

## **Assessment of Ecowas Free Movement Protocol in Promoting Regional Growth and Development in West Africa**

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### **ABSTRACT**

*This study will critically assess the Economic Community of West African State [ECOWAS] on its activities on regional integration, growth and development as a panacea to regional free movement of people and goods. ECOWAS was formed in 1975 with the objectives of among others facilitating economic development, fostering relation and promoting peace among her members. In her efforts of achieving these objectives, several protocols among which the protocol on free movement of people was adopted aimed at removing all obstacles for the movement of people across the subcontinent. Although, success have been recorded in removing all kind of visa requirements through the introduction of one passport, less have been found to have achieved of its much expectations. Non harmonization of currency, poor political commitment and existence of multiples checkpoints hampered the success of the protocol. This study examined the success recorded and the challenges that hijacked the full implementation of the protocol; About a half a century of its creations, ECOWAS in spite her remarkable achievements in promoting unity, maintaining peace and enhancing political and economic relations, have yielded less particularly in relation to the implementation of the free movement protocol. Though, movement of goods and people is much more advanced in comparison to the earlier years of decolonization, it is still bedeviled by so may be abuses. Since majority of West African people are not highly educated, there is the need of informal education system to acquaint people with the basic formalities or requirement involve in their cross border affairs within the sub region. There is also need for the automation of immigration and custom services to help fasten the procedures of border administration. The present manual system was found not suitable in the contemporary world.*

**Key Words:** ECOWAS, Free Movement, Success, Challenges

### **INTRODUCTION**

The quest for among others accelerated economic and political development by West Africa Countries after their political independence ignited the desire of sub-regional integration a decision which climaxed in the formation of Economic Community of West African State [ECOWAS]. ECOWAS was established on May 28, 1975 with a treaty signed in Lagos by sixteen West African Countries of Benin, Liberia, Burkina Faso, Cape verve, Cote D' Ivoire, Gambia, Ghana, Guinea, Guinea Bissau, Mali, Niger, Nigeria, Senegal, Sierra Leone, Togo and Mauritania; although, Mauritania voluntarily withdraw her membership in 2002 (Butu 2013).

The objectives of ECOWAS was to promote sub-regional cooperation leading to the establishment of an economic union in West Africa to be saddled with the responsibility of raising the living standards of its citizens, enhancing economic stability, fostering relations contributing to the general progress and development of the African Continent. To actualize these objectives, several

protocols have been adopted one of which is the Protocol on Free Movement of People. The protocol relating to free movement of people was adopted in 1979 by Protocol A/P.1/5/79 which propounded the right for entry, establishment and residence of ECOWAS citizen among member nations.

Free movement protocol is a trio phase approach policy with the first phase (I) provided for the elimination over five years of the requirements for visas for the entry of community citizen into another member land. Phase II was provided the right of residence including the right to seek and carry out income-earning employment, while Phase III focused on the facilitation of business through the right of Community citizens to manage economic activities in member states other than his states of origin.

Since its birth about half a century, ECOWAS recorded numerous achievements which include the removal of visas and the introduction of single passport. However, it was abuse of not meeting much of its expectations. This is more pronounced in the words of (Adepoju, Boulton & Levin 2010) “*though freedom of movement in the ECOWAS region is undoubtedly more advanced than in any other regional grouping in Africa continent, the objective of complete freedom of movement in the sub-region has not yet been realized.*”

It is against this background this research was designed to explore the extent to which free movement protocol have been implemented among the ECOWAS Countries and to examine how it impact on the economic prosperity of the sub region.

#### *Stataement of the problem*

The major problem which informs this research was the compounded implementation challenges of the protocol. With the four decades of free movement protocol, successful implementations among members remained less of expectations. Community citizens were denied entry into another Member States; harassment by security operatives, extortions at border points, illegimate deportations and above all excessive border control system featured most of the journey. Another problem well noted in the extent literature is the perennial economic misery of the ECOWAS countries. It is less arguable that West African Countries are among the poorest economies of the world and majority of them filed the list of Heavily Indebted Poor Countries (HIPC) (ECA, 2011; Global Competiveness Index 2014).

This study should therefore explore the extent to which the free movement protocol contributes to the economies of the ECOWAS Members and to determine the factors that militated against its implementations

#### *Objectives of the study*

The general objective of this study is to explore and determine the extent to which the free movement protocol has been implemented and assess the factors that militated it proper implementation. The specific objectives include;

To determine the degree of implementation of the protocol among the Member States.

To determine the factors that militated against its implementation.

