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## **Beyond Declarations: Rethinking the Compatibility of ECOWAS Protocols on Free Movement of Persons in West Africa**

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### **Abstract**

An important step taken so far by member states of ECOWAS towards integration is the declaration of Protocols on free movement of persons and goods within the Community. The idea is to foster socio-economic development in the West African sub-region. However, there is a seeming disconnect between the declaration of these unifying Protocols and actual enforcement. Often times, certain irreconcilable economic and political problems, which abound in member states, become a subject matter. The likelihood of compromising individual states' national security and other inherent contradictions associated with such uninhibited mobility of persons equally pose serious concern. Matters are further worsened, owing to the seeming unpreparedness and institutional inadequacies of ECOWAS member states to tackle these challenges. Therefore, this paper seeks to link between the peculiar socio-economic realities in West African states and the inability of member countries to effectively enforce the ECOWAS Protocols on free movement of persons. Accordingly, the methodology is based on qualitative mechanism of primary and secondary data of recorded human documents. The study is predicated on the integration theory. We conclude that obvious limitations and other institutional insufficiencies inhibiting the practicability of the Protocols must be met first, before the free movement ideology can work effectively in the sub-region. In this line of thinking also, it makes little sense initiating related lofty ideals of common currency and common market in the sub-region without effectively tackling the inherent contradictions on ground.

**Keywords:** ECOWAS, Integration, Protocols, Free Movement, Migration, Security

### **Introduction.**

It is not in doubt that West African states are variously plagued with socio-economic problems in divergent dimensions. Hence, the urge to set things right vents the option for participating in the process of regional integration. The enactment of a custom union known as Economic Community of West

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African States (ECOWAS) in May 28, 1975, which in any case, was a natural cause of action, informed by overwhelming global patterns of interdependence, became imperative. Thereafter, the declaration of several Protocols on free movement of persons and goods among member states was made, to achieve the aim of such custom union. The Protocols declared include: Protocols A/P1/5/79, A/SP2/7/85, A/SP1/7/86, A/SP1/6/88, A/SP2/5/90, all relating to the free movement of persons, the right of residence and establishment (ECOWAS, 1999:1).

However, the implementation of these declared protocols has been more on the breach (Robert, 2004; Ibeanu, 2007). In fact, scholars argue that ECOWAS Protocols bothering on free movement of persons and goods have not been effectively implemented in the sub-region owing to non-enforcement and establishment of related integrative Protocols, such as the ECOWAS Common Currency and Common Market (Edeh and Abraham, 2008:175).

Though, on a different note entirely, there is also need to properly grasp with the reality that the national economies of ECOWAS member states may not be economically and politically fine-tuned to surmount the rising challenges emanating from the implementation of free movement of persons and goods among member states as declared. For instance, failing economies and politically unstable nations enmeshed in constant political crisis and border disputes, may not be in a stable condition to absorb or accumulate large numbers of immigrants. Also, as in most cases where immigrants are mainly unskilled labour and lacked trading capital, they become economic burden to the recipient country. While by irony, the economy of the recipient country may even be worse than that of the country of emigration. For this sake, over the years immigrants have been massively expelled from recipient nations owing to these circumstantial reasons.

Beyond this however, of more concern is that the relaxation of border controls and propagation of free entry and exit have their dynamic consequences. Cross-border crime, terrorism, arms trafficking, human trafficking, smuggling etc. are major security challenges (Yacubu, 2005:55; Ilesanmi, 2002:40). This becomes more worrisome as national governments of member states seemingly lack relevant security architectures to soothe the corresponding effects. In this regard, the workability or compatibility of the Protocols on free movement of persons among member states may seriously be in doubt. Therefore, attempt is made in this paper to examine these socio-economic and political realities in West Africa and the level of enforcement of the ECOWAS Protocols on free movement in member states.

### **Theoretical Explication**

The idea of assembling and endorsement of a regional institution such as ECOWAS is for the primary purpose of stimulating a robust cross-border human interaction. Such is deemed to yield considerable socio-economic benefits for the multilateral endorsees. Hence, we shall predicate our analysis on the integration theory. Integration literally means assemblage of parts and components into a systemic whole. The concept refers to the process of coalescence and fusion of functional or transnational loyalty which transcends internal loyalty to nation-state. It focuses on the construction and carving of bigger political units out of smaller ones, either consciously or unconsciously. Clearly put, integration means growing together into each other, uniting into one body or uniform systems and institutions in a most cohesive sense.

Ernest Haas (1964:15) defines integration as a process "whereby political actors in several national settings are persuaded to shift their loyalties, expectations and political activities toward a new centre, whose institutions possess or demand jurisdiction over the pre-existing nation-state".

