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National Security, Boko Haram Insurgency and the International Dimensions of Terrorism

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Abstract: One of the greatest challenges that confront the International Community today is terrorism. In recent times, through the Boko Haram insecurity challenge, Africa seems to have entered the mainstream of global terrorism. From the activities of the Al Qaeda in the Levant and the Islamic Maghreb, to the clearly desperate drive to acquire territory by the ISIS, in the Levant and in diverse parts of Africa as far south as Mali, terrorism seems to have arrived in black Africa. In recent times, terrorism has taken a new and indeed frightening dimension, particularly through the Boko Haram insurgency in Nigeria. The deadly terrorist activities in the North-East region of Nigeria which range from kidnapping and bombing, through various forms of mindless violence and killings, to outright military confrontation with security agencies in a desperate bid to acquire territory in northern Nigeria, have caused the Nigerian armed forces great losses in human and material resources. This is a study of the international dimensions of the Boko-Haram insurgency in Nigeria. The paper highlighted the immediate and the remote causes of the conflagration that attended the burgeoning politico-religious conflict which now threatens the stability of the entire West African Sub-region. It is a descriptive analytical survey that utilizes archival materials, library research, extant literature, internet

sources and particularly content analysis. The paper recommended a convergence of both domestic and international collaboration to tackle and defeat terrorism in Africa, and concluded that within Nigeria itself, the need for accountability and good governance as a lasting panacea for national security is sine qua non.

Key Words: National Security, Insurgency, Terrorism, Domestic Environment, International Dimensions, Conflict

Introduction

The Nigerian State is a kaleidoscope of rainbow-coloured ethnic nationalities, juxtaposed upon a motley crowd of naturally diverse peoples. It is not only diffracted along its socio-political and ideological cleavages, but also balkanized along lines of hardly-reconcilable religious, linguistic, cultural and ethnic differences. This is clearly a situation that is potentially conflict-generating, and a recipe for domestic insurgency and international terrorism. When to this potpourri of political and cultural diversity is added a deeply ingrained corruption-ridden public space and primordial loyalties, together with poverty and environmental degradation in the perspective of an almost failed state, then the recipe for international terrorism seems complete. It was only a matter of time before the yawning socio-political vacuum was filled by opportunistic power seekers, using pseudo-religious clichés, to mobilize the ignorant, the gullible and the vulnerable and arm them for a violent overthrow of the political status quo in the perspective of power politics. This paper delves into the origins, causes and direction of terrorism in North-East Nigeria, chronicles the structure of destruction and pillage, and highlights the near helplessness of the Nigerian Government to single-handedly deal with the resultant carnage. Given the constituents of the

Nigerian State and the inherent contradictions within the socio-political under belly of this African giant, the internationalization of what began as a domestic conflict, was bound to become unavoidable.

Conceptual Clarification

National Security

The concept of security is a multi-dimensional one, encompassing diverse issues. Although diverse literature on this topical issue do not arrive (contextually) at a universally agreeable definition of the concept, National Security is generally understood to be that indispensable ingredient necessary for the preservation of a state through effective economic, political and strategic means.

According to the 1996 definition propagated by the National Defence College of India;

National security is an appropriate and aggressive blend of political resilience and maturity, human resources, economic structure and capacity, technological competence, industrial base and availability of natural resources, and finally military might (National Defence College, 1996 cited in Ayodele, 2004; 3).

The above definition conceives of national security first from the political angle, which is described as “political resilience and maturity”, second is the economic dimension to national security which it defines as the “availability of

natural resources and technological competence, industrial base and economic structure”; and lastly from the strategic angle which it described as “military might”.

Political resilience and maturity is an expression of the willingness and ability of differing elements within a political system to play out the game of interest actualization without necessarily disturbing the working of the system through unhealthy rivalry and a hostile struggle for power. This is thus indeed the expression of harmony within the political system.

The economic dimension to National Security includes the availability of a conducive economic environment within which every individual can pursue and access his daily means for survival without hindrance. It therefore encapsulates the efficient and effective functioning of those structures that are *sin-qua-non* for the attainment of economic prosperity and preservation, already conceived by the Indian National Defence College as “technological competence” and a “strong industrial base”.

The strategic angle which is described as “military might” is about the most fundamental aspect of National Security. In fact, it is that indispensable element without which harmony and discipline would be but a façade. It encapsulates the level of effectiveness of the security forces such as the Police, Civil Defence, the State Secret Service (SSS), the Army, the Navy, the Air force, *inter-alia*, and their level of sophistication in safeguarding human lives and property from external and internal seizure. This, being the most

fundamental aspect of National Security, is the salient embodiment of security.

Hence, for the purpose of this paper, National Security would be conceptualized as the existence of functional, efficient and effective human and non-human structures that are necessary for ensuring, protecting and preserving the order, harmonious working and peaceful co-existence of all elements in the state.

Insurgency

With the increasing interest shown by scholars on the subject of insurgency, several issues have been ascribed to the concept. It has thus been impregnated with several definitions which often tend to confuse rather than clarify. This is because varieties of terms (not precisely defined) often fall under the descriptions ascribed to insurgency, such as terrorism, rebellion, uprisings, *inter-alia*.

According to the British Ministry of Defence,

Insurgency could be defined as the actions of a minority group within a state with the intent to forcing political change by means of a mixture of subversion, propaganda and military pressure, aiming to persuade or intimidate the broad mass of people to accept such a change. (BMOD cited in Morris, 2001).

The United States Department of Defence doctrinally defined Insurgency as;

An organized resistance movement that uses subversion, sabotage and armed conflict to achieve its aims. They may also seek to: (1) Overthrow an established government without a follow on

social revolution. (2) Establish an autonomous national territory within the borders of a state. (3) Cause the withdrawal of an occupying power. (4) Extract political concessions that are unattainable through less violent means (USDOD, 2007).

The above definitions invariably deliver a broad description of the antics of, as well as the salient objectives that drive insurgencies. As an organized resistance movement against constituted authority, insurgencies are fueled and driven by ideologies (usually radical) that seek the enforcement of such intended changes.

It is however important to note that the causes of insurgency lie in unfulfilled aspirations and what are perceived as legitimate grievances which may justify armed rebellion. Hence, the British Ministry of Defence (2001) further observed that an Insurgency may be caused by the following:

- i. Economic failure with its attendant dialectical conditions of extreme wealth and extreme poverty
- ii. Unfulfilled expectations especially amongst the middle-class and intelligentsia of the population. It is here that expectations of an improved way of life are usually greatest.

Though, such a tactic as terror may be used by insurgents to attain their goal, the movement is usually induced by oppression, injustice, discrimination and subjugation. In other words, insurgencies are usually violent expressions of frustration with a system that is perceived to be antagonistic and hostile to the survival of a group.

One major distinguishing feature of insurgency is that typical insurgents

organize their forces in military fashion as squads, platoons, and companies... and are often overt in nature, especially in zones which they dominate (Morris, 2005).

Therefore, for the purpose of this study, Insurgency would be conceptualized as an overt, radical organized resistance against constituted government by a group or movement within a state that seeks the collapse of an 'oppressive' system through the means of terror and armed conflict.

Terrorism

If there is any concept that can be described as totally defiant of universal conceptualization, it is terrorism. As a phenomenon, terrorism poses quite serious problems at definition and conceptualization (Afinotan, 2010). It is generally agreed that terrorism involves the calculated use of violence or threat of unlawful violence to inculcate or create an atmosphere of fear in a given population in pursuit of political, religious or ideological goals (Coloumbis and Wolfe, 1986). However, this description ascribed to Terrorism also holds true of such concepts as "insurgency", "guerrilla warfare" or other forms of war. The question hence is; what distinguishes terrorism these?

As it is generally agreed from empirical evidence that terrorism is the systematic use of terror, especially as a means of coercion intended to create fear and cause injuries in pursuit of a definite aim, it has become a widely accepted caption that "one man's terrorist is another man's freedom fighter." This has thrown all attempts at designing a workable definition of Terrorism off

balance. In fact, from a purely Marxist perspective, such a radical or revolutionary group would be described as a liberation movement and their struggle would be perceived as patriotic and nationalistic.

However, in September 2006, Mahinda Rajapakse (who was at pains to emphatically draw a distinction between Terrorism and Liberation) at the conference of the Non-Alignment Movement in Havana, declared that:

Terrorism and Liberation differ from each other as much as the sky differs from the earth. Liberation unlike Terrorism is a creative and humane force. It is a humane vehicle of new visions for the progressive (sic) of power structures on the one side, and socio-economic structures on the other. Terrorism, by contrast is a destructive force, a dehumanizing force that cannot be in anyway justified. Terrorism poses a grave threat to the political and economic being, sovereignty and territorial integrity of nation-states (Rajapaksa 2006 cited in Afinotan, 2010; 5).

Hence, it is germane that for a clarified conceptualization, Terrorism be viewed from two inseparably linked angles:

- i. Terrorism as a methodology of action.
- ii. Terrorism as a social fact.

Terrorism as a methodology simply encapsulates the methods used by terrorist groups, insurgent groups, belligerents, freedom fighters, inter-alia, to achieve their goals. Thus, as a method of actualizing defined aims, terrorism encompasses acts of terror, suicide bombings, and other forms of unlawful violence, whether by individuals, groups, governments or transnational

and international organizations, which invariably cause fear, panic, consternation, disenchantment and psychological depression among human collectivities. By implication, terrorism, as a methodology is merely a means to an end, which may be wielded as unavoidable course of action by liberation movements or insurgents, and/or terrorists, alike.

On the other hand, terrorism as a social fact focuses on the main intent, goal and objective that drive the actions of terrorist movements. It distinguishes terrorists from insurgents or liberation movements. As a social fact, Terrorism is a political phenomenon. In other words, Terrorism as a phenomenon is directed towards the attainment of a (solely) political objective (Afinotan, 2007). The implication of this is that the fundamental political motive may be hidden behind the mask of religion or ideology. According to Morgenthau (1948) however, the political objective is woven around the attainment of power either by an individual, by states, groups, or movements. The above argument thus suggests that the singular goal of terrorism lies in the pursuit of power.

Consequently, for the purpose of this paper, Terrorism may be described as the systematic and patterned use of terror by movements, groups, organizations or governments, aimed at causing fear, panic, consternation, confusion and disenchantments, and directed towards the attainment of a political objective that is defined by power.

Although this definition may not provide a perfect conception of

Terrorism, it serves as an analytical tool for conceptualizing this pressing problematique- National Security, Boko Haram Insurgency and the International Dimensions of Terrorism.

Conceptual Framework

In the course of seeking to devise a workable framework for analysis of National Security, Boko Haram and the International Dimensions of Terrorism, several theories and models were considered. Among those considered were; the Political Economy Approach, Frustration-Aggression Theory by John Dollard, and Tedd Gurr's Theory of Relative Deprivation.

However, the variegated manifestations of National insecurity in Nigeria at different points in its history have all seemed to have their primordial roots in its internal social, political, economic and ethno-religious contradictions. Thus, if the Boko Haram threat to National security in Nigeria is viewed in a single wave of thought largely as just another erupted bubble in the murky waters of National Insecurity in the state (heated up by the consuming fires of political, social, economic and ethno-religious imbroglios), then Political Economy may have been the most suitable framework for analysis. At least, the concept (which today has assumed the Marxian persuasion) embraces (in the general sense) the social, political, economic, religious forces that may account for certain political phenomena or upheavals, where economic contradictions are taken as the sole foundation (sub-structure) upon which political, social and ethno-religious upheavals and revolutions are built. It would thus indicate that, what may have accounted

for past insurgencies in the country also accounts for the Boko Haram security challenge. And this may be misleading.

At least, if the thought that the Boko Haram security challenge has deep roots in the social and economic marginalization of a large section of the northern states is anything to go by, then John Dollard's Frustration-Aggression Theory, and Tedd Gurr's Theory of Relative Deprivation may have been suitable frameworks for analysis of the Boko Haram security menace. It would then place such occurrences as the rise of Niger-Delta militias, and the consequent eruption of the Niger-Delta crisis at the same level, rank and profile as Boko Haram security challenge.

However, the plot to force the Nigerian government and the State at large to unconditional accept the "supremacy" of Sharia Law (a condition that has hitherto never reared its head in Nigerian history), reveals some element of relentless and audacious hunger and struggle for power with the Nigerian State. This has been absent, or more liberally expressed, less pronounced in other security challenges experienced in Nigeria's history. Perhaps, a theoretical focus on this germane but quite silent aspect of the Boko Haram security challenge could unravel the actual problem, and aid the study in the correct assessment of the peculiarity of the nature and character of the National Security question posed by the Boko Haram sect in Nigeria and its wider dimensions and implications. Hence, the choice of the Power-Politics framework, otherwise known as the Realist perspective of Hans Morgenthau as the

preferred framework for analysis of this problematique.

The Power Politics Model

This approach, also known as Political Realism, is credited to Hans Morgenthau, in his famous work titled *Politics Among Nations* (1948), where he sought to develop a comprehensive theory of international politics. In spite of the fact that political realism (the Realist Approach) is largely claimed to be a theory of International Relations, Keaney, a graduate of the University of South Florida observed that as significant as the theory of Realism has proved to be in the practice of (domestic) politics, its importance within International Relations has consistently declined (Keaney, 2006; 1). The basic foundation upon which Morgenthau built his power paradigm was his submission that International Politics, like all politics, is the struggle for power. Accordingly, politics, like society in general, is governed by objective laws that have their roots in human nature, which is unchanging (Morgenthau 1948 cited in Keaney, 2006). Human nature however, as described by Hobbes in his *Leviathan* revolves around the perpetual and relentless struggle for power after power (at any cost and by any means) that ceases only in physical death. Hence one can develop a rational and consistent measurement of human political actions, and offer an overarching analysis of the character of human social interrelationships (in whatever form it may manifest), that reflects these objective laws.

These objective laws that bear and reflect the human nature first indicate

that, interest, which is the singular driving force behind all human actions and inactions, is defined in terms of power (Morgenthau, 1948; cited in Keaney; 2006). In consonance with this fact, Gorge Washington, former president of the United States of America, once emphasized that:

A small knowledge of human nature would convince us that with far the greatest part of mankind, interest is the governing principle, and that almost every man is more or less under its influence... it is vain to exclaim against the depravity of human nature on this account, the fact is so, the experience of every age and nation has proved it, and we must in a great measure change the constitution of man, before we can make it otherwise. No institution, not built on the presumptive truths of these maxims can succeed (Washington cited in Knopf, 1978).

And power (as the sole definition of political interest) covers the domination of man by man and comprises anything that ensures and establishes control of man over man. Thus power covers all social relationships, which serve that end, from physical violence to the most subtle psychological ties by which one mind controls another (Morgenthau; revised 1978). This sets the political sphere apart from other spheres of action such as economics (which defines interest in terms of wealth and its accumulation), and religion (which defines interest in terms of morality and righteousness). Morgenthau further posited that power covers the domination of man by moral ends (too), and controlled by constitutional safeguards as in Western Democracies, and when it is that untamed force finds

its laws in nothing but its own strength, and its sole justification in its aggrandizement.

Hence, political realists believe that the sole underlying motive behind any political action, by either individuals, movements, sects, states, or international organizations, is woven around the attainment and preservation of power where any means defined as rational and justified within the boundaries of time and space are devised. Power becomes not only a means to an end, but also an end in itself.

Although Political Realism is aware of the moral significance of political action, it is also aware of the ineluctable tension between the moral command and the requirement of successful political action. And it is willing to gloss over and obliterate that tension and thus to obfuscate both moral and political issues, by making it as though the stark facts of politics were morally more satisfying than they actually are, and the moral law more exacting than it actually is (Morgenthau; revised, 1978). By implication, where conscience or moral dictates clash with the political goal (power), the political (always) supersedes the moral. As such, Political Realism portrays man as the “political man”.

Power Politics (Political Realism) has been criticized for defining the interest of man solely along selfish lines. For instance, Tickner Ann (2012) observed that Morgenthau’s abstract “political man” lacks moral constraints and lives in a Hobbesian state of war and thus Morgenthau principles as well as his language and delivery in general

provide only a partial and one-sided view description of local and international politics. By narrowing down the interest of man solely in the political (defined as power), Morgenthau’s thesis ignores the economic, moral, and religious man, whose interests may be completely at opposite parallels to the accumulation and preservation of power.

In spite of these criticisms, however, Power Politics has served as a useful framework for analysis of diversified, intricate and multi-faceted political phenomena. For example, Parastar Uptal (2012) of Hindustan Times used the framework for analyzing the fierce rivalry among political elites and political parties in the Republic of Nepal. Since indicators point to the struggle for power among Nigerian elites as the core of the Boko Haram menace and the question of National security in Nigeria, Power Politics thus serves as the most suitable framework for analysis of National Security, Boko Haram Insurgency and the International Dimensions of Terrorism.

The Ecology of Terrorism in Northeast Nigeria

According to Roland (2012), the social ecology of recruitment, from what can be observed explains Boko Haram’s relative success. One thing which can be observed is the existence of very porous international borders in the Northern region of the State. These porous, literally non-existent borders facilitate the movement of arms and mercenaries from neighbouring countries and from the Islamic Maghreb. The conflict in Mali where Islamists fleeing the assaults of French troops found safe havens in Northern Nigeria and neighbouring

states of Niger and Chad is an instance worthy of note. Boko Haram recruits are drawn from among migrants from Chad, Niger, and other neighbouring countries who are in precarious economic situations, because of the collapse of the industrial sector and commercial farming (Roland, 2012; 4). This they believed, of course, to be an unfortunate outcome of the liberalization programmes enforced under the advice of Bretton Woods institutions from the 1980s. At least, these homeless migrants could easily serve as loyal and potent disciples of the teachings of Yusuf against western education and its accompanying “economic injustices”.

Also worthy of note, is the fact as stated by Allison (2011) that Boko Haram typically uses Ak-47 rifles in its attacks, but the exact number and types of weapons utilized in their arsenals are unknown. However, Boko Haram is thought to have several weapon caches that were brought into Africa’s Sahel region by weapons-smugglers after the fall of Libya’s leader, Muammar Gaddafi. He further reported that these weapons include: surface-to-air missiles, rocket-propelled grenades, vehicle mounted anti-aircraft machine guns, automatic rifles, grenades and explosives.

A significant proportion of the Boko Haram sect is drawn from the “Almejiri” (pupils and students learning Qur’an (Roland, 2012). Forest (2012; 61) further described the Almejiri as the “ragged boys” sent by their parents to Islamic boarding schools in Northern Nigeria, where they receive little education beyond note memorization of the Qur’an. They receive money and are

forced to beg in the streets in order to survive. Some teachers at these schools have been known to abuse these children, in some cases, taking a portion of whatever people give them, and in some other cases, using them as foot soldiers in religious clashes (Forest, 2012; 62). Little wonder that these could easily be used as effective tools for the actualization of radical Islamic ideologies. This was the kind of school that was established by Mohammed Yusuf (Forest, 2012; 62).

The North-Eastern region of Nigeria is also populated by school leavers and graduates who have been unable to find employment, and are attracted by the messages of the charismatic “Yusufist” ideology.

According to the Vanguard Newspaper of 21st April, 2016:

It has come to the knowledge of the Defence Headquarters that Boko Haram terrorists have now devised another means of recruiting unsuspecting youths into their fold. In this clandestine dispensation, Boko Haram terrorists have resorted to providing loans to young entrepreneurs and artisans in the North East as a way of inducing them for recruitment. The major targets of the unholy engagements are youths in the North East, especially butchers, traders, tailors, beauticians and other vocational entrepreneurs who could be easily enticed with such loan without paying attention to sundry inherent dangers associated with the acceptance of such goodies from the satanic group or unfamiliar source (Vanguard, April 21, 2016).

Boko Haram has also appealed to people like university lecturers who come from

middle-class homes, and who reject all Western and Christian influences (Forest, 2012; 62). Consequently, due to the peculiar character and pattern of the social ecology of the North-East, the Boko Haram is made up of a combination of aggrieved citizens who have become psychological victims of the poor socio-economic state of the country, and of individuals who through extreme Islamic education and socio-economic conditions in the region, have seen themselves as having no stake in life, and as a result, lack the desire to develop themselves and become productive members of the wider community and the Nigerian state at large. They can thus be easily used as potent instruments for the actualization of anti-western ideology, which the “Yusufist” teachings advocate.

The Structure of Terrorist Violence in Northeast Nigeria

Boko Haram’s pattern of violence appears to be highly stratified and ramified. It began with the killing of civil populations in Maiduguri and environs, especially occasional and well-coordinated attacks on Christian worshippers in churches and prayer houses. With the intervention of the police however, the violence began to escalate, resulting in the arrest and eventual extra-judicial killing of Yusuf, the founder and leader of the Boko Haram sect by the police. The group began to attack police stations, government offices and prominent politicians as well as natural rulers. This later snow-balled into blood-curdling assaults on schools, media and mosques, using all manner of lethal weapons and home-made bombs, described as IEDS. Hundreds of innocent citizens were

murdered in their homes and work places as well as in the streets of major cities, bus stops and motor-parks across the northern half of Nigeria.