To recommend strategies to overcome the implementation challenges.

### *Research questions*

The following are some of the questions raised by this research.

To what extent has the protocol on free movement been implemented among the ECOWAS States?

What are the factors that hindered the performance of the protocol?

How should the problems of poor implementations be solved?

### *Significance of the study*

The advantage of this research lies in her objective of critical assessment of the implementation of free movement protocol among the ECOWAS Member States and to examine the factors that militated against its performance on the same paper. The study should also be finding useful for ECOWAS Member States to utilize its recommendations on adopting sound policies for overcoming the overall integration challenges of the sub-region. To the general body of knowledge, it should be finding useful for other researchers in the area.

## **LITERATURE REVIEW**

Since World War II, efforts towards regional integration increases immensely around the world. Although earlier effort is geared toward preventing conflicts, the contemporary momentum according to ECA (2004:9) is predominantly economic inspirations. ECA (2004) defined integration as a preferential (usually reciprocal) agreement among countries with the proposed objectives of removing or limiting barriers on economic and noneconomic transactions. Such an arrangement can take different forms depending on the objectives and the intensities of the integration.

On the political perspective, Haas (1958) in Dosenrode (2010:4) defined it as a process whereby political actors in several distinct national settings are persuaded to shift their authorities, expectations and political wills for a new center (supranational) whose institutions possess or demand higher autonomy and jurisdiction over pre-existing national authority. Butu (2013) defined integration as a system of cooperation in which States agreed to forgo the ability to formulate policies independently on matters concerning trade, customs and immigrations.

It is unarguably true that removing impediment will create an enabling environment for international flows of wealth and skills. This was also true in the words of ECA (2004) “*that removing all barriers for cross border right of people will help promote a sense of belonging, ensures movement of technical know-how across national borders and help build and expand labour markets.*” This contention is also right of (Ukhaoha & Ukpe 2013; Garza, 2006) who opined that when people are free to move from one nation state to another, they carry along with them not just their skills or technical know-how, but also physical articles of trade. To them these will enable in wealth creation as well as redistribution of such wealth within the group. In the same vein, (ECA 2011:23 Awumbila et al 2014:15) opined that for a country to reap the benefits of economies of scale, it most guarantees an expanded market by widening her economic scope. This argument was based on the assumption that revitalized regional integration offers one of the most credible strategies for tackling developmental challenges of nation states. Lee (2002) and Ejime (2011) stressed that integrating economies and political structure of nations will facilitate the achievement of accelerated and general development.

Studies in (UNECA 2013; Bamfo 2011; Touzenis 2013) have also posited that a strong and vibrant integration is a tool of minimizing political violence, eliminating civil conflict, arresting poverty and ensuring harmony among nations. This was also true of Butu (2013:50) who posited that cooperative action among nations will certainly help address the peculiar problems of agriculture, manufacturing and infrastructural decay and ensure even development.

Nevertheless, in spite the ability of ECOWAS to survived myriads of challenges over the years, the purported goals of integration remained a mirage. Report in UNECA (2013) stated that West Africa countries that comprised ECOWAS are the countries with the lowest GDP, high poverty incidence, lower per capita income, weak state institutions and poor infrastructures (UNECA 2013; UNECA, 2011). A situation which Bamfo (2013:13) attributed to the political, economic and social factor of the sub-continent. Other challenges according to Awumbila et al (2013) were the inability to offer financial obligations by Member States. However Touzenis (2013) posited that: National security threats, protection of national employments, protection of infant industries, lack of adequate mechanisms to facilitate and manage labor mobility within the region and beyond, non-reliable Labour market information, and non-recognition of different education/professional certificates among members are the factors that undermined the success of the protocol.

#### *Features of the Free Movement Protocols*

The major feature of the free movement protocol is in its provision of Article 2.1 which posited the right of Community Citizens to enter, reside and establish within the territory of another member state (Article 2.1). Subject to this provision, it established three-phased approach to be realized within a time frame of 15 years i.e. five (5) of each phase.

Phase one forthwith provided (ECOWAS 1979, Article 3.1) for dispensing all necessities to obtain a visa for entry to another Member State for a period of time not exceeding ninety days (Article 3.2).

Phase two was propounded by the supplementary protocol of 1986 Protocol No. (A/SP.1/7/86). It provided for the right of residence and the ability to engage in an incoming gaining employment in another Member State. It stipulated that a community citizen shall among others the right to apply and offered an employment.

