

Assessment of the Security, Economic Impact and Factors Affecting The Ecowas Protocol on Free Movement of Persons, Goods Residence and Establishment.

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Abstract

The study assessed the security, economic impact and factors affecting ECOWAS Protocol. Cross-Sectional research design with the aid of descriptive statistical method was adopted. The study population was made up of security agents of Nigeria and Benin Republic, Traders, Transporters and Residents of the Seme border community. Purposive Sampling method was adopted for sampling the population. Seme-Krake border was selected as the major study area because of its peculiarity to the research topic. The research involved administration of questionnaires, interviews, and observations that are vital to the research. Data Analytical technique adopted was the descriptive statistical approach. The study revealed that the implementation of the protocol has produced mixed results. It also revealed the security issues affecting free movement of persons and goods, factors preventing the successful implementation of the ECOWAS Protocol on free movement of persons, goods and services. The study recommends, stricter security border control measures a more robust foreign policy, AND alignment of tariffs regimes between both countries.

Keywords: ECOWAS, Border Security, Protocol and Integration

Background to the Study

Border lands are both melting pots and security hot spots often neglected in the development strategies of post-colonial States in Africa. They are an arena for cross-border crime and represent a dynamic place of historically fostered cultural and socio-economic exchange at the same time [1]. One of the most vital border regions in West Africa is the frontier between Nigeria and Benin Republic. Both economies depend to a large extent on their cross-border trade, illegal and legal. As an essential part of the Abidjan-Lagos transport and migration corridor, it represents a key transport vein in the ECOWAS region.

Border porosity is one of the signs of a fragile state [2]. Nigeria has some 1400 illegal borders and 84 legal borders [3]. The porosity of the borders has been engendered by the corruption of immigration officials, poor record on migration statistics and no central database to identify who is a Nigerian and who is not [4]. Records available to the Nigeria Immigration Service revealed that there are over 1,400 illegal routes into Nigeria. The 84 approved border controls cover some 4,047 kilometers, the total length of Nigeria's land border with her land bound neighbours. Ogunand Adamawa States, for example, have 83and 80 illegal posts, respectively.

The ECOWAS Free Trade Area was officially created on the 30th of April, 2000. The creation of the free trade area was spearheaded by Nigeria and Ghana, in what was referred to as the "fast track" approach towards the ECOWAS Integration Process. The adoption of this approach was borne out of the realization by the two leading Anglophone countries in West Africa that drawbacks towards full integration was attributable to the lack of commitment on the part of the small, weak and indigent member-nations of the Community [5].

In West Africa, the formation of the Economic Community of West African States (ECOWAS) in 1975 was patterned along the aforementioned lines of regional integration. One of the objectives of the ECOWAS is to promote trade and commerce among member countries. Undoubtedly, there are barriers to the free movement of people and goods (including customs checks, immigration procedures, entry restrictions and so on). In the ECOWAS, free trade areas has been created. It has numerous benefits and challenges; one of which is the free trade program me.

The Economic Community of West African States (ECOWAS) has undoubtedly remained the most viable integration framework among the countries of West Africa sub-region. ECOWAS was

founded as an umbrella organization for integration without tampering with the common historical bonds among the Nation States within the sub-region. The organization is primarily charged with the responsibility of ensuring transformation of the sub-region into a viable economic community. This is evident in the various treaties and protocols adopted by the community which provides for elimination of all the barriers to mutual development and peace. In order to maintain traditional identities, cultures, traditions and religions of diverse groups within the sub-region, removal of barriers to free movement of citizens of these States, was significantly advocated; hence, the signing of the ECOWAS Protocol on Free Movement of Persons, and the Right of Residence and Establishment in 1979 [6]. Article 27 of the ECOWAS Treaty makes provision for freedom of movement and residence. The Article's Protocol on Free Movement of Persons, and the Right of Residence and Establishment is one that the community has implemented and mixed achieved results. This protocol affords citizens of the Community the right of residence and establishment anywhere within the territory of member States [7].