The year 2012 saw a radical escalation of violence with the bombing of the Yanya motor-park and the United Nations Building in Abuja. This was then followed by the introduction of suicide bombing on a larger scale, deploying men, women and children to wreak havoc on civil populations across the land. On the heels of this happening was the plan and eventual decision to establish a Caliphate on Nigerian soil, taking and keeping territory, and hoisting their banner in a clear and unmistakable push to wrest power from the legitimate government of the Nigerian Federation. Announcing formally their alliance with, and allegiance to the Al Qaeda network and the Islamic State of Iraq and the Levant (ISIL), they expressed their objective of ruling Nigeria as an Islamic State governed by Sharia Law. This therefore became clearly recognizable as no genuine Islamic Jihad, but a struggle for control of the Nigerian State in an all-out war in the perspective of Power-Politics. The linkage with ISIL, Al Qaeda and the Hezbollah amounted to the internationalization of what began as a domestic conflict.

On April 14th, 2014, the group attacked a female school in Chibok and abducted 219 secondary school girls, an action which attracted international outreach and world-wide condemnation. The Federal Government consented to a cease-fire proposal to allow for conditional release of the Chibok girls due mainly to pressure from foreign

governments and domestic civil society. On Friday, 17th October, 2014, government negotiators met with their counterparts, negotiating on behalf of Boko-Haram in the Chadian capital of N'Djamena (Sunday Punch, 19th October, 2014). Following the negotiations which allegedly took place in Saudi Arabia, Nigeria's Chief of Defense Staff, acting on the understanding that the sect had agreed to a cease-fire, ordered the Nigerian troops to respect the agreement and not fire at the sect's fighters, especially as the release of the Chibok girls was on the cards. Everyone had expected that after the talks being mediated by Chadian President Idris Derby would have been fine-tuned in N'Djamena, the girls would be released (The Nation, 13th October, 2014). This did not happen. By October 29th, 2014, the town of Mubi in Adamawa state was attacked and seized by Boko Haram. The 234 Nigerian Army Battalion in the town was overrun, hundreds of residents were killed, and thousands displaced (The Nation, October 30th, 2014). The sect hoisted their flag at the palace of the Emir of Mubi and burned down the Mubi prison after releasing all prisoners therein, and the police station (The Nation, October 30, 2014). By this time, the sect had sacked the Nigerian Military from Michika, and overrun the entire territory from Madagali to Bazza. This structure of violence thereby revealed a character of the sect as well as the fundamental objectives for which they fought. They wanted territory and lebensraum in the perspective of ISIL in the Levant and the Hezbollah in the Islamic Maghreb, from where to consolidate and overrun the Nigerian

state. They wanted power to prosecute on an international scale, a narrow and selfish agenda, probably for their oft-stated purpose of establishing yet another fundamentalist Islamic state, this time in Black Africa. Below is a detail of some atrocities committed by the sect in Northern Nigeria and Cameroon between 2010 and 2016.

- _07 September 2010, the group attacked Bauchi prisons, killed five security guards and an estimated 800 prisoners were released, including at least 120 terrorists or supporters who were awaiting trial.
- _ 31 December 2010, Mammy market explosion at Mogadishu Barracks in Abuja; an estimated 10 lives were lost.
- _ 28 January 2011, killed six politicians and a gubernatorial aspirant of ANPP – Madu Fannami Gubio, Senator Modu Sheriff's Cousin.
- _April 8, 2011, Bomb explosion at Independent National Electoral Commission (INEC) office in Suleja, Niger State. The lives of 8 serving Youth Corps members, including the suicide bomber, were claimed.
- _ 12 May 2011, kidnapped two engineers Chris McManus from Northwest, England and Franco Lamolinara, an Italian from BirninKebbi. They were eventually murdered on 08 March, 2012.
- _ 16 June 2011, Four children were killed in a church playground during an explosion in the southern part of Maiduguri, Borno State. That same day, there was a bomb explosion of Nigeria Police headquarters (Louis Edet House in

- Abuja, killing eight people died, shattering the glass windows of the seven storey building and destroyed scores of vehicles in the parking lot.
- _ 26 August 2011, bombing of the UN building in Abuja by a suicide bomber. The suicide bomber drove into the compound by ramming a gate, then maneuvered his vehicle into the parking garage before detonating the bomb. 50 persons died.
 - _ 5 November, 2011, there was a series of patterned attacks in Borno and Yobe States, primarily around Damaturu, killing about 70 people and razing a new police headquarters and State Government burned. According to reports, a Boko Haram spokesman informed Daily Trust that his sect was responsible for the attacks, and promised more.
 - _ 25 December 2011, bomb blast at St. Theresa Catholic Church at Madalla, Niger State on Christmas Day. 50 people died.
 - _ 20 January 2012, Kano coordinated bomb attacks, 250 people were killed.
 - _ 10 June 2012, in the central city of Jos, a suicide bomber blew himself up outside a church, wounding at least 50 people.
 - _ 28 October 2012, at least seven people were killed and dozens injured in a suicide bombing during a Mass at a Catholic Church in Kaduna, Kaduna State. An explosive-laden vehicle drove in to the church and detonated its load, ripping a hole in the wall and roof.
 - _ On 02 December 2013, about 200 Boko Haram members dressed in military uniforms and armed with sophisticated weapons like rocket launchers attacked the air force base and military barracks in Maiduguri and destroyed property worth millions of naira
 - _ 17 September 2013, Boko Haram insurgents burnt houses and killed 142 people at Benisheikh in Borno state.
 - _ 28 September 2014, Boko Haram terrorists invaded College of Agriculture at Gujba in Yobe state at night and killed at least 63 students who were sleeping at their hostels.
 - _ 02 December 2013, about 200 Boko Haram insurgents deceitfully dressed in military uniforms and launched coordinated attacks on a military barracks and an airforce base in Maiduguri. About 7 aircraft and several other property were burnt and an unconfirmed number of civilians and soldiers were murdered.
 - _ 20 December 2013, the military barracks at Bama in Bornu state was viciously and ruthlessly attacked.
 - _ 27 January 2014, Kawuri village in Konduga local government area of Borno state was attacked by Boko Haram. Several houses were razed and 85 people killed.
 - _ 11 February 2014, a group of Boko Haram insurgents invaded Konduga in Bornu state and burnt down about 2000 houses, killed 39 people and wounded several others.

- _ 15 February 2014, Boko Haram gunmen killed 9 soldiers and 90 civilians in a village at the Gwoza Local Government area of Borno state. That same day, Bama, the third largest town in Borno state was attacked. Boko Haram operated here unhindered between 3.30am and 12noon. At the end of their operation, 98 persons were killed, 400 vehicles were burnt and over 400 people were wounded.
- _ 14 April, 2014, there was a bomb explosion at the Nyanya motor park in Abuja leaving not less than 75 people dead, 215 wounded and several vehicles burnt.
- _ April 14-15, 2014, Boko Haram insurgents invaded Government Girls Secondary School in Chibok, Borno state and kidnapped over 200 girls writing their Senior School Certificate Examination (SSCE).
- _ On 05 May 2014, Boko Haram insurgents invaded Gamboru-Ngala Local Government Area in Borno state and killed 300 people (including 16 policemen).
- _ 22 May 2014, a twin bomb explosion at Jos Terminus market in Plateau state, leaving at least, 122 people dead, several critically injured and property worth inestimable fortune brutally destroyed.
- _ 20 July 2015, suspected Boko Haram gunmen raided Buratai, the native village of the Chief of Defence Staff, Major General Tukur Yusuf Buratai.
- _ 21 July 2015, suspected Boko Haram attacks left more than 50 people dead. There were also

reported twin suicide attacks in Maroua, Northern Cameroon, killing at least 11. In addition to this, some 42 people lost their lives in a series of blasts at two bus stations in Gombe.

- _ 9 August 2015, Boko Haram shot dead four people and abducted five others during an ambush on a highway in Borno State.
- _ 10 December 2015, Boko Haram killed seven civilians in the Kamuya village, located along the border between Borno and Yobe States. The terrorist burned down the entire village.
- _ 19 April, 2016, the Acting General Officer Commanding (GOC), 7 Division Nigerian Army, Brigadier General Victor Ezugwu and his convoy were ambushed by suspected Boko Haram terrorists during the General's visit troops in Bama Local Government area of Borno State, leaving one soldier dead and two others injured during the ambush

(*Source*: Researched and compiled by the authors from various Nigerian newspapers and television stations between 2010 and 2016).

The International Dimensions of the Terrorist Activities

The Boko Haram insurgency in Nigeria assumed international proportions within the first few months of its inception. This became easily discernible from the methodology of its operation which resembled very closely the manner of operation of exiting extremist Jihadist movements in other parts of the world such as the ISIL, Al Qaeda and the Hezbollah. Its later declaration of direct affiliation with, and

loyalty to ISIL, was regarded by analysts as merely a painful elaboration of the obvious. But with his declaration and further evidence garnered by security agencies, Boko Haram signaled to the world its link with the world-wide network of terrorism. Evidence garnered by Nigeria's security agencies in 2013 from arrested Boko Haram suspects indicated that Hezbollah, the Lebanese militant group and other terrorist organizations may have chosen Nigeria as a base from which to launch terror attacks on their targets. (Tell Magazine, June 17, 2013). The situation which played itself out in the arrest and conviction Abagani and Jega in Kano in 2013 showed very clearly that there were international connections in the Boko Haram scourge ab initio. Abagani and his Nigerian collaborator as well as Abdulaasad Tahini were found to be veterans of the Hezbollah organization sent out to carry out specialized tasks in target countries.

In November 2013, the United States Department of State designated Boko Haram as a terrorist organization believed to have links with Al Qaeda in the Islamic Maghreb. But, what really constitutes the international dimensions of terrorism in this context really concerns the transformation of the conflict from an internal affair into a regional crisis embracing Nigeria's immediate neighbours, Chad, Niger and Cameroon. This may really be considered natural as these countries all share borders with Nigeria. It probably is the most important impediment to complete military victory over the insurgents by the Nigerian state, as the foreign sources of financial logistics and military hardware which include

sophisticated modern weapons of war, flow through these neighbouring territories. According to Gilbert (2014):

Boko Haram insurgents collaboratively fought with AQIM and Movement for Unity and Jihad in West Africa in Northern Mali in 2012. They thus have access to the psychological motivation, ideological inspiration, technological exposure, military training, logistic facilities, financial empowerment, and perhaps personnel of these fundamentalist Islamic groups. The porosity of Nigeria's borders also facilitates the fluidity and movement of members of the group from one neighbouring country to another. Abubakar Shekau for example reportedly fled to Gao in Northern Mali with a thigh injury after he was almost caught by security forces on September 24, 2012.

On the side of the Nigerian Government, there has been foreign assistance by friendly states to help handle the Boko Haram threat. The United States of America for example, did deploy 80 military personnel with drone aircraft facilities to help in the search for the Chibok girls (Gilbert, 2014). Besides, the French president Francois Hollande had hosted an unprecedented regional security summit in Paris for leaders of contiguous states around Nigeria to fashion out collaborative strategies to defeat the Boko Haram menace. Britain, the European Union and the United States were represented at the summit. Other nations like China and Israel, among others, have indicated interests in supporting Nigeria, especially in the search for the Chibok girls.

Besides, the conflict had since taken a regional dimension when Boko Haram launched coordinated attacks also at civil and military populations in Niger, Chad and Cameroon from their bases in Sambisa forest in Nigeria. Nigeria under President Muhammadu Buhari has also paid state visits to Chad, Cameroon, Niger and Benin Republic to canvass military and logistic support for the battle against Boko Haram in Northern Nigeria. On this issue, there is a congruence of interest between all countries in the region, and in Black Africa at large. This is probably why the African Union (AU) waded into the conflict by putting together a multinational African force to be based in N'Djamena to help combat and defeat the Boko Haram monstrosity. Perhaps it was this need to put together a coalition to defeat Boko Haram that informed President Buhari's decision to pull Nigeria into membership of the Islamic Coalition against terrorism during his state visit to Saudi Arabia in March, 2016.

The Way Forward

Given our analysis so far of the realities of the Boko Haram security challenge in Nigeria and the entire sub-region, it is fairly obvious that the capacity to defeat Boko Haram conclusively, does not lie within the competence of any single state in the region, no matter how powerful (militarily) that state may be. This is because the Boko Haram imbroglio has not only been internationalized; it has become fundamentally a regional conflict, requiring the concerted action of all the states in the region and indeed in Black Africa. The ongoing collaboration between contiguous states to battle

Boko Haram in the region is quite good, and must be carried on to its logical conclusion.

It is also important to stress the fact that evidence all over the world have shown that terrorism cannot be resolved at the negotiation table. This has never yet been accomplished anywhere on earth. It would therefore seem futile and naïve to think of negotiating with terrorists, and especially fundamentalism-driven terrorism. Therefore, the defeat of Boko Haram must and can only be achieved in the short run through military operation in the battlefield. In the long run however, a total and sustainable victory over terror would only be achieved if and when the ecological circumstances that breed terrorism in the North East are removed and perhaps almost completely resolved through long-term policy options. The source of local personnel in the form of the readily available army of unemployed youths and almejiris must be permanently removed, not only within Nigeria, but throughout the entire sub-region

Secondly, the high level of illiteracy in the Northern Nigeria must be sustainably dealt with through formal education and a programme of human capital development in the region. In fact, the sustainable development indices must be pursued with extreme vigour and determination by successive governments in Nigeria. National integration through a politics devoid of hate and bitterness must be employed to evolve a new political socialization and mobilization process to reduce primordial loyalties and develop a truly Nigerian political culture and orientation.

The new thrust worldwide of aggressive pursuit of SDGs must be internalized by the political elites, and pursued with vigour. But all of this can only be attained if the anti-corruption war now beginning in Nigeria is upheld and sustained. Thirdly, Nigeria must follow up very quickly on the resolutions agreed upon at the Paris Summit by constructive diplomatic engagements with her neighbours to begin the implementation of the synergistic security agreements aimed at checkmating the insurgency.

Fourthly, it is extremely important that the Nigerian state aggressively equips its army, the security establishments and the immigration service with modern surveillance and patrol gadgets for effective monitoring of her borders. And since it was recently reported that Nigeria has developed the technology for the production of drones, it is recommended that drones be acquired or be produced and deployed for effective monitoring of all the country's land borders.

Finally, the urgent necessity for diversification of the Nigerian economy, the encouragement of Agriculture and Food Production, as well as raw materials for an effective programme of industrialization must be pursued vigorously to reduce unemployment among youths, and thus also reduce poverty in the land.

Concluding Remarks

The Boko Haram challenge in Nigeria should be seen as an eye opener in regard to the past calls for the development of a strong, virile, well equipped modern and mobile military that is second to none in Africa. And

which should at least compare with a middle-level European power like France. This call which was made long ago by Professor Akinwande Bolaji Akinyemi and known as the Strategic Doctrine needs to be revisited and taken seriously.

Finally, Nigeria is constitutionally a secular state, and must not only remain such, but also seen to be so. The State's sponsorship of religious pilgrimages and affiliation with international religious groupings must be discouraged. Nigerian children and youths should be properly socialized to imbibe secular values of loyalty and patriotism through the right kind of education to inculcate national, instead of religious and sectional values. Religion itself should be left in the private and personal realm which in other climes has brought immense benefit to state and citizens. One of the most invidious blights that has plagued the Nigerian nation for many years now, and which has taken new and very frightful dimensions in recent years is the problem of corruption. The current administration of President Muhammadu Buhari has committed itself to a war against this malaise. This battle must be won, for Nigeria to emerge from the doldrums of economic, depression, social Darwinism, and political regression towards the status of a failed state. These are the ingredients for preparation of an ideal soil for international terrorism. To conclusively defeat international terrorism, Nigeria must defeat this malaise, and reduce corruption to the barest minimum.

Finally, the Country must invest more vigorously in youth education, to reduce

illiteracy and the phenomenon of youth unemployment, and thus reduce the number of young people from among which terrorists and their sponsors can recruit their foot soldiers. The phenomenon of almejriris tends to produce a ready-made pool of

indoctrinated youths who can easily be instigated and incited to violence. Youth unemployment and poverty reduction should be made a national pet project, and above all, accountability and good governance must be entrenched at all levels.

References

- Afinotan, L. (2010). Nigerian Foreign Policy Objectives and the Problem of Terrorism. In A.A. Agagu, F. Omotosho and O. Abegunde (eds), *Governance, Politics and Policies in Nigeria*, Porto Novo, Sonoud'Afrique.
- Allison, S. (2011). Nigeria: Boko Haram's Unlikely Source of Funding. http://vkb.isvg.org/wiki/Groups/Boko_Haram. Accessed 11th April, 2016.
- Ayodele, B. (2004). Institutional Development and Democratic Consolidation in the Nigeria Fourth Republic. In K. Ajayi& B. Ayodele (eds), *Perspectives on Democracy and Development in Post-Military Nigeria*. Ikeja, Solar Flares.
- Forest, J. (2012). *Confronting the Terrorism of Boko Haram in Nigeria*. Florida, The JSOU Press.
- Gilbert, L. (2014). Prolongation of Boko Haram Insurgency in Nigeria: The International Dimensions. In *Research on Humanities and Social Sciences*. Vol 4.No. 11, www.iiste.org/journals/index.php/RHSS/article/view/13278. Accessed 20th April, 2016.
- Keaney, B (2006). *The Realism of Morgenthau*. Graduate School Thesis and Dissertations. Florida: University of South Florida.
- Keaney, B. (2006). *The Realism of Hans Morgenthau*. (PDF). <http://scholarcommons.usf.edu/etd> Accessed October 10, 2016.
- Morgenthau, H. (1948). *Politics Among Nations*. New York, Knoff.
- Morgenthau, H. (1978). *Principles of Political Realism*. <http://www.townson.edu/polsci/ppp/sp97/realism/Hans.HTM>. Accessed 24th August, 2012.
- Morris, M. (2005). *Al Qaeda as Insurgency; States Army War College*. <http://www.strategicstudiesinstitute.army/pdffiles/ks11234.pdf>. Accessed 13th March, 2016.
- Roland, M. (2012). *Boko Haram and the Resilience of Militant Islam in Northern Nigeria*. www.nis-foundation.org>view. Accessed 20th April, 2016.
- Sunday Punch. October 19, 2014
- Tell Magazine. June 17, 2013Pg. 21
- The Nation. October 30, 2014.
- Tickner, A. (2012). *A Critique of Morgenthau's Principles of Political Realism*. www.wayneclean.com/docs/notes. Accessed 20th April, 2016.
- Uptal, P. (2012). *Power Politics at the Cost of the Country*. <http://blogs.hindustantimes.com/kurakani-in-kathmandu/2012/12/18>. Accessed December 20, 2012.

US Department of Defence (DOD) (2007). Insurgents vs Guerrillas vs Terrorists.
<http://usriq.procon.org/new.answers.php?questionID=000931>.
Retrieved October 10, 2016.

Vanguard Newspaper. April 21, 2016. Boko Haram Now Gives Loans to Youth as Bait for Membership. www.vanguardngr.com. Accessed 21st April, 2016



Geopolitical Conflicts: The Case of Israeli - Palestinian Conflict (1947 – 2012)

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Abstract: In current history, as in the past, many international conflicts could be explained in terms of geopolitical factors. While geopolitical conflicts are raging in several parts of the world, the Israeli-Palestinian conflict has been most significant since the emergence of the modern state of Israel in 1948, resulting from the November 29, 1947 United Nations Resolution 181 adopted for two states creation in Palestine: one Arab, one Jewish. While the Jewish state came into being, the Arab one has remained a confounding issue. Why has the Palestinian state not been actualized? The paper argues that in last sixty-five years, efforts made to actualize the creation of a Palestinian state have suffered unnecessary paralysis due largely to socio-psychological perceptions and diplomatic conundrum between the two sides. The November 29, 2012 UN General Assembly resolution upgrading the Palestinian Authority from UN “observer” to “non-state member observer” status was a significant diplomatic achievement for the Palestinians, but laced with political landmines. But a Palestinian state can be actualized if certain impediments are removed, with honesty of purpose on both sides and the third party mediators.

Introduction

Geopolitics can be viewed as the interplay between geography and politics, and how it helps to explain conflict in international politics and, in a broader sense, International Relations. Perceptions and the effect of geography

on human development are the two basic assumptions underlying geopolitics. A nation’s location on the face of the earth is a profound factor that affects its vital national interests, particularly its survival. This is the case of Israelis and Palestinians, and many

other states in the world. Who owns the land or can claim autochthony? Because of the anarchic nature of world politics, it remains a difficult, if not impossible; task to resolve many international conflicts. However, the United Nations (UN) exists, playing the role, to a large extent, of a “world government”, or a mediator in international disputes. Thus, the 1947 UN General Assembly Resolution 181 was adopted as an instrument for two-state creation in Palestine: one Arab, one Jewish. This Resolution 181 led to the declaration and establishment of a state of Israel in May 1948; but the provision of the Resolution was rejected by the Arabs, which aborted the establishment of a state of Palestine during the same period. But the 2012 UN General Assembly resolution upgraded the Palestinian Authority from observer to non-state observer status, which was significant diplomatic achievement for the Palestinians in the last six-five years of struggle. To what extent has this resolved or confounded the problem? How can the socio-psychological perceptions and diplomatic conundrum between the two parties be resolved, and in turn bring a relative peace to the age long conflict? Or, at a minimum move the peace process forward toward actualizing a Palestinian state?

