

The ECOWAS Protocol Of Free Movement And Trans-Border Security: Need For A Review

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Abstract: Previous studies on regionalism in West Africa affirm that one of the reasons for integration in the region is the selfish interests of Nigeria. However, the benefits of regional cooperation amongst West African states cannot be sacrificed on the altar of the political interests of Nigeria based on herdsmen's debacles. Indisputably, the Economic Community of West African States (ECOWAS) has ventured on different integration schemes to foster cooperation and development among member states; the most important among all is the Free Movement Protocol. Although existing literature has investigated the benefits and effectiveness of the protocol in West African Sub-region. Studies on the transborder security implications of the Free Movement Protocol for the region vis-à-vis herdsmen's recent attacks are scanty. This study interrogates the ECOWAS Free Movement Protocol vis-à-vis trans-border security/herdsmen's episode in West Africa.

Keywords: ECOWAS; Free movement protocol; Trans-border security; Herdsmen's Attacks, Nigeria, West Africa

I. INTRODUCTION

The determination of the ECOWAS member nations to fast-track regional development through economic integration was the *raison d'être* behind the decision of the heads of ECOWAS member states to enact and adopt the ECOWAS Free Movement treaty in May 1979. The treaty aims at strengthening sub-regional economic integration via progressive freer movement of goods, capital and people, while consolidating the efforts of the member states to maintain peace, stability and security.

The ECOWAS Protocol on Free Movement of People and Goods ensures free mobility of the citizens of member states. It confers on the people of the region, the right to enter and reside in the territory of any member state, provided they have valid travel documents and international health certificate. Although the main aim of the treaty is to boost economic activities, including agriculture, concerned observers note that some citizens of member countries have been abusing this entry privilege, to the detriment of other member nations. The member nations of ECOWAS are Nigeria, Benin, Burkina Faso, Cape Verde, Cote d'Ivoire, Gambia, Ghana, Guinea,

Guinea Bissau, Liberia, Mali, Niger, Senegal, Sierra Leone and Togo. In the case of Nigeria, some agriculturalists moan that the constant abuse of the treaty, owing to the porous nature of Nigerian borders, has contributed to some challenges facing the country's agricultural sector. They believe that implementation of the treaty in the region is somewhat an impediment to the realisation of the Federal Government's plans to make agriculture the mainstay of the country's economy. They insist that the free movement of persons and goods within the region is a contributory factor to the rising cases of insecurity of lives and property, smuggling of agricultural produce, farmers-herdsmen crisis and transference of some animal diseases in the region (Kouyate, 2013).

Alhaji Baba Ngelzarma, the National Secretary of Miyetti Allah Cattle Breeders Association of Nigeria (MACBAN), said that some pastoralists who engaged in conflicts with farmers were foreigners. Ngelzarma, who bemoaned the excesses of some foreign herdsmen, urged security agencies to increase their surveillance on foreign herdsmen coming into the country in order to monitor their activities. "If you look at the international routes that allow the international pastoralists to enter into the country, those routes are not monitored by

any security outfit in the country. "What we discovered in Niger is that before they allow their pastoralists come into Nigeria, they have to give them permits, know where they are going to and the number of cows that they are taking out before allowing them to go. "... if the number of their cows increases when they are coming back, they would be questioned. However, that system of check is what is absent in Nigeria," he said. Ngelzarma also called for a synergy between the governments of those states in the border areas and the neighbouring countries in efforts to curtail the excesses of some international pastoralists. "Niger Republic usually allows all their international pastoralists to come into Nigeria around December because by December, they must have gathered their farm produce but in Nigeria, our harvest period is not the same. "The time they release their pastoralists to come to Nigeria is the time when our farmers are still busy with their cultivation in farms. "There is no synergy between our country and the neighbouring countries; we have to work together and if this is done, the incessant farmers-herdsmen crises will reduce significantly," he said. Nevertheless, Mr Ernest Aubee, the Head of Agriculture Division, ECOWAS Commission, Abuja, emphasised that the ECOWAS protocol did not promote illegality. He said that the citizens of member countries, who were fond of hiding under the guise of the protocol to perpetrate evils, were criminals flouting national laws. Aubee, nonetheless, stressed that the abuse of the treaty by some citizens of member states was totally "unacceptable". "No one should trade in commodities that are going to be detrimental to any member state. "You cannot take something that is sub-standard — something that is bad — and then move it from country A to country B, just to make money. "It is unacceptable for anybody to try to dump substandard foods in any ECOWAS member states. "It is also unacceptable if you decide to violate, not just the regional laws but also the national laws of a country, when it comes to food quality and food safety issues. "My appeal to all business people, especially those involved in the trade of agricultural commodities, is that they should respect the regulations and the protocols on free movement of peoples, goods and services. "They should also respect other protocols dealing with the marketing products from one place to another," he said (Godwin, 2018). Perceptive analysts acknowledge that no region of the world that is totally free from the incidence of trans-border wrongdoings in the agricultural sector but they insist that pragmatic efforts should be made to address the perceptible challenges facing Nigeria's agricultural sector. They add that the challenges that have somewhat resulted in poverty, inequality, hunger, unemployment and corruption in the country. The analysts insist that if the Federal Government must succeed in its efforts to diversify the country's economy through agriculture, it must initiate decisive strategies to combat all the barriers inhibiting the growth of the agricultural sector

