PERCEPTION OF SMUGGLING AMONG THE YORUBA PEOPLE OF OKE-OGUN OF SOUTH WESTERN NIGERIA

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Abstract

Smuggling, defined by Nigerian law as criminal, is rampant in Oke-ogun area of Southwestern Nigeria. Consequently, a research project was conducted among the people of the area to determine; how the people perceive smuggling. Also, to see the relationship that exists between the smugglers and the border town dwellers as well as between the smugglers and the law enforcement agents. Furthermore, it was meant to investigate the relationship between the level of education and perception of smuggling by the people of the area. The major instruments used were structured questionnaire, key informant method and in-depth interview. The study established that most residents did not see anything bad in smuggling as they profit from smuggling activities; and most of the services they provide are not without rewards. A positive relationship also exists between levels of education and perception of smuggling among the people of the study area.

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Introduction

One of the basic assumptions in the study of criminal behaviour is that behaviour that violates criminal law also represents deviation from other societal norms. Consequently, criminologists usually build on the foundation that criminal law embodies important social norms and that these norms are held by most persons in society (Quinney, 1965; Black, 1995).

Therefore, the degree of convergence between criminal law and social norms becomes a question of elaborate investigation because criminologists must not jump into hasty generalization, inferring that legal violations are also deviations from other norms. It should be noted that some violations are nothing more than the breaking of a formal rule, which has little or no support in any group.

This paper, then, using smuggling among the Yoruba of the South-Western Nigeria as a case study, seeks to extrapolate the differences between perception of criminal law and normative practices and to see if such extrapolation could help to formulate laws that would enjoy widespread support from diverse groups that make up the society. Similarly, the paper seeks to see the relationship between smugglers and border town dwellers on the one hand and the smugglers and the law enforcement agents on the other hand. It also attempts to investigate the connection between level of education and perception of smuggling among the people of the study area.

Theoretical Framework

While crime remains an offence punishable by law, its increasing rate in spite of concerted efforts being channeled at curtailing its growth remains somewhat a paradox. This perhaps explains the volume of scholastic work, ranging from simple biological studies to complex psycho – analytic and sociological postulations on the subject. Unfortunately, none of these studies is capable of a holistic understanding of the phenomenon of crime. Each theory explains certain types of crime.

Rational choice theory, which is deemed relevant for the analysis of this study, would however be employed.

Rational Choice Theory

As a result of the perceived failure of rehabilitative technologies and the increase in officially recorded crime rates during the 1970s and 1980s, attention returned to an analysis of the criminal decision making process. Rational choice theory then emerged.

The basic principles of rational choice theory are derived from neoclassical economics (as well as utilitarianism and game theory (Levi et al, 1990). The perspective focuses upon the offender's decision-making. The main assumption of the theory is that offending is a purposive behaviour, designed to benefit the offender in some way.

Economic theories have been concerned with the ways in which the production, distribution and consumption of goods and services are organised through money and the market mechanism. Similarly, rational choice theorists have argued that the same general principles can be used to understand interactions in which resources such as time, information, approval, and prestige are involved. In rational choice theories, individuals are seen as motivated by the wants or goals that express their 'preferences'. They act within specific, given constraints and based on the information that they have about the conditions under which they are acting. At its simplest, the relationship between preferences and constraints can be seen in the purely technical terms of the relationship of a means to an end. As it is not possible for individuals to achieve all of the various things that they want, they must also make choices in relation to both their goals and the means for attaining these goals. Rational choice theories hold that individuals must anticipate the outcomes of alternative

courses of action and calculate that which will be best for them. Rational individuals choose the alternative that is likely to give them the greatest satisfaction (Heath 1976; Carling 1992; Coleman 1973).

Rationality then, is the decision-making process of determining the opportunities for meeting the offender's needs, the potential costs of action, and the anticipated benefits (rewards). Rewards are defined by their ability to strengthen (that is, reinforce) behaviour, while costs reduce the likelihood of behaviour. Rational choice perspective does not require full rationality nor is the offender assumed to be sophisticated in his or her decision-making. Adequate or accurate information is not even necessary. The constraints on thinking limit the offender's rationality. It is also limited by the amount of time and effort that offenders can give to the decision and by the quality of the information available to them. Offenders really have a full picture of all the various costs and benefits of the crime. These purposes range from political, economic, and social to mere pleasurable ones.

