



Economic Community of West African States (ECOWAS) and Cross Border Crimes in the Sub-Region: Implications on Regional Security

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Abstract

The formation of the Economic Community of West African States (ECOWAS) was marked by the signing of a treaty in Lagos on May 28, 1975, and its main purpose was to remove all barriers hindering the free movement of goods, capital, and people within the sub-region. Even though the initiative intended to facilitate economic growth and improve the living standards in the region, it unintentionally created problems in controlling the security across West African borders. This paper investigates the impact of transnational offences on regional security. It was guided by three key objectives: first, to determine whether the rise in cross-border criminal activities poses a threat to the national security of ECOWAS member states; second, to clarify the relationship between the ECOWAS Protocol on the Free Movement of Persons and cross-border security concerns; and third, to examine the methods employed by criminal syndicates operating within the region. The study draws primarily on the theories of state autonomy and failed statehood, using qualitative secondary data sourced from a wide range of documentary materials. The findings reveal that although ECOWAS leadership has consistently prioritised regional integration, these efforts continue to be undermined by persistent security challenges, largely



stemming from inadequate border management. Consequently, one of the main suggestions was to reinforce the measures taken in the sub-region to fight cross-border crime; this could involve collaborations between governments and NGOs. Moreover, the authors pointed out that there should be a fast-tracking of the establishment of the ECOWAS Crime Prevention and Criminal Justice Centre (ECPCJSC) as described in Article 46 of the ECOWAS conflict mechanism. This centre should be a point of contact to facilitate legal assistance between the different jurisdictions.

Keywords: Cross-border, ECOWAS Protocol, Regional Security, Conflict Mechanism.

Introduction

West Africa's porous borders remain the foremost factors in cross-border crime and instability in the whole continent. This situation stems mainly from the inadequate monitoring of movements across borders and illegal activities being allowed near the thorax of the borders. Moreover, cross-border criminals are also involved in poor and insecure governance, a problem that is usually worse during economic hardships when the authorities turn a blind eye to lawlessness and human rights violations. Some of these mentioned vices comprise the illegal dealing in weapons, the small arms and light weapons ammunition, and the trafficking of humans, mainly women and children. Other unlawful practices are hiring mercenaries for armed conflicts and international gangs dealing in drug distribution, theft, fraud, and smuggling, which all lead to increasing crime in surrounding areas (Aning, 2015). It is worth mentioning that the perpetrators of these illegal acts are not the causes but rather the manifestations of the instability deeper down.

Countries in the ECOWAS region facing the same problem of illicit trade encounter a set of unique challenges. One of the major culprits is the absence of synchronisation of activities among the security forces and the entities of the state, both of which have criminals and law enforcement personnel in their ranks. Moreover, the non-receipt of up-to-date anti-threat tools from the global market has been one of the causes of the weak security operations, making it harder to deal with the problems. Furthermore, the legal framework for the implementation of policies and regulations is often slow-moving, unconvincing, and sometimes even debilitating (Aning, 2015).



West Africa still suffers extremely serious security problems which are directly or indirectly connected to cross-border illegal businesses. The situation with arms has both direct and indirect effects on the region. According to a rough estimate, every year thousands of civilians and combatants in Africa are either killed or injured due to arms. However, even if there are no casualties caused, the unchecked spreading and misuse of small arms can still greatly harm a community, a country, or even the entire region. The fear of and the actual use of small arms can lead to the disruption of the development process, the over-stretching of the already strained humanitarian and economic aid efforts, and eventually contribute to the increase of the number of refugees and Internally Displaced Persons (IDPs) in the area (Stohl & Tuttle, 2019).

West Africa has borders that remain weak and vulnerable despite security measures put in place by border control agencies. Porous borders are usually the places where criminals, instead of being caught, carry out all sorts of illegal activities such as smuggling goods, human trafficking, drug dealing, and robbery. Besides that, this vulnerability often results in the proliferation of Small Arms and Light Weapons (SALW). Out of the 640 million small arms existing globally,

Approximately 100 million are in Africa, with 30 million in the area of Sub-Saharan Africa and 8 million in West Africa only (Stohl & Tuttle, 2019).

Civilians are the largest group in terms of the possession of small arms, with their share being 59%, while police at 38% and armed groups only at 0.2% are next in line, according to the Bermuda Triangle states (Ibrahim, 2013; Stohl & Tuttle, 2019; Nte, 2021). The large-scale ownership of SALW is one of the reasons security has been severely compromised and regional integration efforts have been thwarted in West Africa. These concerns are the main reasons for the research, which also poses important research questions regarding the security challenges posed by cross-border crimes in the sub-region.

Study Objectives

- i. To determine whether or not the increase of cross-border criminal activities in ECOWAS member states is a threat to their national security.
- ii. To examine how the ECOWAS Protocol on the Free Movement of Persons influences border security within the region.
- iii. To identify, deconstruct, and analyse the activities conducted by syndicates operating across borders.