From another prism, Karl Deutsch (1958:29) sees integration as a condition rather than a process. He maintained that integration is a condition in which a group of people have "attained within a territory, a sense of community, and of institutions and processes strong and widespread enough to assume for a long time dependable expectations of peaceful change among its population". In fact, the general postulation of the integrationist scholars is that people are convinced by certain expectations to shift and re-entrust their political activities to a new unified center, that is, a new system perceived as more organized and ordered to better serve such expectations. Importantly, Joseph Nye advanced three forms of integration namely: economic, social and political; and argues that integration may occur in one field, without occurring in another. But when all the three aspects of integration occur together, the entity is then assumed as fully integrated (Nye, in Onuoha, 2008:40).

Therefore, the theory is useful in explaining the purpose and overlapping activities of multilateral and regional organizations across the continent. In this sense, the theory is not only relevant to our analysis, but as spotted by Okolie (2006:75) enhances the general appreciation of cooperative actions among states and facilitates deep understanding of global patterns of interrelationship. Particularly, the integrative issues of free movement of persons and goods, the proposals for common market and that of common currency among the member states of ECOWAS can well be understood within this theoretical ambit. Here, integration is mostly construed as a necessary rewarding mutual exchange among ECOWAS member states. Elimination of all sorts of trade and tariff barriers and liberalization of human migration/mobility are key components.

Beyond this lane however, we tapped on the assumptions provided to probe further as to the readiness and ability of member states of ECOWAS to absorb and cushion the challenges or what may be regarded as the fall out of the processes of integration, more especially that of free movement of persons and goods, which do not go without the concomitant intricacies of trans-border crimes, such as smuggling, arms and human trafficking etc. These may negate the whole effort of development in the sub-region.

### **Patterns of Migration in West Africa Prior to ECOWAS' Formation**

West Africa has experienced a variety of migrations caused by rising population pressure, poverty, poor economic performances and endemic conflicts. Prior to the colonial infiltration, inter-societal migration occurred largely in search of security, new land safe for settlement and fertile for farming. However, colonial regime altered the motivation and composition of migration by introducing and enforcing various blends of political and economic structures, imposing tax regimes and establishing territorial boundaries. Unselective policies such as compulsory recruitment, contract and forced labour legislation and agreements were employed to stimulate regional labour migration from Mali, Togo and Upper Volta to road networks, plantations and mines in Gold Coast and Ivory Coast (Ndongko, 1991). This indiscriminate lumping of disparate groups and peoples by erstwhile colonial superiors have tremendous effects on the boundaries of the present day African countries as a whole.

Fall (2005:85) observes that West African boundaries are very tortuous. The 1884-1885 Berlin Conference, which led to the partitioning of Africa by the colonial powers, did not take into account the tribes and ethnic groups living along the arbitrary boundaries. The result was the apportionment and clustering of tribes and ethnic groups to different countries, so that today it is difficult in some border areas in Africa to know who is a citizen of which country. For example, the Yoruba and Borgu ethnic groups live in both Benin and Nigeria; The Ewes live in Togo and Ghana; Vais and Kroos in Liberia; the Hausa, Mandara, Kanuri, Fulani and Kotoko groups live in Cameroon, Niger and Nigeria; the Kanembu

and the Shuwa Arabs are found in Nigeria and in Chad; and the Hausa and Fulani live in the Niger as well as in Nigeria (Adejo, 2005:93).

Thereafter, the introduction of quasi-transport system facilitated labour mobility by condensing the distance and risks of journeys that hitherto inhibited long distance migrations. Migration from and within the sub-region includes temporary cross-border workers, traders and farm labourers, peasant professionals, clandestine workers and refugees, and are essentially intra-regional, short term and male dominated. Hence, the culture of interdependence and integration were unconsciously bargained. The sub-region encompasses countries of immigration and emigration as well as those that combine both; while some serve as transit routes for migrants. However, the emigration configuration was relatively high and diversified. The main traditional countries of immigration are Cote d'Ivoire and Ghana. Nevertheless, in the early 1970s, Nigeria, buoyed by oil-led employment in various sectors of the economy, also became a major migration locus, receiving immigrants from virtually all neighbouring states and beyond. The major labour exporting countries have been and still are Burkina Faso, Mali, Guinea Conakry, Cape Verde and Togo, Ghana and Benin Republic. The situation in Cape Verde is unique in that the Diaspora outnumbered the resident population (Carling, 2002).

In contrast, the attainment of independence in the late 1950s and early 1960s in West Africa substantially altered the traditional free movement of persons across West Africa. The new national governments, ambitious to identify and reclaim their own national territories as sovereign and independent states, enacted migration laws and regulations governing conditions of entry, residence and employment of non-nationals. The aim, therewith, was mainly to discourage the flow of immigrants as a whole and limit entry to authorized immigrants who were admitted on the basis of their special skills. Prominent among these regulations are the Immigration Act (1963), Immigration (Amendment) Act (1973) and Immigration Manuals and Regulations (1972) in Nigeria, and the Immigration Quota System and issue of work permits in Sierra Leone (Adepoju, 2005:2).