There is no doubt that this will enhance cooperation among States and citizens of the sub-region. The protocol in question has enhanced increased movement of refugees, male and female traders, farm laborers and cross-border workers. There is no doubt that this effort will help create a borderless sub-region within which there will be free flow of goods and services. Notwithstanding, there is heated debate in academic and public spheres on the security implications of the ECOWAS Protocol on Free Movement of Persons and Right of Residence and Establishment for States in West Africa. Studies have shown that the protocol cannot solely be held responsible for prevailing vicious and nefarious activities such as human trafficking, smuggling in contraband goods, Small Arms and Light Weapons, (SALW) [8-10].

Statement of the Problem

Nigeria's combination of massive oil wealth, interventionist economic policies, and high levels of corruption has led to pervasive distortions and inefficiencies in different foreign and trade policies implementation as opposed to Benin Republic's economic policies which is majorly dependent on Nigeria's economy. It is in this context, during the first international oil crisis of 1973, during which Nigeria experienced enhanced Economic boom arising from the sharp increase in the price of its crude oil in the international market, that Benin maximized the use of its entrepôt policy to take advantage of Nigeria's economic boom rising from increased importation of consumer goods of all shades, but lacking the equisetic import facilities to do so.

This trade policy is centered on serving as an 'entrepôt state' vis-à-vis its neighbours, particularly Nigeria [11]. That is, Benin Republic expanded its role as a major trading hub, importing goods and re-exporting them to Nigeria, thus profiting from the distortions in Nigeria's economy. aptly described Benin as the 'Flea on Nigeria's Back'. Benin imports very large quantities of consumer goods that are subject to high import protection in Nigeria and then

trans-ships them to Nigeria through elaborate institutional mechanisms designed to take advantage of the Nigeria's conflicting trade Policies [12].

Despite the vulnerability to shocks in Nigeria and the questionable sustainability of informal trade, Benin's heavy dependence on this trade for government revenues and the numerous beneficiaries among both formal and informal operators explains the government's reluctance to crack down on smuggling. Furthermore, even if the government were determined to shut down informal trade with Nigeria, it would be difficult to do so as long as the underlying incentives created by Nigeria's distortions remain. Large price differences between the adjacent countries with porous borders are an invitation to smuggling that ingenious traders are bound to exploit.

It is against these backdrop that the study seeks to access the security, economic impact and factors affecting the ECOWAS Protocol

Objectives of the Study

- Identify the security and economic impact of the frequent land border closure between Nigeria and Benin Republic by the Nigeria Government.
- Examine the factors preventing the successful implementation of free movement of Goods and Services along the Nigeria Benin Trans border.

Research Questions

- What are the Security and Economic impact of the frequent land border closure between Nigeria and Benin Republic by the Nigerian Government?
- What are the factors preventing the successful implementation of free movement of Persons, Goods, and Services along the Nigeria Benin Trans border?

Theoretical Framework

Theory of Neo functionalism

This study adopted the neo-functional theoretical approach. Major proponents of this theory include Keohane, Nye, Ernst B Haas and Lindberg. Neo-functionalism, was proposed to find a common ground between the Federalism and the Functionalism theories of integration. It is a hybrid of both the Federalist and the Functionalist approaches. It describes the Federalist approach as being a greedy approach by asking for too much too hurriedly and the Functionalist as appearing to be evasive and lackadaisical. Hence, the need for the proposition of a common ground in the name of the neo-functionalism was born. This study agrees largely with the position of neo-functional lists that the best way to achieve an effective regional integration is the formation of administrative institutions at the transnational level, which are specialized and have the potential of demonstrating the significance and vitality of regional integration to member States. This study is also in agreement with the key position of the neo-functional approach that, "no State is capable of maintaining its economic growth and its existing economic structures and be capable of satisfying the