The paper is structured into five parts; with part one constituting this introduction. Part two appraises the historical and conceptual background; part three analyses both the 1947 and 2012 UN resolutions; part four examines resolving the conflict beyond the two-state solution basis, and the conclusion.

Historical and Conceptual Background

Mesopotamia was, once the heartland of what is now known as the Middle East, where patriarch Abraham migrated to a territory previously populated by the Canaanites, Hittites, Jebusites, Philistines, among others. Ancient empires such as the Assyrian, Babylonian, Phoenician and Persian shaped the early Middle East and began its historicity (Lieberman, 2007). Foreign invaders, notably the Greeks, Mongols, and Romans, particularly the Romans played a role in the current crisis in the Middle East, especially the Israel-Palestine conflict. Between 68AD and 73AD, Jewish resistance against Roman rule resulted in ruthless crushing of the Jews and destruction of Jerusalem. Another revolt was again ruthlessly crushed in 131-135 AD. Emperor Hadrian (117-135) reconstructed Jerusalem as a Roman city and renamed it Aelia Capitolia and a temple of Jupiter was built on the original Temple site built by Solomon. More significantly, “the land of Israel was renamed Palestine in honor of the Philistines who had occupied only five cities on the Mediterranean seaboard, including Gaza (Irene Princewill, 2006). More than honoring the Philistines, the Romans wanted to shame and humiliate the Jews and futuristically to create the current intractable problem for Israel.

On the same territory, indigenous Arabs had ruled for centuries before finally displaced by nomadic Turks who formed the Ottoman Empire. In turn, the Ottoman empire collapsed during the First World War, then “the victorious allies carved out a complement of

nations at the end of World War 1” (Lieberman, 2007).

And Crawford Young writes:

The partition of the Ottoman domains in the Levant between Great Britain and France and the imperial calculus employed in territorial definitions and structures of domination left in its wake a series of cancerous conflicts. The duplicity of incompatible World War I promises to Arabs and Zionists bore the seeds of inextricable conflict over whether the Palestine mandate awarded to Great Britain by the League of Nations would develop as a Jewish homeland (state) or an Arab state (a Palestinian state (emphasis mine) (Young, 2013).

Earlier Partition Proposals

In the 1917 Balfour Declaration, Lord Balfour – the British foreign secretary – affirmed that the British government viewed “with favor the establishment in Palestine of a National Home for the Jewish people (with the understanding that) nothing should be done to prejudice the civil and religious rights of the existing non-Jewish communities in Palestine” (Mansfield, 1992; Wikipedia, 2013).

It should be noted that “neither partition nor statehood” was contained in the document as a means to actualize “the National Home”. However, Lord Curson, who succeeded Balfour as foreign secretary, noted in a memorandum a concern about the fate of the Arab inhabitants of Palestine who had “occupied the country for the best part of 1,500 years”, and would “not be content either to be expropriated for Jewish immigrants, or to act merely as

hewers of wood and drawers of water to the later” (Mansfield, 1992: 172-175).

In addition, there were also the 1937 Peel Commission, the 1938 Woodhead Commission, and the 1939 MacDonald Commission. In May 1939, the MacDonald White Paper declared that it was “not part of (the British government’s) policy that Palestine should become a Jewish State” and therefore sought to end the immigration of Jews to Palestine. The prohibition of Jewish immigration to Palestine led to the formation of Lehi a small Jewish terrorist organization, which opposed the British and fought on the side of the axis through the Second World War (Wikipedia, 2013).

Lord Curson’s mention of the Arab inhabitants who had “occupied the country for the best part of 1500 years” ,would need further clarification. It should be noted that the Jews had suffered series of dispersion, starting with famine-induced migration to Egypt (lasting over 400 years of captivity) which ended with the great exodus under Moses. Thereafter they experienced the Assyrian, Babylonia, Persian, captivities. The dispersion that started in 70 AD, with the destruction of Jerusalem by the Romans, lasted until early 18th century. By the second and third centuries ‘anti-Semitism had begun to spread across Europe’ and within the Church. Chryststom (345-407 AD), nicknamed “golden mouth”, demonized the Jews thus:

The Jews worship the devil, their religion is sickness, they are the odious assassin of Christ and for killing God, and there is no expiation possible in indulgence or pardon. Christian may never cease

vengeance and the Jews must live in servitude forever .God always hated the Jews .It is incumbent upon all Christians to hate the Jews (Quoted in Dagobert, 1966:42; Princewill, 2007:6-7).

So, from the 400s, most probably from 417, by Curson calculation, to 1917, the Arabs occupied the country while the Jews were dispersed and suffering untold persecution all over Europe and other parts of the world. Reversely today the Jews have been described as the ‘occupiers’ of Arab lands.

Geopolitics

Geopolitics is the interface between geography and politics, a study of “how, and in what ways, geography and international politics interact”. A geopolitics framework of analysis examines “the many ways geography affects politics and foreign policy, from its impact on national identity and nationalism to the manner in which it supports and detracts from a country’s economic and social development” (Duncan et al, 2003 : 297-298) . Several roles played by geography in international relations, like engendering cooperation and conflict between states; affecting global climate change, environment, and natural disasters; conditioning trade and investment flows; and affecting the spread of information technology, all these and much more constitute “the heart and soul” of geopolitics(Ibid).

Applying the concept of geopolitics to the analysis of international politics throws up a number of relevant questions. Such questions would include: why does it matter where a state is located on the globe or who are its neighbors? Specifically, for this

paper: why does it bother Palestinians (Arabs) where Israel is located, (or exists), and vice-versa? How big is the role strategic features like water-ways, peninsula, mountains, canals, and so on, play in relations among nations? How significant is it that the straits of Hormuz might be blockaded (say by Iran) to prevent oil tankers from entering or departing the Persian Gulf (to the Western world)? Then, what constitute geopolitical conflict in international relations?

Geopolitics is anchored on two basic assumptions: the impact of geography on human development, and perception. Jared Diamond, in his book, *Guns, Germs and Steel: The Fates of Human Societies* underscores the fact that “the impact of geography on human development is profound”. Beyond “where humans live and what territorial state they occupy” in great measure conditioning their level of development, Diamond equally notes that humans struggle with each other over territory “like most animal species”. This they have been doing since the beginning of time. In fact, Diamond theorized that human behavior is close to animal behavior as regards territoriality in that we humans share 98% of our genetic program with the primates. Much of that competition for territory, he argues, ‘takes the form of wars between adjacent groups, marked by hostility and mass killing’ (Diamond, 1992; Duncan et al, 2003: 297)

A second assumption is the world of perceptions. Scholars of global politics and foreign policy would argue that human perceptions of the world is composed a sort of prism through which we interpret realities around us (Rourke,

1999) and their accuracy or otherwise is irrelevant. In this regard, “territorially based perceptions” clues could be found as to how distinct population groups define their state identity and vital interests (territorial security, economic vitality, political goals) and the reasons they use various kinds of diplomacy in achieving those interests (Duncan et al). It is in this way that these factors shape the conflict and/or cooperation between states, that is, the geopolitics in foreign policy and diplomatic relation.

Conflict

Conflict, derived from the Latin word “confligere”, means shock, clash, collision (Encyclopedia of Violence, Peace and Conflict, 2008:391). Conflict can be understood from two perspectives: first as a difference, and second as a battle. As a difference it can mean discord, disagreement, dissention, confrontation and dispute. It can also mean antagonism, friction, opposition, hostility, strife and unrest or crisis. Conflict as a battle could mean war, warfare, combat, skirmish, fight, quarrel, feud, brawl, clash, fracas, and the likes (Chambers Large Print Thesaurus, 2006).

While there is a distinction between conflict and war, the second category of meaning given above may be confusing. It is so because conflict is ordinarily understood to mean a non-violent act. However, when a peaceful solution is not found and the situation degenerates, the opposing sides take up arms and it becomes organized “armed conflict”, which simply means war. So the warfare situation is also referred to as conflict. The difference tenable in the circumstance is that while conflict

describes a prolonged disagreement or feud, lasting generations, war is armed conflict lasting a given period and occurring intermittently.

Conflict, from international relations perspective, is any given instance of the endemic antagonism in political life between various interests and/or principles. This may be ameliorated by respect for international law, through diplomacy (negotiation) or it may end in warm or cold war (The Greenwood Encyclopedia of International Relations, 2002: 338).

United Nations Resolutions on Two-State Creation (1947-2012): The Palestinian Renaissance

History is a good teacher for those who would learn from it, they will not perish but actualize their dream. This actively explains the current status of the Palestinians in their struggle towards statehood, if they would further learn from the hard facts of the historicity of their struggle.

The Middle East geo-political caldron has been burning almost continually since the passage of the 1947 UN General Assembly Resolution 181 which created Two States in Palestine: one Arab, one Jewish. The all-time big question is: Why and how did the state of Israel come into existence and the Palestinian state remains elusive?

November 29, 1947: UN Resolution 181

Lake Success, New York, U.S.A, was the meeting place of the United Nations General Assembly, November 29, 1947. Here, on this day, the UN partition plan was put into votes, in the 57-member global assembly. In Resolution 181, 33 states voted in favor, 13 against, 10

abstentions and one absent (www.mideast.com). In addition to two states: an Arab state, a Jewish state, Resolution 181 also declared Jerusalem was declared as *Corpus Separatum* – a separate body to exist under (international) UN Administration. The area in question includes all of Jerusalem, Bethlehem and Beit Sahour which encompasses the Christian holy sites (The UN Partition Plan for Palestine, November 29, 1947, Mideast Web).

The Jews accepted the resolution while the Palestinians rejected it. The Arabs and Palestinians felt that it was “a total injustice to ignore the rights of the majority of the population of Palestine”. Hence the Arab League and Palestinian institutions, following their rejection of the plan, “formed volunteer armies that infiltrated into Palestine” as from December 1947. The volunteer armies were composed of the Arab Liberation Army and the Palestinian Arab Army of the Holy War (Jihad), under the command of Abd al- Qadir al- Husayni and Hassan Salama (wikipedia.encyclopedia.mht).

In actual fact, violence swept Palestine the following day (that is, November 30, 1947) of the adoption of Resolution 181. To counter the Arab and Palestinian armies attacks, the Jews had their underground militias composed of the Haganah, Irgun and Lehi, re-inforced by several Jewish veterans of World War II and other foreign volunteers, all known as Yishuv forces (Ibid).

Amidst this violent conflict, the state of Israel was declared on May 14 1948; thus triggered the main phase of the 1948 Arab-Israeli War. This initial

fighting claimed about 15,000 casualties, and resulted in a cease fire and armistice agreements of 1949 (Ibid).

It was this chaotic and armed conflict situation, and in a state of “diplomatic morass”, that the Jews took a unilateral decision on their survival. Thus, on May 14, 1948, they informed the international community of the existence of the state of Israel (Gregory Mahler and Alden Mahler, 2010:11). Within hours of the declaration of the birth of a (new) state of Israel, a coalition of Arab states forces--Syria, Egypt, Jordan, Iraq, Lebanon and Saudi Arabia -- began an invasion to “drive Israel into the sea”. Instead, rather than being scrapped into the sea, Israel fought hard believing its survival depended on it, conquering more territory (Ibid).

By April 1949, both sides reached a cease fire and an armistice. The armistice meant that each side would maintain the Status quo positions and as such Israel was “awarded significantly more territory than it had been given under the United Nations earlier partition plan”. Moreover, the armistice “did not allow for an independent Palestine State”. Rather, the West Bank came under the control of Jordan; Israel and Jordan shared Jerusalem; and Egypt took control of the Gaza Strip, lying between Israel and Egypt (Mahler and Mahler).

After rejecting the 1947 UN plan, the first move to establish what might be described as a Palestinian government was made by “the All- Palestine Government” as declared by the Arab League on September 22, 1948; but this was abandoned by Egypt in 1959.

However, Yasser Arafat established a new organization- the Palestine Liberation Organization in 1964 (Wikipedia, the free encyclopedia, January 10, 2013).

In 1967, a pall of catastrophe gathered over Israel. Israel turned to the United States for help but declined. This was partly because U.S. President Lyndon Johnson was 'very occupied' during the period 'with America's challenges in Vietnam' and therefore "not interested" in US forces getting involved in the Middle East (Mahler and Mahler).

Faced with escalating hostilities from both Egypt and Syria, and without "diplomatic recourse", to any great power, Israel launched a pre-emptive attack on Egypt and Syria in June of 1967, and Jordan joined on the side of Egypt and Syria. Again, Israel fought for its very existence, and fought very hard. In six days, Israel found itself gaining control of the West Bank, the Gaza Strip, the Sinai and the Golan Heights. The 1967 Six-Day War was a major setback to the ability of the PLO to establish any control on the ground as Jordan, Egypt and Syria lost territories to Israel.

United Nations Security Council

Resolution 242, November 22, 1967

November 22, 1967, saw the passage Resolution 242 predicated on the 'exchange of land for peace' in Palestine. The resolution called for the "withdrawal of Israeli armed forces from territories occupied in the recent conflict", that is, the Six- Day War, and "respect for and acknowledgement of the sovereignty, territorial integrity and political independence of every state in the area and their right to live in peace

within secure and recognized boundaries free from threats or acts of force."(BBC News, 27 august 2010). Resolution 242 has remained a reference point of several diplomatic peace initiatives, and resolution 338 is often linked to it, which called for and brought the 1973 Yom Kippur (October War) to an end and recommended the implementation of 242 by all parties. In fact, 242 featured prominently in the 1993 Oslo agreement (Ibid).

Oslo Agreement, September 9, 1993

The 1993 Oslo Agreement was a product of Second-Track diplomacy, a diplomacy conducted off the public glare but later presented to it. It was so, in order to avoid extraneous influence that could derails negotiation process.

Diplomatic correspondence between the PLO chairman, Yasser Arafat, and the Israeli prime minister, Yitzhak Rabin, set the tone of the Oslo agreement, as the negotiation took place in "secret" under the auspices of Norwegian diplomats; and the agreement signed on the white house lawn on September 13,1993,"witnessed" by the united states of America and Russian federation (Ibid).

Chairman Arafat's letter in paragraphs two and six, read inter alia:

The PLO recognizes the right of the state of Israel to exist in peace and security. In view of the promise of a new era and the signing of the declaration of principles and based on Palestine on acceptance of the Security Council Resolutions 242 and 338, the PLO affirms that those articles of the Palestinian Covenant which deny Israel's right to exist, and the provisions of the Covenant

which are inconsistent with commitments of this letter are now impermanent and no longer valid... (September 9, 1993).

On the same day, Prime Minister Rabin's one paragraph letter read:

In response to your letter of September 9, 1993, I wish to confirm to you that, in light of the PLO commitments included in your letter, the Government of Israel has decided to recognize the PLO as the representative of the Palestinian people and commence negotiations with the PLO within the Middle East peace process (September 9, 1993).

Article XIV of the Declaration of Principles stipulated Israel's withdrawal from the Gaza strip and Jericho area....

Again, on the same day, Chairman Arafat's letter to the Norwegian foreign minister, the lead negotiator and mediator, read;

I would like to confirm to you that, upon the signing of the Declaration of Principles, the PLO encourages and calls upon the Palestinian people in the West Bank and Gaza Strip to take part in the steps leading to the normalization of life, rejecting violence and terrorism, contributing to peace and stability and participating actively in shaping reconstruction economic development and co-operation. (September 9, 1993).

Unfortunately, there are rejectionist groups among both the Israelis and Palestinians. Hamas and other Palestinian rejectionist groups did not accept Oslo treaty and launched suicide bomb attacks on Israelis. In Israel the rejectionist groups opposed "land for peace" deal especially among the "settler-led groups". Sadly, Prime Minister Rabin was shot and killed,

November 4,1995, by an Israeli student who was against the Oslo treaties and "their subsequent developments"(Mahler and Mahler). Therefore, for the most part, Oslo Accords were only partially implemented.

After 1995, several diplomatic rounds had been held between the Israelis and Palestinians, and some form of agreements reached either partially or never implemented according to the spirit and letter of those agreements. Such agreements include the following:

- Oslo II,September 1995. This was an interim agreement in pursuant of 1993 Accord.
- Sharm el-Sheikh Memorandum, September 4, 1999. This memorandum was on Implementation Timeline of Outstanding Commitments of Agreements signed and the Resumption of Permanent Status Negotiations. Never fully implemented.
- The Wye River Memorandum. A consummation of the Protocol Concerning Safe Passage signed in October 1999, was "to contribute to the normalization of life of the Palestinians "by making it easier for them to travel to and from the West Bank to Gaza Strip, through Israel. Again,it was never implemented.
- Taba Summit, 2001. The Taba Summit in Taba, Egypt, was held in January, 2001, removed "temporarily Israeli controlled" areas, and the Palestinian side accepted this proposal as basis for further diplomatic discourse. In a joint statement, both sides agreed

that: 'it proved impossible to reach to reach understandings on all issues'. However, Ehud Barak, Israeli Prime Minister, faced with stiff election in 2001, said: 'nothing is agreed upon until everything is agreed upon'.

- Arab Peace Plan, 2002. The main provisions of the peace plan were that Israel would trade all lands conquered and occupied at the end of the 1967 Six-Day War; that a Palestine state would be set up in the West Bank and Gaza Strip; and that there would be a "just solution" to the refugee case. And all this would be followed by Arab states recognizing the state of Israel (Rubin, 2013).
- The Quartet Roadmap, 2003. The 'Quartet Roadmap' is a plan composed of the European Union, Russia, the United States, and the United Nations. It remains a roadmap never followed but "a reference point for negotiations."
- Geneva Accord, 2003. The roadmap concept seemed to have been reversed by the Geneva Accord, in which "the growth of security and confidence" come before a political agreement. Essentially, it provided for certain land swaps on the Israeli side, with Palestinians having the right to "to have their capital in east Jerusalem, though with Israeli sovereignty over the Western Wall in the Old city."
- Annapolis, 2007. The Annapolis Conference was aimed at a relaunch of the peace process.

US President George Bush Jr; hosted Ehud Olmert, Israeli Prime Minister and

Mahmoud Abbas, Palestinian Authority president, at the U. S. Navy Academy at Annapolis, Maryland. Other officials that took part in the peace talks included those from the Quartet and over a dozen Arab states, including Saudi Arabia and Syria, even though without official recognition of Israel. It was hoped that both Israeli and Palestinian leaders would continue to engage in negotiations with "the goal of a full peace deal by the end of 2008". However, the hope was shattered by the Palestinian (Hamas group) incessant rocket attacks on Israel, and the reprisal Israeli military offensive in Gaza in November 2008.

Here lies the diplomatic conundrum in the Israeli-Palestinian conflict. Hopes have been raised and dashed due to societal attitudes in both Israel and Palestine, thereby frustrating efforts of 'third party' negotiators and mediators. Virtually every diplomatic effort since 1947 to the present had been punctured and aborted. Palestinian society remains divided politically and geographically between the Hamas – controlled Gaza Strip and Fatah--controlled West Bank. Similarly, Israeli society is torn between peace activists and those opposed any deal with the Palestinians on account of security concerns. On both sides of the divide there exist the moderates and extremists.

As each peace talk was approached with great measure of apprehension and trepidation, "the more moderate" Palestinian Authority of the Fatah group based in the West Bank invested more in diplomatic strategy through the United Nations platform. Still, some analysts do not believe the Palestine

Authority strategy could work out any meaningful solution to the conflict. But since 2011 the PA had applied to the UN for Palestinian statehood bid.

Ali Abunimah, writing in Foreign Affairs, argues that;

The Palestine authority bid to the United Nations for the Palestinian statehood is at least in theory, supposed to circumvent the failed peace process. But in two crucial aspects, the ill-conceived gambit actually makes things worse, amplifying the flaws of the process it seeks to replace. First, it excludes the Palestinian people from decision-making process. And second, it entirely disconnects the discourse about statehood from reality (Foreign Affairs, September 19, 2011).

For over 65 years, the peace process has dragged on, rendering any hope to achieve Palestine statehood elusive. Consequently as peace talks continued to end in deadlocks, alternative avenues were being explored to reach a desired goal, even trying the recapture of once lost opportunity. It is an obvious realization that oppositions do exist both internal and external to the Palestinian society. Externally, the UN Palestinian bid set Israel and the US fiercely opposed to it, and most Arab governments. Internally, certain Palestinian officials and the people themselves provided little or no support at all for the effort (Abunimah).

November 29, 2012: UN Resolution 67/19

Since September 2010, Israel and Palestine direct peace negotiations have stalled following Israel's refusal to extend its 'freeze on settlement activity' in the Palestine territory. Thus,

Palestinian officials have argued that the process was already "so moribund that it was simple common sense for them to pursue an alternative path"(Kevin Connolly, BBC, Middle East correspondence, November 30, 2012). That 'alternative path' was their application since 2011 to the UN for full member status for the state of Palestine, even though some countries criticized this move for purportedly avoiding bilateral negotiations (<http://en.wikipedia.org>).

However a reprieve came the way of the Palestinians in 2012. In 1997 the UN had set aside an annual International Day of Solidarity with the Palestinian People. The day marked the date in 1947 (November 29) when the Assembly adopted Resolution 181. As the November date approached, the diplomatic tempo was reaching its heightened pitch in New York City, West Bank and Israel.