Review of Related Literature and Theoretical Framework

Concept of Regional Integration

The pursuit of socio-economic development and stronger political cooperation has created the need for regional integration among countries across different sub-regions. According to Schiff and Winters (2003), regional integration is closely connected to the broader forces of globalisation, which have made market liberalisation a central priority and stimulated the formation of regional economic blocs in many parts of the world. Moreover, international trade agreements facilitate the development of regions globally. Therefore, regional integration is the mutual partnership of countries with like-minded interests and a common pledge of sharing their problems and objectives to form a unified front that will serve their interests and address their challenges.

Regional integration is the process whereby participating countries in a geographical region are supposed to combine their identical and different resources and challenges to work for their common goal of socio-economic and political development. It is therefore intended to create an environment that promotes development and economic growth. In the past, neighbouring states often viewed one another as competitors, which frequently generated tension. Today, however, regional integration encourages them to become partners who can support each other's prosperity and security (Kayizzi and Anyanwu, 2014).

Concept of Trans-Border Crime

Transnational crime is composed of illegal acts that are against the laws of several countries (Passas, 2003). It refers to the unlawful and conspicuous activities undertaken by individuals and groups as they cross national or international borders, motivated by financial, socio-political, or religious reasons. It can therefore be argued that transnational crime encompasses a wide range of illegal and often highly visible activities carried out by individuals or groups who operate across national borders, largely driven by financial or economic motives (Ering, 2011). According to Sunday and Okechukwu (2014), trans-border crimes are offences committed across the territorial boundaries of a state, with consequences that extend beyond the country where they originate. Such activities include human trafficking, money laundering, drug trafficking, arms smuggling and the trafficking of weapons, terrorism, illegal oil bunkering, illicit diamond trading, corruption, and various forms of business fraud, among others (Blum, 2014; Adde, 2006).

Cross-border criminal activities, for instance, have become a major factor of political and economic instability in West Africa, a region which has recently been



marked as one of the areas with a high risk for international peace and security (Sunday & Okechukwu, 2014). Addo (2006) pointed out that regulating and controlling cross-border activities should be the priority of the government, as it will not only mean peace and stability but also the economically and politically significant projects that are the cornerstone of the integration process in West African societies. The cooperation and collaboration of all West African countries, with Nigeria playing a key role, is essential in dealing with the cross-border security issues. The root causes of such criminal activities in the region are numerous and vary from one country to another; some of the main causes are corruption, poorly marked and easily crossed borders, poverty, and the absence of effective institutions, such as the ECOWAS protocol on the free movement of people, that are meant to facilitate movement across borders, to mention just a few.

Conceptualising Trans-Border Security Management

It was explained that trans-border security management was formalised, internally managed, or government-established policies and strategies with the primary goal and aspiration of stopping illegal transactions and crimes at the border areas. The primary purpose of trans-border security management is to safeguard the lives and property of citizens while ensuring the protection and preservation of a nation's territorial integrity. It is the government's task, hence, to make sure that the border regions are properly taken care of, including the aforementioned immigration, customs and excise and policing departments. This is, of course, done in such a way that the flow of people and goods is controlled and regulated throughout the country's territory. Additionally, trans-border security management also requires the presence of security personnel and the servicing of boundary beacons that demarcate the physical limits of the country. Further inclusion of border security features among measures is the construction and enforcement of the fence at specific areas where the speeds for traffic and smugglers can be projected. This conclusion highlights that the security of the region is a shared responsibility between the country and its neighbours. It includes the implementation of CCTV camera systems as part of an early warning mechanism in border areas, particularly concerning security assistance or cooperation that is based on non-state or foreign donor contributions.

Empirical Studies

Schiff and Winters (2003) argue that the majority of the developing countries have been gradually using integration as the main instrument for the development of the combination of these three sectors, viz. socio-economic, political, and poverty relations. The big and the small economies that are integrated with their neighbours get better



chances to be part of the regional supply chains, which will open up their markets so they become players in the region (Okorn & Ndum, 2021). It is acknowledged that the countries that are in close proximity will contribute a set of socio-economic and political strengths and difficulties that are both alike and different at the same time to the development of the region as a whole. The issue of unhealthy competition and insecurity is thus solved through a situation where development and economic growth are the order of the day (Peprah, 2016).

The basic aim of integration is to stimulate the economic growth of the region as a whole, thereby creating a stronger and fairer system which should lower the rates of poverty and unemployment (Kayizzi-Mugerwa, Anyanwu, & Conceição, 2014). In reality, integration has been a way to facilitate the movement of products, services, and businesses by eliminating the barriers that are in place. On the other hand, one cannot overlook the fact that criminals are taking advantage of this situation. The movement of people across borders due to integration will often lead to an increase in trans-border crimes, as it will be easier for criminals to divert their activities, and they will also be able to make law enforcement's job more difficult. Illegal activity that occurs in one country and, in turn, affects the neighbouring country is known as trans-border crime (Passas, 2003).