Rational choice theorists separate decision-making into two different areas: involvement decisions and event decisions. Involvement decisions are those in which the choices are made to become involved in an offence, continue with an offence, or withdraw from an offence. These types of decision are instrumental in the weighing of costs and benefits. The other form of decision-making, event decision, are those in which the tactics of carrying out an offence are determined. If the tactics are difficult, the involvement decision loses potential benefits.

It logically follows from the proposition of this theory that if punishment is certain, that if a person who commits an offence will almost surely be arrested, if arrested, tried and convicted, he will be punished for the crime he committed. In addition, the surveillance and security network would be strengthened; crime would then be more risky for people to venture into.

Though this theory is relevant in explaining certain types of crimes, it fails to account for most of the crimes, committed by persons under frustrations that cannot alleviate their frustration. Most crimes pay very little. Illegal behaviour offers little hope for achieving goals that cannot be met by legitimate means in some instances.

This theory however goes a long way to explain smuggling by stressing that crime becomes attractive to those involved in it, if the potential benefit outweighs the potential danger inherent in it. People also are motivated into crime commission if the tactics involved in perpetrating the crime are easy. These two propositions are tentative explanations for proliferation of the practice of smuggling of goods out and into the country.

Smuggling

Smuggling can be defined as the clandestine importation and/or exportation of goods from one place to another. The clandestine operation can involve the importation or exportation of prohibited goods (e.g., drugs) or the evasion of customs duties on legal goods that are liable to duty (e.g., precious stones, cigarettes). Price disparities and differential customs duties between jurisdictions or across different periods in time determine the likelihood of smuggling (Defiem and Kelly, 2001:473). It is a criminal act and therefore, illegal because most of the goods being brought in by the smugglers are banned goods. It represents a deviation from social norms administered by the state (Schaefer, 2001: 185). The main characteristic of crime is that it negates laws enacted by the government, acting as the representative of the majority of the people (Akinola, 1986: 8).

This illegal act, smuggling, may be counted among the oldest forms of deviance (Jütte, 1994). Legislation on smuggling dates back to at least 14th century in England, when the Statute of Treasons of 1351 made it a crime to import counterfeit money. From then on, smuggling laws were gradually expanded to cover many other goods (Defiem and Kelly,

2001:473). The activities of smugglers, especially in Britain and America became prominent in the 18th century when smugglers began to organize themselves into groups. It was from Britain that other smuggling activities in different parts of the world originated.

There are different kinds of smuggling with respect to the level of social organization involved. Commercial smuggling is distinguished from petty smuggling (Defiem and Kelly, 2001:473). Commercial smuggling involves the transportation of large quantities of commodities to be sold for profit abroad. Petty smuggling applies to individuals crossing a border to purchase goods at cheaper prices. Research has consistently shown that petty smuggling is a widespread problem. Similarly, it has been observed that national and international regulations have clearly been ineffective in stemming the global problem of smuggling (Nadelmann 1993). As societies continue to increase in complexity in economic, political, and cultural respects, traditional models of legal regulation and law enforcement may become obsolete. As such smuggling activities will continue to take advantage of newfound opportunities in the global market.

With reference to Nigeria, Akano (1986) pointed out that smuggling is one of the commonest crimes across Nigerian borders and that it is rampant in the West-Africa subregion. He identified two causes of smuggling, especially since 1974, namely; the protectionist policies of successive Nigerian governments and the over active import demand preferences, especially of the middle class elites, which have provided a congenial atmosphere for illegal commodity trade to blossom over the year. In Nigeria, the trade protectionist policies of successive Nigerian governments have resulted in either a total ban or a restriction of the volume of trade flows to levels, which are below their natural equilibrium. The protective measures could have been motivated by a variety of needs such as revenue raising, conservation of foreign exchange, restoration of balance in the external payment accounts and protection of local infant industries. Nevertheless, they are inducement to smuggling activities.

Besides, the local industries are unable to meet up with local demands. Since protection causes a divergence between the domestic price and world price of the protected commodity, the former being higher, the prospect of buying cheap abroad and selling dear at home clearly provides an incentive for the smugglers to take risk of clandestine importation, especially if the perceived chances of detection are low (Akano, 1986).