In the case of Sierra Leone, the aim was to discourage the inflow of unskilled or unqualified persons into the country for the purpose of taking up employment. The elaborate visa and passport regulations, customs and controls, and the need for "foreign" workers to obtain work permit ushered in a period of restrictions on intraregional free movement of person across West Africa. These regulations, aimed at greater nationalism for preserving available employment opportunities for nationals.

More importantly, the enactment of indigenization measures placed restrictions on the participation of aliens in major economic activities; a definite distinction was thus made between legal and illegal aliens, based on proof of nationality, passport, visa, residence and work permits which were hitherto inconsequential to the migrants.

Post-independence nationalism was manifested in several other ways, including changes in immigration laws that prescribed specific procedures for entry and employment of non-indigenous workers and later xenophobia against immigrants. As unemployment among young educated nationals peaked, governments resorted to expelling and repatriating illegal immigrants. The most obvious policy responses to undocumented immigration includes the initiation of strict regulations governing the issue of visa and passport, laws requiring foreign workers to obtain authorization for work permits and later, residence permits, or at least identity cards. In Nigeria, for instance, residence permit is assumed to have been given when a non-national worker actually applied for employment.

In Senegal, employers are obliged to submit regular reports of the number of non-national employed. These policies are aimed in part to restrict the influx of migrants.

Of great concern thereto, is that a different policy directed at undocumented migrants already resident in a country took a radical form of mass expulsion and deportation. Such expulsions were endemic. For instance, Ivory Coast had expelled over 1,000 Benin and Togo nationals in 1958 and Chad expelled thousands of Benin nationals who were 'illegal migrants' and not 'law abiding' within the same period; Senegal expelled Guineans in 1967; Ivory Coast expelled about 16,000 Beninese in 1964; Sierra-Leone, and later Guinea and Ivory Coast, expelled Ghanaian fishermen in 1968. In early 1979 Togolese farmers were expelled from Ghana and Ivory Coast. Ghana expelled all illegal aliens without valid residence permit taken effect from December 2nd, 1969; this exercise involved an estimated half a-million people mostly from Nigeria, Upper Volta and Niger. Also, Nigerian traders were once expelled from Cameroon, Zaire and Ivory Coast (Tiemoko, 2003). These instances show that expulsion has been extensively utilized by most countries of the sub-region.

### **Declaration of ECOWAS Protocols on Free Movement of Persons & Goods**

The formation of ECOWAS was indeed a bold attempt to stimulate interdependence and regional integration in the sub-region. Although the post-colonial leaders realized that collective efforts are needed to combat poverty and enhance the living conditions of their peoples, they were rather more or less inescapably driven or lured by the ripples of the global economy towards linking their various economies to the preordained logic of globalism. This further resulted to the dismantling of national boundaries and greater move towards integration and interdependence. Thus, the rethinking, and later declaration of free movement of persons and goods without visa within the ECOWAS Community. The whole idea stressed was that economic emancipation of the so-called 'third world' can be achieved faster within the framework of regional economic integration.

Therewith, the treaty signed in Lagos on 28 May 1975 creating the Economic Community of West African States (ECOWAS) covered wide areas of collaborative economic activities within the sub-region. Article 27 of the Treaty affirms a long-term objective to establish a community citizenship that could be acquired automatically by all nationals of member states. This reinforced the preamble to the treaty that outlined the key objective of removing obstacles to the free movement of persons, goods and capital in the sub-region. It is in this context that the Protocol on Free Movement of Persons and the Right of Residence and Establishment, of May 1979 capitalized on free mobility of labour. Phase 1 of the Treaty, the Protocol on the Free Movement of Persons, the first to be ratified and put into effect, was ratified by member states in 1980 and put into effect forthwith (ECOWAS, 1979). It guaranteed free entry without visa for ninety days, ushering in an era of free movements of ECOWAS citizens within member countries. The rights of entry, residence and establishment were to be progressively established within fifteen years from the definitive date of entry into force of the protocol. The implementation of the first phase over the first five years abolished requirements for visas and entry permit. Community citizens in possession of valid travel documents and international health certificate could enter member states without visa for up to ninety days. Member states can nevertheless refuse admission into their territories so-called inadmissible immigrants under its laws. Where a citizen of the Community is to be expelled, states undertake to guarantee the security of that citizen, his/her family and his/her property.