The violence that comes along with these crimes is a direct outcome of the law enforcement agency applying a soft (paw) approach, where the borders are either partially or fully opened to allow the free flow of goods and services and prevent conflict. Trans-border crime is defined as crime that crosses national borders, affecting neighbouring countries, yet remaining under a single jurisdiction (Passas, 2003). The expression "trans-border crime" includes a variety of illegal and harmful actions that are performed by individuals and organisations taking place in and out of countries, motivated by financial, economic, socio-political, or religious factors (Ering, 2011). According to Sunday and Okechukwu (2014), trans-border crimes denote the activities that happen over national boundaries, like human trafficking, money laundering, narcotics smuggling, arms trafficking, terrorism, illegal oil bunkering, diamond trading, corruption, business fraud, etc. Likewise, Ortuno and Wiriychai (2009) refer to human trafficking, arms smuggling, insurgency, banditry, kidnapping, drug trafficking, and money laundering as the most common kinds of trans-border crimes, which vary from one region to another.

One of the major security-related issues arising from the failure to properly monitor and control these activities is the proximity of guns near the borders. Nwanegbo, Odigbo, and Udalla (2020) state that organised crime syndicates operating across borders are increasingly adopting new technologies, such as information

networks and financial systems, for the auto-generation of their illegal businesses. Also, criminals of West Africa are taking advantage of the regional body ECOWAS's integration initiatives to weaken state efforts to deal with trans-border crime problems.

Umoh, A. I. (2025) investigates the impact of small arms and light weapons (SALWs) proliferation on the indigene–settler conflict in the Northern Senatorial Zone of Plateau State, Nigeria, between 2000 and 2012. The study argues that the circulation of illicit arms intensified the frequency and lethality of violence, particularly within the ethno-religious dynamics that set indigenous groups against Hausa/Fulani settlers. The study finds that weak security institutions, insufficient political will, and the partisan role of security agencies facilitated arms availability and conflict escalation. The research concludes that unless Nigeria's security apparatus is comprehensively restructured to regulate arms possession and prosecute offenders, the cycle of violence is likely to persist.

The 1980s and 1990s were the peak decades for trans-border crimes, according to Williams (1998). In the present time, the condition is still very alarming, and Nigeria is among the most terrorised countries in the world. The issues have overstepped into money fraud and cybercrime on a massive scale. The surge in the "black money" economy not only invites criminals of all sorts but also makes them resort to violence and radical tactics to keep their operations running under the radar since the major risk they face is the reduced chance of prosecution (Luna, 2008). Contributing factors to the situation include poverty, inadequate security, open borders, and lack of cooperation among the countries involved. As a result, trans-border crimes are a major obstacle to good governance, security, economic development, human rights, and the overall progress of society in that subregion.

Setting up ECOWAS was to be the vehicle through which the West African economy would be made prosperous by the promotion of free trade and the unhindered movement of people and goods. As per Afolabi (2018), Article 27 of the ECOWAS treaty was the starting point for economic integration and the free movement of people, goods, and services. This initiative was aimed at dismantling trade limitations and promoting economic activities, which should eventually lead to more regional stability. The treaty's provision on free movement represented a landmark decision towards the realisation of a borderless West Africa, which would facilitate trade relations and economic integration (ECOWAS, 1999).

Afolabi (2018) further maintains that the ECOWAS free movement protocol represented a major turning point in the establishment of a borderless region, permitting West Africans to conduct commerce and partake in industry freely within the framework of no visas plus no residence permits (ECOWAS, 1999). This dream is in line with the

African Charter on Human and Peoples' Rights as well as the UN human rights framework. Nevertheless, Aning and Pokoo (2014) argue that while ECOWAS has been at the forefront of enforcing policies against drug trafficking and organised crime in West Africa, the free movement agreement has unconsciously created security pitfalls by allowing huge numbers of illegal immigrants to stream in who partake in such nefarious activities as the trade in arms and humans.

Okorn and Ndum (2021) argue that despite the ECOWAS protocol being economically advantageous, the resulting security challenges posed by criminal activities linked to illegal migration have become a major concern. The migrants are often involved in smuggling, oil theft, and other illicit cross-border crimes. Similarly, Afolabi (2018) and Chambas (2013) state that lack of political will among the ECOWAS member states is a major factor that has been stalling the regional integration process. Okorn and Ndum (2021) also point to the alarming development of international crime syndicates using West Africa as a base for the manufacture, supply, and sale of illicit drugs and arms. The open borders of the region make it difficult to enforce the rules and regulations that are in place to protect the area from becoming a conduit for the illegal trade.

Adetula (2015) sees the future of the region's security and development largely depending on the governments' individual efforts, which often find it difficult to juggle the economic development vs. security concerns dilemma. This is the same line of thought as Nwanegbo, Odigbo, and Udalla (2020), who point out that government regulation, the military, the police, and socio-economic measures are of utmost importance in fighting trans-border crime.

