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Akhigbe Allwell O.
University of Ibadan

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CLASH OF INTERESTS? CONFLICTING PERSPECTIVES OF THE STATE AND BORDER COMMUNITIES ON SMUGGLING IN NIGERIA

Akhigbe Allwell O.

Institute for Peace and Strategic Studies, University of Ibadan, Nigeria

ABSTRACT

Smuggling has been a signature of African borders. The study takes a critical look at the issue of smuggling in the Imeko border community of Nigeria that is situated at the Benin border. It examines the perspectives of the state and the border communities and uses the Onion method of Conflict Analysis to determine the actual needs of both parties and how they could be met. While the government sees it as a crime that robs the state of its much-needed resources, the border communities consider smuggling to be legitimate trade relations with their kinsmen across the border as a result of its artificial nature. The study recommends that the government and the border communities should come together to clarify the ambiguity around smuggling so as to have a defined approach that is favourable to all parties in the conflict. In addition, the government has to invest massively in development of border communities to prevent smuggling from being lucrative to border community indigenes.

Keywords: *Smuggling, Border Security, Border Communities, Conflict Resolution*

INTRODUCTION

African borders, inherited from colonialism have been referred to as artificial as they have separated people with kinship ties (Asiwaju, 1984) disregarded trade patterns and even lumped warring ethnic groups into one state (Blum, 2014; Justin and De Vries, 2019). In some instances, the borders have divided specific ethnic groups into two or more states with different systems and customs thus creating unique security challenges in that what is outlawed on one part is accepted just across the border (Asiwaju, 2006). Nigeria impulsively closed its borders with Benin without prior information on 22nd of August, 2019 to carry out a joint border exercise to respond to insecurity challenges in the state (Daily Times, 2019). This goes to show the extent to which security threats resulting from the borders are a part of the current national discourse. It also reveals a glaring tendency across African states to respond to security challenges primarily through force (Alusala, 2010). While this approach may bring some short-term gains, it fails to lead to lasting solutions for the security issues.

This paper seeks to understand the perspectives of the two major actors in the conflict on smuggling – the government and the border communities. The paper begins by discussing the concept of smuggling and examining how it plays out in Imeko. It then identifies the state perspective of smuggling as a crime that is carried out by border communities to sabotage the economy and security of the Nigerian state. On the other hand, the border communities' perspective sees smuggling as legitimate cross-border trade between them and their kinsmen across the artificial dividing border lines. Finally, a conflict analysis is carried out using the Onion method of conflict analysis that determines the positions, interests and needs of both parties to proffer the way out of the conflict before a conclusion is made.

This study is based on fieldwork carried out in the Imeko border community of Nigeria in July 2019. Twenty interviews were carried out with border community indigenes and residents as well as border security officials including the customs, police and immigration. The data provided is then content-analyzed and complemented with secondary materials including books and journal papers.