The delayed second phase (Right of Residence) of the Protocol came into force in July 1986, when all member states ratified it, but the Right of Establishment has never been effectively implemented. In 1992,

the revised Treaty of ECOWAS, among others, affirmed the right of citizens of the Community to entry, residence and settlement and enjoined member states to recognize these rights in their respective territories. It also called on member states to take all necessary steps at the national level to ensure that the provisions are duly implemented. On May 12, 2000, ECOWAS ministers responsible for internal affairs and national security met in Bamako and agreed to introduce a new passport, in three categories for citizens of the sub-region - red for the diplomatic, blue for the service and green for the ordinary group (ECOWAS, 2000). As calculated, this passport would not replace the ECOWAS travel certificate which is rather a more cost-effective and cheaper document for travel within the sub-region. However, during a transitional period of ten years from the date of approval of the proposal by the Heads of State and Government of the Community, the ECOWAS passport would exist simultaneously with national passports, until it is phased out at the end of the period.

So far, other relevant ECOWAS protocols and instruments that deals with Free Movement of persons and goods among the member states include: the Treaty and Revised Treaty, Protocols A/P1/5/79, A/SP2/7/85, A/SP1/7/86, A/SP1/6/88, A/SP2/5/90, relating to Free Movement of Persons, the Right of Residence and Establishment; Protocol A/P.5/5/82 on Interstate Road Transit of Goods; Convention A/P2/5/82 on Interstate Road Transportation between ECOWAS Member States; 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; and Supplementary Convention A/SP. 1/5/90 on a Community Guarantee Mechanism for Interstate Road Transit of Goods (ECOWAS, 1999; Ibeanu, 2007).

To actualize the intent of these Protocols, however, numerous roadblocks and security checkpoints on international highways were relatively removed to reduce delays, harassment and extortion. Joint border patrols by neighbouring states of Niger, Nigeria, Benin, Togo, Ghana, Burkina Faso, and Mali were initiated to monitor and police national borders. Also, a closer collaboration was forged between the police and internal security agencies with regard to exchange of information, staff exchange programs, and organization of frequent coordination meetings, training courses etc. The abolition of residence permit requirement for each other's citizens in the spirit of equal treatment of Community citizens was initiated and matched with intensive enlightenment campaign to inform immigration officials of the decision. The issue and effective use of the ECOWAS travel certificate, the adoption and introduction of a single ECOWAS passport; and adoption and introduction of a multi-country, Schengen-type visa was to be pursued. Immigration officers were also scheduled to meet regularly to discuss implementation of the fast-track programme, and member states yet to ratify Convention A/PI78/94 on extradition signed in Abuja on the 6th of August 1994 were urged to do without delay.

In addition, Nigeria and Ghana invited other non-French speaking countries to establish a second currency that would later be fused with the CFA Franc zone to achieve a single regional currency for West Africa. The introduction of ECOWAS travelers' cheques to be known as the West African Unit of Account (WAUA) is designed to harmonize the sub-region's monetary policy and facilitate cross-border and other transactions. The adoption of a common currency by 2004 was mooted during the ECOWAS' Ministers meeting in Ouagadougou, capital city of Burkina Faso, to facilitate cross-border transactions (Edeh and Abraham, 2008:176). This catalogues of ambitious projects reflect the urgency with which the political leaders planned to move the borderless sub-region flagship forward. Therefore, the coming into

force of these Protocols did not only trigger migration, but nearly recreated the hitherto homogenous society in West Africa.

### **Nigeria and West African Migrants in Perspective**

Nigeria is not only a powerbroker in the West African sub-region but a pronounced regional superpower in Africa. Perhaps Nigeria's demographic and economic wherewithal made her the giant of Africa. Besides being the most populous black nation in the world and most populated in Africa, accounting for well over 50 per cent of the population of West Africa, her economy is thriving fairly in comparative terms, especially within the sub-region. One of the defining features of the Nigerian economy that made this possible is her crude oil. Oil is even much more to Nigeria what blood is to the human body. Thus, the Nigerian state has been fuelled by the huge oil sector earnings over the years. Contrariwise therefore, when there were serious disarticulations in most economies of ECOWAS member states, predominantly occasioned by vast appetite of the emergent post-colonial political class that enmeshed and preferred the redistribution of national wealth amongst itself over production, and commerce over industry; the Nigerian economy was rather booming and forward moving. Of course, Nigeria itself was not absolutely insulated from this pervasive primitive accumulation, only that crude oil earnings kept fuelling the economy in a rather dramatic sense to the point that the leaders began to fiddle with the excesses asking pertinent questions as to what to do with the cash thereof.

The logical outcome of the vantage position of the Nigerian economy at that time was an unimaginable liberal influx of persons from neighbouring countries whose economies were in serious dilemma and ailing. The oil-led employment opportunities had attracted migrants of all skills in their droves from Ghana, Togo, Chad, Mali and Cameroon etc. to work in the construction and services sectors. Thousands of non-nationals, mostly Ghanaians, flooded Nigeria in regular and irregular situations. Professional and skilled immigrants were recruited as teachers in secondary schools in the country, most especially in Lagos State, to fill vacancies created by the introduction of free secondary education scheme in 1979. In particular, the deteriorating conditions of work and poor wages in Ghana pushed many Ghanaians, skilled and unskilled persons, on the move to Nigeria, which had become the sub-region's economic heaven.