Theoretical Framework

The undertaking was founded on the intersection of the theories concerning the relative autonomy of the state and the concept of the failed state. Relative autonomy theory, deeply interwoven in the neo-Marxist political economy narrative, is the one that mainly deals with the phenomenon of state separation or detachment from its functions, such as mediation between inter-class and intra-class conflicts. According to this theory, there are always two levels of contradiction in every state or political system: the primary contradiction and the secondary contradiction. The primary contradiction is synonymous with inter-class conflict or class struggle between two opposite classes, the one in power and the one in subjection, nearly the same as the division of society into bourgeoisie and proletariat (the working class). The term 'secondary contradiction' refers to intra-class struggles, which encompass conflicts occurring within the ruling class or amongst its various segments.



Marx and Engels have an important role in the illustration of class struggle. They declare that class struggle is a thing that cannot be avoided, and to this effect, they refer to it in the preface of the Communist Manifesto as follows: “The history of all hitherto existing society is the history of class struggles” (Marx and Engels, 1977). In the theory's proponents' view, a state can display either substantial or minimal relative autonomy. A state with a high degree of autonomy, for instance, means that the economy is highly dominated by capital, wherein the bourgeoisie takes surplus value out of the proletariat through exploitation. In this situation, the state refrains from intervening in the economy, avoiding involvement in productive activities such as operating public enterprises or nationalising the means of production.

According to this model, the government plays the role of an impartial peacemaker that unites the class interests by limiting the war between the social classes and within the ruling class. Western developed capitalist states are particularly mentioned as examples of high relative autonomy, and at the same time, they focus on the protection and the quality of human rights (Ake, 1976; Alavi, 1972). Conversely, a low-autonomy state exhibits minimal capital commodification and limited private capital penetration, while the ruling class often engages in primitive accumulation and, at times, misappropriates public funds. In this context, the state assumes a dual role: it acts as the primary distributor of capital while simultaneously limiting private-sector influence by nationalising key industries and public corporations. As a result, the state not only sets and enforces regulations but also becomes entangled in class struggles, causing it to lose neutrality and function as a compromised mediator (Ake, 1981; 1985).

In the developing world, African countries, just like their counterparts in other continents, are less directly controlled by states because of the limited privatisation of capital (Olorode). In the mixer electric-filter type of operations, the Member States of the ECOWAS experience the very "common" lack of the entry of (private) capital into the economy and the creation of a parasitic petty bourgeois class whose major source of accumulation of capital is the state. " that they become a source of (primitive) accumulation of capital. In the process, the ruling class (i.e., petty bourgeoisie) can concentrate their power using the state as their only place for (primitive) capital (Ibid). The main trading item for that is the slaves, and for the slaves, there is nothing like free.

Africa is perceived differently across various classifications of the developing world; however, a common observation is that the continent has been gradually transitioning from mixed economic systems toward more liberal ones. This is reflected by the Russian Federation of Independent States (CIS) countries, which are located near Moscow, among large markets of Europe where the value of the property has been discounted, which is the important incentive for foreigners investing in those countries.



Approximately at the present time, the long-term interest has been or is going to be predominantly through the capital as well. As per Patrick (2007:644-662), the phrase “failed state” frequently serves to characterise a state that supposedly failed in some key conditions and duties of a sovereign government. A failed state is one that has no central social or political system. The failure is at the core of the social, political and economic level. Everybody can say that a country is failing because of the common signs that the ruling government is feeble or not operating and has a minimal part of the land under its control, which means the people in such areas may or may not feel protected; no work is done to provide public services or utilities; people are not respecting each other, so no traffic controller is needed again; the rate of criminality is terribly high; it is a place where criminal cases are transferred to some chosen areas; and the local population is experiencing even when it cannot withstand the present situation.

Thurer (1999) argues that failed states always come about due to the breakdown of the power structures that give political support to the maintenance of peace and order, a process typically set in motion and accompanied by disorderly internal violence. It means that the state institutions are weakened to a few departments, with the most severe impact being the police and the judiciary becoming defunct; as a consequence, for example, the government cannot even govern, the people are not protected, and there occurs a close association between the gangs and chaos. It is not just that the state loses much of its control and the government apparatus is paralysed, but there is also the destruction or the appropriation of the state's assets and the death of or the flight from the country of highly placed officials.

Consistent with Thurer (1999:1-5), failed states are: The Fund for Peace lays out the following causes or characteristics of a failed state as a way to be more explicit: (a) loss of physical hold of its territory, or the monopoly on the legitimate use of physical force; (b) waning of authority to make collective decisions; (c) an impossibility to provide decent public services; and (d) an impossibility to engage with other states as a full member of the international community. According to Anyanwu (2005), a failed state is defined as a state that cannot satisfy the needs and wishes of its people. A state that fails to provide its citizens with basic needs, such as security, food, water, electricity, healthcare, and infrastructure, is considered a 'failed state', in contrast to a 'capable state'. Many West African countries fall into this category, as governance often fails to achieve intended outcomes. Policies or strategies that may have succeeded elsewhere frequently do not yield the same results in this region.