Then the Day came: Thursday, November 20, 2012. The United Nations General Assembly Resolution 67/19, upgrading Palestine non-member observer state status, came up for vote. Resolution 67/19 was approved by a vote of 138-9, with 41 abstentions, in the 193 – member Assembly. The resolution was adopted by the sixty-seventh session of the UN, and marked the 65th anniversary of the adoption of Resolution 181(ii) of 1947 (http://en.wikipedia.org/wiki/United_Nations_General_Assembly_resolution_67/19).

Responses were mixed among diplomats and between Israelis and Palestinians. But in the words of the UN Secretary-General, Ban Ki-Moon, "Today's vote

underscores the urgency of a resumption of meaningful negotiations. We must give new impetus to our collective efforts that an independent, sovereign, democratic, contiguous and viable state of Palestine lives side by side with a secured state of Israel. I urge the parties to renew their commitment to a negotiated peace”(http://www.un.org/apps/news/story.asp?NewsID=43640).

The choice of date was not an accident but rather predetermined and attempts to bring some sense of order and direction into decades of diplomatic conundrum. As Mossi Raz, a former Israeli lawmaker and veteran activist, succinctly puts it “it’s aimed at correcting a historical mistake” (Heller and Perry, 2012). But whose mistake was it?

Mahmoud Abbas, the Palestinian President, admitted in an Israeli TV interview in 2011 that the Arab world erred in rejecting the 1947 UN partitioning plan. In his words, ‘It was our mistake. It was an Arab mistake as a whole’ (Heller and Perry, <http://twitter.com/perrydan>)

Benjamin Netanyahu, Israelis Prime Minister reaction was rather not candid. He said “the decision at the UN today (Thursday, November 29, 2012) will change nothing on the ground. It will not advance the establishment of a Palestinian state; it will push it off....” (The Washington Post, Friday, November 30, 2012)

Resolving the Two-State Solution: How workable?

The idea of ‘the two states solution’ to the Israeli-Palestinian conflict is rooted in the 1947 UNGA resolution 181 as contained in parts I and II of the

partition plan. Several diplomatic efforts have been exacted, and so far failed, to broker a two- state solution, with an independent Palestinian state existing side by side an independent Jewish state within secured borders.

However, there is a strong feeling among a majority of both Israelis and Palestinians with high preference for “the two-state solution over any other solution as means of resolving the conflict”

(<http://www.haaretz.com/hasen/pages/933214.html>).

In September 2012, during the 67th session of the UN, Prime Minister Benjamin Netanyahu extended his hand in peace to the Palestine President Abbas towards ensuring the creation of “a solution of two-states for two peoples, where a demilitarized Palestinian state will recognize Israel as a Jewish state” (NY Times.com).

After the adoption of resolution 67/19, President Abbas spoke to the Assembly, that “the General Assembly is called upon ...to issue a birth certificate of the reality of the state of Palestine,” and by the same speech condemned what he referred to as Israeli ‘racism and colonialism’. Ethan Bronner and Christine Hauser write that Abbas’ remarks seemed aimed in parts at both Israel and Hamas, and both responded to “the parts they found offensive” (NY Times.com)

Prime Minister Netanyahu responded thus: “The world watched a defamatory and venomous speech that was full of mendacious propaganda against the Israel defence forces and the citizens of Israel. Someone who wants peace does not talk in such a manner.”

Hamas spokesman, Salah al-Bardaweel, in utter contradictory response, reaffirmed their former stand that: 'There are controversial issues in the point that Abbas raised, and Hamas has the right to preserve its position over them. We do not recognize Israel nor does the partition of Palestine and Israel have no right in Palestine. Getting our membership in the UN bodies is our natural right, but without giving up any inch of Palestine's soil (NY Times .com).

Equally confounding is Mr. Abbas 'attitude as regards the issue of 'two states solution'. Ron Prozor, Israel's UN ambassador, expressed the concern that the Palestinian Authority has failed to recognize Israel for what it is. That afternoon of November 29, 2012, ambassador Prozor says: 'In fact, President Abbas, I did not hear you use the phrase 'two states for two peoples' this afternoon. In fact, I have never heard you say the phrase 'two states for two people because the Palestinian leadership has never recognized that Israel is the nation state of the Jewish people (NYtimes.com).

Indeed, there is no credible and harmonious Palestine leadership. Mr. Abbas presides over a divided house between the Hamas in control of the Gaza Strip and Fatah in the West Bank. He is not welcome in Gaza since 2008 when he was forced out. He maintains only a weak control of Fatah in the West Bank, which clearly "shows that there is no viable Palestinian leadership" living up to expectation of realizing a two-state solution to the conflict. Therefore, the UN Resolution 67/19 to upgrade the status of the Palestinians by the 138 member states majority votes could only

be taken as "largely symbolic". But "symbolism" is said to be something that matters in the Middle East (Connolly).

But for the actualization of the state of Palestine, symbolism must be translated to actual international person, a sovereign state with clearly defined boundaries and legitimate government. For this to happen, the question of the right of Israel to exist must be settled. In other words, Hamas and other Islamists and Arab governments such as Hezbollah and Iran must recognize the right of Israel to exist. Iran's position, for instance, under President Mahmoud Ahmadinejad that Israelis have no roots in the history of the Middle East and that the nation must be "eliminated" or "wiped off the map" is unacceptable (<http://www.theblaze.com/stories/Ahmadinejad-Israel-has-no-historic...>).

'Come, they say, and let us wipe out Israel as a nation-we will destroy the very memory of her existence. This was their unanimous decision at their summit conferences – they signed a treaty to ally themselves against Israel.' "Scrapping Israel into the Mediterranean" "wiping Israel off the map", eliminating and annihilating the nation of Israel are some of the expressions that portray the Arab leadership attitude towards Israel, attributable to leaders like Nasser of Egypt, Ahmadinejad of Iran, and other groups like Hamas and Hezbollah. This may render "the Arab League Peace Initiative" covertly suspect (Rubin, 2013).

The Arab League Peace Initiative was first proposed and published in March 2002, at the Beirut Summit, agreed upon

again in 2007 in the Riyadh Summit, and once again renewed in 2013 in Washington (USA), as led by Qatar. It is a proposed solution, tagged “final solution.” It offers “full normalization of relations with Israel, in exchange for the withdrawal of its forces from all the occupied territories, including the Golan Heights, to recognize an independent Palestinian state with east Jerusalem as its capital” as well as a ‘just solution’ for the Palestinian refugees” (<http://en.wikipedia.org>; Rubin, 2013).

As Rubin clearly observes, the supposed peace plan, though “a good thing” but at best “a bluff” or ‘a scam’. For one thing, key member states of the Arab league are enemies of Israel, except Jordan, Bahrain and possibly Saudi Arabia. And for another, as Rubin argues, “if you factor in the islamist- ruled places- Egypt, the Gaza strip, Lebanon, Tunisia, and soon Syria- into the equation, the picture looks different”. Furthermore, if one includes public opinion and the efforts of revolutionary Islamists ready to condemn any such deal as treason, the picture is further compounded. Even, the Hamas in control of Gaza “will refuse to abide by any such agreement” (Rubin, 2013)

Equally true also is Tunisia’s Muslim brotherhood-dominated leadership, which has already written in the country’s new constitution that it can never make peace with Israel. Iran’s position is also very clear on this matter; except, of course, if the new Iranian President Hassan Rouhani would soften Iran’s policy of annihilation of Israel, which is not likely in the immediate.

Nonetheless, “third party” diplomatic efforts may be good in conflict resolution, but in the case of the Israeli-

Palestinian’s conflict, bilateral peace talk may be more effective. Both parties should continue to explore such approach. Also, the divided Palestinians must unite and recognize the right of Israel to exist. After all, the Hamas claims to have “natural right” to be a member of committee of nations. Why then should they seek the wiping off of another nation from existence?

Mutual recognition of each other’s right to exist and live in peace and security is a major step towards resolving other seemingly intractable issues such as the status of Jerusalem, and the return of displaced people.

The perception, that since several rounds of failed diplomacy between Israeli and Palestinian leaders have reinforced the people’s belief, “that the gap between the two sides remains too wide and that the largest concessions Israel could offer would still fail to meet the minimum that the Palestinians could live with”, could be altered. The conflict can be contained if mutual recognition is accepted. This is the core area the Palestinian people and the leadership must work on. As two Israeli authors write—Yosef Kuperwasser and Shalom Lipner – the disagreement and failed negotiations between Israel and the Palestinians is not so much over specific issues, such as settlements or Jerusalem, but fundamentally, “the Palestinians’ refusal to recognize Israel as a Jewish state” (Kuperwasser and Lipner, 2011; Naom Shaizaf, 2013).

The Palestinian leadership demands ‘a freeze in Israeli settlement – building’ in the West Bank as a precondition for bilateral peace talks. During President Barack Obama’s visits to both

Jerusalem and Ramallah, in March 2013, he urged the Palestinians to drop such demands, but the Mahmoud Abbas's administration insisted that "the precondition remained in place". However, that did not stop President Obama from stressing the need for Palestinians to 'share same values of self-determination and justice' with the Israelis. In the same vein he told his young Israeli audience: 'It is not fair that Palestinian children cannot grow up in a state of their own, living entire lives with the presence of foreign army that controls the movements of their parents every single day'(bbc.co.uk; the Guardian{Lagos }, March24,2013, p.19).

Frankly, there is no meaningful talk about peace without justice. The only precondition for peace should be, and is, inclusive mutual recognition of each other's right to exist. It must be inclusive recognition because without other Islamist like Hamas and Hezbollah willingly recognizing Israel's right of existence, every effort by Abbas-led Fatah remains futile. Justice demands such inclusive mutual recognition of right of existence, which will in turn address other core issues that may be considered injustice. What drives Israelis settlement –building program

has to do with their sense of uncertainty and security concerns.

Conclusion

Understanding the geopolitics and historicity of the Middle East presents some good picture to appreciate the Israeli- Palestinian conflict. Even though two historians may never agree on what happened in the past, and 'the damn thing is they both think they're telling the truth' in the words of Harry Truman (Mideast Web), but the fact remains that the truth lies between the stories. The denial of right of existence to Israel premised on the historical denial and distortion of truth that the Jews had "no historical roots in the Middle East" can be corrected by historical evidence.

Correcting some historical mistake has brought a glimmer of hope to the Palestinian march towards statehood. UNR 67/19 of November 29, 2012 has reinvigorated UNR 181 of November 29, 1947, 65 years after. Still, there are obstacles on the roadmap to actualize a Palestine state to exist side-by-side a state of Israel. Among such obstacles are both sides' preconditions, and lack of collective recognition by the Palestinians of the right of existence of a Jewish state of Israel on these rests other intractable issues for frank and principled negotiations.

References

Abunimah, Ali (2011). A Formal Funeral for the Two-State Solution-How the PA's statehood Bid sidelines Palestinians. Foreign Affairs (<http://www.foreignaffairs.com>). Accessed October3, 2011

Cathal J. N. (2002). The Greenwood Encyclopedia of International

Relations. Volume I, A-E, London: Greenwood Publishing. pp. 338

Chambers Large Print Thesaurus (2006). Edinburgh: Chambers Harrap Publishers Ltd

Connolly, K. (2012). UN vote gives Palestinians new diplomatic power. (BBC News, November30, 2012).

- Dagobert, R. R. (1996). The war Against the Jews. (As quoted by Prince will, op. cit)
- Duncan, et al (2003). World Politics in the 21st century. New York: Longman.
- Hallowell, B. (2012). Ahmadinejad. (<http://www.theblaze.com/stories/Ahmadinejad-Israel-has-no-historic...>) Accessed October3, 2012
- Heller, A. and Perry, D. (2012). United Nations Palestine Partition of 1947 Remembered 65 Years Later in Recognition Vote. (<http://twitter.com/perrydan>). Accessed March7, 2013
- Lester, K. (2008). Encyclopedia of Violence, Peace, and Conflict. New York: Elsevier Inc, Volume1, A-F, p.391.
- Lieberman, D. (2007). The Course of History: A Return to the Natural Course of History might Resolve the Middle East Crisis. {file://A:\TFF%20Middle%20East.htm}.
- Mahler, G. S. and Mahler, A.R.W. (2010). The Arab-Israel Conflict: An Introduction and Documentary Reader. London: Rutledge.
- Mansfield, P. (1992). The Arabs ISBN0-14-014768-3
New York Times, (NYTimes.com).
- Princewill, K. I. (2006). Israel, the Church and Rome: A Brief Survey. Ibadan: Yeshua Bible Institute
- Rubin, B. (2013). Why the ‘Arab Peace Initiative’ is Both a Good Thing and a Scam. Global Research in International Affairs, April 30, 2013
The Washington Post, (Friday, November 30, 2012).
- UN Secretary – General (http://www.un.org/apps/news/story.asp?News_ID=43640). Accessed May 9, 2013
- UNGA Resolution 67/19 (http://wikipedia.org/wiki/United_Nations_General_assembly_resolution_67/19). Accessed May19, 2013
- Yaar, E. and Hermann, T. (2007). Just another forgotten peace summit” (<http://haaretz.com/hasen/spages/933214.html>). Haaretz, December11, 2007.
- Young, C. (2013). The Heritage of Colonialism. In Harbeson, John, W and Rothchild, Donald (eds.) Africa in World Politics – Engaging a Changing Global Order Fifth Edition Boulder: West view Press pp.16-17.
- Israel and Palestine: A Brief History— Part 1. (MidEast Web). Accessed January 9, 2013
Earlier proposals for partitions. (<http://en.wikipedia.com>). Accessed March7, 2013.



Adequate Compensation as a Tool for Conflict Resolution in Oil-Polluted Wetlands of Niger Delta Region of Nigeria

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Abstract: Nigeria as a nation is battling with conflicts in virtually all geopolitical zones of the country. A major conflicting region is Niger Delta, where oil and gas resource of the nation domicile and this has become a major threat to the national development as well as the economic base of the nation. The conflict in Niger Delta has many dimensions to it and has given birth to unrepentant militant whose aim is to truncate the nation if their demands were not met. Although attempts have been made by the government at various levels as well as the multinational oil companies to address the problems emanating from the negative effect of oil and gas exploration, production and transportation in the region, the desired peace is yet to be fully realized. As part of the solution to the conflict in Niger Delta, this paper argued that adequate compensation to oil pollution victim is a right step in right direction. However, to arrive at such compensation value, there is need to review the legal framework, composition of heads of claim, as well as the procedural guide to the conduct of compensation valuation among the Nigerian Estate Surveyors and Valuers.

Keywords: Compensation; Conflict Resolution; Estate Surveyors; Niger Delta; Oil Spill

Introduction

Nigeria as a nation has suffered a great deal of conflicts virtually in all her geopolitical divisions. While some of the conflicting issues are as old as the

nation, the recent struggles include the menace of Boko Haram which has assumed an international terrorism status; and conflict over oil resource control in Niger Delta region of the

nation. Some of the pioneers and leaders of these struggles have vowed never to allow the nation experience peace until they realize their goals. Although some of the conflicts have been condemned by many and their demands described as frivolous, others especially those relating to oil resource control and environmental pollution in Niger Delta cannot not be disregarded. The situation in Niger Delta has been described as pathetic and unfortunate; the crisis in the Niger Delta has economic undertone at the onset but has now become a hydra-headed monster, threatening both the political and economic security of the nation; degenerating to source of friction between and among communities and nationalities in the oil bearing region (Saliu, Luqman, & Abdullahi, 2007). The conventional methods of dealing with conflicts have failed to broker peace but instead have heightened tension and insecurity in the region (Okoh, 2007)

Since the discovery of oil in Oloibiri in 1956, the Niger Delta has been exposed to varying degree of oil spillage arising from exploration, exploitation, transportation, loading and off-loading of crude oil and its product. Amnesty International (2013) described the region as one of the most oil-polluted places on the planet and reported the inconsistencies in the records given on oil spills in this region. Thousands of barrels of oil has spilt in Niger Delta since oil discovery and this has meted untold hardship on the residents of oil producing communities culminating into loss of means of livelihood and sustainability (Kadafa, 2012; Abii & Nwosu, 2009)]. Oluduro (2012) asserts that “the people of the Niger Delta

region have continued to pay the price of development of the nation with their lives, health, cultures, environment and other means of livelihood”. The impoverishment of Niger Delta land has led to internally displacement of many residents from their native land (Teminiski, 2011; Opukri & Ibaba, 2008).

For losses suffered from oil spill by its victims, the standard practice is to award compensation that will launch them back to the position they were before the mishap. Osimiri (2011) observed that inadequate or meager compensation for oil spill damage is a major cause of conflict in the oil producing communities and some of the fallout of this is destruction of oil and gas installations, income loss, loss of man hours, loss of peaceful coexistence, and abduction of expatriates and indigenous oil workers. From the foregoing therefore, this paper seeks to identify various issues responsible for inadequacies in compensation for oil spill damage in Niger Delta region with a view to recommend measures geared towards improving the present situation and forestall avoidable crisis

The Niger Delta Wetland and Oil Production

The Niger Delta region traverses the South-South, South-Western and South-Eastern geopolitical zones comprising nine states - Akwa Ibom, Bayelsa, Delta, Edo, Cross River, Imo, Rivers, and Ondo states of Nigeria. The region occupies a surface area of 112,000 square kilometers, a home to about 3000 communities with a total population of over 31 million people (Greyl, Ojo, Williams, Certoma, Greco, Ogbara, &

Ohwojeheri 2013). The ethnic groups in the region include the Urhobo, Ijaw, Isoko, Itsekiri, Efik, Etche, Ibibio, Ikwerre, Ogoni, Andoni, Kwale-Igbo and Edo. The Niger Delta region is Nigeria's largest wetland with a landmass of 70,000 square kilometres. It is the largest wetland in Africa and among the three largest in the world. It hosts huge deposits of oil and gas in Nigeria and exploitation of these resources provides over ninety five percent of the foreign exchange earnings of the country (Oviasuyi & Uwadiae, 2010)

The Niger Delta's environment comprises four ecological zones, that is, coastal barrier islands; freshwater swamps; mangrove swamp forests and lowland rainforest (Kamalu & Nwokocha, 2011). Many people in the

region depend on services provided by the ecosystem for their survival. The occupational structures of the people are mainly farming, fishing, traditional mangrove exploitation, raffia/oil palm etc. The introduction of oil exploration in this fragile ecosystem dated back to 1938, when Shell D'Archy was granted an exploration license to explore the region for possible crude oil extraction. Oil was first discovered at Oloibiri (presently in Bayelsa State) in 1956 and commercial production began in 1958. With this success Nigeria witnessed the influx of many foreign oil producing companies operating both onshore and off shore Niger Delta; thus, Nigeria joined the Organisation of Petroleum Exporting Countries (OPEC) in 1971. (See figure 1).

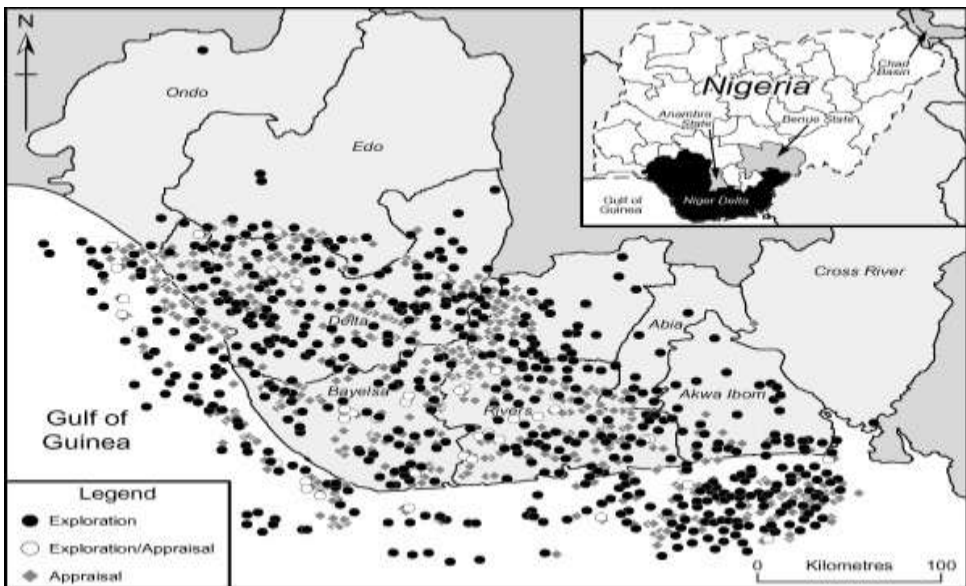


Figure 1: Map of the Niger Delta region of Nigeria showing the nine States and categories of oil well.

There are about 606 oilfields (355 onshore and 251 offshore) in the region

Source: Adapted from Anifowose, Lawler, Horst, and Chapman (2014).