However, at a certain point in the course of history, the exploits of Nigeria's crude oil became disappointedly thwarted by liberal operations of the world oil market. Thereafter, this odd trend raised the fear of a collapsing economy if nothing was done. Unluckily, the mismanaged oil windfalls accrued was followed by a rapid deterioration in living and working conditions of the people. In a response to tighten up, the national currency was quickly devaluated. In addition, there was wage freeze and inflation crept in. Hence, part of the attention of the leadership of the country was quickly drawn to the issue of aliens, who were thought to be parasites feasting in an economy where there was actually little or nothing left for the vital parts to grapple with. Thus, Nigeria became apprehensive of the effects of the ratification of the protocol of the Treaty on Free Movement of Persons, and vehemently demanded that the effects of the protocol be closely watched, monitored and contained in the national interest (Onwuka, 1982). -

In this respect, the largest case of mass expulsion of undocumented aliens took place in Nigeria in 1983 and 1985 as a necessary approach to soothe the tearing internal economic and political problems in the country. By early 1983, the Nigerian Government revoked Articles 4 and 27 of the Protocol to expel between 900,000 and 1.3 million illegal aliens, mostly Ghanaians. In June 1985, about 2 million illegal aliens were again expelled as domestic economic crisis deepened. This development created a crisis of

confidence that rocked ECOWAS to its very foundation. In fact, since most Nigeria's immediate neighbours depended heavily on her consumer goods; the effect of the expulsion was really biting.

Obi (2006:173) noted that leaders of the affected countries came to plead with the then Head of State, Gen. Muhammadu Buhari to reconsider his policy, with little success. They even went to the point of offering him the leadership of ECOWAS in November 1984, but citing the need to concentrate on Nigeria's daunting domestic problems, he rejected the offer. Obi further remarked that in the case of the 1985 expulsion under Gen. Babangida, the affected countries were not just prepared to receive their citizens that were coming from Nigeria as a result of the expulsion. This was because they were overstretched and those coming back home, were mainly unskilled labour that cannot be said to be capable of contributing to the development process in a meaningful way.

However, the figure of immigrants to Nigeria has rather been snowballing ever since then. The number of immigrants in Nigeria was put at between 751,126 and 972,126 in 2000 and 2005 respectively. In 2010, the figure perched at 1.1 million people. In mathematical evaluation, the percentage of immigrants to the total population of Nigeria stood at out 0.6 percent in 2000, 0.7 percent in 2005 and 0.9 percent in 2010 (Afolayan, 2009). Majority of these immigrants, an estimated 74.1 percent, are nationals from neighbouring ECOWAS countries. In fact, immigrants from Benin, Ghana and Mali represents the most numerous nationalities in Nigeria, with about 29, 022 thousand persons, representing about 16 percent of the immigrant population.

#### **Enforcement of ECOWAS Free Movement Laws: The Socio-Economic and Political Reality**

In fact, it is a general view that ECOWAS Protocols and declarations bothering on free movement of persons in the sub-region have not been effectively implemented by member states (Ibeanu, 2007; Edeh and Abraham, 2008; Adepoju, 2005). The contention mainly tilted towards the ideal system of free movement in absolutism. Such free movement are expected to be in practical implemented in member states without any form of passports, certificates of identification and in fact, without any form of identity cards whatsoever. This lofty idea was to promote effective trade liberalization, cooperation and integration in the sub-region.

However, the fundamental logic of ECOWAS declaration of free movement of persons and goods among member states or the propagation of a borderless sub-region is not without inherent accompanying contradictions of purpose. The key concern is the socio-economic problems sweeping the member nations in the present. And the natural consequence of such economic distortions is the awakening of political turmoil and instability. Therefore, the economic problem which is replete and pervading member states variously vent and cause a fall out in the content and intent of the declaration of free movement agenda. Tables 1 and 2 presents a clear view of the excruciating economic realities in the sub-region, which in any case, do not have strong appeals for continued assimilation and/or inordinate acceptance of immigrants from neighbouring states, to yet overbear the already overstretched economy.

**Table 1: Regional Breakdown of People Living on Less than \$ 1 and \$2 Per Day, 1990, 1995, 2000, 2005, and 2015**

Region	1990	1995	2000	2005	2010	2015
East Asia and the Pacific (excluding China)	452	260	59	1,084	849	284
Europe and Central Asia	7	17	4	44	91	42
Latin America and the Caribbean	74	77	60	167	168	146
Middle East and North Africa	6	7	6	59	87	65
South Asia	495	490	279	976	1,098	1,098
Sub-Saharan Africa	242	300	345	388	484	597
Total	1,276	1,151	753	2,718	2,777	2,230
(excluding China)	916	936	700	1,919	2,164	2,040

Source: Okolie (2009:84).