Background to Cross-Border Crimes in the West African Sub-Region

Cross-border crime is now acknowledged as a major global problem, and many voices claim that globalisation is, in fact, one of the major factors that have encouraged these crimes to increase. The criminals have discovered ways to get greater profits by doing their activities illegally outside their usual areas. The consequences of these crimes are often linked to the root of the issues rather than being the main reason for the political instability in that region. The gradual increase of disposable income in Western markets is considered to be the major attraction of marketing for the illegal businesses all over the world. This does not apply only to the narcotic trade but also to other sectors of illicit activities such as human trafficking, the sex business, the production and distribution of pornographic materials, extortion, and counterfeiting (Van, 2002; Julins, 2002).

Moreover, the crime trade is not only limited to the developed countries. The less developed countries are also part of the issue in a significant way (Cortell, 2003). For instance, Australia has shared some illegal activities with the rest of the world, gaining through them but not going through such activities even in its own territory. The 2004 UN Secretary-General's Report on combating subregional and cross-border crimes in West Africa identified several problems, such as the weakening of security sectors in the region, the proliferation of roadblocks, unemployment among the youth, environmental degradation, social exclusion, ERW, mass refugee movements, and local people being displaced. The report also pointed out the illicit extraction of natural resources, weak national institutions, civil society structures, and human rights violations, particularly in relation to women's rights (de Andrés, 2008; Boister, 2003; Müller, 2001).

The first mention of cross-border crime in West Africa dates back to the 1970s when it mainly involved individuals or groups that smuggled goods across borders. As time went on, these actions included the trafficking of humans mainly for domestic slavery and illegal sexual exploitation, the distribution of drugs, and the robbing of cars, all done by organised criminal groups across borders (de Andrés, 2008). The start of civil wars in West Africa, with Liberia in 1989, made the scenario of cross-border crimes worse since mercenaries, arms smuggling, and the use of children as soldiers all became part of the black market. West African gangs are especially known for their versatility and capacity to change according to the situation, often drawing from lineage-based societies. The educated and rich in such societies often invite relatives or dependants to join the black market, making criminal activity more rooted in the region's economy (Boister, 2003; Dan, 2013; de Andrés, 2008).

The cross-border criminal acts have gained momentum since the 1990s and have almost taken on the features of a big corporation. The scope of the crimes has now included both transnational criminal syndicates and the parties involved in the conflicts



that use the region as a base for their illegal activities. Such weakening states financially and human rights violations become the indirect results of their activities (de Andrés, 2008). The non-intervention policy of the government towards these groups for a prolonged period has actually helped their cause by giving them the opportunity to grow, to spread across international borders and to transform along the way into a global criminal economy (Bratton, 1996; Chazan, 1996; Mackenzie, 1992).

Nigeria has a piracy-infested coastline, with the country responsible for a large proportion of pirate attacks globally, despite there being an overall decline in such incidents worldwide in 2004. Along with Senegal and Côte d'Ivoire, Nigeria has also been linked to the illegal ivory trade, where these cities are said to have smuggled ivory from their adjoining areas (de Andrés, 2008; Julins, 2002). Besides, it is rumoured that al-Qaeda is one of the main buyers of rough diamonds from West Africa, but this trade still goes on. The think tank Global Witness has tracked the involvement of al-Qaeda in the diamond trade since the early 1990s, which began in Kenya and Tanzania and then moved into Sierra Leone and Liberia after the US embassy bombings in 1998 (de Andrés, 2008; Addo, 2006).

Hezbollah has also been associated with the trade of diamonds as a means of obtaining support for its activities. Western intelligence agencies have followed the Lebanese diamond trade, specifically its connections to Hezbollah, who has used the proceeds of this trade for its activities in the West Africa region (de Andrés, 2008; Dan, 2013). Such illegal activities are made easier by common cultural ties, ethnic similarities, and economic networks that span different countries. One of the main areas for the criminal activities of extortion, smuggling, and the notorious "419" scams is along the Benin-Nigeria corridor (de Andrés, 2008).

Frequent Cross-Border Criminal Activities in West Africa

In 2006, the total amount of cocaine seized was 3,161 kilograms, and the number more than doubled to 6,468 kilograms in 2007. UNODC collected this data from January through September 2007 and reported it as of September 31, 2007, which in turn points to the growing involvement of West Africa in the drug trade as well as the European and Latin American countries that have seized cocaine shipments directed to Africa recently. The number of drug busts in the form of cargo shipments by sea caught between 2005 and 2006 by the European navies patrolling the coast of West Africa signals very clearly that drug trafficking in this region is becoming a serious matter (Ering, 2011).

Drug law enforcement agency (NDLEA) officials reportedly told *This Day Newspaper* on November 29, 2010, that they had seized drugs valued at N5 billion in the last quarter of 2010. \$10 million worth of heroin, 130 kilograms in weight, was

intercepted at the Tin Can Island Port in Apapa, Lagos, in that period. It was being sent from Iran and was the highlight of the NDLEA's efforts to combat drug trafficking through the West African region. The United Nations Office on Drugs and Crime (UNODC, 2010) reported that the sharp increase in drug abuse was mainly experienced in Nigeria. The increase in drug use is traced back to political corruption that is rampant in the country (Ering, 2011; Julins, 2002; Passas, 2002).