The third phase is the rights of establishment of persons in the territory of another member state (Protocol A/SP2/5/90). The protocol defines the right of establishment to mean the right granted to a citizen who is a national of another Member State to settle or establish in another Member State other than his state of origin and to have access to economic activities, as well as to set up and manage enterprises particularly companies under conditions defined by legislation of the host state

This also includes equal opportunity for creation and management of enterprises and companies in other member States other than their country of origin (Protocol A/SP2/5/90).

#### **THEORITICAL FRAMEWORK**

There are myriad of theories explaining the various types, forms and process through which nations goes about integration. The basis of the differentiation of these theories seems to be lied in their respective importance attributed to economic and political factors and the institutionalization

involved. Among such is the neo-functional theory of integration and which is the central tool of analysis in this study is more synonymous with the European integration process that propounded the contemporary European Union (EU). The earlier work of this thought was traced to Jean Monnet (France Prime minister) in 1951. He (Monnet) was regarded in modern academic literatures as the founder of the modern European Union. While Monnet was well noted in modern literature as the founder of neofunctionalism, although, its theorization was nevertheless traced to the work of Ernst Haas (1958) in a seminarian work "*The Uniting of Europe*" in 1958 (Dosenrode, 2006:6). Since then, Haas continued to contribute upon which other major contributors to neo-functionalism like Leon Lindberg (1963), and Philippe Schmitter (1969, 1971) got their basis (Dosenrode, 2006:6).

Haas idea was an expansion of David Mittrany's functionalism and Monnet's idea of European integration. He combined functionalism with inspiration from Jean Monnet's pragmatic approach to European integration. Contrary to the functionalist prepositions, Haas and his followers looked at regional integration as a non-universal activity and political process, but not as merely functional or technocratic idea projected by the functionalist.

Advocating at his time for the concept of neo-functionalism, Jean Monnet (1951) stressed the importance of development of some central institutions that will be bestowed with the roles of overseeing and directing integration processes. Monnet's assumption was that, integration process cannot be limited to certain technical areas as advocated by the functionalist nor it to be seen as a deliberate act of supra-naturalism of the federalist. But to him, states should sort out activities that are specifically defined and are politically important for them. He for example used the goal of integrating the coal and steel market to expand into social security and transportation policies. Unlike the functionalism who believed in conscious political decision in the act of integration, neo-functionalism was based on the assumptions that the deliberate merger of economic activity in particular economic sectors will ignite for a wider economic integration that would spill over into broader political integration in the long run. On his side, Haas also opined that once integration was launched in one sector, there should be more pressures for further integration in other areas from social and economic groups that were entice with the earlier process and hence demand for broader integration in other areas. The benefits of the economic union will definitely create tensions from civil and economic groups for the expansion into broader scope and gradually into complete political union. Ernst Haas spill-over process was also applied by Lindberg. According to Lindberg (1963), spill-over refers to a situation in which a given action, related to a specific goal, creates a situation in which the original goal can be assured only by taking further actions, which in turn create a further condition and a need for more action, and so forth (Lindberg, 1963: 10)

## **METHODOLOGY**

This is a documentary research that utilized information from the secondary source. Data was obtained from written materials; some are published and others not published. Presentation is through both quantitative and qualitative methods.

## **RESULTS**

*An achievement of the Free Movement protocols*

A general assessment into ECOWAS performance over the years should undoubtedly reveal that the union has achieved much since her creation. One of such credits is the ability of the Commission to survive the perennial challenges of economic and political upheavals which have bedeviled almost all West African countries. It is non-disputable that countries in the West Africa are among the poorest economies of the world and the three (Niger, Mauritania, Mali) filled the last three digits on the poverty index countries (UNDP, 2013). On the political arena, ECOWAS was hallowed with multifarious instabilities of civil wars, ethnic clashes, religious conflicts, military coups, terrorisms and border disputes among others. According to Bamfo (2013), the political challenges of ECOWAS were rooted in her founding fathers because the Commission itself was rooted to ideas of military juntas in West Africa (Gawon of Nigeria and Eyadema of Togo).

#### *Abolishment of Visa*

One of the greatest achievements of ECOWAS in the implementation of the free movement protocol is that, it has succeeded in abolishing visa requirement for community citizens among her Member States. Today, it is commendable that movement within the ECOWAS States required no visa for community citizens. Since 2003, several countries have also launched the new ECOWAS passport while some have also succeeded in harmonizing their emigration and immigration laws. For example, ECOWAS travel certificate is currently used in Burkina Faso, The Gambia, Ghana, Guinea, Niger, Nigeria and Sierra Leone (Adepoju et al 2013:5). Below is the presentation of the level of implementations of the various free movement initiatives of ECOWAS.