Increasingly, states have been looking for greater ways of establishing collaborations that can create more opportunities for their population while also expanding harmonious relations with their neighbours. One such ways is through regional integration. Broadly defined, Integration is a process of both deepening and widening relationships amongst actors. Regional integration can generally be seen as nation-states in a

territorial region voluntarily deferring sovereignty to intergovernmental or supranational institutions in order to better their condition as a whole through cooperation ((Olonisakin 2008). The objectives of the agreement could range from economic to political to environmental, although it has typically taken the form of a political economy initiative where commercial interests have been the focus for achieving broader socio-political and security objectives, as defined by national governments (Tanchum, 2012).

Today, states have realized they cannot exist in isolation and are now increasingly interdependent. This current global trend of interdependence between and among states has encouraged the opening of borders among them. Countries with varying degrees of development in socio-economic, political and cultural spheres are thrown together in one form of regional arrangement or the other and this has further helped in facilitating the activities of transnational criminal activities. The dimension of trans-border crimes with its implication for regional and global peace and security at large have taken a new turn in this era of globalization. Thus, fundamental to this research is the quest to establish the relationship between the Economic Community of West African States (ECOWAS) protocol on free movement of persons, goods and services and the possible security challenges it may be posing to the West African sub-region.

II. THE ECOWAS IN HISTORICAL PERSPECTIVE

Sixteen independent countries of West Africa came together to form the Economic Community of West African States (ECOWAS) on the 28th of May, 1975, under a Treaty signed in Lagos. The creation of the ECOWAS followed the global pattern of regional integration effort that was sweeping across the globe, especially in Europe beginning from the 1950s and 1960s. The aim of the ECOWAS is to promote cooperation and development in all fields of economic activity particularly in industry, transportation, telecommunication, agriculture and natural resources, in order to raise the standard of living of people of member states and to promote their economic independence. (Awoyemi et al, 1982).

Three major objectives of the ECOWAS, as highlighted in the Treaty of Lagos, include the:

- ✓ Removal of custom duties and other charges in respect of goods that circulate within the region.
- ✓ Removal of obstacles to free movement of persons among member states.
- ✓ Joint development of transport and communication in the ECOWAS region.

A number of Protocols, which are documents of action meant to implement the Treaty, had been constantly jointly signed by members over the years and the Protocols have been progressive in nature (Compendium of ECOWAS Treaties, Protocols and Decisions, various issues). In other words, each new Protocol that succeeds a previous one always creates a freer environment for movement of cargo and people than its predecessor.

It is one of such protocols that established the ECOWAS Trade Liberalization Scheme (ETLS), which is an incentive primarily geared towards export activities within the

ECOWAS sub-region. The objective of the ETLS is to significantly expand the volume of intra-community trade in the sub-region through the removal of both tariff and non-tariff barriers (Nigerian Export Promotion Council, 2001). The ETLS became functional with the official commencement of the ECOWAS Free Trade Programme in April 2000.

Meanwhile, to ensure that goods transiting in between the ECOWAS states do not suffer the risk of diversion, the Inter-State Road Transit Scheme, (ISRTS), was set up. It is a guarantee insurance scheme designed to promote free flow of goods, free of duties, taxes and restrictions while in transit. The risk covered under the ISRT bond is that of diversion of goods within a country other than a country of destination, which could result in a loss of import duty/charges that would have been paid to the customs authorities in the country in which the diversion occurs.

To give impetus to the ISRTS, the Council of Ministers of the Maritime Organization of West and Central Africa (MOWCA) unilaterally decided in June 2001 at Abuja, Nigeria to initiate a system that would make it impossible to tamper with or divert goods that are in transit within the ECOWAS sub-region. The initiative was code-named "*Sealed GridSystem (SGS) Caravan*". The SGS caravan, which is container-like in nature, would at the origin be loaded in the presence of customs and covered with the grid (seal). It is only in the presence of the customs again that the grid can be broken at the point of destination (Godwin, 2018). A sample of the SGS caravan brought from Abidjan, Cote D' Ivoire, was presented for public scrutiny in August, 2005. The SGS's alleged benefits include the elimination of customs escort; reduction of surcharges on vehicles transporting goods; reduction of administrative bottlenecks and removal of other illegal surcharges. The Sealed Grid System with the concomitant ISRTS scheme is yet to be operative.