Among the various ways that illicit narcotics trade and related activities can wipe out whole sectors of the economy, along with the financial institutions that are crucial for the economic development, the most common way is by diverting the resources of the economy's real sector (mostly the industrial sector) into the black market. Also, as a consequence of corrupt practices and crime, the economy gets further and further frozen in terms of progress. Trade, both internal and external, gets distorted, and this leads to disruption of capital flows, which in the long run can mean the economy would take a long time to develop. Money laundering has its own special way of being very harmful since money that was supposed to go into the development projects is being redirected into private bank accounts, often overseas. This is a situation not only facing Nigeria but also one of the reasons why the country is portrayed as corrupt – since those who claim to be in charge of the resources are actually the ones pocketing them.

Maurice Ibekwe is an instance of political involvement in organised crime; he was a former member of Nigeria's Federal House of Representatives and was arrested for financial fraud, forgery, and conspiracy. Ibekwe also chaired the House Sub-Committee on Police Affairs. The occurrence of high-ranking politicians being implicated in organised crime is usually rare, but in some cases, it is clear that their involvement is not just a matter of suspicion (Ebo, 2003; Aning, 2009). The social and economic costs of allowing money laundering to continue are very serious indeed. It can cause a country's economy to be weak by bringing in the problem of demand for cash being erratic, which will result in instability in both interest and exchange rates and will also be a factor in leading to hyperinflation, especially in the territories occupied by criminals (Ering, 2011; Ate & Akinterinwa, 1992). Nigeria's development is at risk, as there is no doubt that the country plays a vital role as a transit point for drug trafficking along the West African route.

The Efforts of ECOWAS in Tackling Trans-Border Insecurity

The ECOWAS regional integration programme, aligning its objectives with the trans-border security theme of the West African Regional Integration Programme, took a further step by proposing a comprehensive set of measures to address the situation.



These measures have been integrated into the national policies, programmes, and laws of member countries, forming the basis for their implementation. For example, the United Nations Drug Control Programme (UNDCP) facilitated efforts to combat drug trafficking in West Africa by establishing an anti-drug unit within ECOWAS. This unit focuses on coordinating resources, providing legal oversight, and delivering technical support and expertise to member states in their fight against illicit drug trade. Victor (2017) emphasises that marking and controlling common borders is crucial for maintaining peace and stability in the region. Such measures are also vital to the integration process, particularly given the need to prioritise intra-regional trade and the development of member states.

According to Aning and Pokoo (2014), one of the instruments that have been utilised effectively by the regions is ECOWAS Convention A/P1/7/92 on Mutual Assistance in Criminal Matters, Decision A/DEC. 9/12/99 establishing the Inter-Governmental Action Group against Money Laundering in West Africa (GIABA), and the 2008 Abuja Declaration aimed at addressing security threats from drug trafficking. Apart from this, the ECOWAS has built very close communication with numerous international organisations, including the ECOWAS Counter-Terrorism Strategy and Implementation Plan 2018 and the ECOWAS Maritime Security Strategy. Gberie (2015) talks about the same point when he mentions the strength of ECOWAS's interconnection with the western world via anti-drug initiatives of collaboration with the United States and European countries.

On the other hand, the regional integration programme of ECOWAS that encourages the movement of people, goods, and services without restrictions within the states seems to pose a great challenge for managing security effectively at the borders. The free movement, which is one of the principles of the ECOWAS protocol, leads to the gradual reduction of border controls, which consequently, over time, reduces the ability to manage trans-border security. This is a big problem for the safety of such countries as Nigeria, whose security management is affected directly by the policy of open borders up to the ECOWAS level.

Evaluation of Study Objectives

Evaluation of Study Objective 1: To ascertain if the spate of cross-border criminal activities undermines the national security of ECOWAS member states.

The most remarkable accomplishment of ECOWAS has been the integration of the people of the sub-region in the most radical manner. But, unfortunately, this ambitious project is being threatened more and more by the extremely insecure situation prevailing



in the region, one of the main causes being the banditry at the borders. As soon as the criminals get the integration framework, they immediately find ways to use it to their advantage. The region's security is at risk since the problem of uncontrolled immigration across the borders has become one of the major issues for the ECOWAS countries. In the globalised world, an increase in cross-border crimes is apparent since the criminals are taking advantage of the situation to go beyond their former borders, which are no longer effective to cut off their activities (Van, 2020; Julins, 2020).

The criminals in the region have exploited the free movement facilities provided under the ECOWAS treaty to conduct illegal activities. Consequently, there has been a constant flow of robbery across borders, and at the same time, weapons and drug trafficking are widespread, all of which are attached to a major risk to the national security of the countries involved. Nigeria is a case in point; the authorities are concerned not only with the safety of life and property but mainly with the spread of firearms and light weapons, which are acquiring the wrong users.