Table: 4.1: Implementations of free movement protocol among ECOWAS countries:

S/N	Country	Abolishment of Visa and Entry Permit	Introduction of ECOWAS Travel Certificate	Introduction of Harmonized Immigration/Emigration Laws	Introduction of ECOWAS Brown Card
1	Benin	Yes	No	Yes	Yes
2	Burkina Faso	Yes	Yes	Yes	Yes
3	Cape Verde	Yes	No	No	Not Affected
4	Cote D'Ivoire	Yes	No	No	Yes
5	Gambia	Yes	Yes	No	No
6	Ghana	Yes	Yes	Yes	Yes
7	Guinea	Yes	Yes	Yes	Yes

8	Guinea Bissau	Yes	No	No	Yes
9	Liberia	Yes	No	No	No
10	Mali	Yes	No	Yes	Yes
11	Niger	Yes	Yes	Yes	Yes
12	Nigeria	Yes	Yes	Yes	Yes
13	Senegal	Yes	No	Yes	Yes
14	Sierra Leone	Yes	Yes	Yes	Yes
15	Togo	Yes	No	No	Yes
	100%	100	47	66.7	86

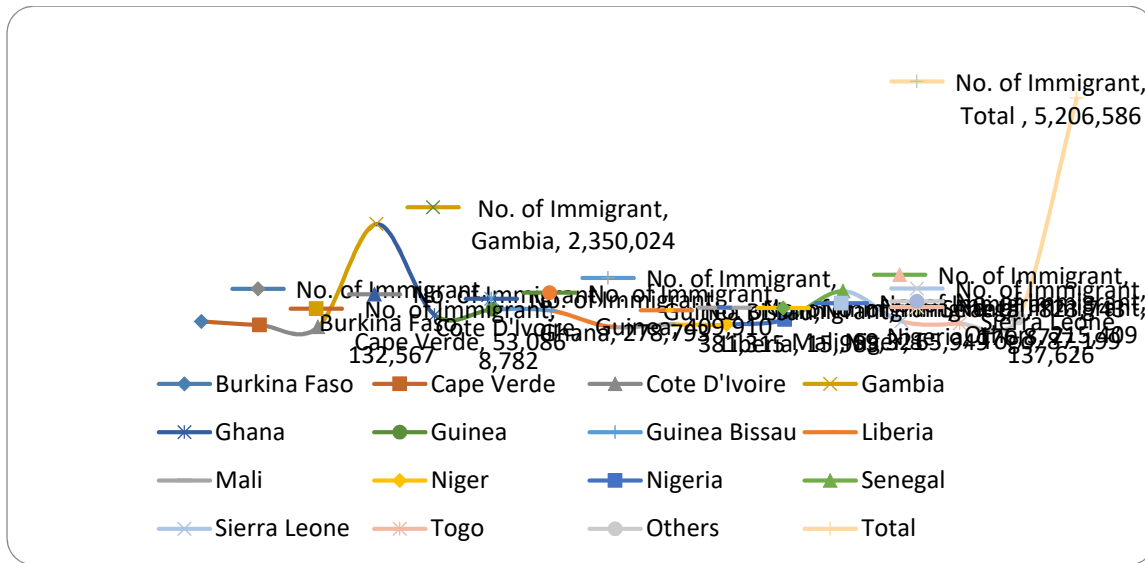
Source: Butu (2013), Awumbila et al (2014:103) Adepoju et al (2010:5).

In a percentile distribution as presented in the above, ECOWAS was 100% successful in the abolishment of visa requirement for the entry of community citizen into another member state. It is also 47% successful in the implementation of uniform travel document. For the harmonization of emigration and the immigration laws, 66.7% of the goal was so far achieved as six of the member states (Cape Verde, Cote Devoir, Guinea Bissau, Liberia and Togo) were yet to formalize. 86% achievement was also ascertained on the introduction of ECOWAS brown card; twelve Members of Benin, Burkina Faso, Cote D, Ivoire, Ghana, Guinea, Guinea Bissau, Mali, Niger, Nigeria Togo Senegal and Sierra Leone have introduced brown card, Liberia, Gambia and Liberia are being awaited and Cape Verde is not affected because of its geographical location.