Table 2 below further capture the meagerness of the daily income that accrue to an average person living within the West African sub-region, in comparative terms with other selected countries in the continent.

**Table 2: Population Living under 1.25 and 2 Dollar (PPP) Per Day for Selected African States**

Country	\$1.25<	\$2<
Angola	54.3	70.2
Benin	47.3	75.3
Botswana	31.2	49.4
Burundi	81.3	93.4
Cameroon	32.8	57.7
Central Africa Republic	62.4	81.9
Chad	61.9	83.3
CDR	59.2	79.5
Egypt	<2	18.4
Ethiopia	39	75.5
Gabon	4.8	18.4
Ghana	30	53.6
Guinea	70.1	87.2
Kenya	19.7	39.9
Liberia	83.7	94.8
Malawi	73.9	90.4
Morocco	2.5	14
Mozambique	74.7	90
Niger	65.9	85.6
Nigeria	64.4	83.9

Source: Okolie (2009:85).

The above statistics clearly depict that member states of ECOWAS union like their numerous African siblings, are intrinsically consumed with debilitating economic woes. As such, the practicality of free movement, that is accumulation of more human liabilities into such a crumbling economic setting may be in doubt. Herewith, an important fact to clearly set in focus is that much of the said immigrants are unskilled labourers that cannot be said to be capable of contributing in a considerable sense toward the resuscitation of the failing economies. On the other hand, which is even the worse case; the economies in which the immigrants are visiting are rather doomed to precarious damnation. This scenario runs arbitrary to the purpose of integration especially as obtainable in developed countries, whereby either

that those migrating are technically equipped to make meaningful impact to the national economy or that the national economy is fit enough to bear the burden of the incoming migrants if their human capacity is abysmally low. For instance, the share of intra-regional trade, a useful measure of the success of an integration grouping, was as low as 11 percent among ECOWAS countries in West Africa, compared to well over 60 percent in the European Union.

In fact, the worsening economic conditions faced by ECOWAS member sparked an urgent need to revisit the whole idea of free movement of persons in the sub-region in a negative sense. The point being made is that, it is not enough for ECOWAS to declare free movements of persons among member states or for scholars to lavish energy and time clamouring for implementation of same. In substance, member nations must firstly strategize and reposition their national economies in order to be viable and feasible to settle and contend with the perceived inherent effects of which such policies of integration may trigger. Or better still; rehabilitate inward infrastructures to effectively enhance the purposes of which the Free Movement Protocols seek to achieve.

Notably, lack of financial capacity among member states have distorted most of the initiatives bred alongside the Protocols declaring free movement of persons among member states. The issue of poor transport connecting system is a daring factor. Inadequate and poorly maintained transport and communication facilities constitute major hindrance to cross-border trade, economic activities and movement of persons and goods. The idea to construct/and or complete a coastal route from Lagos to Cotonou, Lome and Accra and a Sahelian route, linking Lagos to Niamey and Ouagadougou to facilitate free movement of persons and goods has not been achieved. Meanwhile, in May 2000, ECOWAS only succeeded in launching of ECOAIR, a private sub-regional airline, to coincide with the union's 25th anniversary and to facilitate intra-regional travel (Adepoju, 2007:6).

Much more, it should be noted that poor economic performances and increasing youth unemployment encouraged the policy to register immigrants in Cote d'Ivoire. Likewise, in March 1999, Ghana requested all aliens in the country to register and be issued with identity cards, as was the case with the antecedents of the 1969 Alien Compliance Order that culminated in the expulsion of non-Ghanaians. In 1999, due to political and other unmentioned economic reasons, Mauritania gave an indication to pull off from ECOWAS and later withdrew its membership in June, 2000. Cape Verde was ambivalent, nursing the idea to pull out from the custom union, a decision that was saved by an attempted coup d'etat in the country. Liberia had in mid 2000, sent a note verbale to Embassies of ECOWAS' member states requesting their nationals to register and threatening to expel illegal aliens. About the same time, Liberia introduced compulsory exit visa for all residents in the country - a move criticized as violating the fundamental right of its citizens to free movement in and out of the country.