The lifting of travel restrictions among the countries has unintentionally assisted in the growth of criminal activities, which, in turn, has put the region's infrastructure under a significant threat from the security point of view. Along with this trend came the rise of different kinds of crimes, trafficking, smuggling, arms trafficking, sex slavery, terrorism, and torture, where the absence of peace is particularly noticeable (Boister, 2013). Cross-border crime includes a variety of illicit activities that are performed by individuals or groups across different countries, their main driving force being money; sometimes, social or religious affiliations might also be a reason.

Cyberspace and financial crimes that have reached the level of global are also the main problems of the region (Ering, 2011). According to Ering (2011), the lax enforcement of the rules and regulations in West Africa has opened the door to an extensive range of criminal activities such as human trafficking, money laundering, narcotics smuggling, arms trafficking, cross-border terrorism, illegal oil bunkering, diamond smuggling, corruption, and business fraud.

The research of Andrés (2013), Boister (2013), and Mueller (2011) on the elimination of subregional and transnational crimes in West Africa has brought to the surface some of the main issues: the ongoing decline of the security forces sector, roadblock proliferation, high youth unemployment, environmental degradation, social exclusion, the presence of explosive remnants of war (ERW), mass refugee movements, and forced displacement.

According to Boister (2003), weakening of the national institutions and abuses of the natural resources, including the illegitimate and inequitable exploitation, are some of the issues that the region is facing while trying to comply with the ECOWAS protocol,



besides having human rights violations too, especially against women. The leaky character of the borders in West Africa has turned them into places where transnational criminal activities not only thrive but multiply. The moment the borders cease to function, different forms of crime spring up, and the security of the individual nations and the whole continent is put at risk, as borders clearly delineate a state's sovereignty.

The above debate proves that although it is important, ratifying the ECOWAS treaty on the freedom of movement of people, goods, and services does not suffice to realise the intended economic development and political unity in the sub-region. Among the numerous impediments to its successful implementation, the alarming rise of cross-border criminal activities is a significant factor that continues to threaten the stability of West Africa.

Evaluation of study objective II: To analyse the relationship between the ECOWAS protocol on free movement of persons and cross-border security.

Even though cross-border crime is often mentioned in the mass media, it still remains rather an ambiguous phenomenon. Every day, the reports reveal the activities of criminal gangs, especially in such places as the UK. Yet, only a small amount of research has gone into studying the emergence of cross-border crime and verifying its influence on others. Criminal organisations continue to thrive in neighbouring countries, taking advantage of soft borders. The illegal trade of West African resources and other commodities usually happens in conflict regions or areas with poor regulation, thus complicating law enforcement's efforts to detect and prevent it.

The other side of the border is where the problem of smuggling mainly rests, with cocoa, timber, ivory, oil, and diamonds being the main products traded. These commodities are smuggled through Côte d'Ivoire, Ghana, Togo, Benin, Nigeria, and Burkina Faso. The trade is carried out by different sorts of people: criminals, ordinary citizens, and sometimes even military personnel. The transportation of these goods across borders is often done through secret paths, with either people or vehicles avoiding customs check-ups and taxes. This enables smugglers to enhance their returns by evading the costs involved with regulations (d'Andres, 2008; Julins, 2014; Mueller, 2019).

The West African region still continues to suffer from the porous borders which spur not only the illegal activities but also political turmoil as a result of the weakness of the monitoring of borders, the lack of control of illegal crossings, and the failure to assess criminal activity. Cross-border crime always involves investigating the situation and gradually eradicating it by corrupting the rule of law and weakening the state

security, thus adversely impacting the legal system, the economy and the development of the region as a whole. The latter, in turn, hinders the overall development of the area and adversely affects the rule of law, human rights, and society's progress. Organised crime syndicates have gone successful routes by taking advantage of computer networks and banking systems as their mainstay tools. They also take advantage of the disparity in the legal systems, court practices, and cultural attitudes, which often thwart the nations' efforts to tackle the issue of trans-border crime effectively (Enviag, 2011; Mueller, 2019).

The western part of Africa has nevertheless emerged as the primary region for transatlantic cocaine trafficking. Africa's coast and ports are extensively utilised, and the regions' airports are major redistribution channels for the European, South African, Middle Eastern, and Eastern European cocaine markets (de Andres, 2008).

The detailed report by the researchers on the extreme violations of law and justice in West Africa further clarifies the existence of three differentiated yet interlinked criminal structures. The first one, consisting of foreign organisers, is the most responsible for the illicit transport of significant amounts of cocaine from South America to West Africa, mostly using Brazil and Venezuela as transit points, employing chartered ships, and secondary airports (Dionisio, 2008). The second one works in Europe and makes use of numerous intermediary routes for transporting drugs by air cargo, with couriers smuggling the drugs hidden inside their luggage. These couriers are the ultimate link between the smuggler and the user (de Andres, 2008). The third one, still being integrated into larger international crime groups, is anticipated to remain influential for some time (de Andres, 2008).

Evaluation of Study Objective III: to identify and analyse the modes of operation of cross-border crime syndicates in the sub-region.

Although getting a complete picture of the structure, hierarchy, operations, and support of the groups involved in cross-border crime is a tough task, public outcry and confessions from caught criminals have uncovered the types of crimes and ways of doing them that are present in the society.