On several occasions too, road blocks have been dismantled along the Badagry – Seme highway as a way of paving way for free movement of goods and persons, in line with the objective of the ECOWAS free trade programme (Channels Television Nigeria, 2005). However, no sooner are these roadblocks dismantled than they are found to resurface, many times with greater intensity than before their dismantling.

According to Okong-Ekong (2006), the roadblocks' dismantling exercise are often a "window-dressing" exercise carried out hastily whenever top government officials, especially heads of state of the ECOWAS, are passing the Badagry – Seme route to attend one official engagement or another. This practice is reported to be replicated across most of the ECOWAS transnational highways, although its occurrence is most rife along the Badagry-Seme border due to its high level of vehicular, cargo and human traffic. The multiplicity of roadblocks creates the avenue for extortion.

Despite these drawbacks to the smooth implementation of the ECOWAS free trade programme, the policy-making body of the ECOWAS, namely the secretariat, appears not to be relenting in the pursuit of ideals which they are convinced that economic integration would achieve in the ECOWAS sub-region, although the pace of pursuing such ideals is rather slow. According to Ude (2006), the fortunes of the ECOWAS as a budding regional economic bloc was severely affected by

political upheavals and wars in some of the member –nations beginning from the early 1990s till the middle of 2000s, a period that the ECOWAS ought to have spent to consolidate on the economic agenda of its founding fathers. Due to the urgency of war in Sierra-Leone and Liberia among other member – countries, the ECOWAS had to set up the ECOWAS Monitoring Group – ECOMOG peace-keeping force - to stem the tide of wars in the feuding countries. The fund expended on the peace – keeping efforts ran into billions of dollars; such monies would have been useful in prosecuting the ECOWAS integration programmes.

Development projects currently on-going in the ECOWAS integration process include the West African Gas Pipeline Project (WAGP) which would pump liquefied gas from Lagos Nigeria through Benin Republic and Togo to Ghana. The network is expected to be extended to others nations in the spirit of true integration in the coming years (Chambers et al, 2007). Similarly, the targeted date for the adoption of the ECOWAS common currency – the "ECO" – has been set at 1st December, 2009. The grace period has been so extended so that those economically weak countries in the ECOWAS comity of nations can have sufficient time to adjust to the vagaries of the new currency (The ECOWAS Secretariat, 2007). The secretariat also reports that the ECOWAS passports which have been long in the making would be launched before the end of 2007, as a boost to the Common Immigration Policy of the ECOWAS, which would enable all

ECOWAS citizens to travel freely in all the ECOWAS nations, as if within a "borderless zone." The new passports which come in three colours – red for diplomats, blue for ECOWAS officials, and green for ECOWAS citizens – are to be used concurrently with the existing international passports of the individual countries until such a time when the individual countries' passports would be phased out.

According to Tanchum,(2012), structured borders within the ECOWAS, if they become realizable, would put the nail on major hitherto intractable problems like smuggling through illegal and unapproved routes; the rather easy escape of armed bandits through the borders usually without trace, and the harassment of innocent citizens by touts at borders points, among many other problems. Telecommunication, road, air transport network and energy integration also continue to dominate development agenda that the ECOWAS seeks to execute. How quickly the ECOWAS will be able to mobilize resources to achieve these lofty ideals still remains a matter of conjecture.

At the home front in West Africa, lessons relating to intra-regional integration commitment have clearly shown that the CFA zone has particularly been able to transform their economic and monetary cooperation into powerful driving force for economic coordination (Quattara, 1999). In particular, single currency has been and remains the cornerstone of the UEMOA. This is probably due to their preparedness to yield their economic policy matters to strong, independent regional organization. To some extent though, the success of the UEMOA as a "bloc within bloc" has been criticized as contributing to the slow development of the ECOWAS integration process (Godwin, 2018).. Nevertheless,

the integration experiences have shown clearly the importance of regionalism for rapid integration into the global economy.

To further fully appreciate the importance of intra-regional trade on a global scale and bring relevant issues of the ECOWAS free trade programme into proper perspective, an overview of the world's four major free trade areas is attempted. The peculiar strengths and weaknesses in each of the trade blocs are equally examined.

III. EFFECT OF THE HERDSMEN'S- FARMERS' CONFLICTS ON BUSINESS COMMUNITY IN NIGERIA

The farmers'-herdsmen's conflicts have exacted a heavy humanitarian toll with thousands killed and tens of thousands displaced. Some estimates suggest about 2,500 were killed countrywide in 2016 – a toll higher than that caused by the Boko Haram insurgency over the same period. In Benue, one of the hardest-hit states, Governor Samuel Ortom reports more than 1,878 people were killed between 2014 and 2016.

