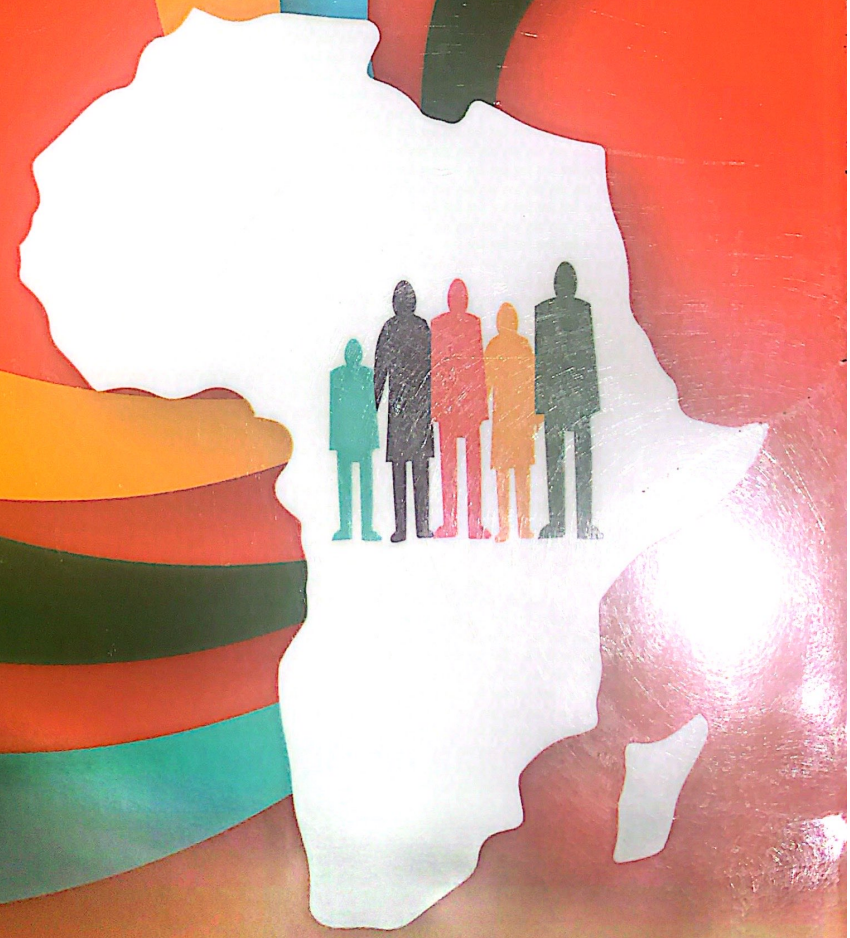
TEXTS AND CONTEXTS OF MIGRATION IN AFRICA AND BEYOND

Oluwole Coker
&
Adebusuyi Adeniran
(Editors)



Texts and Contexts of Migration in Africa and Beyond

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Dedication

This book is dedicated to our spouses:

Feyisike Oluwole-Coker
&
Tolulope Adebusuyi-Adeniran

for enduring frequent and habitual absences

Dedication

This book is dedicated to our spouses:

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ECOWAS Free Movement Protocol:

Converging Diversity in Trans-Border Movement in West Africa

Adimula Ruth Abiola

Introduction

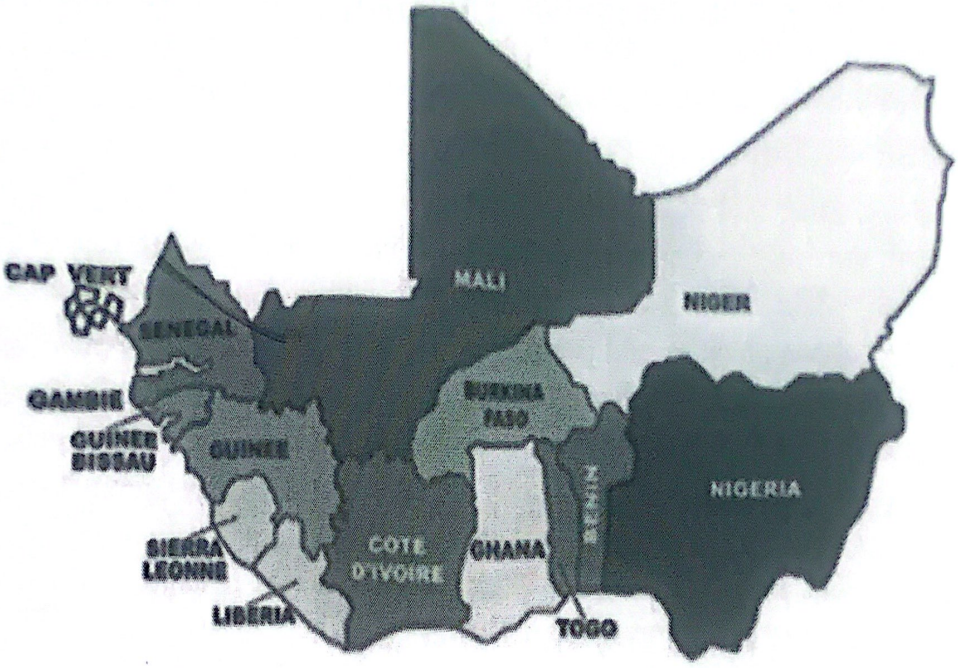
The Economic Community of West African States (ECOWAS) was created by the Treaty of Lagos in Lagos, Nigeria, on May, 28, 1975. It had its roots in earlier attempts at a West African economic community in the 1960s and was spearheaded by Yakubu Gowon of Nigeria and Gnassigbe Eyadema of Togo (Evans 2019). The primary purpose of ECOWAS is to promote economic trade, national cooperation, and monetary union, for growth and development throughout West Africa (Thompsell 2019). The activities include industry, transport, telecommunications, energy, agriculture, natural resources, commerce, monetary and financial issues, social as well as cultural matters; towards creating a "borderless region", by promoting "free movement of persons" and the right of residence and establishment, as stated by the Free Movement Protocol in 1979. There are currently 15 member countries in the Economic Community of West African States, viz: Benin, Burkina Faso, Cape Verde, Côte d'Ivoire, Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone and Togo. ECOWAS member countries have three official state languages, viz: French, English, and Portuguese, and well over a thousand existing local languages including cross-border native tongues such as Ewe, Fulfulde, Hausa, Mandingo, Wolof,

Yoruba, and Ga. (Evans 2019).

ECOWAS Free Movement Protocol is the right of ECOWAS citizens to enter, reside and establish economic activities in the territory of other member states, with a three step roadmap of five years each to achieve freedom of movement of persons- being the right of visa-free entry, residency and of establishment in another member State. The first phase have been fully implemented. The second phase, the right of residency, has also been implemented, given that citizens had obtained an ECOWAS residence card or permit in fellow member State. The third phase, the right of establishment, is still under implementation in most member States (Adepoju 2010). However, since this Protocol is not effectively implemented it makes it difficult for populations to move freely and settle in the ECOWAS countries and hence unleash the potential of migration for the socio-economic development in the region (MADE 2015).

Thus, migration is key to the socio-economic development in any geographical region. Merriam Webster Dictionary defines migration as the act or an instance of moving from one place to another often on a regular basis: to move from one country, place, or locality to another; to pass usually periodically from one region or climate to another for feeding or breeding. Therefore, migration of ECOWAS citizens within the region through the ECOWAS Free Protocol is known to have brought immense socio-economic relationships among its people. For example, economic relationship between Beninese-Nigerian borders constitutes around 75% of Beninese GDP, thereby converging many Nigerians to live and transact business in Benin. Also, the free movement has brought together people of different nationalities, diverse languages, religious beliefs, cultural traits and political ideologies- reflecting diversities, yet each country has held close to its chest the issues of employment, political appointments and elections into political offices, thereby reflecting their diversities.