Further, in Cote d'Ivoire the post-independence liberal policy of accommodating settlers from Burkina Faso, Mali and Togo, and enfranchising them was necessarily revoked; long-standing immigrants that have intermarried with locals and obtained citizenship were attacked and in fear thousands fled to their countries of origin. Thousands of nationals of Mali, Burkina Faso, Guinea and Nigeria have returned home as anti-foreigner sentiments peaked and dislodged Liberian refugees sought solace in Mali and Guinea. Therefore, such high levels of unemployment, rural degradation, population explosion, sweeping poverty, internal disorder, political instability, mismanagement of national wealth, security challenges, environmental and cross-border issues, smuggling, human trafficking, arms trafficking rural degradation

etc. which are endemic and pervasive in the West African must be thoroughly fixed. Strategies to assuage the overlapping and infectious effects of these undesirables must also be intimately linked and incorporated in the present integrating process, if the idea or declarations of free movement must be compatible in the sub-region.

### **Nigeria's Security Challenges in Focus**

It is given however, that the political and economic history of West African countries highlights a fluidity of cross-border configurations and dynamics. Therefore, the major issue to contend with, more especially in terms of unchecked immigration and emigration within the sub-region is that of security among member states. Importantly, human trafficking, arms trafficking, cross-border crimes, recruitment of aliens for political violence etc. are issues of great concern to the Nigerian government in this regard. This is because, Nigeria stands strategically above other member nations in comparative terms, and as such, people from neighbouring countries that experienced failed attempts to cross over to Europe and other developed countries alternatively resort to Nigeria for the achievement of greener pastures or vices on the contrary. Also, rich politicians in the country can easily squander monies in importing political touts or protesters.

Therefore, the flexibility of West African borders is often of great concern. For instance, a study conducted by Ibeanu in 2007, revealed that only 72 percent of respondents travelled by commercial road vehicles. Around 20 percent travelers use motorcycle or bicycle, while 6 percent travelled on foot. These simpler forms of transport enabled traders to bypass border crossings and avoid delays. Hence, the large porous borders which are virtually uncontrolled and in fact unpoliceable by national governments facilitated the influx of illegal immigrants who rather cross for illegal activities other than legitimate trade. This fact is well known as it is calculated that there could be as many as 1000 illegal transit routes, which form a network of roads around the three most notorious arms smuggling frontiers in Nigeria. The south-west having Idi-Iroko in the Egbado area of Ogun state and Seme in Lagos state; the south-south also having the port city of Warri in Delta state; and the north-east, at the borders of Adamawa, Borno, and Yobe states which they share with Niger and Cameroon (Agboton-Johnson, Ebo, and Mazal, 2004). Even where control posts were mounted, the laxity and corrupt practices by some immigration officials, who often collude with illegal immigrants to gain entry, considerably hinder effective implementation of the due process on free movement of persons within the sub-region. In any case, only few ECOWAS nationals have access to passport; hence, the so-called illegal migrants are not only illegal at destination, since they may have left their countries illegally without appropriate exit documents - passports, visa, health certificate etc. and failed to use designated official departure posts.

In Ibeanu's study, up to eighty percent respondents did not know there were official transit registers and logbooks, only 9 percent had filled such registers, and only 9.8 percent travelled with an interstate travel booklet. There was also inadequate knowledge among both travelers and law enforcement officials about the provisions of ECOWAS protocols, particularly in relation to the documentation of persons, goods and vehicles. The peculiar incidences where staff demand more than the prescribed fee from prospective customers for passport procurement; scarcity of passport booklets and general poor working conditions are also important challenges (Adegoroye, 2005). Again, there appeared to be conflicts in the provisions of disparate foreign relations agreements applied across the borders, and the Protocol has not been successful at harmonizing these rules across jurisdictions. For instance, the Nigerian Immigration Law totally contravenes the intent of ECOWAS free movement. The provisions of chapter 171 of the Nigeria Immigration Service (Subsidiary Acts) stipulate that, every immigrant must satisfy the immigration

officer that he is a holder of a valid travel document or not, and that failure to do so shall amount to refusal of admission into the country, conviction or deportation as a prohibited immigrant (NIS, 2011). Thus, Ibeanu's respondents finally expressed frustration over the cumbersome processes of acquiring official documents. This degree of ignorance and noncompliance notwithstanding, many traders had devised strategies to cross borders with their goods (Ibeanu,2007).

In connection, Ilesanmi (2002:49) worries that most of the outlawed goods, especially arms and ammunition are deceptively concealed in various unsuspecting items such as drums and packages of fake pharmaceutical raw materials, transport buses, refrigerators, freezers, air conditioner compressors, processed/frozen foods packages, vehicle tyres and tubes, used automobiles and industrial machinery spare parts etc., and smuggled into Nigeria from aliens residing in neighbouring countries. According to the Nigerian Minister of Interior, Mr Abba Moro:

At the moment, we are aware of 84 border posts in Nigeria. Of course, we have numerous others that are rather irregular. People who perpetrate the acts that are inimical to national security are people who cross to Nigeria through these irregular entry points.. Plans are at the advanced level for the Ministry of Interior and the Immigration Service to work in conjunction with the Boundaries Commission, to identify all our boundaries (*ThePunch*, September 12,2011:2).