Tens of thousands also have been displaced. From January 2015 to February 2017, at least 62,000 people were displaced in Kaduna, Benue and Plateau states; in the absence of Internally Displaced Persons (IDP) camps, most seek shelter in other poor, rural communities, straining their already scarce resources. The fear of conflict alone can drive residents to relatively more secure urban and semi-urban areas. Since both authorities and donors often ignore these conflicts, affected localities receive far less support from the National Emergency Management Agency (NEMA) and international agencies than those impacted by the Boko Haram insurgency.

For women and girls, the impact is frequently magnified. The relatives of men killed in the violence often evict widows from their farmland. Moreover, post-conflict economic and social disenfranchisement renders women and girls even more vulnerable to sexual and economic predation.

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The economic toll has also been huge. According to a 2015 study, the federal government was losing \$13.7 billion in revenue annually because of herder-farmer conflicts in Benue, Kaduna, Nasarawa and Plateau states. The study found that on average these four states lost 47 per cent of their internally-generated revenues. In March 2017, Benue state Governor Samuel Ortom asserted that attacks by herders coming from more northerly states, and possibly also from Cameroon and Niger, had cost his state N95 billion (about \$634 million at that time) between 2012 and 2014.

Communities and households also pay a heavy price. The ethnic Nzor-Tiv Global Association estimated its Agatu communities in Benue state lost N65 billion in property (\$204 million) during the early 2016 herder attacks. The loss of large cattle herds, crops (due to population displacements and damage to irrigation facilities), as well as increases in transport and labour costs in post-conflict environments all increase poverty and food insecurity in affected communities – and beyond.

The conflicts, particularly herder attacks on farming communities, have spawned dangerous political and religious conspiracy theories. One is that the attacks are part of a longer-term Fulani plot to displace indigenous populations and seize their lands. Among Christian communities, herder attacks are widely seen as a subtle form of jihad. In March 2016, the prelate of the Methodist Church of Nigeria, Dr Samuel Uche, said: "We are aware there is a game plan to Islamize Nigeria, and they are using the Fulani herdsmen to initiate it". In the south east, Biafra separatist groups describe the attacks as part of a northern plot to overwhelm the peoples of the south and forcefully convert them to Islam. Some southerners accuse President Buhari of deliberately failing to stop herder aggression, pointing to his pastoral Fulani background and his position as life patron of the cattle breeders' association (MACBAN) to buttress their charges (Godwin, 2018)..

These charges are not supported by any solid evidence, but they are aggravating inter-faith distrust and, undermining the country's fragile unity. The Sultan of Sokoto, Mohammed Sa'ad Abubakar III, spiritual head of Nigerian Muslims and a prominent Fulani, has repeatedly stressed that Fulani herders who kill should be prosecuted as criminals and even terrorists, but many remain unconvinced in a country with deep inter-faith suspicions. Communities in the middle belt and south have formed self-defence vigilante groups, some of which have threatened organised reprisals. In March 2014, Leonard Karshima Shilgba, an ethnic Tiv academic and thought leader, warned that if the federal government could not stop the attacks, "the Tiv people would also demonstrate that they equally have the right and also the capacity to raise a standing army of thousands from each ward and kindred". Following an April 2016 attack on Nimbo, in Enugu state in the south east, the separatist Movement for Actualization of the Sovereign State of Biafra (MASSOB) ordered "Fulani herdsmen to leave Biafra land or ... face our wrath". In May 2016, Ekiti state Governor Ayodele Fayose warned of possible attacks on Fulani herders if their alleged predatory behaviour vis-à-vis locals continued. And the president of the Christian Association of Nigeria, Reverend Olasupo Ayokunle, warned: "If the government fails to stop the provocation by the Fulani (herdsmen), they should be prepared for war. No ethnic group has a monopoly of violence and no ethnic group should be a monster to others". The interplay of herders' attacks on farming communities and inflammatory rhetoric by ethnic and Christian leaders in the south could spark even more violence (Godwin, 2018)..

To date, these reprisals against northern herders have not materialised. But signs are ominous. The interplay of herders' attacks on farming communities and inflammatory rhetoric by ethnic and Christian leaders in the south could spark even more violence. The geographic spread or escalation of the conflicts could put Nigeria's military and other security forces under greater stress, diverting the resources they need for operations against Boko Haram in the north east, militants in the Niger Delta and other security challenges. There may also be wider regional implications. A major confrontation involving Fulani herders could draw in their brethren from beyond Nigeria. A retired Nigerian military officer told Crisis Group that the Fulani could mobilise support, including

fighters, from several West and Central African countries, which would worsen the security situation in two already fragile regions.