economic needs of its people, if it does not cooperate with other countries. The research acknowledges the imperfect nature of the neo-Functionalist approach to regional integration as there are many criticisms against it with one of them being its stress on the supranational aspects of regional integration. Moravesik suggests that much significance must be offered to the nation-state. He notes that, neo-functionalists place too much emphasis on supranational officials at the expense of national leaders, arguing that the nation state remains the core element in understanding international relations, including regional integration. Again, neo-functionalists' assumption that the cooperation of political and administrative elites would lead to the cooperation of the population has been described by critics as flawed by the experience of 'no' votes in the European Union treaties. This is a fundamental weakness of the neo-functional theory. For instance, although the Lisbon treaty was agreed upon by political and administrative elites, it did not mean that the ordinary voter endorsed/approved it. For this, it can be said that neo-functionalism as a theoretical tradition has a

weakness in its lack of appreciation of the need to institute legitimacy among citizens. However, despite the numerous criticisms of neo-functionalism, this study is very much convinced that, it still stands tall in the midst of the other approaches as far as the topic under study is concerned. Neo-functional approach perfectly suits the theoretical underpinning of this study, since this study recognizes the fact that, nations are not the only crucial players in international affairs, especially in trade, as the role of supranational institutions and non-state actors in international trade cannot be underestimated.

Methodology Population of the Study

The population for the survey component of this study is made up of security agents of Nigeria and Benin Republic (Police, Immigration, and Customs), Traders, Cargo Transporters, Residents, and Relevant stakeholders as seen in Table 6.1:

Table 6.1: Population of Study

Category	(Nigeria) Population	Source	Category	(Benin) Population	Source
Nigeria Police Force	68	PPRO Seme Border, 2021	Gendarmerie	46	RDRP, Krake Border 2021
Nigeria Custom Service	92	CPRO Seme Border 2021	Douanes	69	RDRP, Krake Border 2021
Nigeria Immigration Service	125	IPRO, Seme Border 2021	Agent de controle de frontier	73	RDRP, Krake Border 2021
Traders	256	TBTAN, 2021			
Transporters	132	ATTAN, 2021			
Residents	993	NPC, 2006			
NIIA	4	Authour, 2021	Residents	701	Okonkwo, 2021
TOTAL	1670			889	
GRAND TOTAL	2,559	GRAND TOTAL 2,559			

Source: Author's Compilation 2021

Sample and Sampling Technique

Purposive sampling technique was adopted for this study. Inclusive criterion of area proximity to the Seme-Krake border, security agencies (police, immigration, and customs) operating within the confines of the Seme-Krake border, traders, transporters, residents, and four senior research fellows of the Nigerian Institute of International Affairs (NIIA) formed the sampling frame of this study. For the purpose of this study, the researcher adopted the formula provided by Taro Yamane (1967) to generate the sample size (n) as follows:

$$n = \frac{N}{1 + N(e)^2}$$
 Where n = Sample Size
 N = Population Size
 e = level of precision = 0.05 at 95% confidence level.
 Therefore, n = 2,559

$$n = \frac{1670}{1 + 2,559(0.05)^2}$$

$$= 399.48$$
 Therefore, sample size is 400.

Population Distribution and Sample Size

Questionnaires were distributed in proportion to the sample population as stated below. On the Nigerian side with a cumulative population of 1,670 (See Table 6.2) was divided by the total population of the study area (2,559) which was then multiplied by the total number of sample size (400). Benin Republic with a cumulative population (Police, Customs, Immigration, and Residents) of 889 was divided by the total population of the study area (2,559) which was then multiplied by the total number of sample size (400). See computations below:

Nigeria = $1670/2559 * 2559 = 261$ questionnaire

Benin Republic= $889/2559 * 2559 = 139$ questionnaire

Proportional allotment was used to distribute questionnaires amongst the various elements (Police, Customs, Immigration, Traders, Transporters, and Residents) while in-depth interview was carried on with the Nigeria Institute of International affairs

(NIIA) Officials. An inclusive criterion of 1km proximity to the land border formed the sampling frame for residents of the study area.

Find below questionnaire proportional allocations to the various elements of the sampled population.