These indiscriminate importations of arms and ammunitions and drugs into the country have contributed largely to increased rates of armed robbery and other social crimes. Some people have got their health impaired through the use of dangerous drugs.

Be that as it may, smugglers in the country have opposing views. To the smugglers, as Obembe(1982) observes, "no trade is more profitable as smuggling; it is quick to riches and since it involves selling and buying, it is a legitimate venture."

Methodology

The major instrument used in this study was a structured questionnaire. Similarly, key informant method and in-depth interviews were used (Appendix 1)

The study was conducted in Oke-Ogun area of South -Western Nigeria. The area covers about one-third of land mass and about one-fifth of the population of Oyo state (10 out of the 33 local government areas in the state). According to the 2006 Census figures released by the National Population Commission, the population of the area is 1, 485, 158 divided into 757, 578 males and 727, 580 females. While males are about 51 percent, the females accounted for the remaining 49 percent (NPC, 2006).

The indigenes of the area are known to be traders, who travel to many of the neighbouring Franco-phone and Anglo-phone West African countries namely, Republic of

Togo, Republic of Benin, Ghana, Cote d'Ivoire and Burkina Faso majorly for economic reasons. The reason for this could be because the study area is a border area between Nigeria and these aforementioned neighbouring countries. Three hundred (300) copies of questionnaire were administered, but only 220 (forming 73.3%) were returned. Of these 220 questionnaires, 143 were administered on border town dwellers, who were randomly sampled while the remaining 77 were purposively administered on those who engage in illegal activities across Nigeria borders. The respondents consisted of male and female, young and old, as well as residents with and without formal education. Twenty (20) key informants were used. Five (5) of them, one each from Customs Service, Immigration Department, The Police, Nigerian Army and State Security Service were selected. The remaining fifteen (15) were purposively selected from among petroleum dealers, textile merchants, "tokunbo" drivers and traffickers in children, all of who transact business across Nigerian borders along Oke-Ogun area of South Western Nigeria.

There were two sets of questionnaire: "Format A" was specifically designed for border and village dwellers; and "Format B" was administered to those that transact illegal businesses across Nigerian borders in the area. The questionnaire schedules consisted of Sections A and B, stuffed with open-ended and close- ended questions. While Section "A" contained questions on socio-economic status and demographic characteristics of the respondents, Section B contained questions bordering on the subject matter of the research. The questions dealt with most frequently committed crimes in the area, motivating factors for criminal tendencies, perception of law enforcement agencies' efficiency, perception of crimes across borders, recipe for prevention of crimes, attitude and treatment accorded smugglers by border town/village dwellers.

Trained research assistants who are junior colleagues and students of the researcher were used to administer the questionnaire.

Analysis and Findings

Simple statistical techniques were employed in the analysis and interpretation of data. The use of cross tables, frequency distribution and percentages were employed to examine simple associations between variables.

Table 1: PERCEPTION OF COMMON CRIMES ACROSS NIGERIAN BORDERS (BORDER TOWN DWELLERS)

O	S/N	TYPES OF CRIME	FREQUENCY	PERCENTAGE (%)
	1	Armed robbery	-	-
	2	Smuggling	117	81.8
	3	Currency Trafficking	16	11.2
	4	Child trafficking	10	7.0
	5	Others	-	-
		Total	143	100%

Source: Field Survey, February 2009.

Table 1 indicates that the commonest crime along Nigerian borders in Oke-Ogun area is smuggling activities. While majority (81.8%) of the respondents was of the opinion that smuggling is the most prevalent crime across the border, slightly more than one-tenth (11.2%) of the respondents asserted that currency trafficking is a common crime along Nigerian borders and a small proportion (7%) of the respondents maintained that child trafficking is the commonest crime.