IV. ECOWAS PROTOCOL ON FREE MOVEMENT, HERDSMEN'S ACTIVITIES AND SECURITY

The ECOWAS Protocol on the Free Movement of People and Goods ensures free mobility of the community citizens in member states. The Protocol on free movement gives Community citizens the right to enter and reside in the territory of any member state, provided they possessed a valid travel document and international health certificate. However, it also allowed member states the right to refuse admission to any Community citizens who were inadmissible under the member state's own domestic law. The four supplementary protocols adopted between 1985 and 1990 committed member states, among other things, to: provide valid travel document to their citizens, grant Community citizens the right of residence for the purpose of seeking and carrying out income-earning employment, ensure appropriate treatment for persons being expelled, not to expel Community citizens massively in groups, limit the grounds for individual expulsion to reasons of national security, public order or morality, public health or non-fulfilment of an essential condition of residence (Olonisakin 2008).

Since the end of the Cold War, West Africa has been characterized by series of conflicts in different dimensions. There are hardly any of the countries in the sub-region which did not experience one form of crisis leading to conflict or another. Several authors have tried to analyze the root causes of these conflicts and there is a consensus on a number of causes such as the weak structure of states inherited from colonial rule, unstable and feeble political institutions, under developed economy, mismanagement of natural resources, self-enriching rulers who will protect their stay in power by all means etc. Most of the states have experienced full scaled civil wars; examples are Liberia, Sierra Leone, Guinea Bissau, Ivory Coast, Nigeria, most have also experienced coup d'état, religious and ethnic clashes. There is no single factor that can be said to be the cause of any of these conflicts, however, our interest is not on the conflict and their causes per se, but in its implication for regional peace and security especially with the ECOWAS Protocol on Free Movement as a point of analysis (Kolovos, 2010).

Looking at the nature of conflicts generally in Africa immediately after independence, conflicts were mostly over disputed territories for example dispute over Ogaden between Ethiopia and Somalia, also between Nigeria and Cameroon over the Bakassi Peninsula, Libya and Chad over the Aouzou Strip, this went on for the most part of the Cold War period (Kouyate, 2013). However, from the end of the cold war, states started experiencing internal crisis as a result of a number of factors. One of which is the international criteria of democratization to receive foreign assistance coupled with civil unrest in their demands for more participation and openness in government. Thus, most West African states went through different measures of civil wars, some the full scaled civil wars for instance Nigeria (Olonisakin 2008).

West Africa's security atmosphere has changed since the outbreak of the Liberian war with the quick successions of the Sierra Leone's and Cote d'Ivoire. Today, there is a change in the security calculations of the sub-region. The sub-region's internal conflicts have included groups who are fighting among themselves over such things as natural resources, political and chieftaincy matters, sometimes the groups fight against their governments, these conflicts have often been internationalized as a result of the spillover effects they have (Olonisakin 2008). States' concerns about the activities of cross-border criminal networks have increased. The sub-region is now notorious for trans-border criminality.

Even though the aim of the free movement protocol is to enhance economic activities, criminals have availed themselves of this initiative to perpetrate their nefarious activities. These have a lot of implication for the security of the sub-region. There is no security of lives and properties, weapons are readily available as a result of the proliferation of small arms and light weapons. Refugees generate a different set of problems for their host country. In fact, the expected future conflict in the sub-region is conflict over amenities and resources between refugees and host communities (Olonisakin 2008).

The challenges of the Protocol have not helped the security landscape of the sub-region. Even though ECOWAS prides itself as the first region in Africa with the free movement initiative, the Protocol is poorly implemented constituting more security concern than boosting regional trade and economic development. The security forces have rather turned the job to their own business, encouraging the crossing of herdsmen of all sorts of commodities from one country to another with just a tip of tokens. There is high number of roadblocks, illegal barriers and the problem of insecurity on the roads. In 2005, about 44 Ghanaians were killed in The Gambia while trying to exercise their rights to freedom of movement within the sub-region (Ghanaian Times 2007).

Also, because ECOWAS does not have adequate instituted mechanism for checking the entry of illegal immigrants, people who carry out nefarious activities have exploited the opportunity to their advantage laundering money, trafficking in human, drugs, illegal arms etc. Thus, the privileges of the protocol have been abused. The Protocol rather than serve the purpose of integration is rather contributing to the insecurity prevalent in the sub-region (Tanchum, 2012).

Unrestricted free movement of people in the sub-region can easily bring about a situation of tension among citizens of the receiving country and migrants especially in places where migrants dominate trade and labour. This will lead to resentments towards migrants which can degenerate to 'populist political sentiments. Regimes that are rather weak can become destabilized under such tensions (Olonisakin 2008).