Map of ECOWAS Countries
Source:
https://www.google.com/search?q=ecowas+countries+map&tbm=isch&source=i-



u&ictx=1&fir=T4k__P8KqxslZM%253A%252C6EWJznGOoXiwfM%252C_&vet=1&us-g=AI4_-kSU8hhhnC0iytr_mHKBYrPGB5Rb6g&sa=X&ved=2ahUKEwiT9_Sr5djjAhWHX-8AKHQJGB30Q9QEwA3oECAQQBg&biw=1368&bih=645#imgrc=T4k__P8KqxslZM:

The Structure of ECOWAS

According to Evans, (2019) the structure of the fifteen (15) ECOWAS countries as of June 2019, consists of seven active institutions, viz: the Authority of Heads of State and Government (which is the leading body), the ECOWAS Commission (the administrative instrument), the Community Parliament, the Community Court of Justice, the ECOWAS Bank for Investment and Development (EBID, also known as the Fund), the West African Health Organisation (WAHO), and the Inter-Governmental Action Group against Money Laundering and Terrorism Financing in West Africa (GIABA) and other specialized agencies.

Also, Evans, (2019), noted that the peacekeeping efforts of ECOWAS was deride from the 1993 treaty which laid the burden of settling regional conflicts of the treaty members, and subsequent policies have established and defined the parameters of ECOWAS peacekeeping forces. The ECOWAS Ceasefire Monitoring Group (known as ECOMOG) was created as a peacekeeping force for the civil wars in Liberia (1990–1998), Sierra Leone (1991–2001),

Guinea-Bissau (1998–1999), and Cote D'Ivoire (2002) and was disbanded at their cessation. ECOWAS does not have a standing force; each force raised is known by the mission for which it is created.

Conceptual Clarifications

Diversity

Diversity is a reality created by individuals and groups from a broad spectrum of demographic and philosophical differences. Recognizing that personal, cultural and institutionalized discrimination creates and sustains privileges for some, while creating and sustaining disadvantages for others. Diversity includes, those qualities and conditions that are different from our own and outside the groups to which we belong, yet are present in other individuals and groups. These include but are not limited to age, ethnicity, class, gender, physical abilities/qualities, race, sexual orientation, as well as religious status, gender expression, educational background, geographical location, income, marital status, parental status, and work experiences (Queensborough 2018). Also, categories of difference are not always fixed but can be fluid.

A diversity issue exists when an issue (policy or business practice - formal, informal, internal, or external) has a different impact on a particular group (i.e., impact on men vs. women, black vs. white, American vs. foreign, urban vs. rural, married vs. single, etc.). According to the former United Nations Special Adviser on the Prevention of Genocide- Deng, (2010), even the world's most homogeneous country faces the challenge of constructively managing diversity, he therefore called on States to recognize the need to end discrimination and inequalities between different ethnic, racial and religious groups before they result in deadly violence.

Transborder Movement

Transborder movement is an overland movement of goods from one country to an adjacent country on the same continent (BusinessDictionary 2019). Uddin, Nasir, Chowdhory, Nasreen, (2019), in their edited Book titled :"Deterritorialised Identity and Transborder Movement in South Asia", stated that a border is understood as a form of demarcation, but it also opens up the flow of people, goods, and ideas of legality and illegality. Borders are dynamic and dyadic in the interface of state and non-state actors involved in border operations. Consequently, transborder movement becomes a complex web involving concerns of security, trade, militancy, and questions of citizenship, along with discourses of ghettoisation, belonging and otherness. Also, (Adtunji 2014), in his study of the Nigeria and Republic of Benin borders, found that,

people move freely across the borders to visit their friends, engage in social functions and involved in trans-border trading.