THE CONCEPT OF SMUGGLING

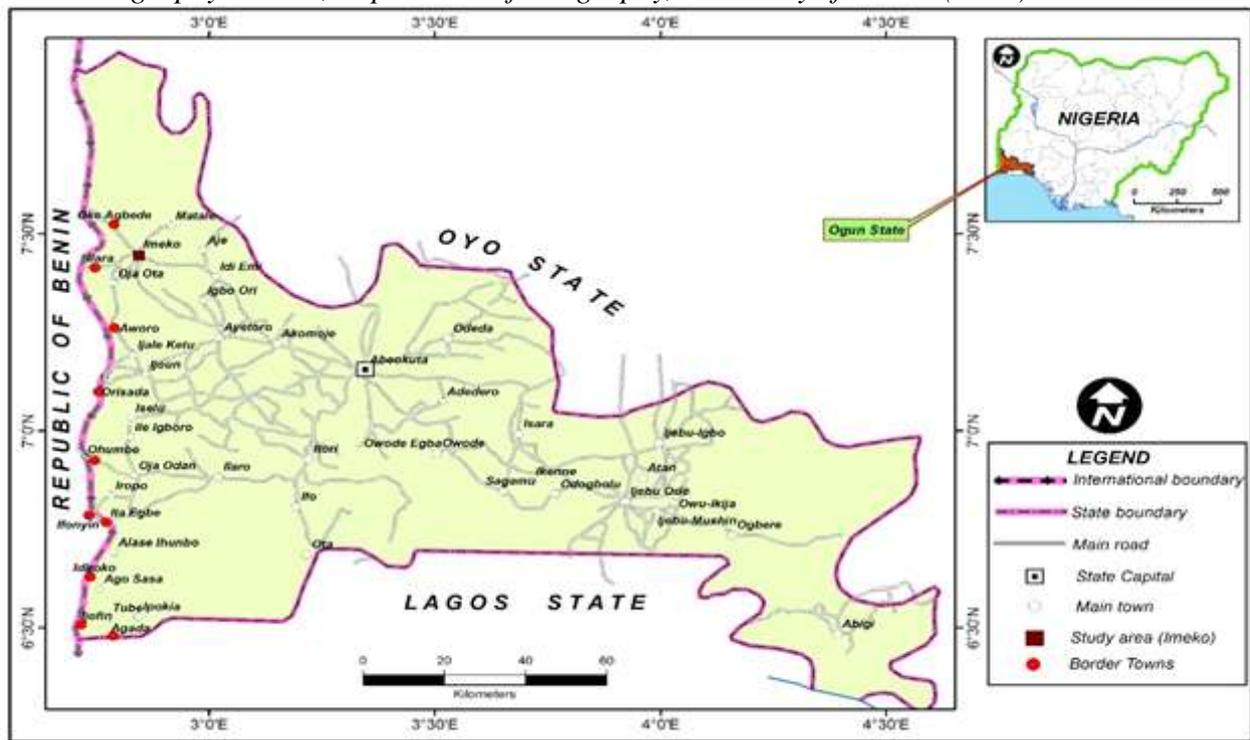
Smuggling has witnessed significant interest by scholars and policy-makers in recent times. This is as a result of intense globalisation that has brought the world closer in terms of trade, communication and movement of



people (Polner, 2015). Criminals have taken advantage of the loopholes in national security structures to carry out transnational organised crimes such as smuggling across borders (Polner, 2015; Ayimpam, 2015). Smuggling is considered to be either the movement of goods across borders through illegal exit or entry points or the import or export of goods designated as contraband. Goods determined to be smuggled are therefore ones that have failed to be officially sanctioned by the state (Benjamin, Golub & Mbaye, 2015). Thus, the definition of smuggled items varies from state to state for instance, importation of second-hand cars is banned in Apapa port of Nigeria and permitted in the Port Autonome de Cotonou of Benin (Albert, 2006). The fact that states that border each other have divergent policies on smuggling means what it is deemed as contraband on one side of the border could be entirely legitimate on the other side creating opportunities for smugglers to cash in and make a profit. Nigeria has been described as having some of the highest import tariffs in the world with a lot of items exceeding the 35% ECOWAS maximum (Golub, 2012). This situation coupled with inefficient border controls create an “open invitation to smuggling” (Golub, 2012:4).

Figure 1: Map of Imeko Border Town

Source: Cartography Section, Department of Geography, University of Ibadan (2019)