As earlier said, the nature of conflicts changed after the end of the Cold War. Conflicts now originate from within a state and gradually spread outside into the neighboring countries in its spill-over effects. This is the experience in West African sub-region today as in other parts of the continent. The ECOWAS protocol on free movement because

of the lack of instituted mechanism for proper monitoring of cross border movements is rather positively contributing to the spill-over effects of conflicts in the sub-region. The free movement protocol cannot be said to be solely responsible for the ease of passage of militants and their weapons but the subversion of security agents has also contributed to the insecurity of the sub-region (Kouyate, 2013). International partners are encouraging herder-farmer dialogues through various local initiatives. For instance, in June 2016, the British Council-sponsored Nigeria Reconciliation and Stability Project (NRSP) supported the Bayelsa state Peace and Conflict Management Alliance in organising a dialogue between farmers and herders. Likewise, on 27 April 2017, the U.S. Agency for International Development (USAID) sponsored and hosted a conference on herder-farmer dialogue, involving the All Farmers Association of Nigeria (AFAN), MACBAN, the Interfaith Mediation Centre (IMC) and others.

There are some encouraging results. Representatives of herding and farming communities pledged to continue working for peace at a November 2016 mediation forum in Shendam, Plateau state, organised by the Centre for Humanitarian Dialogue (CHD) with support from the German embassy. And, in April 2017, a herder-farmer dialogue in the Udege and Agwada Development Areas of Nasarawa state, facilitated by some local politicians and community leaders, produced a peace agreement. But results remain limited and fragile (Godwin, 2018).

V. ECOWAS PROTOCOL ON FREE MOVEMENT AND HERDSMEN'S DEBACLE

The treaty referred to by the Minister of Agriculture truly allows citizens of ECOWAS member states to enter, reside and establish in the Nigerian territory but not without its conditions and miscellaneous provisions. Before the minister can blame the treaty for the 'helplessness' of the Nigerian government in sending the foreign herdsmen away, he needs to understand what the details of the treaty are, or else, the country will only continue to groan from self-inflicted pains caused by sheer ignorance. *Paragraph 1 and 2 of Article 3 of the Economic Community of West African States (ECOWAS) Protocol on Free Movement of Persons, Residence, and Establishment* stipulate the documents that must be possessed by anyone operating under this treaty and the conditions attached to the period of stay.

"ARTICLE 3

- ✓ Any citizen of the Community who wishes to enter the territory of any other Member State shall be required to possess a valid travel document and an international health certificate.
- ✓ A citizen of the Community visiting any Member State for a period not exceeding ninety (90) days shall enter the territory of that Member State through the official entry point free of visa requirements. Such citizen shall, however, be required to obtain permission for an extension of stay from the appropriate authority if after such entry that citizen has cause to stay for more than ninety (90) days."

Is the Nigerian government saying that all these foreign herdsmen have fulfilled this portion of the treaty, such that they cannot be dispelled?

Even under the miscellaneous provisions of the treaty, expulsion and repatriation of citizens of ECOWAS member states is recognised and allowed:

"ARTICLE 11

- ✓ A decision to expel any citizen of the Community from the territory of a Member State shall be notified to the citizen concerned as well as the government of which he is a citizen and the Executive Secretary of ECOWAS.
- ✓ The expenses incurred in the expulsion of a citizen shall be borne by the Member State which expels him.
- ✓ In case of expulsion, the security of the citizen concerned as well as that of his family shall be guaranteed and his property protected and returned to him without prejudice to his obligations to third party.
- ✓ In case of repatriation of a citizen of the Community from the territory of a Member State, that Member State shall notify the government of the State of origin of the citizen and the Executive Secretary.
- ✓ The cost of repatriation of a citizen of the Community from the territory of a Member State shall be borne by the citizen himself or in the event that he is unable to do so by the country of which he is a citizen."

With the foregoing, it is obvious that Nigeria cannot blame the ECOWAS Protocol on Free Movement of Persons, Residence, and Establishment entirely for her high-handed approach in dealing with the herdsmen crisis that has left scores of people dead in its wake.

VI. THEORETICAL FRAMEWORK (ACTOR NETWORK THEORY)

Actor Network theory was used in this study. Actor Network theory which is also called enrolment theory or the sociology of translation emerged during the mid-1980s, primarily with the work of Bruno Latour, Michel Call on and John Law. It is a conceptual frame work for exploring collective socio-technical processes (Ritzer, 2008). Actor – Network theory is a disparate family of material –semiotic tool, sensibilities and methods of analysis that look at everything in the social and natural worlds as a continuously generated effect of the webs of relations within which they are located. Nothing has reality or form outside the creation of those relations (Law, 2007).