Jike (2010) highlighted the effect of oil exploration and production on both peasant economy, and socio-economic impact on individual and Institution (See figure 2). Not less than 90% of oil spill in Niger Delta is yet to be cleaned consequences on the residents particularly.

natural and built environment, public health, employment in the up (Okeowo, 2014), therefore resulting to cumulative environmental problems with grave

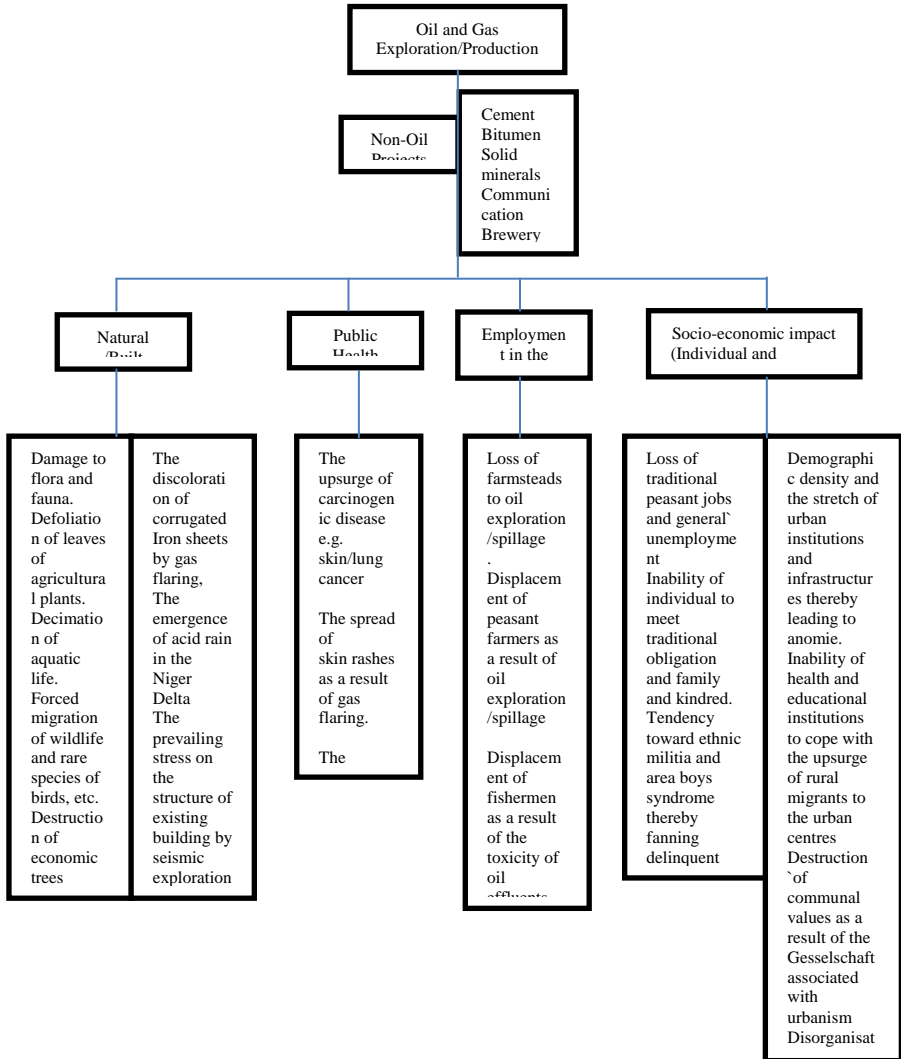


Figure. 2. How oil exploration and production have adversely affected every facet of life of the Niger Delta people (Source: Jike, 2010).

Nature of Conflict in Niger Delta

As a mainstay of Nigerian economy, crude oil commonly referred to as black gold to Nigeria is a blessing whereas the communities where this resource is extracted perceive the black gold as a curse (Omotola & Patrick, 2010). Omeje (2005) gave three dimensional perspectives of contending issues underpinning oil conflict in Nigeria's Niger Delta as connection between institutional, ecological and social factors. The most important of the institutional perspective of the conflict is the arrogation and monopolizing access to the oil-bearing land by the state via the instrumentality of Land Use Act 1978, and denial of courts' jurisdiction over any matter relating to compensation on land. Under Nigerian law, local communities have no legal rights to oil and gas reserves in their territory. In term of ecological and social perspectives, Omeje (2005) argued based on the residents' view, that oil conflict in Niger Delta is attributable to incessant oil spill in the environment by multinational oil companies and the believe that there is an alliance between government and oil companies to the detriment of the people who bears the brunt of environmental damage.

Oviasuyi and Uwadiae (2010) identified sources of conflict in

compensation payment in Rivers State, Nigeria. These include unwillingness on the part of the oil prospecting companies to pay adequate compensation, carefree attitude of the oil and gas prospecting firm, protracted litigation, selfishness of some community representatives, and lack of basic infrastructures in oil producing communities. Saliu *et al* (2007) argued that conflicts in the Niger Delta resulted from abject poverty and environmental degradation to which the region has been subjected over the years. One way by which oil companies have sought solution to incessant faceoff with their host communities in Niger Delta is instituting or intensifying corporate social responsibility (CSR); however this has failed to lessen incidence of violent conflict (Idemudia & Ite, 2006) Idemudia and Ite (2007) conceptualized the conflict in Niger Delta as multifaceted, the root cause of which is political and economic factors. These two causes gave rise to proximate causes which are expressed in both marginalization and poverty, and environmental factors. The results of these are frustration and feeling of powerlessness, increased grievance due to loss of livelihood and widespread sense of relative deprivation (see figure 3).

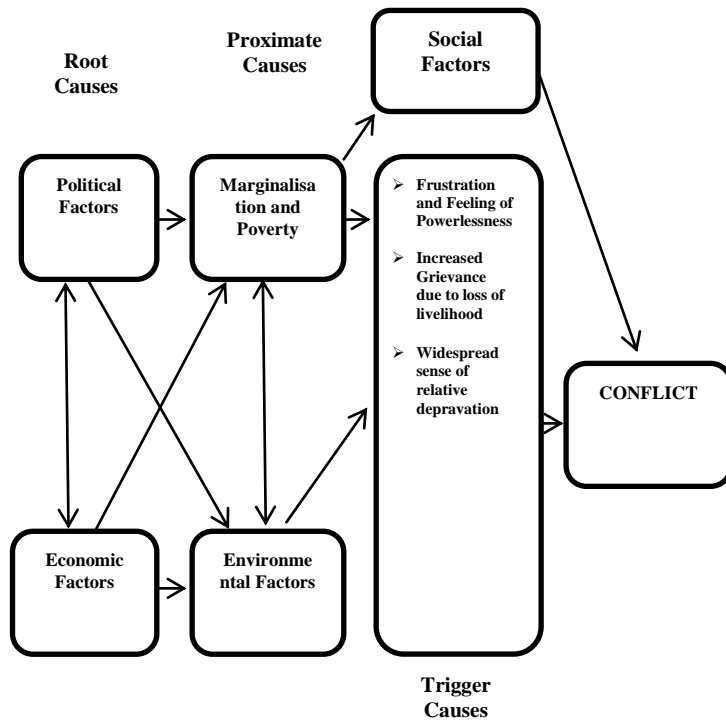


Figure 3. Causes of Conflict in the Niger Delta
(Source: Idemudia & Ite, 2006)

Aghalino (2005) traced intractable problem over compensation for oil spill damage in Nigeria to colonial origin of the oil industry and skewed template of laws which disregard the interest of victims of the negative externalities from the oil industry; the compensation paid by oil industry does not reflect market price and fall short of international standard. The nature of impaired interest in Niger Delta extend beyond goods that are traded in open market, hence Akujuru (2005) claimed that apart from use-goods, oil spill in Niger Delta also affect non-use goods.

In order to effectively manage conflict in Niger Delta, Okoh (2007) proposed

collaborative problem solving method. By this approach, participants, especially the voiceless are given equal chance to express their grievances, views, and have input to the final decision. This improves the understanding of policy makers of the issue at stake and boosts the community trust in government and its intentions. Although this approach is not new, the policy makers have only been playing lip services to issues over the years, the reason why the desired peace seem unattainable.

Sources Of Inadequacies in Compensation for Oil Spill Damage Assessment

Although many researchers have advocated for Total Economic Value (TEV) as the correct basis for compensation valuation in Nigeria (Akujuru, 2005; Otegbulu, 2009; Udo & Egbenta, 2011), the current valuation method and existing legal framework underlining the practice are incongruent to the motion. From literature, many factors have been identified as sources to inadequacies in compensation valuation. Babawale (2013) scrutinized the process as well as the method employed by valuers in compensation valuation for oil spills damage in Niger Delta and classified potential inadequacies into type 1, 2, and 3 errors. He argued under type 1 error that most of value estimates submitted for compensation claims were speculative and superfluous because of lack of input from professionals such as micro biologists, soil scientists, marine biologists, health, and safety experts etc who could have given scientific evidence to back up the claims. Although he did not state categorically whether the practice had led to under or over valuation, he opined that the figures were not reliable to be regarded as adequate for the intent of equitable compensation since most of the assertions in the valuation reports are not within the primary purview of a valuer. Famuyiwa and Omirin (2011) had earlier submitted that the use of environmental experts' input in valuation is the best ways to estimate the impact of contamination to avoid inaccurate estimation of values. Also this input will assist in precise

estimation of remediation costs and determination of remediation period. The type-2 category of inadequacy approach is in the estimation of compensation value based on equivalent reinstatement cost method for intangibles goods such as fishing right, use of "one best judgment" by some valuers - which is unconventional, untested, unknown and lack acceptability and, reliance on OPTS (Oil Producers Trade Section of the Lagos Chamber of Commerce and Industry - a private sector group which represents the interests of oil and gas producing companies in Nigeria) rate which lack legal footings for valuation of crops/economic trees contribute to unjust compensation. The last category (type 3 error) is the use of improvised or arbitrary data in estimating compensation value.

Famuyiwa and Omirin (2011) identified inadequacies in policies and regulation entrenched in Land Use Act, 1978 as contributing factor to inadequate compensation valuation in Nigeria. The Act is silent on the issues bothering on injurious affection and disturbance which may accompany compulsory acquisition or any other form of pollution damage. The current legislations guiding compensation practice in Nigeria would always result to inadequate compensation (Ajoku, 2000). In the same vein, Nuhu (2009) observed non-inclusion of bare land among head of claims, exclusion of certain classes of crops and trees, and adoption of depreciated cost method against investment method for economic tree among others, leads to undervaluation of claimants' interests. Although the OPTS rate for

compensation is considered better in scope and amount than the rate an “appropriate officer” under Land Use Act prescribes, Otegbulu (2009) opined that apart from the fact that the rates are not updated regularly, their application in valuation for compensation exercise is inconsistent with correct valuation practice of income yielding properties and thereby leads to unreliable value opinion. He proposed the use investment method of valuation in place of this rate. Akujuru (2015) opined that lawfulness of the OPTS rates being adopted by the oil companies is doubtful; hence its enforcement is sometimes questionable and meet with fierce resistance.

Non-inclusion of non-use goods in the calculation of the amount due to claimant was identified by Udo and Egbenta (2011) as another source of inadequacies in compensation valuation. The sampled populations from oil producing communities in Niger Delta were asked to express their level of satisfactions over 64 satisfaction questions via contingent valuation method. The results shows that the value of none-use goods which the existing legal framework does not recognize was estimated to be N5,696,708,185.00, whereas the opinion of experts expressed on use-goods was N156,600,000.00. This indicates that the value of non-use goods far exceed the use-value. They concluded that the agitation for adequate compensation among the oil producing communities stem from non-payment of compensation on their non-use goods. Their study identified dissatisfactions among claimants over the compensation paid for oil spills in the region. Imoseni and Abagwu (2013) analysed the

content of Land Use Act, 1978 in respect of its provision for compensation heads of claim. He argued that the Act leaves open a number of claims of the victims for valuers and courts to decide. The undefined claims bring about undervaluation of the victims’ interests. Nuhu, (2009) also identified that the provisions of Land Use Act which did not include bare land in head of claims, exclusion of certain classes of crops and trees, adoption of depreciated cost method against investment method among others leads to undervaluation of claimants’ interests.

Legal framework for compensation can be described as adequate only if it achieves the fundamental principle of placing the injured in the earlier situation prior the mishap. There had been many criticism of the current legal framework guiding compensation valuation in Nigeria. Abii and Nwosu (2009) observed that due to many grey areas in various statutes governing compensation in oil and gas operation in Nigeria, oil multinational giants have found grounds to either avoid fair compensation to the pollution victims or deliberately cause undue delay through faulty Nigeria judicial system. Eventually, the victims most time loose the case on technical grounds and sometimes find payment for legal charges difficult. Crag, Croft and Samiama (2013) observed that the existing legal system on compensation for damage seems to push oil victims towards seeking redress in the courts because of the inadequacies inherent in the alternatives. Otegbulu (2009) had contended that policy and legal framework to assess full economic value

arising from damage to natural resources to individual species based on economic functions in Nigeria is lacking.

Schopp and Pendergrass (2013) claimed that the legal framework guiding valuation for compensation purpose of oil pollution damage in Nigerian does not specifically take into cognizance the natural resource damage. The injured only rely on common laws to make recovery for damage to their property because most of the existing statutes and regulations confer no right to private action. Because of the difficulties in measurement of lost to ecosystem goods and services, many government trustees prefer to quantify the damage through resource replacement cost. Boyd (2010) posited that this approach has nothing to do with the actual social wealth

damages that have already occurred on account of ecosystem resource loss or degradation. Even though, the replacement cost may be more than the avoided social cost however, most times the latter is vastly under represented. From the foregoing discussion, sources of inadequacies in compensation for oil spill damage can be summarily categorized under four headings, namely, inadequate legal framework, incomprehensive heads of claim, inappropriate approach to valuation method, and lack/poor input to valuation assessment by other experts (see figure 4). The conflict generated by the inadequate compensation has reached a point whereby peace must be sought in earnest in order to curb the consequence already ravaging the region.

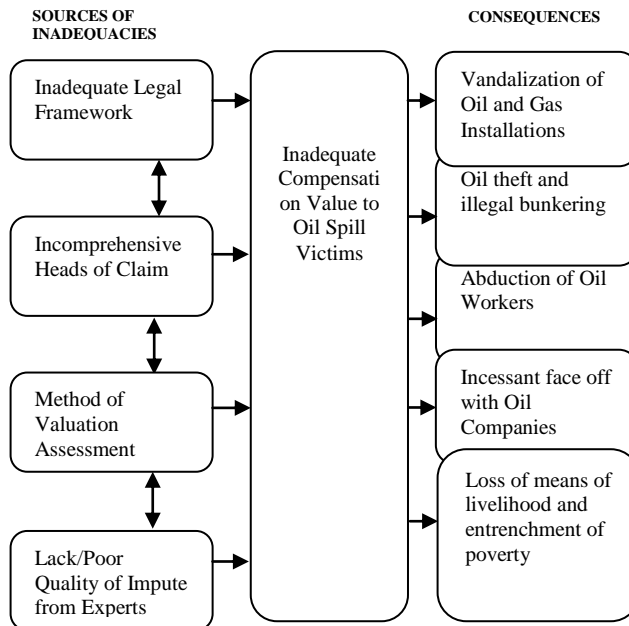


Figure 4: Sources of Inadequacies in compensation for oil spill damage and their consequences in Niger Delta Region

Attempts towards Resolving Conflict in Niger Delta

Attempts have been made by the Governments at Federal and States as well as multinational oil companies to respond to the conflict in NDR. The very first effort towards addressing the grievances of the ethnicity minority in the region was traced to 1957 when the Nigerian government set up Willink commission with the mandate to investigate the agitation of the people and measures to allay their fear (Okolo, 2014). Findings of the commission indicated that there were inequalities in the allocation of resources from oil and gas extracted from their communities, degradation of natural environment, air pollution, and gross feeling of neglect among the people. Willink report submitted in 1958 led to the establishment of the Niger Delta Development Board (NDDDB) in 1961. The mandate of this Board among others was to advise the federal and the regional government of the then Eastern and Western Nigeria on the developmental need and development of the Niger Delta. Not much success was recorded in all these moves.

Okolo (2014) described the establishment of NDDDB as misunderstanding of the right approach to solving NDR problem. There were inherent structural, administrative and funding challenges in the establishment of NDDDB and all these hindered it from achieving the desired results. For instance, nobody from the region was appointed to be among the Board members. Failure of NDDDB to contribute meaningfully to resolving crisis in NDR led to the establishment of

Niger Delta Basin and Rural Development Authority (NDBDA) in 1980 by Alhaji Shehu Shagari civilian regime. The focus of NDBDA was not limited to the Niger Delta, thus revenue from oil was not adequately released for its funding and this further aggrieved the people of NDR with feeling of frustration and neglect.

Oil Mineral Producing Areas Development Commission (OMPADEC) was established by Decree 23 of 1992 as a notable response to the crisis in Niger Delta by Military President Ibrahim Babangida. Through OMPADEC, the government geared up the financial allocation to oil producing state from 1.5 to 3 percent. Although OMPADEC was perceived as the best approach to solving the environmental degradation caused by the activities of the oil companies, the latter event turned out in the contrary as the commission became a platform to perpetrate corruption (Amusan, 2009). Activities such as award of contracts to the traditional rulers, retired military officers, non-execution of awarded contracts, marred the success of the Commission.

At the return of the political power to the Obasanjo's government under democracy in 1999, one of the early bills sent to the National Assembly was the creation of Niger Delta Development Commission (NDDC) as a replacement for OMPADEC. The NDDC was inaugurated on December 21, 2000 with a mandate to "facilitate the rapid, even and sustainable development of the Niger Delta into a region that is economically prosperous,

socially stable, ecologically regenerative and politically peaceful". Mboho and Inyang (2001) appraised the performance of NDDC in providing solution to the conflict in Niger Delta with particular focus on Ikot Abasi, Akwa Ibom State. The findings indicated that although development projects were carried out in the communities, 70% of the surveyed population opined that the strategies adopted by the government in tackling poverty in the region did not yield positive results due to non-availability of the fund to the rural poor, lack of community involvement in programmes design, handling and implementation.

A recent move to resolve conflict in the Niger Delta was the amnesty programme instituted by President Yar' Adua in 2009. The Niger Delta militants were given between 6th August to 4th October, 2009 (a 60-day window) to disarm and assent on the amnesty register. At the end of the amnesty period in October, a total of 2,760 arms of different classes and caliber, 3 155 magazines, 287 445 ammunitions, 763 explosives and sticks of dynamite, 1 090 dynamite caps, and 18 gun boats 20,192 were recovered from ex-militants and non-militants in Niger Delta by the Presidential Amnesty Committee (Oluwaniyi, 2011). The amnesty programme has three dimensions to it - disarmament, demobilization and reintegration (DDR) of the militants, a tool commonly used in conflict. The programme aims at giving more to the militants in Niger Delta following several national embarrassments and sharp decline in daily oil production which led to substantial loss of revenues to the nation. The initial five years of

the programme lapsed in December 2015 but has been extended by another two years by the Buhari's government.

Nwankwo (2015), summarized the Nigerian government efforts in addressing the incessant oil-related conflicts in NDR as three-pronged strategy. These are the derivation principle, the establishment of developmental bodies and the militarisation approach. The derivation principle increased the oil revenue to the states in Niger Delta from 11/2 % to 3% and currently to 13%. The second strategy was the establishment of developmental commissions which brought about Niger Delta Development Board (NNDB) in 1960, the Oil Mineral Producing Areas Development Commission (OMPADEC) in 1992, the Petroleum (Special) Trust Fund (PTF) in 1995, the Niger Delta Development Commission (NDDC) in 2000, and the establishment of the Ministry of Niger Delta Affairs in 2008. Thirdly, the militarisation approach, witnessed the establishment of Joint Task Force. The force grossly violated human rights; this move remains a pointer to the fact that compensation for oil pollution-related conflict is yet to be resolved.

Considering the various moves towards resolving the environmental and developmental conflict in NDR, the situation is yet to attain the desired end. International Crisis Group (2015) observed that the bitter complaints about abject poverty and ruinous oil pollution, which aggravated the earlier rebellion in NDR, remain largely unaddressed as there is increased threat by the ex-militants to pick up their arms.

Recommendation

There is urgent need to promote peace in Nigeria and especially the Niger Delta which bear the oil resource on which the economy of the nation rests. This cannot be achieved when private interest and rights is violated especially due to oil pollution. Having highlighted

the various issues which made compensation for oil spill damage far from being adequate, it is pertinent to ameliorate the situation. Conceptually, figure 5 shows sources of compensation inadequacies diagrammatically and in line with this thought, the following recommendations are made

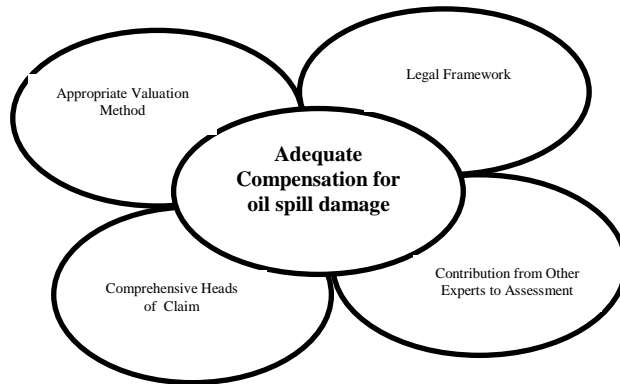


Figure 5: Approach to correcting inadequate compensation for oil spill in Niger Delta

A. Appropriate Valuation Method

There is need to revisit the imposition or adoption of predetermined value of claimants' interests by the use of OPTS rate of compensation and other similar rates compiled by the state or oil companies. Adequate compensation goes beyond arriving at figures. Spash et al (2005) had warned that once valuation becomes divorced from its theoretical roots, numbers can be produced which have little content or meaning, and are defensible only in terms of their political role rather than theoretical basis. The use of predetermined rate as a substitute to valuation assessment carried out by a qualified Estate Surveyor and Valuer should be discouraged as this will only fan the already heated atmosphere. Estate Surveyors and Valuers by their training are equipped with right

knowledge and skill to determine (using appropriate method of valuation) an equitable value for impaired interests of oil victims. It is also pertinent that the Nigerian Institution of Estate Surveyors and Valuers (NIESV) and Estate Surveyors and Valuers Registration Board of Nigeria (ESVARBON) should continue to educate their members via Continue Professional Development (CPD) and other education platforms on the valuation of wetlands and natural environment. This will update their knowledge and furnish them with developments in environmental valuation which many of these professionals are not well informed about.