Table 6.2: Questionnaire Allotment

Population	Nigeria	Nigeria-Alloted	Benin Population	Benin-Alloted
Police	68	68 $1670 \times 261 = 11$	46	46 $889 \times 139 = 7$
Immigration	125	125 $1670 \times 261 = 20$	73	73 $889 \times 139 = 11$
Customs	92	92 $1670 \times 261 = 14$	69	69 $889 \times 139 = 11$
Traders	256	256 $1670 \times 261 = 40$	-	-
Transporters	136	136 $1670 \times 261 = 21$	-	-
Residents	993	993 $1670 \times 261 = 155$	701	701 $889 \times 139 = 110$
TOTAL	1,670	261	Total 889	139

Source: Author's compilation 2021

Nature/Source of Data

Primary Data

Information from this source includes the administration of questionnaires, granting of interviews, and recording of certain phenomena (observations) that was considered relevant to the study. Nigerian and Benin Republic security agents posted to the Seme-Krake border post were administered questionnaires with the aid of French speaking interpreters for the Benin Republic population.

Secondary Data

These included published and unpublished materials such as books, journals, newspaper articles and bulletins, and the various ECOWAS publications including the compendium of ECOWAS Treaties, Protocols, and decisions made since ECOWAS inception. Unpublished materials such as extracts from the records of the security agencies of both countries at the border on the volume of cargo transported across the border, and the records of criminal activities around the border were also used.

Method of Data Analysis

Different statistical techniques were used to analyze the following objectives:

Identify the security and Economic impact of the frequent land border closure between Nigeria and Benin Republic by the Nigeria Government.

This objective was analyzed using descriptive statistics such as tables and percentages.

Examine the factors preventing the successful implementation of free movement of goods and services along the Nigeria Benin Trans border.

The objective was analyzed using descriptive statistics such as tables, percentages and likert scales.

Result and Discussion

Objective One: Impact of the frequent closure of the land border between Nigeria and Benin

On accessing the records of Trans- border crimes along the Badagry Seme highway, Data analysis in table 7.1 shows that all 100% (287) respondents noted that there have been several records of trans-border crimes occurring on the highway before and after the last land border closure of 20th day of August 2019 when Nigeria once more closed its land borders with Benin, Togo, Cameroon and Chad.

Observation from the study also revealed that plying the long stretch of the expressway leading to the border from Lagos is indeed a torturous experience. Although it was seen that there have been intermittent interventions by the SUKUK Bond (a Sukuk is an Islamic financial certificate similar to a bond in Western Finance that complies with Islamic religious law commonly known as Sharia). The issuer must also make a contractual promise to buy back the bond at a future date at par value). However, Sections of the road have not been graded for a very long time let alone tarred. Added to that are the several craters that dot the road, yet, the Mile 2-Seme-krake border road is Nigeria's gateway to the West African Region. Driving on it at any time of the day takes special

driving skills. At night, it is a nightmare for motorists as criminals have taken advantage of the situation thus leading to the above assertion by respondents. Despite the presence of various security personnel and numerous check-points it is noticed that the porosity of the border area tends to make it difficult for the security operatives to effectively monitor the movement of people and goods as they are more often more preoccupied in adding and abetting smugglers and other trans-border criminals thus leading to high rate of criminal activities along the border axis.

On the time frame of these criminal activities majority 66% (190) respondents stated that these criminal activities occur between 12midnight and 5am, 12% (34) respondents stated that 5am-8pm was a convenient time for criminal activities to occur while 22% (63) respondents stated that criminal activities occur between 8pm-12 midnight. It was also discovered that there are no street lights, thus making motorists run into potholes. This forces drivers to move at snail speed at night making them more vulnerable to criminals.

Also majority 56% (161) of the respondents had the opinion that porosity of Border/Poor road condition were being capitalized upon by criminals. Pertinent to state that it was also observed that there was a high level concentration of security personnel across both border based on the fact that the Nigeria-Benin border is one of the two most active borders for illegal trade and smuggling in West Africa as it is close both to large commercial centres in Nigeria and to free ports in Benin (Cotonou) and Togo (Lomé) however 16% (47) of respondents still had the opinion that lack of proper security check by security personnel was a factor responsible for crime activities.

