The Permanent Secretary is responsible to manage this budget.

#### Chapter III FINAL PROVISIONS

Article 14: Conditions and Procedures for Applications.

Of this Treaty are determined, if necessary, by special agreements and exchanges of letters between the Parties and Protocols between the Local Authorities.

Article 15: Settlement of Disputes

Any dispute between the Parties concerning interpretation and the purposes of this Treaty shall be settled by way of negotiation.

Article 16: Entry Into Force - Amendment – Withdrawal

a - This Treaty shall enter into force provisionally on the date of signature, and definitively by the Parties.

b - This Treaty may change between time or by mutual consent.

c - The duration of this Treaty shall be five (5) years, automatically renewable unless either party expressly denounced the six (6) months in advance.

d - After termination of this Treaty, it shall continue to govern all existing signed agreements under this Treaty and that would not have expired

FACT, THE A .....THE

Two (02) originals in English and French languages , both texts being equally authentic  
FOR THE REPUBLIC OF BENIN FOR THE FEDERAL REPUBLIC OF NIGERIA

Mathieu Kerekou

Olusegun Obasanjo

## **2005 TREATY OF BORDER COOPERATION BETWEEN THE FEDERAL REPUBLIC OF NIGERIA AND THE REPUBLIC OF BENIN**

### **PREAMBLE**

The Government of the Federal Republic of Nigeria and the Government of the Republic of Benin (hereinafter) referred to as the 'Parties'

- (1) **CONSIDERING** the need to consolidate peaceful cooperation and friendship relations between the two parties at the national and local levels;
- (2) **CONSIDERING** the economic and scientific cooperation agreement which was signed on 1 February 1979 between the two parties and under which the Joint Commission Benin-border cooperation in Nigeria was established;
- (3) **CONSIDERING** the Extradition Treaty, the Agreement on cooperation in criminal investigation and the Agreement on mutual administrative assistance in trade, customs and immigration concluded December 10, 1984 between the Republic Federal Nigeria, Republic of Benin, the Republic of Ghana and the Togolese Republic;
- (4) **RECOGNIZING** that both parties are Member States of the Economic Community of African States West (ECOWAS) created May 28, 1975;
- (5) **REAFFIRMING** their commitment to the principles enshrined in the Constitutive Act of the African Union;
- (6) **DETERMINED** to promote the ideals of cooperation and monetary and economic integration as they were set out in the Accelerated Approach for Integration adopted by ECOWAS;
- (7) **CONSIDERING** the need to effectively use the unfailing socio-economic links between the two parties to promote greater cross-border cooperation;
- (8) **FRIENDLY** links efforts da bilâtes cultural, traditional and sociopolitical between communities and cooperation in socio-economic, political and security;
- (9) **POWERED** by the spirit of mutual commitment to the principles of good neighborliness and a desire to strengthen the existing cooperation level between the two sides and their peoples;
- (10) **RECOGNIZING** the need to protect the sovereignty and territorial integrity of both parties and the need for a prompt settlement of any problems that may arise in their common border;
- (11) **AWARE** that this border should be considered as a gateway and an area of cooperation rather than a barrier between the Parties and their peoples;

(12) **AWARE** of the benefits of cross-border cooperation as set out in the report of the workshop on cooperation between Nigeria and Benin held from 9 to 13 May 1988 in Badagry;

(13) **RESPECTFUL** of the communiqué issued by the presidents of both parties to the Summit of 21 September 1988 approving the recommendations of the workshop Badagry;

(14) **CONSIDERING** the memorandum of understanding between the two countries on the reopening of the border signed in August 2003 by the Presidents of both parties to Badagry;

The Parties to this Treaty agree to the following:

## CHAPTER 1: DEFINITION, PURPOSE, SCOPE

### ARTICLE 1: Definitions

In these deals mean:

1.1 'Border cooperation; border cooperation between Nigeria and Benin at the end of which all the administrative, technical, social and cultural are taken to consolidate and strengthen neighborhood cooperation along the border.

1.2 'Communities of the border', people living near the border.

1.3 'Governor', the governor of a neighboring state in the Federal Republic of Nigeria.

1.4 'Joint Council', the Joint Council in charge of border and border issues

1.5 'Local authorities', the authorities under the supervision which are the communities of the border that are the customs, immigration services, local administrative authorities, the gendarmerie, the police, state security services and traditional leaders of the Contracting Parties.

1.6 'Joint local communities of the border', joint committees neighboring areas

1.7 'Ministers', the ministers in charge of border and cross-border cooperation, security, customs and any other Minister designated for this purpose in accordance with the constitution of each party

1.8 'Prefect', the prefect of a prefecture neighboring Republic of Benin.

1.9 'Chiefs', leaders of indigenous communities in the vicinity of the border.

### Article 2: Objective

This Treaty establishes the entire border cooperation both parties in the following areas:

- The free movement of persons and goods;



- The maintenance of peace and security along the land and maritime boundary;
- The safety and security including prevention of crimes such as fraud, human trafficking, child labor, drug trafficking, financial and economic crimes;
- The promotion of trade and other activities;
- Protection of the surrounding
- Conservation and joint exploitation of natural resources and equitable;
- Mutual assistance in disaster or calamity;
- Development of border communities
- The exchange of information

#### Article 3: Scope

This Treaty shall apply to the border regions of both parties.