B. Comprehensive Heads of Claim

Studies have shown that certain claimants' interests are excluded from compensation assessment. This

sometimes is as a result of reliance on OPTS rate as the guiding document for valuation purpose. Non-inclusion the items considered valuable to the compensation claimants most often constitute conflict in the region. For example some trees which are categorised as non-economic tree may not always be so in all communities. Also the spiritual attachment to some sacred forest in Niger Delta required specific activities which only the natives or designated persons can be involved in especially when such forests are desecrate by oil spill. The work of Ibagere (2002) corroborates the importance of cultural heritage to compensation claimants. The study reported that compensation claims were presented in respect of desecration of Inyosa family Juju shrine, and Ikhimwin-no-zokpa shrine at the bank of Ikpoba River in Edo state. Thus there is need to conduct investigation of what constitute heads of claim in the Niger Delta region as a guide to conducting equitable compensation in the region. In conducting such investigation, bottom – top approach is advocated

C. Contribution from Other Experts to Assessment

Oil spill damage assessment sometimes requires scientific investigations which fall outside a valuers' professional competence; hence it is expected that other experts such as soil scientist, land-surveyor, environmental scientists, hydrologists, ecologists, fisheries scientists, chemists, marine scientists, micro biologists, medical and health experts etc. should have input in the assessment. Ibagere (2002) faulted many valuation reports submitted for compensation claims in NDR because

they lack input from such experts. Thus the claims could not be substantiated. Report submitted by the experts should be incorporated into the claims or attached as an addendum to the valuation report.

D. Legal Framework

There is need to revisit the legal framework guiding compensation practice in Nigeria. The existing legal framework is not clear and contradictory in some vital areas (Babawale, 2013). Although there are a number of statutes that provide for compensation in matters relating to land or landed property acquisition, only the Oil Pipelines Act, Cap145, LFN, 1990 contains provisions that directly address matters relating to compensation arising from oil spillage. Other statutes such as the Land Use Act (1978), Minerals Act Cap 121 of 1946, and Petroleum Act No. 51 of 1969 now Cap 350 LFN 1990, Mining Act No 24 of 1990, Oil in Navigational Water Act, Cap 337 LFN 1990 are only superficial relevant to compensation for oil spillage; they deal primarily with land acquisition rather than injurious affection (Imosemi & Abagwu, 2013). It is hereby recommended that laws regulating oil spill damage should be collapsed into a single document that will address all aspects of compensation for oil spill and other contamination damage. This compensation code should have sufficient input from all stakeholders especially the oil producing communities who are already having a feeling of marginalization in terms of oil resource management.

Conclusion

The study has highlighted conflicting issues in compensation for oil spill damage in Niger Delta and various

efforts geared towards resolving conflict therein. Four aspects of identified inadequacies in compensation valuation - inadequate legal framework, incomprehensive heads of claim, inappropriate approach to valuation

method, and lack/poor input to valuation assessment by other experts - must be holistically addressed in order to ameliorate conflicts relating to oil spill damage in Niger Delta.

References

- Abii T.A. & Nwosu P.C. (2009). The effect of oil on the soil of Eleme in Rivers State of the Niger-Delta area of Nigeria. *Research Journal of Environmental Sciences*. 3(3); 316-320.
- Aghalino, S.O. (2005). Issues and Trend in the Payment of Compensation in the Oil Industry in Nigeria, 1969-1997. *Akwabom Journal of History and International Studies*. 12 (1). 186-208
- Ajibola M.O. (2012). Challenges of valuing wetland resources for Compensation in the Niger Delta, Nigeria. *Transnational Journal of Science and Technology*. 2(11): 34-49
- Ajoku, C.V. (2000), "Compensation assessment and payment", seminar paper presented at Continuing Professional Development (CPD) workshop organized by Edo State Chapter of Nigeria Institution of Estate Surveyors and Valuers (NIESV).
- Akujuru, V. A. (2005) Determining the Value of an Oil/Gas Bearing Land for Compensation in a Deregulated Economy. Being a Paper presented at the 35th Annual Conference of the Nigerian Institution of Estate Surveyors and Valuers —Oil Cities 2005| Port-Harcourt Rivers State, Nigeria pp 7 – 17
- Akujuru, V. A. (2015). Compulsory acquisition practices and the determination of compensation payable in the Niger Delta. *Journal of Land Administration in Eastern Africa*, 1(1).
- Amnesty International (2013). Bad Information Oil Spill Investigations in the Niger Delta. Available at www.amnesty.org/en/documents/afr44/028/2013/en/
- Amusan L. (2009). The Political Economy of Fossil Fuels in Nigeria. In V. Ojatorotu (Eds.), *Contending Issues in the Niger Delta Crisis of Nigeria*. (pp. 20 – 53). London, England: Sage Publications.
- Anifowose, B., Lawler, D., Horst, D., & Chapman, L. (2014). Evaluating interdiction of oil pipelines at river crossings using environmental impact assessments. *Area*, 46(1), 4-17.
- Babawale, G. K. (2013). Emerging issues in compensation valuation for oil spillage in the Niger Delta area of Nigeria. *Journal of Reviews on Global Economics*, 2, 31- 46.
- Boyd, J. (2010). Lost ecosystem goods and services as a measure of marine oil pollution damages. *Resources for the Future Discussion Paper*, (10-31).
- Crag C., Croft J. & Samiama I (2013). *International Compensation Systems for Oil Spill in relation to*

- reform in Nigeria. Stakeholder Democracy Network.
- Famuyiwa, F., & Omirin, M. M. (2011). Infrastructure provision and private lands acquisition grievances: Social benefits and private costs. *Journal of Sustainable Development*, 4(6), 169.
- Greyl, L., Ojo, G. U., Williams, C., Certoma, C., Greco, L., Ogbara, N. Ohwojeheri, A. (2013). Digging deep corporate liability. *Environmental Justice Strategies in the world of oil. EJOLT Report No. 9*, 73 p.
- Ibagere O. P. (2002). Valuation of Juju Shrines and Grave yard for compensation. A paper presented at the General Meeting of the NIESV, Edo State Branch on 19th, October.
- Idemudia U. and Ite U. E. (2006). Corporate-Community Relations in Nigeria's Oil Industry: Challenges and Imperatives. *Environ. Mgmt.* 13, 194–206
- Imosemi A. & Abagwu N. (2013). Compensation of Oil Spill Victims in Nigeria: The more the oil, the more the blood? *Singaporean Journal of Business Economics, and Management Studies*..2,(3), 30-43
- International Crisis Group (2015). Curbing Violence in Nigeria (III): Revisiting the Niger Delta. *Africa Report N°231*
- Jike V.T. (2010). Oil Companies and Host Community: A Probable Scenario for Reciprocal Empowerment. *Journal of Human Ecology*, 30(2): 131-142
- Kadafa, A. A. (2012). Environmental impacts of oil exploration and exploitation in the Niger Delta of Nigeria. *Global Journal of Science Frontier Research Environment & Earth Sciences*, 12(3), 19-28.
- Kamalu, O. J., & Wokocha, C. C. (2011). Land Resource Inventory and Ecological Vulnerability: Assessment of Onne Area in Rivers State, Nigeria. *Research Journal of Environmental and Earth Sciences* 3(5), 438-447.
- Mboho, K. S., & Inyang, A. I. (2001). Institutional Failures and Poverty in the Niger Delta Region: A Critical Appraisal of NDDC projects in Ikot Abasi, Akwa Ibom State, Nigeria. *International Journal of Economic Development Research and Investment*, 2 (1): 26–35.
- Nuhu, M. B. (2009). Compulsory Purchase and Payment of Compensation in Nigeria: A Case Study of Federal Capital Territory (FCT) Abuja. *Nordic journal of surveying and real estate research*, 3.
- Nwankwo, B. O. (2015). The Politics of Conflict over Oil in the Niger Delta Region of Nigeria: A Review of the Corporate Social Responsibility Strategies of the Oil Companies. *American Journal of Educational Research*,3(4), 383-392.
- Okeowo A., (2014). Oil Thieves of the Niger Delta, *Business Week* (20 February, available at <http://www.businessweek.com/articles/2014-02-20/nigerias-delta-oil-thieves-scrape-out-a-precarious-living>
- Okoh, R. N. (2007). Conflict management in the Niger Delta region of Nigeria: a participatory approach. *African Journal on Conflict Resolution*, 5(1), 91-114.

- Okolo, P. O. (2014). NDDC, Conflict, Peace-Building and Community Development in the Niger Delta Region. *Global Journal of Political Science and Administration*, 2(1), 36-51.
- Oluduro, O. (2012). Oil exploration and ecological damage: the compensation policy in Nigeria. *Canadian Journal of Development Studies/Revue canadienne d'études du développement*, 33(2), 164-179.
- Oluwaniyi, O. O. (2011). Post-Amnesty programme in the Niger Delta: Challenges and prospects. *Conflict Trends*, 4, 46-54.
- Otegbulu, A. C. (2009) Legal and Economic Review of Natural Resources Compensation Valuation Practice in Niger Delta Area of Nigeria; RICS COBRA Research Conference, University of Cape Town, 10th – 11th September 2009. pp 1763 – 1777.
- Omeje K. (2005). Oil conflict in Nigeria: Contending issues and perspectives of the local Niger Delta people. *New Political Economy*, 10(3), 321 – 334.
- Omotola, S., & Patrick, J. M. (2010). State response to the Niger Delta question: The OMPADEC and NDDC compared. *Placebo as Medicine: The Poverty of Development Intervention and Conflict Resolution Strategies in the Niger Delta Region of Nigeria*. Port Harcourt: Kemuela, 116-140.
- Opukri, C. O., & Ibaba, I. S. (2008). Oil induced environmental degradation and internal population displacement in the Nigeria's Niger Delta'. *Journal of Sustainable Development in Africa*, 10(1), 173-193.
- Osimiri C.J. (2011). Arbitration as a Conflict Resolution Approach to oilSpill Compensation Payment in oil ProducingCommunities of Rivers State, Nigeria. *International Journal of Advanced Legal Studies and Governance*. 2(1), 17-32
- Oviasuyi, P.O. and Uwadiae J., (2010), The Dilemma of Niger-Delta Region as Oil Producing States of Nigeria. *Journal of Peace, Conflict and Development*
- Saliu, H. A., Luqman, S., & Abdullahi, A. A. (2007). Environmental degradation, rising poverty and conflict: towards an explanation of the Niger Delta crisis. *Journal of Sustainable Development in Africa*, 9(4), 275-290.
- Schopp, D., & Pendergrass, J. (2003). *Natural Resource Valuation and Damage Assessment in Nigeria: A Comparative Analysis*. Environmental Law Institute. Available at <https://www.eli.org/sites/default/files/eli-pubs/d13-18.pdf>.
- Spash, Stagl and Getzner (2005) "Exploring alternatives for environmental valuation" Chapter 1 From Alternatives for Environmental Valuation Getzner, Spash & Stagl (eds.) London: Routledge,
- Terminski, B. (2011). Oil-induced displacement and resettlement: Social problem and human rights issue. Research Paper, School for International Studies, Simon Fraser University, Vancouver.
- Udo G.O. and Egbenta. I.R. (2011). Using Contingent Valuation To

Value Non-Use Goods For
Compensation In Nigeria. African
International Business and
Management Conference. Kenyatta

International Conference Centre
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Regional Integration through Common Policies: A Case-Study of the Free Movement Policy in the EU and the ECOWAS

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Abstract: This paper juxtaposes the conceptualization of the EU and ECOWAS and applies it to analyze the progress of both EU and ECOWAS integration process. The free movement policy within both the EU and ECOWAS was used as a case study. The paper basically relied and built on existing literature on the EU and ECOWAS regional integration efforts. The paper reveals that, unlike the EU that has chalked many successes in its regional integration efforts, ECOWAS has been on the reverse due to largely the political instability and bad governance that have plagued many ECOWAS countries; as well as the weakness of the national economies. The EU has delivered half a century of prosperity, peace and stability, raised the living standards within EU, and launched a free movement policy as well as a single European currency (the Euro), by contrast, the dream of ECOWAS single currency 'the Eco' has been a mirage, the only field ECOWAS seems to rival the EU is its protocol on free movement within the ECOWAS region and the issuance of a single ECOWAS themed passport among Member countries.

Keywords: ECOWAS, EU, Free Movement, Regional Integration

Greater regional integration -if done right- can be complementary to the process of global integration-in both seizing the opportunities presented by globalization, and in guarding against and overcoming the attendant vulnerabilities and challenges. Indeed, for small open economies...regional integration may be critical in helping overcome some of the natural disadvantages and limitations that small nation states face with respect to the unavoidable forces of globalization.

Introduction

The prospect of a successful regional integration remains an important economic and political goal in the world. The European Union (EU) is not the only inter-state bloc immersed in a process of regional integration. In other parts of the world, there are similar processes: for instance the African Union; the Association of South-East Asian Nations; the Arab League; the Economic Community of West African States (ECOWAS) among others. EU and ECOWAS were both created with one objective in mind, ‘fostering economic Cooperation and promoting regional integration’. To juxtapose, EU has been a much better success than ECOWAS. The EU has long been regarded as the most developed model of regional integration that has guided the dream of Europeanization to survive many crises including the 2008 financial crisis and the current refugees challenge in Europe.

For several decades, African leaders have articulated an ambitious vision of a unified vibrant economy and encapsulated this vision in a series of continental documents and treaties, including the Lagos Plan of Action and the Abuja Treaty. Yet, several assessments of the continent’s regional integration efforts have concluded that, while there has been some progress, achievements have not matched ambitions. There have been several attempts to achieve regional integration comparable to Europe such as what ECOWAS aim to achieve but it has failed to achieve anything resembling the success or progress of the EU. “No other regional body is anywhere near the EU in terms of political or economic cooperation, let alone integration. Indeed, no other grouping has even gotten to first base in terms of the basic

requirements of integration, namely dealing with historical reconciliation and developing the necessary political will.” There have been innumerable declarations from groupings in Asia and Africa about the desirability of closer cooperation and even integration, but the record shows that the rhetoric has not been matched by action. Although the EU is also guilty of exaggerated rhetoric, it has steadily moved forward even if on occasion it seems to take two steps forward, one step back.

The success and experience of the EU is regarded as the epitome and model of regional integration. In West Africa, the EU in no doubt has had a key influence in the dynamics of regional integration in the sub-region. The EU considers regional integration as a key tool for regional development. According to the European Commission, ‘open regionalism’ contributes to their integration in world economy and plays a key role in conflict prevention and peace consolidation. Therefore, the EU ‘in light of its experience and the instruments at its disposal’ provides support to developing countries in their regional initiatives. The EU has delivered half a century of prosperity, peace and stability, raised the living standards within EU, and launched a free movement policy as well as a single European currency (the Euro). By contrast, ECOWAS has experience more political instability since its conception in 1975 than peace and stability. The dream of a single currency ‘the Eco’ has been a mirage, the only field ECOWAS seems to be doing well it its protocol on free movement within the ECOWAS region.

According to Touzenis, both the EU and the ECOWAS States have created a legal framework for the free movement of persons and goods within their

respective regions. Both of these free movement regimes were born out of a wish on the part of the states concerned to create stability and the conditions for prospect and peace within the external borders of the region. The goal of the paper is to explore the potency of free movement in regional integration efforts within the EU and the ECOWAS. The paper is an explorative research and heavily relied on various past and present literatures on both EU and ECOWAS integration policies. The paper begins by critically reviewing the term regional integration. The paper then looks at both EU and ECOWAS regional integration effort by using the free movement policy within both the EU and ECOWAS to examine the success or the failure of the respective regional integration efforts. It is important to note that, the EU integration process and more importantly its Treaties on free movement (including the Schengen agreement) was only briefly examined in the paper, I acknowledge that EU Treaties and agreements are very comprehensive and needs more time to analyze.

Regional Integration

The revival of interest in regional integration and cooperation is a worldwide phenomenon, inspired by the success of the European experience. It also reflects a growing appreciation of the benefits to be derived from regional unity' and cooperation in meeting the challenges posed by increasingly competitive world markets. Regional integration can be defined as a process in which states enter into a regional agreement in order to enhance regional cooperation through regional institutions

and rules. In the past decades, moves towards regional integration have been on the rise with most countries seeking to strengthen their cooperation with other neighborhood countries. For instance in Europe, the 1993 Maastrich Treaty gave birth to the EU, which enlarged and built upon the European Economic Community.

According to Hartzenberg, regional cooperation usually begins in the form of economic integration and as it continues, comes to include political integration as in the case of the EU. Regional Integration as associations of states are often formed based upon location in a given geographical area and a treaty or other protocol arrangements that usually determine terms of association. For instance, the African paradigm is that of linear market integration, following stepwise integration of goods, labor and capital markets, and eventually monetary and fiscal integration. The starting point is usually a free trade area, followed by a customs union, a common market, and then the integration of monetary and fiscal matters to establish an economic union. The achievement of a political union, features as the ultimate objective in many African Regional Integration Agreements.

Regional economic integration has enabled countries to focus on issues that are relevant to their stage of development as well as encourage cooperation between neighbors. Perhaps the key objectives of any regional bloc has always been strengthening of trade and people integration in the region; contribution to peace and security in the region; development of strong sector

institutions and good governance; and more importantly, strengthening of the region interaction with other regions of the world. Achieving a successful regional integration does not come easy due to contradiction arising from different state interest. According to Roy and Dominguez, the aspiration of regional integration processes is to become a space of conciliation between the creation of regional common goods and national interests, cultures, practices and policies. Models and ideas, however, do not always sublimate in concrete actions, even the most developed institutional exercise of regional integration, the EU, is commonly overwhelmed by the contradictions and obstacles of the institutional architecture and the interests of the Member states (ibid.).

According to the African Development Bank, regional integration in general can be classified into five main forms using the rising degree of intensity as:

- a) Preferential Trade Agreement (PTA), which is formed with the reduction of custom duties (mainly tariffs) on trade among members relative to those on trade with non-members.
- b) Free Trade Area (FTA), which involves the elimination of tariffs and quotas on the trade among Member countries.
- c) Customs Union (CU), which goes a step further than the FTA as in addition to free trade within the union, there is a common external tariff (CET) against non-members.
- d) Common Market (CM), which is a CU that allows for the free movement of factors of production among Member countries. Thus, it

encompasses intra-union free trade, a common external tariff against non-member countries and free movement of factors of production (labor and capital) within the union.

- e) Economic and Monetary Union (EMU), which is a common market in which there is a single currency and monetary policy and in which major economic policies (particularly fiscal policy) are coordinated or harmonized. Often, there is a compensation policy, which involves transfer of income to poorer or disadvantaged Members of the Union.

The European Union (EU)

Since the early 1950s, the EU has been a pioneer in regional integration. The most important principles underlying the success of the EU project include: Visionary politicians, such as Robert Schuman of France, and Konrad Adenauer of Germany, who conceived of a new form of politics based on the supranational “community method” rather than the traditional balance-of-power model; leadership generated by the Franco-German axis; the political will to share sovereignty and construct strong, legally based, common institutions to oversee the integration project; and a consensus approach combined with solidarity and tolerance. The EU was created in the aftermath of the Second World War. The first steps were to foster economic cooperation: the idea being that countries who trade with one another become economically interdependent and so more likely to avoid conflict. Now comprising 28 countries that together cover much of the European continent, the Treaty of

Rome signed in March 1957 and established in January 1958, created the EU by an initial six countries (Belgium, Germany, France, Italy, Luxembourg and the Netherlands) as an European Economic Community (EEC), purposely for increasing economic cooperation, the EEC was later transformed from just an economic union to a unique economic and political partnership by the Treaty of Maastricht in November 1993, which established the EU on the foundation of the pre-existing EEC.

To achieve its Europeanization dream with lessons from previous challenges, the EU has adopted what Fraser Cameron put it 'a more flexible approach' resulting in a multi-speed Europe with several tiers of integration. For example, not all Member states are in the Eurozone, or in the Schengen passport-free zone; this arrangement has allowed some of the more Euro-skeptic countries such as the United Kingdom (UK) to opt out of certain obligations. Nevertheless, the core tenet of the EU is readiness to share sovereignty and operate through strong common institutions. With an estimated population of 508 million citizens, the EU has developed a single market through a standardized system of laws that apply in all Member states, ensuring the freedom of movement of people, goods, services, and capital. EU also maintains common policies on trade, agriculture and regional development. One of the greatest achievements of EU is perhaps the adoption by 16 Member states a common currency (the euro) generally referred to as Eurozone. The EU operates through a hybrid system of supranational institutions and intergovernmental negotiated decisions

by Member states. Important institutions and bodies of the EU include: the European Commission; the Council of the European Union; the European Council; the European Parliament; the European Court of Justice; and the European Central Bank.