#### *Right of residence within ECOWAS States*

On the implementation of the second phase of the protocol, ECOWAS have also recorded notable achievements. West Africa today is among the highest migrant producing region of the world. Studies in (Touzenis, 2012; ECA, 2011) revealed that West Africa is the region that has the highest number of immigrant people and most of these migrants rooted from the West African sub-region. An estimated 3% of the 350 million populations in the West Africa sub-region are migrant workers (Awumbila et al, 2014) and were dispersed within the sub region. A development which (Bamfo, 2012, Ejime 2014) attributed them to the success of the implementation of the free movement protocol. Addo (2013) posited that, as part of the achievement of the free movement protocol, almost all ECOWAS countries are both migrant-sending areas and immigration destinations. Below is a summary distribution of West African Citizen in another member states.

Graph: 4.1: Distribution of West African Immigration among Member States:



Source: Awumbila et al (2014:23).

From the above table, it was found that Côte d'Ivoire had the highest number of ECOWAS immigrants (2,350,024), followed by Nigeria (823,743), Ghana (409,910), and Guinea (381,315) while Gambia have (278,793) among others. Côte d'Ivoire therefore remained a most popular destination for ECOWAS migrants. Countries that receive the lowest number of ECOWAS migrants are Cape Verde (8,782), Guinea Bissau (15,985), Burkina Faso (53,086) and Mali (65,949).

#### *Factors that hindered the implementation of the protocol*

Free movement protocol in spite the purported achievements over the years was nevertheless hampered by different implementation challenges. In comparison to the European Union [EU] where citizens can move freely from one member state to the other and transact with a single currency, ECOWAS have not succeeded in propounding a common currency within the sub-region. Concerted efforts since its creation always ended in deadlock. Today, there were about ten incompatible currencies in the sub-continent with only the Franc CFA having a wide coverage being utilized in almost all the French colonies of the union.

Infrastructural deficit is another band on the proper implementation of the protocol on the free movement of goods, services, capital in the ECOWAS sub region. The lacked of good roads, dilapidated rail systems and dulled seaports have hampered the free movement of goods among West African countries. It is non-arguable that the state of roads linkage in West Africa is pretty poor which have severely affected land transportation in the region. Founded by this scenario, the movement of goods and persons between countries is inhibited by higher losses of lives and property. Trailers and large luxury buses are always having difficulties in going through some of these roads in the region. In addition to this poor road system, there are also no rail connections between ECOWAS countries. It was clearly stated that irrespective ECOWAS countries the railway system was a colonial creation and unfortunately most of these rail system disappeared because of managerial negligence by the post- colonial elites. The inadequate and poor quality of transportation infrastructure in West African acts as a major hindrance to the free flow of goods



across borders.

Poor machinery to checkmate the implementation of the protocol was seen as another reason that hampered the protocol, the lack of control system to regulate the infiltration of criminals under the aegis of community citizen have largely affected the free movement protocol. It was found that ECOWAS has not instituted any mechanisms to control the movement of illegal immigrants into member states. This has over the years culminated into narcotic and human trafficking in addition to the movements of other deadly terrorist groups. These crimes and acts of economic saboteur have led to expression of resentment among officials and the general public in the destination countries.

The success of the protocol was also undermined by the non-harmonization of its laws with that of the domestic laws of member states. The existence of multifarious laws has adversely affected the smooth implementation of the protocol on free movement of persons. In enacting the protocol, much consideration was not given to the varying and diversities in social, political and economic background of the member states. Guided by some predisposing interests and tedious legislative processes, some states declined to harmonize their national laws with the ECOWAS provisions. Although, some of the national laws pre-exists the ECOWAS protocol, evident available proved that most of the countries lack the political will to sacrifice their sovereignty to any supranationality.

Poor political commitment by member nations to implement the provisions was also seen as another reason for the poor implementation of the protocol. The provisions of Article 3 of the supplementary protocol of 1986 (inadmissibility clause) which granted member states the right to deny community citizens the right of entry and or residence in their countries on the reasons of public order, public security and public health among others rendered a huge blow to the full implementation of the protocol. Over the years, entry denial through stringent migration policies, deportation of community citizens, harassments by security and the existence of xenophobia among the nationals featured the behaviour of many counties. For example, In July 2005, anti-migrant citizens in Gambia killed about 44 Ghanaians (Elumelu, 2013) this came after deportations exercise were completed in Cote D'Ivoire; Nigeria etc. Liberia has also completely prohibited non-nationals regardless of region or continent from establishing business in its territory.