Table 2: CORRELATION OF LEVEL OF EDUCATION WITH PERCEPTION OF SMUGGLING

LEVEL OF	OF SMUGGLING				
EDUCATION	NORMA L	ILLEG AL	ILLEGAL BUT NOT BAD	MISSING CASES	TOTA L
No Formal Education (%)	3 23%	2 15.4%	6 46.2%	2 15.4%	13 100%
Primary School Certificate (%)	10 19.2%	22 42.3%	20 38.5%	-	52 100%
Secondary School Certificate (%)	6 9.7%	40 64.5%	16 24.8%	-	62 100%
*ND/**NCE (%)	5 8.3%	39 65.0%	15 25.0%	1 1.7%	60 100%
***HND/BSC (%)	2 8.3%	20 71.5%	4 14.3%	2 7.1%	28 100%
Post Graduate Degree Holders (%)	NIL	4 80%	1 20%	NIL	5 100%

Source: Field Survey, February 2009.

Table 2 reveals that there is positive relationship between levels of education and respondents' perception of the legality of smuggling and its desirability. While less than half (46.2%) and less than one-quarter (23.0%) of the 13 respondents with no formal education perceived smuggling as "illegal but not bad" and "normal" respectively, only 15.4% of the respondents indicated that it as "illegal." Also, 38.5% and 19.2% of 52 respondents with primary education perceived smuggling as "illegal but not bad" and "normal", respectively, while 42.3% of the respondents in this category believed that smuggling is illegal.

Of the respondents who are holders of Secondary School certificates many (64.5%) of them perceived smuggling as illegal while only one-quarter (25.8%) and one-tenth (9.7%) of the 62 respondents agreed it is "illegal but not bad" and normal" respectively. In the same vein, a high proportion (65.0%) of the respondents who hold ND/NCE asserted that smuggling is illegal, while a quarter (25.0%) and less than one-tenth (8.3%) in this category observed that it is "illegal but not bad" and "normal" respectively. Similarly, most (71.5%) of the respondents who hold HND/BSC saw smuggling as "illegal", while the remaining 14.3% and 7.1% of the 28 respondents affirmed that smuggling is "illegal but not bad" and "normal" respectively. Lastly, while lion's share (80%) of the post graduates respondents held that smuggling is "illegal", a respondent maintained that it is "illegal but good."

^{*} National Diploma

^{**} National Certificate of Education

^{***} Higher National Diploma

Table 3: ASSISTANCE RECEIVED BY THOSE ENGAGED IN CRIMES FROM BORDER

TOWN/VILLAGE DWELLERS (BOTH BORDER TOWN DWELLER AND THOSE ENGAGED IN CRIMES ACROSS BORDER)

S/NO	RECEIVED	FREQUENCY	PERCENTAGE (%)
	ASSISTANCE		
1	Yes	174	79.1
2	No	40	18.2
	Missing Cases	6	2.7
	Total	220	100.0

Source: Field Survey, February 2009.

Majority of the respondents (79.1%) affirmed that perpetrators of crimes across the nation's borders receive assistance from border town/village dwellers when on their business trips. Only 18.2% said they were not aware of any assistance being rendered by the border town/village dwellers, while 2.7% were missing cases. The law enforcement agents used as key informants asserted that the assistance accorded the smugglers by the border town dwellers make the task and rate of apprehension of those engaged in illegal activities across borders tedious and low respectively. Even the few smugglers apprehended always "settle" their cases un-officially.

The respondents were then asked what types of assistance those who engaged in illegal activities across border receive from the villagers. Table 4 conveys their responses:

Table 4: TYPES OF ASSISTANCE RECEIVED BY THOSE ENGAGED IN CRIMES FROM BORDER TOWN/VILLAGE DWELLERS

S/NO	TYPE OF	FREQUENCY	PERCENTAGE (%)
	ASSISTANCE		
1	Vital Information	69	31.4
2	Lodgement	103	46.8
3	Both	47	21.4
	Missing Cases	1	0.4
	Total	220	100.0

Source: Field Survey, February 2009.

Table 4 shows that 46.8% of the respondents, including those engaged in illegal business transaction across border, agreed that they are provided with accommodation and refreshments by the border town/village dwellers. They also receive financial reimbursements at times. During rain season, they help them sail their goods across rivers and in some instances, help smugglers to keep contraband goods in specially provided warehouses in return for financial rewards. In short, they facilitate the smugglers illegal activities. Similarly, 31.4% of these respondents revealed that the border village dwellers provide these illegal businessmen with vital information as to the movements and locations of law enforcement agents, most especially, when federal patrol teams from Customs Services are around. In addition, they help to create illegal routes for easy passage of these illegal businessmen.