According to Couldry (2004), Actor Network Theory is a highly influential account within the sociology of science that seeks to analyze social order, not through an essential notion of the social but through the networks of connections between human agents, technologies and objects. The entities, whether human or non-human within those networks, get power through the number, extensiveness and stability of the connections routed through them and through nothing else.

Bruce and Yearley (2006) argued that the innovations created by the actors in the network succeed because other actors' interests are translated into the new enterprise. The innovations typically work out because their proponents are skilled at building alliances (actor-networks) between many

heterogeneous agents; such alliance can include human actors and non-human ones. Hence, in actor – network webs, the distinction between human and non-humans is of little analytical importance. People are relational effects that include both the human and the non-human (Law, 2007).

Actor network theory, therefore, distinguishes itself from other socio-technical approaches by considering human and non – human elements as actors within a network. It is a nod to semiotics, which posits that signs have meaning only in relation to other signs and that Actor Network Theory argues that both humans and non-human actors be understood within a network wherein their identity is defined through their interaction with other actors (Cressman, 2009). Actor Network Theory directs our attention to the significance of nonhumans in social life. It advises that social relations should not be seen in isolation but as always existing in relations with all kinds of extra-social networks between humans and non-humans, which need to be recognized and made visible (Nimmo, 2011). It quickly became clear; therefore, that any attempt to separate the social factors from the non-social or natural factors would have been an irrelevant and misleading exercise, since the process themselves dismayed no such separation (Nimmo, 2011). In summary, Actor Network Theory aims at accounting for the very essence of societies and natures. It does not wish to add social networks to social theory but to rebuild social theory out of network.

The Actor Network Theory establishes networks of connection between human agents, the technological world and the objects world (Nimmo, 2011). Both the human and non-human elements as actors within a network were actively taken into consideration (Cressman, 2009). The importance of non-humans in the social life is the attention which the Actor Network Theory wanted us to have. The innovations established by the actors in a particular network would succeed because the other actors in the system have their interests translated into the new enterprise. Those innovations succeeded because the actors are very skilled at building up alliance (Actor Networks) among themselves and other nonhuman actors (Bruce and Yearley, 2006). Actor Network Theory will assist the study to understand and to explain how the actors in the established herdsmen network attacks did the following:

- ✓ The ways through which the herdsmen and other supporting actors overcome the resistance during operation.
- ✓ How the network elements were organized.
- ✓ How the actors are prevented from following their own bad ways that can hinder the networks.
- ✓ How other actors are enlisted into the networks.
- ✓ How the actors in the herdsmen network attacks are motivated.
- ✓ How the actors become increasingly useful.
- ✓ How the actors become functionally indispensable.

VII. SUGGESTIONS TOWARD ADDRESSING THE SITUATIONS

Like the Boko Haram and Niger Delta insurgencies, the herder-farmer crisis is a threat to Nigeria's national security

and ECOWAS protocol on free Movement. President Buhari's government and state government should acknowledge this and work together in key areas to prevent further conflict:

IMPROVE SECURITY FOR HERDERS AND FARMERS

An immediate step is to improve security for both herders and farming communities. At a minimum, the federal government and its security agencies should intensify operations against cattle rustlers, improving systems to track livestock movement and trade, arresting individuals who carry illegal firearms and prosecuting suspected assailants.

STRENGTHEN POLICE CAPACITY TO CURB RUSTLING AND BANDITRY

In the near term, and together with continued attempts to reach peace deals, governments should sustain ongoing military and other security operations. Further down the road, they should consider shifting their strategy for curbing cattle rustling and other banditry from episodic military operations to steadily deploying more and better-equipped police units in rural and forested areas where bandit groups are based. This would allow police to respond rapidly to incidents and discourage further attacks.

IMPROVE LIVESTOCK TRACKING

The federal agriculture and transport ministries should renew efforts to establish safer and more efficient arrangements for transporting livestock across the country. Herders acquiring solar-powered Livestock Tracking Devices and herders' associations subscribing to and regularly updating the Cattle Rustling Information System (CATRIS), could help generate some of the information security agencies need to track rustlers and recover stolen cattle.

PREVENT ATTACKS ON FARMING COMMUNITIES

The federal government should follow through on promises to stop armed attacks on farming communities, especially in badly affected southern Kaduna and Benue states. To that end, federal security agencies – notably the police and Nigerian Security and Civil Defence Corps – will need to focus on preventive measures, including community liaison mechanisms to upgrade intelligence gathering, early warning and rapid response. A key priority is to curb the influx and possession of illegal firearms, especially automatic rifles. The new federal whistle-blower program on illegal firearms is a promising start; it should be supported by speedily following up on informants' leads and protecting their identities. Likewise, the steps taken by several state governments to curb illicit weapons should also be sustained.