SMUGGLING IN IMEKO

Smuggling has been pronounced as a major border security challenge in Nigeria (Eselebor, 2013). Imeko is a border community in Nigeria that has experienced its fair share of smuggling in the state. The prominent form of smuggling in the community is that of rice importation which has been denounced by the Nigerian government as frustrating national food sufficiency (The Premium Times, 2019). Smuggling of rice at the Imeko border has however persisted and is even arguably on the increase in the community (Interview, 2019). The smuggling process is highly organised as most transnational organised crimes. It begins when the wealthy trader crosses the border into Benin to purchase the contraband rice. The bags of rice are then delivered to the boundary point of Benin at Ilara. Next, the trader secures the services of crossers, locally known as 'Fayawo' to negotiate the terms of crossing the bags of rice from the boundary point at Ilara to the city center at Abeokuta. The Fayawo is the crosser who mobilises a number of vehicles to smuggle the contraband rice into Nigeria. Once the price is fixed, the crosser or fayawo goes to secure the cooperation of the border security officials particularly the customs by paying a certain amount on each vehicle to be used for the operation. Immediately, the customs officials have been 'sorted' or bribed, the smuggled operation is then carried out usually at night (Interview 2019). It therefore means that “The main smugglers are in the town making calls concerning their packages. They are not the ones driving the items” (Interview, 2019).



The process of smuggling rice in Imeko border confirms the findings made in other studies. Ellis' (2009) study on the drug trafficking from West Africa notes that different chains in the trafficking gang include a crosser that handles all the transportation of the illicit substances to the destinations after the trafficker purchases the drugs (Ellis, 2009). Albert's (2006) study on smuggling second-hand cars from Cotonou to Nigeria through the Idiroko border also notes that the cars are handed over to the crossers after purchase at Cotonou who are entirely responsible for delivering the vehicles to the Nigerian destinations. Similarly, Ayimpam's (2015) study on smuggling of Asian textiles into Kinshasa clarifies that cross-border traders depend on persons with disabilities and young people called romains (smugglers) to smuggle their wares across the border.

STATE PERSPECTIVE ON SMUGGLING

The word “smuggling” already connotes an activity frowned at by the authorities. The Nigerian state has adopted very stringent views of smuggling. The official perspective is that it is a crime that is undertaken to sabotage the economy of the state (The Premium Times, 2019). It is considered to be responsible for loss of revenue to the government and promotion of counterfeit items. Besides, smuggling provides a medium by which neighbouring states may intervene to influence the activities of a state thereby leading to the success or failure of policies (Okunade, 2015). Smuggling of rice in particular has been decried by not just the government of the state but other interest groups. The Rice Producers Association of Nigeria (RIPAN) in a press conference noted that over 20 million bags of rice was smuggled through the land borders in just three months from January to March 2019 (The Premium Times, 2019). They argued that this frustrated the state's drive towards self-sufficiency in rice production.

The Nigeria Customs Service is the government agency saddled with the task of preventing smuggling. Their mandate includes ensuring payment of appropriate duties on goods coming into or exiting the borders and prevention of the use of illegal routes by irregular migrants (Nkemjika, 2019). Smuggling of contraband items have been determined to include parboiled rice, frozen chicken, groundnut oil, tomato paste, fertilizers amongst others (Benjamin et al, 2015). The customs officials who are mandated to stop smuggling could face stiff opposition from the border communities who do not only condone it but may actively partake in it (Nkemjika, 2019). However, a former smuggler interviewed at Imeko fingered the customs officials as being willing partners who had to be 'sorted' or bribed to be able to secure their cooperation for smuggling activities (Interview, 2019). Nevertheless, the Nigeria Custom Service maintains their position that they are tackling the issue of smuggling squarely at the nation's borders. On a national primetime television programme hosted on Nigerian Television Authority, the Nigeria Customs Service maintains a weekly show titled Customs Duty where they regularly update the public on their strides in apprehending smugglers at various points on the borders (Nigeria Customs Service, 2019). The programme claims that a smuggler is “the enemy” of the state that should be “driven out” (Nigeria Customs Service, 2019). In fact, a customs official approached by the researcher for an interview declined insisting that there was no form of smuggling occurring at Imeko border. This was despite the daily evidence the researcher encountered of smuggled trucks, vehicles and motorcycles moving from Imeko to Abeokuta each night.