Out of the 220 respondents, slightly more than one-fifth (21.4%) believed that those engaged in illegal businesses across border receive assistance in terms of vital information and lodgment, while only one respondent did not react to this question.

Discussions of Findings

The study revealed that commodities that are frequently smuggled in and out of the country include; petroleum products, cigarettes, textiles materials, currencies, fairly used cars ('tokunbo' vehicles), fairly used electrical and electronic gadgets, arms and ammunition, rice and groundnut oil. While petroleum is the principal product being smuggled out; the respondents indicated that 'tokunbo' vehicles, textile materials, rice, groundnut oil and arms and ammunition are the major goods being smuggled in. The submission of the law enforcement agents interviewed - Customs, Immigration, State Security Service, Police and Nigerian Army personnel, majority of who have worked in the study area for upward of five years - corroborated the above findings. It could be seen therefore, that smuggling thrives in the study area.

The researcher also found out that most of the respondents contacted for in-depth interview did not see anything bad in smuggling. A sizeable number of them piously claimed that it is one of the major "occupations" of the people of the study area. One of the interviewee even quoted a prominent ruler in the area as telling a visiting former Governor of Oyo state thus: "we do not have cocoa, kola nut or petroleum; smuggling is our major business here".

One factor that might likely be responsible for this type of perception is that, from time immemorial, even before the advent of the colonialist, the people of the area have been engaged in trades with people in the neighbouring countries. To them, there is no big deal in trading in goods (even the ones prohibited by law) with people of other countries. Though smuggling is a crime as defined by the Federal Law, the people of the study area do not see it as any thing bad; hence they eke out a living out of smuggling and thus support it.

Furthermore, it was discovered that the border town/village dwellers profit from smuggling activities as most of the services they provide are not without rewards. For instance, two of the key informants used for in-depth interview disclosed that between 1,500 and 2,000 'tokunbo' cars regularly pass through their settlements; Eko-kan and Oge-Ilua regularly on a particular night of a certain day of the week. The representatives of the community collect \$\frac{1}{2}200.00\$ on each vehicle passing through that route. Similarly, they receive remunerations for serving as informants and providing shelters for the smugglers and their goods. In addition, they pointed out that each of the law enforcement agencies have agreed amount they collect on each of the vehicles allowed passage through the official route. This suggests that though smuggling is outlawed and is deviant from criminal law standpoint, it nonetheless enjoys support of the people of the study area. It then implies that it is an act that is oriented to normative practice of the group under study.

The study also established a positive relationship between levels of education and perception of smuggling among the people of the study area. The survey revealed that the low level of education of many people in Oke-Ogun area affects their perception of smuggling as good, lucrative and "legitimate." Higher percentage of the respondents in "no formal education" and "primary education" classes see smuggling as "normal" or "illegal but not bad", while the contrary holds for "secondary" and "post-secondary" education categories. Nevertheless, there are some highly educated folks in the area who nourish positive perception of smuggling. They even approach this illegal commercial act in a more organized way.

Conclusion

The study established that there is a positive relationship between the levels of education and perception of smuggling. The lower the level of education, the higher the level of ignorance displayed on perception of legality of smuggling. This finding seems to establish the ill perception and indulgence in smuggling by a large section of the people of the area.

This aforesaid combined with the inefficiency of the law-enforcement agencies culminating in frustration of government strategies at curbing smuggling across the nation's border in this part of the country.

Similarly, the study confirmed that the people of the study area perceive the law enforcement agents as inefficient and as those who aid and abet the smugglers. Also, that the border town dwellers collaborate with the smugglers as this offers monetary rewards to them in return

Recommendations

From the foregoing, any meaningful crime preventive strategy must aim at eliminating the causes and conditions giving rise to them. Hence, success in crime prevention, in this wise, can be achieved only through a specific analysis of perception of what constitutes deviance and crime trends inherent in a given country and region. Furthermore, the use of the means and methods of crime definition and prevention, which correspond to the country's historical, socio-economic and cultural peculiarities, should be revisited. As noted by the sixth UN Congress on the Prevention of Crime and The Treatment of Offenders (1981), there should be broader public participation in each nation in the implementation of the above-mentioned social and cultural measures as well as other activities aimed at crime prevention. To achieve this, law-makers, policy formulators and the regular law enforcement agents ought to try to learn from and know about the culture and practices of indigenous people before embarking on the definition of what constitutes crime and how it could be curtailed.