European Integration

According to Howorth, the story of European integration began with defense. The Treaties of Dunkirk (1947), and especially the Treaty of Brussels (1948), were primarily geared to forging a security community, which would banish any further prospect of war. But the demand of sovereignty and the sheer complexity of European security problem ruined the first attempt at defense integration, the European Defense Community, in the early 1950s. At the founding of the EEC, since renamed the European Community, the main concern was the creation of a peaceful and prosperous Europe after the Second World War, and the primary mechanism for achieving this was a common market and in 1968, legislation on the free movement of workers was already in place.

The EEC was, above all, a shared peace and prosperity plan that consolidated the reconciliation between Germany and its former enemies better than any other international agreement. European integration was not only conceived as an alliance of interests but was also founded on values and ideals, that is to say, on an ethical vision which rose above political convenience and ever-changing power games (ibid.). Weiler posits that thanks to this desire to be an ethical community, Europe is today not only an empirical reality; it is also an idea, a project of a 'better community'

or polity. The method chosen for European integration was based on coalitions of interests and guided by political and bureaucratic elites bent on resolving specific economic problems. On the other hand, most political and historical analyses of integration, from realist or neo-realist perspectives, insisted on national interests and calculations of political benefit to the ruling class at each step.

A clear turning point in theorizing European integration was marked by the Single European Act of 1986, which set the schedule for completing the common market with encompassing free trade arrangements, free movement of workers and capital and a monetary union. The Treaty of Lisbon probably ended an intense period of almost 20 years of continuous reform of the European treaties, which began in 1990 with the negotiation of the Maastricht Treaty. In this period, the EU has increased the number of its Member States and has acquired ever more competences and assigned tasks.

The EU Free Movement Policy

The principle of free movement is considered to be one of the key policies of the EU. The development of the EU is very closely linked to the ‘four freedoms’: the free movement of goods; the free movement of persons (including free movement of workers, and freedom of establishment); the freedom to provide services; and the free movement of capital. From a political viewpoint, free movement is perceived as an instrument to deepen European integration at the societal level. The action plan for skills and mobility makes it clear that individuals who have tasted free movement rights are

expected to better appreciate European citizenship and endorse European unification more wholeheartedly than the rest of the populations.

Article 3(2) of the Treaty on European Union (TEU); Article 21 of the Treaty on the Functioning of the European Union (TFEU); as well as Titles IV and V of the TFEU provides the legal basis of the EU free movement. According to the European Parliament, freedom of movement and residence for persons in the EU is the cornerstone of Union citizenship, which was established by the Treaty of Maastricht in 1992. Its practical implementation in EU law, however, has not been straightforward. It first involved the gradual phasing-out of internal borders under the Schengen agreements, initially in just a handful of Member States. Today, the provisions governing the free movement of persons are laid down in Directive 2004/38/EC on the right of EU citizens and their family members to move and reside freely within the territory of the Member States, although substantial implementation obstacles persist. Free movement within EU was originally focused on those who were ‘economically active’ such as workers and self-employed persons, and those giving or receiving services. Free movement was therefore intended to support the development of the EU labor market where workers could move across the EU to fill skills and employment gaps and improve their own economic opportunities.

Since the Treaty establishing the European Community (TEC) entered into force in 1993, establishing the EU, the concept of European citizenship has

been enshrined in Treaty law (Articles 17-22 and 255), making regulations on free movement to be based on the concept of ‘European Union citizenship’, which is comparatively new compared with the idea of free movement within the EU itself.

Citizenship of the Union does not replace national citizenship, but complements it. In practice, this means that anyone who holds the nationality of a EU Member State is automatically a European citizen.

Table 1: EU legislation on free movement

1957	1968	1990	1992	2004	2006	2007
Treaty of Rome	Main legislation concerning free movement of workers	Three Directives: Students, Pensioners, Non-actives	EU Citizenship	Enlargement (Transitional measures)	New Residence Directive 2004/38/EC	Enlargement (Transitional measures)

Source: Adapted from Touzenis (2012), UNESCO migration studies 4.

By 1968 legislation on the free movement of workers, such as European Council Regulation No. 1612/68 of 15 October 1968 on the Free Movement of workers within the Community, was already in place, but it has since been superseded by Directive 2004/38/EC, in force from 2006. According to Hailbrunner, free movement has never been unlimited, however, and together with its implications for life in the host nation, has resulted in the development of a significant and complex body of law. The Treaty of Nice, signed in 2001 and entered into force in 2003, facilitated legislation relating to free movement and residence by introducing qualified majority decision-making in Council. The legislative basis for the free movement of workers is found in Article 39 of the TEC and the general right to move and reside freely within the EU is embodied in Article 18:

- a) Every citizen of the Union shall have the right to move and reside freely within the territory of the Member States, subject to the limitations and conditions laid down in this Treaty and by the measures adopted to give it effect.
- b) The European Parliament and the Council, acting in accordance with the ordinary legislative procedure, may adopt provisions with a view to facilitating the exercise of the rights referred to in paragraph 1.

• The Schengen Area

The key milestone in establishing an internal market with free movement of persons within EU was the conclusion of the two Schengen agreements (the agreement proper of 14 June 1985, and the Convention implementing the Schengen Agreement, which was signed on 19 June 1990 and entered into force on 26 March 1995). On 14 June 1985,

representatives from Belgium, France, Germany, Luxembourg and the Netherlands met near the little town of Schengen in Luxembourg to sign the Schengen agreement, which called for the elimination of all passport and other checks between participating countries and established a single external border. However, the provisions of the agreement were not put in place until a later date. At that time, the Schengen area was viewed as a sort of laboratory, testing the creation of a common passport area before expanding Schengen to the entire EU.

Currently, there are 26 full Schengen Members: 22 EU Member States plus Norway, Iceland, Switzerland and Liechtenstein (which have associate status). After signing of the Schengen Convention by the initial five countries intending to put the common area into practice, other countries soon signed up to Schengen, beginning with Italy in 1990, Portugal in 1991, Spain in 1992, Austria in 1995, and Finland, Sweden and Denmark in 1996. Norway and Iceland had long been part of a Nordic passport union with Denmark, Finland and Sweden, so although neither Norway nor Iceland is a Member of the EU, both joined the Schengen area in 1996 to preserve this union. Denmark also maintains a unique position in regard to Schengen in that, unlike other Schengen countries, it can choose whether or not to apply any new decisions made under the Schengen agreement. Bulgaria, Romania and Cyprus are due to join, though there are delays for differing reasons. Croatia began the application process to accede to the Schengen area on 1 July 2015.

The Treaty of Amsterdam formally incorporated Schengen into the framework of the EU as the Schengen acquis when it came into force in 1999. The Schengen acquis include the Schengen Agreement of 1985 and the Schengen Convention of 1990, as well as various decisions and agreements adopted in the implementation. With Amsterdam, decision-making power for Schengen came under the Council of Ministers of the EU. Although Schengen had officially become part of the EU, the agreement did not apply to all Member States. The UK initially opted out, preferring to maintain its own national borders. Ireland followed suit in order to maintain its Common Travel Area with the UK. However, the UK and Ireland do participate in some aspects of Schengen, including the Schengen Information System.

While the original intent of eliminating border controls was to facilitate the movement of citizens from participating countries, it was not possible to eliminate border checks for these travelers while still maintaining checks for travelers from outside countries. For national security reasons, countries under Schengen may re-establish their national border checks for a short period if necessary. This flexibility has allowed Schengen to remain intact even in times where signatory states experience significant concerns as a result of exceptional events. The Schengen agreement also provides administrative measures regarding exit and entry. With regards to the measures, the Schengen Member States shall allow union citizens to enter their territory with a valid identity passport and no entry visa or equivalent formality may be imposed

on them. It further provides that, the host Member State must not place an entry or exit stamp in the passport of family members who are not nationals of a Member State provided that they present a residence card.

Despite the successes chalked by the Schengen agreement, the EU faces an increasing threat arising from the influx of refugees coupled with the November 2015 Paris terrorist attack. According to the European Parliament, while the Schengen area is widely regarded as one of the primary achievements of the EU, it has been placed under considerable strain by the unprecedented influx of refugees and migrants into the EU in 2015. The sheer numbers of new arrivals prompted Germany followed by Austria and Slovenia to temporarily reintroduce checks at the internal Schengen borders in September 2015, as provided for in the Schengen Borders Code. The ongoing challenges have served to underline the inextricable link between robust external border management and free movement inside those external borders.

• **Free movement of workers within EU**

Speaking of free movement of ‘workers’ in the EU after Directive 2004/38/EC may be rather misleading, as according to the directive, the right to free movement is not a right of workers but of ‘EU citizens’ in general. However the directive still distinguishes between economically active and non-active EU citizens, this distinction not having been fully abandoned in favor of the status of ‘Union citizen’. The basis for the free movement of workers is found in Article 39 of the TEC:

- 1) Freedom of movement for workers shall be secured within the Community.
- 2) Such freedom of movement shall entail the abolition of any discrimination based on nationality between workers of the Member States as regards employment, remuneration and other conditions of work and employment.
- 3) It shall entail the right, subject to limitations justified on grounds of public policy, public security or public health:
 - a) To accept offers of employment actually made;
 - b) To move freely within the territory of Member States for this purpose;
 - c) To stay in a Member State for the purpose of employment in accordance with the provisions governing the employment of nationals of that state laid down by law, regulation or administrative action;
 - d) To remain in the territory of a Member State after having been employed in that state, subject to conditions which shall be embodied in implementing regulations to be drawn up by the Commission.
- 4) The provisions of this article shall not apply to employment in the public service.

The Economic Community of West African States (ECOWAS)

In Africa, regional unity is seen as a possible solution to the continent’s deep and prolonged economic and social crisis, at a time when private energies

are being released thanks to the strengthening of civil society, deregulation, privatization of national economies and the continuing decline of state-imposed barriers to inter-country flows is paving the way for increased regional trade. As one often speaks of the “new regionalism”, the Economic Commission for Africa (ECA) became the champion of regional integration, already in the mid-1960s proposing the division of Africa into regions for the purposes of economic development. Current African integration arrangements can be divided into two broad groups: those that fit into the Lagos Plan of Action (LPA) adopted in April 1980, and those that were either in existence or came about outside the LPA. The Lagos Plan was promoted by the ECA and launched in a special initiative by the African Union. It envisaged three regional arrangements aimed at the creation of separate but convergent and over-arching integration arrangements in three sub-Saharan sub-regions. West Africa would be served by the ECOWAS, which pre-dated the Lagos Plan.

Regional aspirations as shared by West African statesmen, intellectuals, and citizens alike reflected a general desire to break the confines of the nation-state, and a denial of all that divides the region, including the multiple barriers to the free movement of goods and services, people, and capital among countries, and differences in legal, governmental, and educational structures, led to the creation of ECOWAS. ECOWAS is a regional group of fifteen (15) countries, founded in May 28, 1975 by the ECOWAS Treaty (Treaty revised in 1993) in

Lagos, Nigeria. Initially consisting of sixteen (16) countries in the Sub-region, Mauritania decided to withdraw in 1999, reducing the regional bloc to fifteen countries namely: Benin, Burkina Faso, Cape Verde, Côte d’Ivoire, Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone and Togo. The vision that the founding fathers had for the creation of ECOWAS was one of collective self-sufficiency through the integration of the sixteen West African countries into an economic block with a single market organized around an economic and monetary union. This concern was born out of the realization that the domestic markets of the Member States taken individually were, as a result of their smallness, far from being competitive in a world environment marked by the existence of large trade blocks. ECOWAS mission is promoting cooperation and integration with the establishment of a West African Economic Union as an ultimate goal. The ECOWAS Treaty was revised in 1993 to accelerate the process of integration and establish an economic and monetary union to stimulate economic growth and development in West Africa with the following objectives:

- a) The removal of customs duties for intra-ECOWAS trade and taxes having equivalent effect;
- b) The establishment of a common external tariff;
- c) The harmonization of economic and financial policies; and
- d) The creation of a single monetary zone.

ECOWAS institutional design is loosely patterned after the EU. By Article 6 of

the Revised Treaty, the Institutions of ECOWAS are as follows: the Commission; the Conference of Heads of State and Government; the Council of Ministers; the Executive Secretariat; the Community Parliament; the Economic and Social Council; the Community Court of Justice; the West African Health Organization (WAHO); ECOWAS Bank for Investment and Development (EBID); ECOWAS Regional Development Fund (ERDF); ECOWAS Regional Investment Bank (ERIB); West African Monetary Agency (WAMA); West African Monetary Institute (WAMI); Specialized Technical Commission; ECOWAS Court of International Arbitration; and the ECOWAS e-Press Agency. The ECOWAS Commission and the ECOWAS Bank for Investment and Development often called "The Fund" are ECOWAS main institutions designed to implement policies, pursue a number of programs and carry out development projects in Member States. ECOWAS has had many achievements to its credit, in particular in the areas of free movement of people and goods, transport, telecommunications, management of conflicts and peacekeeping. Remarkable changes have occurred in West Africa since the signing of the ECOWAS Treaty¹ in 25 May 1975 just as the external environment has undergone considerable changes. Regional integration within the ECOWAS framework has been the ultimate goal and is being pushed to the limit despite the obvious difficulties.

Regional Integration in the ECOWAS

In a Post-Cold War world order that has witnessed the emergence of successful

economic groupings in Europe and elsewhere in the world, regional integration is the key to political and socio-economic stability, successful nation building and political independence in the long run for West African states. The United Nations Economic Commission for Africa (UNECA) identified ECOWAS as one of Africa's most promising sub-regional organizations in its 2004 report "Accessing Regional Integration in Africa" stating that ECOWAS had achieved an 'above average' integration rating of at least 6 percent (6%) between 1994 and 1999. Not surprisingly, the EU has become an irresistible reference point openly cited by West African leaders and bureaucrats as a worthy example of a regional integration scheme and mentor of sort.

There are a number of peculiar features in West Africa, which have definitely influenced trends in integration. Not only does the area have some of the densest populations in Africa, it also contains the largest number of individual nations, fifteen and embraces three different agro-ecological zones against the one or two zones of other African regions. The experience of West Africa with formal regional integration has been largely driven by the desire to overcome the constraint of small economic size, which was hampering their ability to industrialize efficiently, by extending the logic of protected and state-led economic development to a larger number of countries. The overall objective of ECOWAS is to promote co-operation and integration in order to create an economic and monetary union for encouraging economic growth and

development in West Africa. In order to do this, the following actions are envisaged:

- a) The suppression of customs duties and equivalent taxes
- b) The establishment of a common external tariff;
- c) The harmonization of economic and financial policies
- d) The creation of a monetary zone.

ECOWAS saw regional integration as a multi-step process eventually leading to a customs union and then a common market integrating states in the West African sub-region politically and culturally. It is important to note that, progress in ECOWAS to establish a free trade area has been very slow and the customs union is still work in progress, in view of the slowness in the progress recorded by ECOWAS, the 1975 treaty has been revised. The principle of supranationality in the application of decisions and the autonomous funding of the budgets of the institutions has been introduced. Furthermore, the creation of supranational institutions of control and arbitration has been envisaged in the application of decisions: a court of justice, a parliament and an economic and social council. West Africa has nurtured a large number of inter-governmental organizations active on integration issues. Despite the 'natural instinct' for integration, most of them have performed poorly, however, in spite of the difficulties, ECOWAS has chalked up remarkable progress in the area of free movement of persons; construction of regional (inter-State) roads, development of telecommunication links between the States and maintenance of peace and regional

security. It is in the area of the integration of markets that the efforts of the Community have been frustrating. In fact, the trade liberalization scheme is not yet operational as shown by the low level of the intra-regional trade, which is only 11% as compared to trade with third countries. Besides, the common ECOWAS external tariff has still not seen the light of day and the economic and financial policies have not been harmonized although a framework has been established.

ECOWAS Free Movement Protocol

Perhaps the free movement of persons without visa within West Africa has been a major achievement of ECOWAS and it seems to be the only regional common policy that can literally rivals the EU in terms of regional integration efforts. The free movement of persons is considered to be a key component towards the economic growth of the Community that will enhance the flexibility and availability of labor in the sub-region while enlarging opportunities for workers. The ECOWAS Treaty covered almost all fields of economic activity, with Article 27 of the Treaty affirming a long-term objective of the establishment of a Community citizenship that could be acquired automatically by all nationals of the Member States. This reinforced the preamble to the treaty that outlined the key objective of removing obstacles to the free movement of goods, capital and people in the sub-region.

As already noted, the 1975 ECOWAS Treaty and its subsequent revision in 1993 seeks to strengthen sub-regional economic integration through the progressively freer movement of goods, capital and people and to consolidate

Member States' peace and security efforts. Yet since the inception of ECOWAS, free movement of persons and goods within the sub-region has not been fully realized. Incompatibilities in immigration and customs policies, monetary zones, and official languages among Member States, have impeded the process of integration. These challenges have compelled ECOWAS to transform its conceptual notion of "ECOWAS of States" to "ECOWAS of People," in which the people would be the focus of regional unification, rather than the state. For reasons of national security, public order and protection of the labor market, prior to the creation of ECOWAS most West African countries operated expatriate quota schemes and imposed entry visa requirements. Some bilateral agreements, however, already allowed for free movement such as that between Ghana and Togo or the exchange of notes between Nigeria and Côte d'Ivoire in November 1964 on visa abolition.

On 29 May 1979 in Dakar, four years after the ECOWAS treaty in 1975. The ECOWAS Protocol on Free Movement was conceived as an instrument to enable free movement of ECOWAS citizens within the sub-region, and it was conceived as one of the bedrocks of regional integration efforts in West Africa. The ECOWAS 1979 Protocol A/P.1/5/79 relating to Free Movement of Persons, Residence and Establishment sets out the right of Community citizens to enter, reside and establish in the territory of Member States in a three-phased approach over fifteen years to the implementation of (I) right of entry and abolition of visas, (II) right of residence and (III) right of

establishment. The protocol in setting a limit gave the exclusive right to Member states to refuse admission to any Community citizens who are considered inadmissible under the Member State's own domestic law. The initial 1979 protocol was supplemented by subsequent four supplementary protocols adopted between 1985 and 1990. These additional protocols committed ECOWAS Member countries to among other things:

- a) Provide valid travel documents to their citizens
- b) Grant Community citizens the right of residence for the purpose of seeking and carrying out income-earning employment
- c) Ensure appropriate treatment for persons being expelled
- d) Not to expel Community citizens en masse
- e) Limit the grounds for individual expulsion to reasons of national security, public order or morality, public health or non-fulfillment of an essential condition of residence.

In 1988, two years after the Supplementary Protocol on the Right of Residence, ECOWAS decided on the introduction of a harmonized immigration and emigration form to be used only in 'exceptional cases' (Decision C/DEC.3/12/92, Article 1.2.a). In principle, ECOWAS nationals travelling with their national passports or the ECOWAS Travel Certificate may have these documents stamped without filling out any forms. In the year 2000, ECOWAS passport was introduced as a breakthrough of the dream of free movement. The ECOWAS passport was designed to replace national passports to

further facilitate the mobility of people throughout West Africa. However, the ECOWAS passport policy ostensibly designed to bring about such free flows of labor across borders, national leaders are often cautious about the effect that such a policy might have on their domestic labor markets. One fear is that by opening up a country's borders to the influx of foreign labor, the already limited job opportunities available to local residents will be put under greater pressure from outside labor competition, a fear particularly evident in countries that perceive themselves to be at a disadvantage in terms of skilled labor compared to their neighboring countries. ECOWAS relentless efforts for regional integration using free movement of persons and goods as the cardinal point continued and on 27 March 2000 in Abuja, a mini Summit of ECOWAS Heads of State and Government were held on the creation of a Borderless ECOWAS. Again, at the 33rd Ordinary Session of ECOWAS Head of States in Ouagadougou, ECOWAS common approach on migration was adopted.

The road to full mobility in ECOWAS was supposed to follow three successive phases of deeper transition over a period of 15 years. Yet, despite the ambitions of the initial Free Movement of Persons Protocol, the ECOWAS Secretariat reports that there are still many lingering challenges to the policy's full implementation. Getting rid of visa requirements, for instance, has not spared citizens of the Community administrative harassment and extortion at border posts and there are still many security checks points set up along international roads. Sesay and Omosho pointed out that, although

the agreement has led to easy movement within the region especially for citizens travelling by air, those travelling by road still face serious obstacles, delays and even extortion in the hands of security agencies. Similar view is shared by Aryeteey who also pointed out that, despite the ratification of the initial protocol and additional supplementary protocol, free movement of persons and development of intra-community trade are still impeded by: cumbersome procedures at border posts, involving considerable delays for travelers; numerous illegal road blocks along West African highways; possible extortion, requests to produce unnecessary documents, and demand for illegal levies; national regulations in several Member States which run contrary to the provisions of the ECOWAS protocol; and failure of ECOWAS visitors to regularize their stay. At the opening of the 66th Ordinary Session of the ECOWAS Council of Ministers, the Chairman of ECOWAS Council of Ministers Ambassador Olugbenga Ashiru lamented that "It is regrettable to note that the ECOWAS Protocol on Free Movement of Persons, Goods and Services and the Right of Residence and Establishment, a key element in our integration objectives, is yet to be fully implemented after 32 years". He pointed out that, the success of the ECOWAS Agricultural, Trade and Economic Development Programs was dependent on the implementation of the free movement protocol. He further noted that the completion of technical formalities and commencement of the construction works for the five Joint

Border Posts along the Abidjan-Lagos, Cotonou-Niamey and Dakar-Bamako regional corridors, under the ECOWAS/EU Partnership agreement, would facilitate the free movement of goods, services and persons within the region.