#### Article 4: Obligations of Parties

##### 1. The Parties undertake to:

- a. Facilitate and promote cross-border cooperation between the border communities and / or local authorities on both sides of the border. To this end, the Parties shall make every effort to promote the conclusion between them, and the implementation of agreements that may be necessary to the resolution of problems - including land disputes - which may occur in connection with the implementation of the Treaty.
- b. Preserve security in the border communities of both countries and facilitate trade in the border regions. To this end, the creation of market and banks in border areas should be encouraged by the basis of particulate concessions to economic operators who are active.
- c. Provide, on both sides, infrastructure such as health centers, schools, postal services, roads, water and electricity and ensure a free and fair access to these structures;
- d. Identify both coasts, joint development projects and fund them through a cost sharing mechanism:
- e. Equip schools in border areas, personnel and equipment to teach their mother tongues as well as English, the coast of Benin and the French coast of Nigeria;

f. Ensure, through joint local committees provided for in Articles 9, 10 and 11 below, that local communities have confidence in their leaders and the rules on communication and freedom of circulation of goods and people border areas.

2. Traditional and local government leaders of parties must take part in the effective implementation of the provisions of this Treaty and in particular those relating to crime prevention and detection of criminals.

They can provide the police, customs and immigration services of both countries, information in connection with the exercise of their functions.

## CHAPTER II: CROSS-BORDER COOPERATION MECHANISM

### Article 5: Governing Bodies

For the purposes of implementation of this Treaty it creates the following management bodies:

- A Joint Council
- Spouses of committed Local Councils
- Two permanent Secretariats

### Article 6: Composition of the Joint Council

It creates a Joint Council composed of:

- Ministers
- Governors and prefects States or departments in border areas;
- Ambassadors accredited to both parties of their respective governments, Permanent secretaries border issue or Directors General of National Commissions borders.
- Two experts on the issues of international borders appointed by each party.

### Article 7: Functions of the Joint Council

1. The Joint Council is the competent body in connection with the formulation of the policy would fast development in the border region. As such, it recommends that the authorities of the parties, the means for the implementation of this policy.

2. It organizes, at all levels, annual tours of the border to ensure public awareness, management of border infrastructure, monitoring the maintenance of peace and security along the common border.

3. The Joint Council encourages regular and frequent exchanges of visits among ministers, governors, prefects, local authorities and traditional leaders on both sides of the border.

#### Article 8: Meetings of the Joint Council

1. The Joint Council shall meet once a year alternately in the Federal Republic of Nigeria and Republic of Benin to review its activities. Extraordinary meetings are held at the request of either party.

2. Each party decides leader of its delegation to the meetings of the Council.

3. Each meeting of the Joint Council is chaired by the leader of the delegation of the host Party.

4. The agenda of the meeting project is developed by the host Party and members to the other party at least six (6) weeks before the Council meeting.

#### Article 9: Composition Joint Local Committees of the border

The joint local committees are composed as follows:

- Administrative authorities in border areas
- Traditional leaders in border communities
- A representative of the Development Association
- A representative of customs services
- A representative for immigration
- A police representative
- A representative of the gendarmerie
- A representative of any other security service;
- A resource person familiar with the problems of the community, designated by the competent administrative authority.

#### Article 10: Joint Local Committees Border functions

1. The functions of the joint local committees include, among others, the implementation of cooperation agreements between the parties in their respective border communities.

2. In this respect, account will be taken of the powers of control and supervision granted to local authorities under the laws of each party, particularly with regard to:

- a. surveillance and border protection terminals;
- b. the free movement of people, goods and livestock;
- c. facilitating the use of markets, warehouses, link roads and other market infrastructure;

3. The Joint Committee can assume other functions. Drawing to strengthen cooperation under the provisions of this Treaty.

#### Article 11: Meeting of Local Border Joint Committees

1. Local Committees conjoins border meet quarterly in regular and special sessions when necessary. The meetings are held alternately in the Republic of Benin and the Federal Republic of Nigeria, to examine the specific and urgent issues and to take stock of progress in the implementation of this Treaty.

2. Local border joint Committees may if necessary, use the sub-committees of experts or working groups to examine in depth specific issues that may arise;

3. Each Committee Local Joint Border submit a quarterly report of its local meetings to the Permanent Secretariat.

#### Article 12: Permanent Secretariats

1. To achieve the objectives of this Treaty and harmonize the institutional framework for cross-border cooperation, each party shall establish a Permanent Secretariat directly under the Presidency.

2. The Permanent Secretariat shall, among others, the abstracts of reports received from local joint Committees, the Joint Council.

#### Article 13: Funding

Each Party shall ensure that budgetary provisions are made to cover the cost of charges bodies to promote cross-border cooperation in the framework of this Treaty. This budget will be managed according to the rules of each game.

### CHAPTER III: MISCELLANEOUS

#### Article 14: Conditions and Procedures for Implementation

The conditions and implementation modalities of this Treaty are set, if necessary, by special agreements and exchanges of letters between the parties and protocols between local authorities.

#### Article 15: Settlement Defend

Any dispute between the parties resulting from the interpretation and implementation of this Treaty shall rule by negotiation.

Article 16: Execution

a. This Treaty shall enter into force provisionally from there date of signature and definitively after the exchange of instruments of ratification by both parties;

b. This Treaty may be amended or modified by mutual consent;

c. The duration of this Treaty shall be five (5) years renewable by tacit agreement unless either party terminates it by dominating giving six (6) months;

d. Upon termination of this Agreement, its provisions continue to govern all existing agreements which have been concluded within its framework and will remain valid.

In witness whereof the representatives duly mandates of the Contracting Parties have signed this Treaty in duplicate , French and English , both texts equally authentic drawing .

DONE .....A ..... The 2005 .

For the Federal Republic  
Nigeria

For the Republic of Benin

Title .....  
NAME

Title .....  
NAME