West African cross-border crime is far from being as highly organised or corporate-like a phenomenon as it is in North America. Rather, the majority of the criminal activities are based on a loosely structured, project-orientated, short-lived nature, thus making it hard to even identify them, and they are often very fluid in nature (UNODC, 2015). Transnational crime groups as well as individual criminals are all the time networking through the ongoing illegal deals by linking with family, in-laws, or law enforcement acquaintances. So, these criminals are collaborating with each other as



middlemen in the illegal trade or with their business partners, victims, or targets. The criminal groups in West Africa usually consist of small packs of three to five people, and these are formed around kin or friendship ties of those who are desperate for quick money (Seek, 2009). The group leader responsible for recruiting is considered the main person in the operation. The reporting and profit-sharing structures of the crimes are generally assigned on a project-to-project basis rather than being part of a permanent organisational setup (Adedeji, 2003).

Lamuine (2021) maintains that the link between gang leaders and businessmen or women involved in these activities frequently extends to border officials and high-ranking government or political figures, thus making the whole area full of bribery and corruption. These corrupt links allow for the unhindered movement of drugs and provide criminals with an aura of invincibility. Such dealings lead to the development of a corrupt culture that is not easily broken by law enforcement, as the criminal networks are not really connected to a few fixed organisations. Hence, they are tough to identify and track. Some of the networks are so good that they will have major operatives spread across different countries, which would make it almost impossible to cut off the entire network. The people forming these networks might not be really part of the gangs but are independent operators, which makes them hard to control or catch. Still, part of this crime money goes to governments to fund their drug-related operations. Agents recruited from Asia and Africa are paid well and have the right tools and work in secret. The way the criminal networks are organised around their connections with the big shots makes it very hard for law enforcement to break them down properly. Sometimes official funds like reimbursements or agents' salaries are also used to finance these operations. In some instances, notorious drug trafficking groups even pay police officers to accept bribes, and those who do often become partners, helping the criminals evade law enforcement.

These criminal acts deprive the state of the potential tax revenues that would otherwise have gone into the public sector, thereby delegitimising the government and the public institutions that should be handling these international crimes. Criminals in the law enforcement sector, who regard themselves as having the upper hand because of their ability to take advantage of legal loopholes, are often in cahoots with corrupt officials, thereby further undermining the already shaky legal system. The existence of non-standard sub-regional laws which could address cross-border crime is another reason criminals are able to bribe corrupt politicians, legal practitioners, or top government officials to escape justice.

These conditions create a situation where the state and public institutions have to work together to fight back while at the same time they face significant threats to the state

and citizens in the subregion. Increased cross-border crime has given rise to severe security challenges not only for the individuals but also for the ECOWAS member states in general. These challenges have made it hard for West Africa to have a steady flow of trade and of people across its borders. In addition, the region's political unrest has been a major obstacle to creating an environment that is peaceful and stable as well as being a place for investment, trade, growth, and development. This instability often sparks public discontent and thus attracts criminal elements who then engage in various illegal activities.

Conclusion

This finding demonstrates that the leadership of ECOWAS has consistently adhered to the vision of the African founding fathers, which is reflected in the organisation's guiding motto. This aims to achieve the broader objectives of society by promoting population growth, fostering economic development, and creating an environment conducive to genuine progress and regional integration. However, the study also revealed security challenges at the borders, where individuals exploit the free movement protocol to engage in illicit activities, including illegal trade, trafficking, and arms smuggling. The study concluded that ECOWAS regional integration programmes have significantly helped reduce trade and trafficking problems at the borders. However, the fact that some individuals exploit the free movement area to engage in illicit trade undermines the region's security and overall stability, highlighting a key challenge that still needs to be addressed.

Recommendations

The fight against cross-border crime in West Africa can be successfully addressed through a combination of measures:

(I) Establishment of a Crime Prevention and Criminal Justice Centre (ECPCJs): As stipulated in ECOWAS Article 46 of the conflict mechanism, the establishment of this centre should be accelerated. It should serve as the primary institution for legal assistance, linking ECOWAS member states and facilitating faster mutual collaboration. Additionally, the centre will address common legal issues across the member states, with a particular focus on border-related crimes, functioning as an integral part of the ECOWAS legal department.

(ii) Coordinated Actions Against Cross-Border Crimes: Coordinated efforts to combat cross-border crimes should be a priority. This involves sharing information,

fostering collaboration, and providing training to better understand the nature and trends of these crimes. Emphasis should also be placed on reorganising and upgrading regional structures, such as the West African Police Chiefs Committee (WAPCCO), to enhance the efficiency of the fight against organised crime in the region.

(iii) Strengthening National Control Measures and Legislation: It is essential to introduce effective national control measures and legislation that not only strengthen laws and regulations but also enhance the overall functioning of the legal system. This includes boosting the capacity of law enforcement and the judiciary through training and provision of necessary equipment. Moreover, fostering interagency collaboration and improving information sharing and communication across the sub-region will be instrumental in building capacity and ensuring more effective crime prevention and law enforcement.

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