The government especially through their security agencies considers smuggling to be typically carried out by residents and indigenes of border communities. A top customs officer interviewed noted that “Smuggling is very popular among the border community. They do not want to work and see it as a quick way to make money” (Interview, 2019). This view was substantiated by a long-term resident of the border town who agreed that the “Fayawo business is usually carried out by the indigenes of the town. This is because they are the ones that know all the roads to use to avoid security agencies” (Interview, 2019). Indeed, it has been established that smugglers usually contact border community indigenes to cross their items from Benin into Nigeria because of their knowledge of the routes to be used to move the items but also for their often-cordial relationship with border security agencies deployed in their town (Albert, 2006). The government therefore tends to see the border communities as people who actively seek ways to sabotage the work of security agencies by smuggling in goods (Akhigbe, 2019). This unfortunately leads to securitisation of the border communities as people who pose a threat to the security of the state (Akhigbe, 2019)



BORDER COMMUNITY PERSPECTIVE OF SMUGGLING

The border community perspective provides an interesting rejoinder to the understanding of smuggling in Nigeria. The perspective is shaped by various factors including the nature of the terrain and relations with the border security agencies. The nature of African borders is artificial barriers that often divide people of the same ethnic group between two different states creating similar communities on both sides (Asiwaju, 2006). This is particularly true of the Imeko border town that is part of the Ketu stock of Yoruba divided between both Imeko in Nigeria and Ketou in Benin. Both border communities share the same culture, language, kinship ties, festivals and food (Asiwaju, 2017). These similarities influence the way they relate across the borders. Martinez (2015) explained that when the people who live on both sides of the borders maintain intense interactions, the borders fail to divide them and simply bring them closer. Similarly, Brunet-Jailly (2007) indicated that the bordering effect on the people inhabiting border communities in different states is increasingly blurred when they have close-knit relations.

Such was the case the fieldwork uncovered at Imeko. A religious leader who is an indigene explained it thus, “If I take my farm produce from Imeko to sell at Ketou in Benin and use the proceeds to buy rice from Ketou to resell at Imeko, how can you call it smuggling? It is business” (Interview, 2019). Likewise, a chief of the town insisted, “There is no smuggling in this town. We only engage in cross-border business” (Interview, 2019). The kinship ties shared by the people of Imeko border town in Nigeria and their relatives in Ketou in Benin simply reinforce their belief that they are engaging in legitimate cross-border trade. As the smuggling of items such as rice and spaghetti at Imeko were deemed to be legitimate trade by the indigenes and residents of border communities, they usually expressed surprise and pain at the government trying to prevent them from engaging in their activities.

The different perspective of border community residents on smuggling is also shaped by the relationship with border security officials in their vicinity. Whereas the position of the government is that smuggling is a crime that should be drastically reduced, the conduct of the security officials tasked with enforcing this position seems to indicate otherwise. Agbedahin (2014) in his study of border security officials conduct at the Ghana-Togo borders summed up this tendency of officials to ignore their roles just to extort border users and community indigenes as “border parasitism”. A religious leader at the Imeko border claimed that “The Nigerian Customs and other security agencies are not doing their work and profit directly from the smuggling through bribes. They are the ones even encouraging the smuggling in the first place so they can make money” (Interview 2019). A teacher explained that, “You cannot smuggle anything without the consent of the customs and other agencies. There are over 20 checkpoints from Imeko border to Abeokuta (the city center) so it is not possible to avoid them” (Interview 2019). A migrant to Imeko community noted that, “Smuggling cannot stop because everybody sees it as a business not a crime. Once you give the customs and police their own share by bribing them, you are free to go” (Interview 2019). Benjamin et al (2015) notice the collaboration of the security agencies in smuggling activities in West Africa. Ayimpam (2015) also maintains that the consent of the security agencies is crucial to the success of smuggling activities in Kinshasa river port.