Critical observation reveals that the border lacks modern technologies that may be useful in detecting crimes thus leading to 14% (39) of respondents having the opinion that other factors may have been responsible for criminal activities likewise 14% (40) respondents also had opinion that there has been inadequate punishment of criminals to serve as deterrents to others.

Crime is a highly complex phenomenon that changes across cultures and across time thus this accounts for why majority 51%

(145) of the respondents as seen in table 4.7 had the opinion that deployment of new modern security techniques be adopted so as to curb the rising records of Trans border criminal activities. Furthermore, data analysis as seen in Table 4.7 reveals that 18% (54) respondents had the opinion that electrification of the highway would amount to an improvement in security, likewise 17% (49) respondents had opinion that more security personnel at keys hours of the day/night could be a way of improving security. Furthermore, road repairs as accounted by 9% (25) of the respondents. The least 5% (14) respondents were of the opinion that deployment of more security personnel would assist in improving the security situation in the border area.

Although, the goal of President Muhammadu Buhari dramatically closure of the Nigeria's land frontiers to goods traded with Benin, Cameroon, Chad and Niger, was aimed at protecting the economy from rampant smuggling, the move has met with howls of pain in Benin especially, and cast a shadow over a newly-minted agreement to scrap restrictions on trade among African economies. Data analysis as seen in Table 4.1 shows that 35% (101) respondents were of the opinion that the most prominent impact of the closure was an increase in criminality and smuggling. Observation depicts that fact that the two main commodities being smuggled were petrol and rice. Petrol was being sneaked out from Nigeria, where subsidies make the fuel half as cheap as in its neighbors. Rice, on the other hand, was being brought illegally into Nigeria, where consumers favor imported Asian-grown varieties over the locally-grown competitor, mostly from Benin via its port in Cotonou. Thus, the most visible winner from the closure is the Nigerian treasury, which has benefitted from the falling cost of petrol subsidies and from a rise in customs receipts, thus, this accounted for why no respondent were of the opinion that it brought about a loss in government revenue.

Furthermore, data analysis as seen in Table 7.1 indicates that 38% (110) of respondents were of the opinion that the impact of the closure was that it brought about a loss in livelihood. thus such closure amount to loss of revenue as noted by 23% (66) of the respondents, likewise a rise in the cost of living as seen by 3% (10) of the respondents.

Table 7.1: Security and Economic Impact

Variable	Frequency	%
Have there been records of trans border crime on the SemeKrake highway		
YES	287	100
NO	-	-
TOTAL	287	100
If YES which of these time frame		
12 midnight -5am	190	66
5am-8pm	34	12
8pm-12midnight	63	22

Not applicable	-	-
TOTAL	287	100
What do you think was responsible for the crimes		
Lack of proper security check especially at nights	47	16
Porosity of border/Poor road condition capitalized upon by criminals	161	56
Inadequate punishment of criminals to serve as deterrents	40	14
Other reasons	39	14
TOTAL	287	100
Suggestion for improving security		
More security Personnel at keys hours of the day/Night	49	17
Electrification of the highways	54	18
Road Repairs	25	9
Deployment of new modern security technique	145	51
Employment of More security personnel	14	5
TOTAL	287	100
In your view what has been the most prominent impact of the frequent land border closure on the economy of Nigeria		
Loss of livelihood/Income for the Residents and Transporters and Traders	110	38
Higher cost of living around the border area	10	3
Increased criminality and smuggling	101	35
Loss of revenue for the government	66	23
TOTAL	287	100

Source: Researcher's Fieldwork, 2021

Objective Two: Factors preventing the successful implementation of free movement, persons, good and services along the Nigeria Benin Trans Border.

Data collection on the factors preventing the successful implementation of free movement, person and services along the Nigeria Benin trans-border relied on the quantitative method. Essentially the collection quantitative data involved the use of the research instrument with two categories of questions asked. They included awareness of the ECOWAS protocol of persons and goods, and opinion on the factors mitigating against the successful implementation of ECOWAS protocol on free movement.