SUPPORT COMMUNITY-BASED CONFLICT RESOLUTION

Local and community-based dispute resolution mechanisms have proved effective in both averting violence and helping communities recover from conflict. Forums that

allow various constituencies – farmers, pastoralists, community vigilantes and state security agencies – to monitor, identify, discuss and manage potential threats can be particularly helpful. These also can be used to help farmers and pastoralists explore mutually beneficial ways to coexist. Wherever possible, state and local governments should support or establish such mechanisms, especially across the worst-affected north-central region. For their part, local politicians, ethnic, religious and community leaders, as well as representatives of pastoralist and farmer associations need to speak out against violence. The media should try to provide more balanced coverage that avoids inflaming tensions through stereotyping, unfair generalisations and sensational reporting.

ESTABLISH GRAZING RESERVES AND ENCOURAGE RANCHING

There is urgent need to reform and improve grazing arrangements. In March 2016, the federal government announced its intent to establish grazing areas across the country, but vehement opposition from farming communities forced it to relent. It needs a more nuanced approach, which considers local sensitivities regarding cattle roaming and open grazing, not only in the south but also in predominantly farming areas of the north-central zone. As a first step, the federal government, working with state governments, should jointly survey, demarcate and officially document existing grazing reserves that have not been over-run by human settlements and infrastructure. The federal government also should follow through on its plan to establish new grazing reserves in the ten northern states that have already provided 55,000 hectares to that end. It should help state governments develop these areas following the model provided by the International Fund for Agricultural Development (IFAD), which is funding three reserves in Sokoto state.

Significantly, the foremost livestock producers' group, Miyetti Allah Cattle Breeders Association of Nigeria (MACBAN), though initially reticent about the ranching option, has endorsed these recommendations. Federal and state governments also need to work out alternative plans for the large numbers of herders who may lose their livelihoods in the transition from open grazing to ranching.

COMBAT DESERTIFICATION

In the same spirit, the federal government should develop strategies for mitigating the impact of climate change, managing environmentally-induced migration, preventing conflicts over use of land and other natural resources – and implement them. In November 2011, the government drafted a National Adaptation Strategy and Plan of Action on Climate Change (NASPA); in November 2012, it adopted a National Policy on Climate Change. The country's official development policy, called Vision 20:2020, also contains climate considerations. These policies and plans, until now largely only on paper, should be implemented.

STRENGTHEN REGIONAL COOPERATION

Some dimensions of the herder-farmer conflict can only be fully addressed within a regional framework. This will require Abuja to work in close coordination with neighbouring countries both to manage human and cattle movements across borders and to fight illicit arms trafficking.

Following revelations that foreign herders were involved in attacks on farming communities, Agriculture Minister Ogbeh said the government would present proposals at the African Union "to compel member countries to take steps to prevent their herdsmen from grazing into neighbouring countries", warning there could be "a major international crisis if we do not stop it now". To that end, the government should engage the governments of Cameroon, Chad and Niger, as well as the ECOWAS commission, to reach agreement on how to collectively monitor and regulate international transhumance pastoralism, in accordance with relevant international instruments including ECOWAS Protocols. It should also strengthen regional cooperation in combating desertification and mitigating the impact of climate change.

VIII. SUMMARY AND CONCLUSION

There is hardly any region of the world that is spared of the phenomenon of trans-border crimes. However, the peculiarity of West African socio-economic problems such as poverty and inequality, hunger, unemployment and corruption present more severe dimension of transnational criminal activities. Most of the conflict that at times appear internal also have trans-border undertone. The sub-region vast ungoverned spaces especially those around the porous borders present a fertile ground for international terrorist organizations such as Al' Qaeda and Al' Qaeda in the Islamic Maghreb to thrive in their activities. There are speculations that the Boko Haram insurgent group in Nigeria has connections with the Al' Qaeda in the Islamic Maghreb, Al' Shabaab in Somalia and operational bases in Niger Republic, Republic of Chad and Cameroon. This signifies connections with other terrorist's organization and the aim is to create a coordinated jihadist movement across West Africa. The porosity of the West African borders can be identified as an aiding factor of the activities of these insurgencies' groups and criminal networks across the region. Finally, though the Free Movement Protocol has laudable goals, people with clandestine activities have availed themselves of the provision of the protocol and are carrying out their activities across the sub-region. This is possible because of problems inherent in the implementation of the protocol, for instance, most travellers do not possess travel documents even those who have, the credibility of their documents can hardly be ascertained. In fact, the Protocol is lacking full implementation by member states till today because of the perceived problems it poses to their national security. If these issues raised i.e instituted mechanism for proper implementation and adequate training of security agencies to curb subversions and machinery for proper checking and detection of fraudulent travel documents, can be addressed, then the Protocol on free movement will serve its purpose of integration in the West Africa sub-region.

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