ONION METHOD CONFLICT ANALYSIS

Conflict is considered to be a disagreement between two different parties on a particular issue (Best, 2006). Conflict is not a negative phenomenon as it is normal and should even be anticipated in any interaction. What is important however is for the conflict to be adequately managed to prevent it from degenerating into violence. The conflicting perspectives on smuggling by the state represented by the government and its security agencies on the one hand and the border communities on the other hand have helped to perpetuate smuggling in Nigeria. This is because both sides seem to be in denial of the occurrence of a conflict in the first place. The government represented by its security agencies especially the customs projects an official position of victory over the cross-border criminals particularly smugglers of contraband goods. Meanwhile, indigenes and residents fail to attach the same seriousness to smuggling as the state does with the prominent perception of it being a legitimate business rather than a crime. This calls for a means of analysing the conflict to determine a way out.



The onion method of conflict analysis helps to understand the issues at play in this conflict between the government and the border communities and what needs to be done about it. The Onion method looks at a conflict situation through the lens of three layers- the positions, interests and needs (Gaya 2006). The rationale behind the onion method is to dig deep enough into the causal factors with the understanding that removing those factors could help manage and even resolve the conflict.

The outermost layer which is the most visible is the position of the parties (Gaya 2006). These positions taken by the parties to the conflict in the first place are responsible for the outward appearance of the conflict. The position of the government is that smuggling is a crime that should be tackled with the force of the state (Nigeria Customs Service 2019). Smuggling of contraband food items in particular such as rice, tomato paste and groundnut oil prevent the state from attaining food sufficiency, lead to unemployment and slow down economic growth. The position of the border communities is that items deemed to be smuggling are part of legitimate business interactions carried out with their kinsmen across the border.

The interest of the state is in guaranteeing the security of Nigeria particularly over its porous borders. Any form of unsanctioned activity across the Nigerian borders could tamper with the internal security of the state which could be an invitation to the chaos (Eselebor 2013). The border communities have their interest in sustaining a means of livelihood for their indigenes and residents (Pophiwa 2010). They are simply interested in being able to survive having been located at the margins of the state and still being neglected in every way. The needs of both parties are the most important factors to consider on smuggling in the state. The needs of the border communities are more conspicuous. The overwhelming need is development of the community particularly provision of jobs. Several respondents from the community indicated that smuggling was the last resort for youth due to the high risk. A teacher explained, “Why would someone agree to load over fifty bags of rice in a small vehicle meant for four passengers and cross the items from Imeko to Abeokuta at great danger to his life because there is no room in the car to drive properly? Any slight mistake on the road would result in a fatal accident because there is no room at all to maneuver.” (Interview 2019) An economic migrant to Imeko noted that “The people of this town are very hardworking. The children learn a skill or craft from childhood. Most of the smugglers are skilled people who have taken to smuggling because they have no money or support to establish businesses.” (Interview 2019). The administrative manager of the Africa Regional Institute insisted that, “The government should come here and employ the teeming youth population that have nothing to do. Provide an alternative for them and smuggling would drastically reduce” (Interview 2019). This is a crucial need of the border communities that if not resolved would continue to compromise the state security through forms such as smuggling.

The need of the government is to ensure the territorial integrity of Nigeria especially at the borders. This need compels it to determine its border security particularly what is permissible or not over the borders (Eselebor 2013). The ability of the government to control which items are legal or contraband is an exclusive preserve of the Nigerian state that can be used at its discretion. Items that are contraband are therefore considered smuggled when imported into or exported out of the state. To actually attain control over smuggling, the government should respond to the developmental needs of the border communities and also meet its own need. The need of the Nigerian government to achieve the territorial integrity over its borders would have to be communicated to its border security officials and enforced to the letter. The observation of the researcher as well as the interviews carried out in Imeko border community confirm that the security agencies themselves frustrate the government's desire to stop smuggling in border towns by compromising to smugglers.

CONCLUSION

This paper has discussed the conflicting perspectives of smuggling by both the state and the border communities. The unyielding perspective of the state is that it is a crime that should be punished with the force of the state. The border communities consider it to be legitimate informal cross-border trade engaged with their kinsmen across the border. The onion method of conflict analysis helps to show that besides the



positions and interests of both parties, the actual needs of both parties are development of the border communities and protection of the territorial integrity of the state by the security agencies. Meeting those needs could help reduce smuggling activities in Nigeria.

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