It is important to point out that, although ECOWAS citizens are allowed visa free entry into Member States country, ECOWAS citizens are required not to stay in the territory for a period exceeding 90 days. Where ECOWAS citizen decides to extend his stay beyond the 90 days, Article 3 of the Protocol requires the citizen to get authorization for further stay in the country, while Article 4 as noted in the paper gives Member States the right to refuse admission of a community citizen into its country if the citizen falls into the category of inadmissible immigrant according to the laws of the resident country.

• **Monetary measures**

In order to further remove administrative barriers to the free movement of persons and goods, and mindful of the ECOWAS monetary

cooperation program (intended to achieve, in the medium and long term, the convertibility of West African currencies and the creation of a single ECOWAS currency), in 1992 the Council of Ministers issued a decision relating to the use of local currencies by Community citizens for payment of services rendered in connection with travel within the region. The aim was for all Member States to remove, in the short term, all non-tariff barriers of a monetary nature. To this end, Community citizens were to be allowed to use local currencies for payment of airport taxes and hotel bills, and for the purchase of air tickets. The following twelve countries have removed all non-tariff barriers of a monetary nature: Benin, Burkina Faso, Cape Verde, Côte d'Ivoire, the Gambia, Guinea, Guinea-Bissau, Mali, the Niger, Nigeria, Senegal and Togo. Ghana demands only the payment of road transit tax in foreign exchange. The other three Member States still require that non-residents purchase air tickets and pay airport taxes, etc., in foreign currency.

Table 2: Checkpoints along selected Intra-ECOWAS Highways in 1998/1999 as obstacles to free movement and intra-regional trade.

High Ways	Distances	Checkpoint	Checkpoints posts per 100km
Lagos-Abidjan	992Km	69	7
Cotonou-Niamey	1036Km	34	3
Lome-Ouagadougou	989Km	34	4
Accra-Ouagadougou	972Km	15	2
Abidjan-Ouagadougou	1122Km	37	3
Niamey-Ouagadougou	529Km	20	4

Source: Adapted from Sesay, A. & Omotosho, M. (2011). The Politics of Regional Integration in West Africa. WACSERIES Vol.2 No 2, OSIWA.

• **Major features ECOWAS Protocol on Free Movement of Persons and the four Supplementary Protocols**

The 1979 Protocol A/P.1/5/79 relating to Free Movement of Persons, Residence and Establishment

- Sets out right of Community citizens to enter, reside and establish in territory of Member states (Article 2(1))
- Establishes three-phased approach over 15 years to implementation of (I) right of entry and abolition of visas, (II) residence and (III) establishment (Article 2)
- Conditions entitlement to enter territory of Member state on possession of valid travel document and international health certificate (Article 3(1))
- Reserves right of member-states to refuse admission into territory of Community citizens deemed inadmissible under domestic law (Article 4)
- Establishes some requirements for expulsion (Article 11)
- Confirms that Protocol does not operate to detriment of more favorable provisions in other agreements concluded by Member states (Article 12)

The 1985 Supplementary Protocol A/SP.1/7/85 on the Code of Conduct for the Implementation of the Protocol on Free Movement of Persons, the Right of Residence and Establishment

- Obliges Member states to provide valid travel documents to their citizens (Article 2(1))
- Establishes additional (to Article 11 of Protocol) requirements for

treatment of persons being expelled (Article 4)

- Enumerates protections for illegal immigrants (Articles 5 and 7)

The 1986 Supplementary Protocol A/SP.1/7/86 on the Second Phase (Right of Residence)

- Requires states to grant to Community citizens who are nationals of other Member states 'the right of residence in its territory for the purpose of seeking and carrying out income earning employment' (Article 2)
- Conditions entitlement to residence (and thus seeking and carrying out of income earning employment) on possession of an ECOWAS Residence Card or Permit (Article 5) and harmonization by Member states of rules pertaining to the issuance of such cards and permits (Article 9)
- Prohibits expulsion en masse (Article 13) and limits grounds for individual expulsion to national security, public order or morality, public health, non-fulfilment of essential conditions of residence (Article 14)
- Stipulates equal treatment with nationals for migrant workers complying with the rules and regulations governing their residence in areas such as security of employment, participation in social and cultural activities, re-employment in certain cases of job loss and training (Article 23)

The 1989 Supplementary Protocol A/SP.1/6/89 amending and complementing the provisions of

Article 7 of the Protocol on Free Movement, Right of Residence and Establishment

- Amends provisions of Article 7 of Protocol to confirm obligation on signatories to resolve amicably disputes regarding the interpretation and application of the Protocol (Article 2)

The 1990 Supplementary Protocol A/SP.2/5/90 on the Implementation of the Third Phase (Right to Establishment)

- Defines the right of establishment emphasizing non-discriminatory treatment of nationals and companies of other Member states except as justified by exigencies of public order, security or health (Articles 2-4)
- Forbids the confiscation or expropriation of assets or capital on a discriminatory basis and requires fair and equitable compensation where such confiscation or expropriation (Article 7)

Challenges of ECOWAS Regional Integration

One element among others that is generally seen as an impediment to regional integration in Africa at large (ECOWAS being no exception) is the fact that countries commonly belong to more than one regional arrangement - an overlap that may result in the duplication of responsibilities, potentially conflicting commitments and the waste of already scarce resources. According to Adewoye, one reason often cited for the low level of commitment to the development of supranational authorities (in Africa) is the absence of a culture of power

sharing in the modern structures of politics in Africa. The EU was Africa's most important trade, investment and development partner, for instance a series of the Lome Conventions was the guiding principles of trade agreements that granted African countries a unilateral preferential access to EU markets. The Cotonou Agreement between EU and Africa also paved the way for the negotiation of the World Trade Organization (WTO) compatible Economic Partnership Agreements (EPA), in 2000. However, the protracted and difficult EPA negotiations reflect to some extent the difference between the African paradigm of regional integration and the EU's model of regional trade agreements, but also the challenges of African regional integration. Thus, the EPA negotiations revealed important gaps between political ambitions and economic reality in African regional integration.

West African regional integration has been marred by the unwillingness of states to cede aspects of their sovereignty in return for greater effectiveness and relevance of the institutions that they themselves have created. Few ECOWAS governments though have shown the political will to surrender sovereignty to supranational bodies. Many countries have been involved in several different arrangements at the same time, sometimes with conflicting goals and strategies. Further numerous challenges have been encountered by ECOWAS in the enhancement of the process of regional integration of West Africa. Among the most important of these challenges but not limited are: the

political instability that have plagued many of the countries; the weakness of the national economies resulting in some cases Member States abandoning plans for long-term regional economic integration and development in pursuit of short term stabilization agendas; the absence of reliable transnational road networks; and the multiplicity of organizations for regional integration with the same objectives.

Conclusion

It is worth noting that a comparison of EU and ECOWAS regional integration policies especially the free movement policy has to take into consideration the very different levels of institutional and social development in both regions and also the level of implementation and of detail in the Treaties and/or Protocols governing the integration process. A quick look of the EU Treaties regarding regional integration and free movements shows how detailed and complex the Treaties are as compared with ECOWAS Protocols, which is more recent and less well established. The EU system of rules on free movement is based on Treaties and has equate freedom of movement to EU citizenship and also extends the freedom of movement to entails many detailed spheres of life which is not the case in ECOWAS. Common similarities however exist, for instance the various Treaties and Protocols covering EU and ECOWAS free movement policies respectively makes provisions or clauses that can be triggered by Member States to impose a temporary border control or restrict an individual movement when conditions demands for control or inadmissible of a persons to a member country.

The analysis in the paper clearly points to the conclusion that, the lack of political will by most West African leaders and governments to compromise has been one of the main factor hindering progress in ECOWAS integration process unlike the EU where political compromise is key to the EU success. According to Cameron, integration is a difficult process and there will invariably be setbacks and crises. Nevertheless, in the EU case, the Cassandras are nearly always proven wrong. The EU has an excellent record of re-covering from crises and moving ahead even stronger than before due to firm political will. The re-sounding lesson of the EU model, then, is the necessity of genuine investment by Member States in the goal of regional integration. While not always politically expedient, national governments would be wise to put the long-term goal of cooperation above more immediate domestic priorities. More importantly, if integration is to succeed, governments and publics should believe that it is in their vital national interest. Without such commitment, regional groupings will crumble at the first bump in the long road to integration.

Unlike the EU that has chalked many successes in its regional integration efforts, ECOWAS has been on the reverse due to largely the political instability and bad governance that have plagued many of ECOWAS countries as well as the weakness of the national economies. According to Aryeteey, regional integration has a rather long history in the developing world and in West Africa in particular. For many decades, however, it delivered next to nothing. The construction of the EU has

continued for more than five decades and remains an unfinished project. Despite its ebbs and flows, the assessment of the European integration process is positive and still at the forefront of regional integration experiences. As noted, ECOWAS integration efforts have been slow and clearly below expectations as expected from a small group of countries as compared to EU in terms of numbers,

however, there are promising signs, which indicate better prospects for ECOWAS future. At least ECOWAS has made progress by further adopting and introducing a single themed ECOWAS passport just as the EU which itself does not issue ordinary EU passport but ordinary passport booklets issued by its 28 Member states share a common cover design.

References

- Austin, Castens (2006). "Regional Integration in a Globalizing World: Priorities for the Caribbean". Key Note Speech at the Biennial International Conference on Business, banking and Finance, Port of Spain, Trinidad and Tobago, May 1, 2006. Accessed on 17 December 2015 at <http://www.imf.org/external/np/speeches/2006/050106.htm>.
- African Development Bank Group (2014). Bank Group Regional Integration Policy and Strategy 2014-2023. Revised edition, ONRI Department
- Cameron, Fraser (2010). *The European Union as a Model for Regional Integration*. New York, CFR Press.
- Cameron, Fraser (2010). *The European Union as a Model for Regional Integration*. New York, CFR Press.
- European Commission, 1995, 2002
- European Commission & Council of the European Union, 2000
- Touzenis, Kristina (2012). *UNESCO migration studies 4: Free Movement of Persons in the European Union and Economic Community of West African States. A comparison of law and practice*. Paris, UNESCO.
- Mytelka in Lavergne, 1997
- Hartzenberg, Trudi (2011). *Regional Integration in Africa*. WTO, ERSD-2011-14.
- Hartzenberg, Trudi (2011). *Regional Integration in Africa*. WTO, ERSD-2011-14.
- Roy Joaquin and Dominguez Roberto (eds.). 2005. *The European Union and Regional Integration: A Comparative Perspective and Lessons for the Americas*. Jean Monnet Chair University of Miami African Development Bank, 2005
- Cameron, Fraser (2010). *The European Union as a Model for Regional Integration*. New York, CFR Press.
- See more at europa.eu
- Cameron, Fraser (2010). *The European Union as a Model for Regional Integration*. New York, CFR Press.
- Cameron, Fraser (2010). *The European Union as a Model for Regional Integration*. New York, CFR Press.
- Wikipedia as of December 31, 2015
- Wikipedia (2015). https://en.wikipedia.org/wiki/European_Union
- Howorth, Jolyon (2000). *European Integration and Defense: The Ultimate Challenge?* Chaillot Papers 43. Paris: Institute for Security Studies.

- Howorth, Jolyon (2000). *European Integration and Defense: The Ultimate Challenge?* Chaillot Papers 43. Paris: Institute for Security Studies.
- Touzenis, Kristina (2012). *UNESCO migration studies 4: Free Movement of Persons in the European Union and Economic Community of West African States. A comparison of law and practice.* Paris, UNESCO.
- Areilza, Jose M. (2009). *The History and Foundations of European Integration: A Contribution to the Debate on the Future of the Union.* In Arvanitopoulos, C. (ed.) *Reforming Europe: The Role of the Centre-Right.* The Constantinos Karamanlis Institute for Democracy. Athens, Greece.
- Weiler, Joseph (2003 P. 39) in Areilza (2009)
- Areilza (2009)
- Trenz, Hans-Jorg (2008). *Elements of a Sociology of European Integration.* ARENA Working Paper 11/2008. Center for European Studies: University of Oslo <http://www.arena.uio.no>
- Areilza (2009)
- Touzenis, Kristina (2012). *UNESCO migration studies 4: Free Movement of Persons in the European Union and Economic Community of West African States. A comparison of law and practice.* Paris, UNESCO.
- Recchi, Ettore & Favell Andrian (eds). 2009. *Pioneers of European Integration: Citizenship and Mobility in the EU.* Edward Elgar Publishing Ltd
- European Commission (2002)
- Recchi, Ettore & Favell, Andrian (eds.). 2009. *Pioneers of European Integration: Citizenship and Mobility in the EU.* Edward Elgar Publishing Ltd
- See more at <http://www.europarl.europa.eu>
- HM Government (2014). *Review of the Balance of Competences between the United Kingdom and the European Union. Single Market: Free Movement of persons.* Available at: [gcn.civilservice.gov.uk/](http://www.gcn.civilservice.gov.uk/)
- Touzenis, Kristina (2012)
- Touzenis, Kristina (2012) Europa, 2006b; OJ, 2004 in Touzenis, 2012
- Hailbronner, 2007, cited in Touzenis, 2012
- Hailbronner, 2007, cited in Touzenis, 2012
- Europa, 2006a in Touzenis, 2012
- Europa in Touzenis (2012)
- Touzenis, Kristina (2012). *UNESCO migration studies 4: Free Movement of Persons in the European Union and Economic Community of West African States. A comparison of law and practice.* Paris, UNESCO.
- Touzenis, Kristina (2012). *UNESCO migration studies 4: Free Movement of Persons in the European Union and Economic Community of West African States. A comparison of law and practice.* Paris, UNESCO. See more at <http://www.europarl.europa.eu>
- Touzenis, Kristina (2012). *UNESCO migration studies 4: Free Movement of Persons in the European Union and Economic Community of West African States. A comparison of law and practice.* Paris, UNESCO.
- Touzenis, Kristina (2012). *UNESCO migration studies 4: Free Movement of Persons in the European Union and Economic Community of West African States. A comparison of law and practice.* Paris, UNESCO.

- of Persons in the European Union and Economic Community of West African States. A comparison of law and practice. Paris, UNESCO.
- Gelatt, 2005 in Touzenis (2012). European Parliament, 2015.
- Hailbronner, 2007, p. 320 in Touzenis (2012)
- OJ, 2002 in Touzenis (2012)
- World Bank (1994). Adjustment in Africa: Reforms, Results and the Road Ahead. World Bank, Washington, DC, USA.
- De Melo J., Panagariya, A. (1992). The New Regionalism: Finance & Development (Dec.): 37-40.
- Alan Matthews (2003). Regional Integration and Food Security in Developing Countries. Rome, FAO.
- Alan Matthews (2003). Regional Integration and Food Security in Developing Countries. Rome, FAO.
- Alan Matthews (2003). Regional Integration and Food Security in Developing Countries. Rome, FAO.
- Lavergne, Real (1997). Regional Integration and Cooperation in West Africa. A Multidimensional Perspective. IDRC, Africa Word Press Inc. See more at <http://www.ecowas.us/Achievements.html> See more at <http://www.ecowas.us/Achievements.html>
- The Economic and Social Council is to be created, not yet in existence
See <http://www.ecowas.us/About.html> See <http://www.ecowas.us>
- Sesay A, & Omotosho M. (2011). The Politics of Regional Integration in West Africa. WACSERIES Vol.2 No2, OSIWA
- Cholewinski et al., 2007, UNECA, 2004 in Touzenis, 2012
- Sesay, A. & Omotosho, M (2011). The Politics of Regional Integration in West Africa. WACSERIES Vol.2 No.2, OSIWA
- Aryeteey, E. (2001). Regional Integration in West Africa. OECD Development Centre. Working Paper No. 170. Research program on: Integration and Co-operation in Sub-Saharan Africa.
- Aryeteey, E. (2001). Regional Integration in West Africa. OECD Development Centre. Working Paper No. 170. Research program on: Integration and Co-operation in Sub-Saharan Africa.
- ibid.
- ibid.
- Hartzenberg, Trudi (2011). Regional Integration in Africa. WTO, ERSD-2011-14.
- Aryeteey, E. (2001). Regional Integration in West Africa. OECD Development Centre. Working Paper No. 170. Research program on: Integration and Co-operation in Sub-Saharan Africa.
- Aryeteey, E. (2001). Regional Integration in West Africa. OECD Development Centre. Working Paper No. 170. Research program on: Integration and Co-operation in Sub-Saharan Africa.
- Ibid.
- Rene, R. (2005). The Social Dimension of Regional Integration in ECOWAS. Working Paper No. 49, Geneva, ILO
- ECOWAS (2010). Symposium on Regional Development. Ouagadougou, Burkina Faso: ECOWAS Secretariat.
- Aryeteey, E. (2001). Regional Integration in West Africa. OECD

- Development Centre. Working Paper No. 170. Research program on: Integration and Co-operation in Sub-Saharan Africa.
- ECOWAS (2011a). Press Release on Workshop on Free Movement Protocol for Nigerian Immigration Operatives. August. Abuja, Nigeria: ECOWAS.
- See ECOWAS 1979 Protocol A/P.1/5/79 relating to Free Movement of Persons, Residence and Establishment.
- ECOWAS 1985 Supplementary Protocol A/SP.1/7/85
- See the ECOWAS 1979 protocol and 1985/1986 supplementary protocols for more details
- ECOWAS 1986 Supplementary Protocol A/SP.1/7/86
- Touzenis, Kristina (2012). UNESCO migration studies 4: Free Movement of Persons in the European Union and Economic Community of West African States. A comparison of law and practice. Paris, UNESCO.
- Rene, R. (2005). The Social Dimension of Regional Integration in ECOWAS. Working Paper No. 49, Geneva, ILO
- ibid.
- Rene, R. (2005). The Social Dimension of Regional Integration in ECOWAS. Working Paper No. 49, Geneva, ILO
- Sesay A, & Omotosho M. (2011). The Politics of Regional Integration in West Africa. WACSERIES Vol. 2 No 2, OSIWA
- Aryeteey, E. (2001). Regional Integration in West Africa. OECD
- Hartzenberg, Trudi (2011). Regional Integration in Africa. WTO, ERSD-2011-14.
- Ibid.
- Development Centre. Working Paper No. 170. Research program on: Integration and Co-operation in Sub-Saharan Africa.
- Olugbenga, Ashiru (2011). ECOWAS 66th Session of Council of Ministers Press Release, Abuja.
- Touzenis, Kristina (2012). UNESCO migration studies 4: Free Movement of Persons in the European Union and Economic Community of West African States. A comparison of law and practice. Paris, UNESCO.
- ECOWAS, 1992b, Article 3 in Touzenis (2012)
- Touzenis, Kristina (2012). UNESCO migration studies 4: Free Movement of Persons in the European Union and Economic Community of West African States. A comparison of law and practice. Paris, UNESCO.
- Adapted from Adepoju, A., A. Boulton and M. Levin. (2007). Promoting integration through mobility: free movement and the ECOWAS Protocol. New Issues in Refugee Research: Research Paper No 150. Geneva: UNHCR.
- Rene, R. (2005). The Social Dimension of Regional Integration in ECOWAS. Working Paper No. 49, Geneva, ILO
- Adewoye, O. (1997). Constitutionalism and Economic Integration: Regional Integration and Co-operation in West Africa, A Multidimensional Perspective. Edited by Real Lavergne, Africa World Press and IDRC, Ottawa. Excluding South Africa
- Bundu, A. (1997). ECOWAS and the Future of Regional Integration in West Africa: Regional Integration and Co-operation in West Africa. A Multidimensional Perspective.

Edited by Real Lavergne,
Africa World Press and IDRC,
Ottawa.

Aryeteey, E. (2001). Regional
Integration in West Africa. OECD
Development Centre. Working
Paper No. 170. Research program
on: Integration and Co-operation
in Sub-Saharan Africa

Cameron, Fraser (2010). The European
Union as a Model for Regional
Integration. New York, CFR
Press.

ibid.

ibid.

Aryeteey, E. (2001). Regional
Integration in West Africa. OECD
Development Centre. Working
Paper No. 170. Research program
on: Integration and Co-operation in
Sub-Saharan Africa.

Roy, Joaquin & Dominguez, Roberto
(eds.). 2005. The European Union
and Regional Integration: A
Comparative Perspective and
Lessons for the Americas. Jean
Monnet Chair University of
Miami.