In addition, Federal government would need to intensify her campaign against smuggling activities, pointing out its destructive effects on the nation's economy. This should be done in a way the local people will be able to understand easily. Jingles on the radio and television stations, advertisements on dailies and weeklies, cultural displays sponsored by national orientation Agency are some of the ways by which this could be achieved. These, could change the negative perception and disposition of the border town/village dwellers, but use of media for attitude change should not be implemented without rigorous clinical trial of their likely effectiveness in establishing attitude change as opposed to the possible risk of them back-firing and making the problem worse (Sutton et al 2007)

In conclusion, law makers and policy formulators would also need to understand that when criminal laws no longer receive social support, or the laws become obsolete, the laws should be changed or repealed and, if necessary, new ones enacted. This will enable most of the people in any community to see behaviours which are proscribed by the criminal law as socially undesirable, thus reinforcing effective social control mechanism. Judging from the foregoing therefore, social control can only become more effective if behaviours that are regarded as normative deviations alone are labeled criminal violations.

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APPENDIX II

FORMAT A

(For respondents dwelling in the area)

Department of General Studies, The Polytechnic, Ibadan

Dear Respondent,

This is a questionnaire designed to conduct a research on "PERCEPTION OF SMUGGLING AMONG THE YORUBA PEOPLE OF OKE-OGUN OF SOUTH WESTERN NIGERIA" The study is purely an academic exercise; hence the information volunteered will be kept confidential.

Kindly provide appropriate information to the questions below to enable us understand the nature, types and frequency of crimes across Nigerian borders; and probable preventive measures.

Your response will assist in meeting the aim of this research, and it is therefore requested. I am grateful in anticipation of your cooperation in answering all the questions honestly, to the best of your knowledge.

SECTION A

1.	Age: 20 –29 50 – 59	30 – 39 60 and above	40 – 49	
2. School	Level of Education: Cert.	OND/NCE	HND/BSc.	
Others	(Specify)			
3. Artisar	Occupation:	Civil Servant	Trading/Business	
Others	(Specify)			
4.	Sex: Male	Female		
5.	Home Town:			
		SECTION B		
1.	Where do you reside	?		
2.	Are you aware of cri	mes across border in this area?	Yes	No
3.	Are you aware of sm	nuggling activities in this area?	Yes	No

4. What in your own opinion is responsible for the sustenance of these activities?
Economic gains Group/environmental influence Economic hardship
Nearness of my residence to neighbouring countries Unemployment Unemployment
Ineffective security at Nigerian borders
5. Which neighbouring country (ies) do you go to?
Ghana Cote d'Ivoire Togo
Benin Republic Burkina Fasso Others (Specify)
6. What strategies do smugglers normally use to pass through checkpoints?
7. Are you aware of the presence of law-enforcement agents within and along Nigerian
borders? (e.g. Customs Service, Police, Immigration Service) Yes No
8. How efficient are the law – enforcement agencies?
Very efficient Averagely efficient Not efficient
9 How can their efficiency be ensured?
10. How would you assess the relationship between smugglers and these law –
enforcement agencies?
Very Cordial
11. How do you perceive smuggling?
Normal Illegal Illegal but not bad
12. Does smuggling affect national economy and security? Yes No
If yes, how?
13. Do you work as a team or in isolation?
As a team In isolation
Do the law enforcement agents collude with smugglers within and at Nigerian
borders? Yes No
If yes, how?
15. Do smugglers receive assistance from indigenes? Yes No
What type of assistance?

16. What are the traditional methods of preventing crime in this area?	
17. Can such methods be employed to prevent trafficking activities within and across	3
borders? Yes No	
If yes, how?	
18. Where is the destination of the smuggled goods?	
19. What are your suggestions for preventing this type of crime in our society?	
20. What are the strategies put in place for combating smuggling?	
(a) By the community:	
(b) By the government:	
21. Are there known financiers and backers of these smugglers in this area?	
Yes No	
22. Is there any smuggling association in this area? Yes No	
If yes, (a) Which type?	
(b) What function does it perform?	