This shows that the Nigerian government neither knows the expansiveness of its borders nor knows exactly the identity of those illegal immigrants committing the said crime. The generic implication of this contradictory developments is the difficulty in classifying such 'aliens' in a country like Nigeria whose citizens are biologically, ethnically and culturally homogenous with most countries in the sub-region. In most cases, the same language is shared. Here, the irreconcilable outcome is that once immigrants are able to cross, they may never be easily identified once missed up with citizens. Even if identified, it is generally assumed that their stay and status corresponds with the ECOWAS guidelines and behest on free movement of persons. These intricacies seriously pose a threat to national security in the country.

Therefore, while we are not against the spirit and purpose of ECOWAS declarations on free movement among member states, our major contention is that owing to the seeming feeble nature and character of the ECOWAS Free Movement Protocols; elaborate security infrastructures, including effective border surveillance mechanisms must be on ground and functional too in order to checkmate the activities of aliens in host countries. As we have demonstrated elsewhere in this paper, facts has proven that certain anti-social acts including sabotage and terrorism are potential risks of indiscriminate accumulation and assimilation of disparage entities who have no known 'identity'. A joint security taskforce had recently swooped on the hideout of a syndicate in Lagos, and those that were arrested were all aliens from neighbouring countries (*The Punch*, September 12, 2011:2). In this aspect, the Nigerian Minister of Interior, Mr. Abba Moro further stated that:

The ECOWAS Protocols provides for a relaxed requirement for entering into the country, but today, we have discovered that that protocol is being abused. We have also discovered that most of the syndicate that perpetrate fraud and recently, those involved in suicide bombings are nationals of these countries.. I can tell you that we have had reasons to stop large

numbers of nationals of other countries at various points from of entry (The Punch, September 12,2011:2).

The intent above indicates that Nigeria's security is further threatened by illegal aliens which the free movement philosophy has given ample cover overtime. Hence, it is quite an irony that Nigeria whom is well known for exporting security to destabilizing neighbouring states, indirectly imports insecurity from same. Therefore, one may not really blame the country for standing down on the free movement ideology. By implication, if Nigeria takes her proposed action, the survival and implementation of the Protocols or declarations on Free Movement of Persons is already jeopardized within the ECOWAS union. In a recent interview with the Silverbird Television, the Chairman of ECOWAS, President Goodluck Jonathan also declared the need to initiate and resume a process for the reconstruction of the Protocols in other to curtail the influx of terrorists and criminals within the country (Silverbird Television; NTA News, September 13, 2011).

Whatever approach, the point that must be fairly stressed is that prevailing circumstances has shown that at the moment, the ECOWAS free movement ideals is not very compatible with the inherent challenges of economic breakdown, security failure, complex overlapping identity problems, and other unforeseen contradictions emanating from uninhibited mobility of persons and goods across the sub-region. For instance, imagine a situation where Nigeria, the most populated country in Africa with about 150 million people, has no central database with which to identify its teeming population. Neither is there any with which to identify foreigners doing legitimate businesses or otherwise in the country. And the porous unidentifiable borders routes complexes the whole issue. To circumvent these inherent obstacles, therefore, the national governments of member states who also face similar situation have inadvertently contravened the same Protocols which they willfully entered into in a bid to cushion emanating effects like in the case of Nigeria. However, we argue that it is more sensible to tackle these prevailing concerns before invoking or lip-servicing the Protocols on Free movement of persons in the sub-region. This thinking also covers the proposals for common market and common currency.

### **Conclusion**

This paper has been concerned with the multifarious problems associated with the implementation of ECOWAS Protocols on free movement of persons among member nations. Efforts are made to link between the socio-economic and political realites in West Africa and the inability of member nations to enforce the protocols effectively. Therefore, to make things work, we recommend the establishment of a central database in each of the countries of ECOWAS by national governments in order to make it easier to separate nationals from foreigners visiting the country for genuine business activities, and illegal aliens involved in inappropriate businesses. Cooperative and hybridized border policies, surveillance and information sharing amongst member states are also relevant for maintaining due process in the enforcement of free movement guidelines. In the same vein, it is imperative that security infrastructure is improved and law enforcement agencies reorganized to meet up with the rising security challenges in the sub-region.

However, since poverty and criminality are reconcilable factors, mutually linked up by economic failures, it is advised that ECOWAS sub-regional governments reconstruct their various economies and utilize the available resources to pursue the purposes of Millennium Development Goals (MDGs). This is another way of settling all the worrisome issues ever discussed in this paper.

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#### **News items/Newspapers**

NTA News, September 13,2011

Silverbird Television, September 13,2011

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