Data were analyzed using frequency and percentages, summary of the results was presented in table 7.2.

On level of awareness of the ECOWAS protocol of persons and goods, Data analysis as seen in Table 7.2 highlighted that all 86% (246) had the opinion that they are aware of the content of the protocol while 14%(41) respondents are not aware of the content of the protocol.

Table 7.2: Awareness of the ECOWAS Protocol

Variable	Frequency	%
Are you aware of the ECOWAS protocol on free movement of persons and goods		
YES	246	86
NO	41	14

Source: Researcher's Fieldwork, 2021

Pertinent to state that the first phase of this protocol provides for free entry of citizens of Member States without visa for ninety days which all the ECOWAS component members adopted and ratified in 1980, however, it can be observed that West African citizens are yet to fully benefit from the provisions of this Protocol due to its partial implementation within its definition thus this accounts for majority of the respondents as seen in table 7.3 who are of the opinion that low level of knowledge about ECOWAS Pro-

tol among migrants and immigration officials was a critical factor mitigating its successful implementation. This correlates with the finding of Boulton (2009) who opined that "the main shortcoming of these highly favorable provisions in the free movement protocols is that they are either not known or not implemented". Furthermore, respondents had noted that contradictions between national laws on employment and migrants contributes as a factor hindering the implementation of the protocol ranked 2nd. The

results also reveals that Inadequate skills of personnel deployed to manage borders, poor intelligence sharing between agencies of both countries, Lack of opportunities for joint training and border management, Lack of cooperation within departments, between departments and between countries, Economic challenges and po-

litical instability and lack of effective mechanism for dealing with member states that violates migrants right were some of the factors hindering the successful implementation of ECOWAS Protocol on free movement ranked 3rd , 4th , 5th ,6th , 7th respectively.

Table 7.3: Factors preventing the successful implementation of free movement (n=287)

Items	Strongly Agree (4)	Agree(3)	Strongly Disagree (2)	Disagree (1)	Total	Mean	Decision	Rank
Contradiction between national laws on employment and migrants	227(908)	60(180)			1088	3.7	Accept	2nd
Lack of cooperation within department, between departments and between countries	150(600)	137(411)			1011	3.5	Accept	6th
Economic challenges and Political Instability	123(492)	164(492)			984	3.4	Accept	7th
Inadequate skills of Personnel deployed to manage border	219(876)	68(204)			1080	3.7	Accept	3rd
Lack of Opportunities for joint training and border management	187(748)	100(300)			1048	3.6	Accept	5th
Poor Intelligence sharing between agencies of both countries	201(804)	86(258)			1062	3.7	Accept	4th
Low level of Knowledge about ECOWAS Protocol among migrants and immigration officials	123(492)	164(492)			984	3.4	Accept	1st
Lack of mechanism for dealing with member states that violates migrants right	256(1024)	31(93)			1117	3.9	Accept	7th

Source: Researcher's Fieldwork, 2021

Conclusion

While there is hardly any region of the world that is spared of the phenomenon of trans-border crimes. The study concludes: That trans-border crimes at the SemeKrake border have impacted negatively on Nigeria Benin's corporate existence, (Particularly Nigeria) especially on her National Security and Economic Development. Also that the major factor hindering the successful implementation of ECOWAS Protocol on free movement was the low level of Knowledge about the ECOWAS Protocol among frequent border users and few security agents of both countries. Furthermore, that there is a high level of perception/awareness of the ECOWAS protocol on free movement by major stakeholders but generally its core objectives are yet to be achieved

Recommendations

In the light of the study findings, the following recommendations are made;

1. Nigeria should adopt strict border control measures as it's done in USA and Western Europe. Joint Border patrols by Nigeria and Benin Republic security agents should also be fully implemented to curb criminalities and reduce smuggling within the region.
2. Both countries should harmonize their trade and import policies to reduce discrepancies.

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