## **CONCLUSION**

About a half a century of its creations, ECOWAS in spite her remarkable achievements in promoting unity, maintaining peace and enhancing political and economic relations, have yielded less particularly in relation to the implementation of the free movement protocol. Though, movement of goods and people is much more advanced in comparison to the earlier years of decolonization, it is still bedeviled by so may be abuses. There too many border restrictions which mostly rendered inaccessible for migrants a situation which was culminated into high level of illegal migrations through the porous border areas. The inability to guarantee good road network and railway system was also seen as part of the setbacks for the success of protocol.

## **RECOMMENDATIONS**

Since majority of West African people are not highly educated, there is the need of informal education system to acquaint people with the basic formalities or requirement involve in their cross border affairs within the sub region. There is also need for the automation of immigration and custom services to help fasten the procedures of border administration. The present manual system was found not suitable in the contemporary world.

Special regulatory teams need to be established by ECOWAS to checkmate the degree of compliance by border agents. If possible, extensive effort should be geared toward ensuring a single migration border to be regulated by the commission.

ECOWAS must oblige member states to provide valid travel documents to their citizens at a subsidiary rate. The current idea of exorbitant fee made the possession of travel document difficult for many travelers.

## REFERENCES

- ACP Report (2008): Across Artificial Borders: An Assessment of Labour Migration in the ECOWAS Region, Nigeria Country Report
- Addo, P (2006): Cross Border Criminal Activities in West Africa: Options for Effective Responses, Kofi Annan International Peace Keeping Training Center (KA IPTC) Paper No.12
- Adepoju, A., Boulton, A., and Levin, M, (2010): *Promoting Integration Through Mobility: Free Movement Under ECOWAS*, United Nation Human Right Commission Publications.
- Awumibila, M., Banneh, Y., Toye, J.K and Atiim, G. (2014): Across Artificial Borders: An Assessment of Labour Migration in the ECOWAS Region Observatory on Migration, Centre for Migration Studies (CMS), University of Ghana
- Bamfo, N (2013): The Political and Security Challenges Facing ECOWAS in the Twenty First Century: *International Journal of Humanities and Social Sciences*,
- Butu, A.W (2013): Impact of ECOWAS Protocols on Political and Economic Integration of the West African Sub-Region, *International Journal of Physical and Human Geography*, Vol.1, No.2, p. 48.
- Dosenrode , S (2006). Is A Common Culture a Prerequisite for Regional Integration? Paper presented at the joint CCIS-CSE Workshop April 27th 2006 in Aalborg
- Dosenrode, S (2010): Federalism Theory and Neo-Functionalism: Elements for an Analytical Framework; *Perspectives on Federalism*, Vol. 2, issue 3, 2010
- Ejime, Paul (2014): West Africa at 39, ECOWAS on irreversible path to integration, Afriquejet Actualite
- Garza, D.C (2006): International Integration Theories Regional Scenarios ITESM-SAL
- Hoffmann, S (1966): Obstinate or obsolete? The fate of the nation-state and the case of Western Europe, *Daedalus*, Vol. 95, No. 3,
- Hosny, A.S (2013): Theories of Economic Integration: A Survey of the Economic and Political Literature, *International Journal of Economy, Management and Social Sciences*, No.2 Issue 5 May 2013
- Popoviciu, A.C (2010): David Mitrany and Functionalism: the Beginnings of Functionalism *Revista Romana De Geografie Politica* Year Xii, No. 1.

- Report (2014): Road Harassment, Obstacles and Barriers to Regional Trade in Agricultural Products in West Africa: Regional Support Programme of Market Access Permanent Interstate Committee for Drought Control in the Sahel.
- Ronnback, A.S (2008): ECOWAS and West Africa's Future: Problems or Possibilities? Umea Working Papers in Political Science, no 3
- Touzenis, K (2012): Free Movement of Persons in the European Union and Economic Community of West African States, a Comparison of Laws and Practice. United Nations Educational, Scientific and Cultural Organization, Fontenoy Paris, France
- Tranholm, M. J (1991): Neo-functionalism: Obstinate or Obsolete? A Reappraisal in the Light of the New Dynamism of the EC Millennium - *Journal of International Studies*, Vol. 20, No. 1, pp.1-22, <http://www.df.lth.se/~cml/spill-over>
- Uexkull, E.V (2011). Regional Trade and Employment in ECOWAS, Trade and Employment Programme, International Labour Organization
- UNECA (2011): Progress on Regional Integration in Africa, Seventh Session of the Committee on Trade, Regional Cooperation and Integration Addis Ababa, Regional Integration, Trade and Infrastructure Division (RITD), ECA, P. O. Box 3001, Ethiopia