Thus, trans-border movement and trading are usually considered as socio-economic activities across artificial boundaries. They are activities or processes that take place in the area, on either one or both sides of the border. Although, thereis dense economic activities fostered by the socio-economic relationship of people from different nationalities in ECOWAS countries, yet there is increase in the rise of trans-border crime of smuggling, arm trafficking, drug traficking, human trafficking and money laundering among others; and security threats since 1990s with the outbreak of the Liberian war, Sierra Leonean and Ivorian conflicts and the devastating Boko Haram insurgency in Nigeria.

Objectives of the study

The general objective of the study was to show how ECOWAS Free movement Protocol has pronounced diversities in West African subregion, while specific objectives were to:

1. Highlight the provisions of ECOWAS Free Movement Protocol
2. Examine diversity in relation to the ECOWAS Free Movement Protocol in Member states
3. Evaluate the challenges of ECOWAS Free Movement Protocol viz-a-viz Transborder movement
4. Propose ways to enhance security and healthy migration in ECOWAS states

Methodology

The study adopted both primary and secondary sources to elicit information. For primary source, two focus group discussion of a male and a female group, of Nigerians living and doing business in Cotonu, Benin Republic were conducted, to elicit information on their engagement by the government of Benin on civil service employment opportunity, appointment and election into political offices in their "host" country. For secondary sources of information, records of ECOWAS Commission on their website, previous work on similar research, and information drawn from the internet were used.

Theoretical Framework

The study adopted the theory of transnational social field, which emphasizes the fluidity of physical borders in processes of human interaction. The work of Bourdieu has provided a source of inspiration for numerous English- and

French-language studies on transnationalisation processes. In this perspective, the objects of this approach, transnational social fields, form the social infrastructure of globalization processes. They are historical constructions, subjected to a double historicity. The state nobility as propounded by Bourdieu in 1989 is today more transnational than before. Technological developments in communications and transformations in the world economy have made transnational interactions a banal feature of modern life in many areas of social activity. Recent work on the transnational has grown out of the need to make sense of key aspects of politics. These include the growing social interactions between citizens and politicians in different national settings and mobility across borders, the structuration of various transnational spaces, the constitution of institutions and their impact on the denationalization of national political decision-making, and the reinforcement of global governance (Levitt and Schiller 2004).

Transnational social fields enable one to highlight, through controlled contextualization, certain structural aspects that are crucial to a sociological understanding of the structuration of resources and spaces that cross nation-state borders. These structural aspects are both material and symbolic, that is, they combine social interactional elements with symbolic aspects, empirical dimensions with an intellectualist or idealist dimension. A transnational approach seeks to overcome the divide between the "inside" (the nation-state) and the "outside" (the global) by focusing on the interplay between several national contexts. It focuses on aspects neglected by the canonized form of international relations (IR). The neglected objects of IR include interest representatives, social groups, nongovernmental organizations, and "regular" individuals. Studying the transnational level does not mean dispensing with the national level. Rather, national levels are, to varying degrees (which are to be determined empirically), transnationalized and thus take part in transnational transactions. In a way, from the scholar's point of view, a transnational approach requires doing a double amount of work, at both national and supranational levels, compared to approaches that stay at one level. But there are clear differences in terms of how the concept of transnational is understood and how it is empirically constructed.

However, despite these dramatic changes in the real world, in mainstream international relations (IR), national entities are still framed as relatively independent from one another and as constituting the building blocks of the international. Political science and IR are still very much separate disciplines that are in competition with one another.

Situating the Transnational social field theory in this study, the ECOWAS Free Movement Protocol has made transborder movement and transnational transactions within the West African region free and easy in its principle of

the fluidity of physical borders in processes of human interaction, this has attracted citizens of ECOWAS countries to live and do businesses in countries other than their countries of origin, thus converging them in such countries of abode. Unfortunately, the issue of diversity in language, citizenship, religious affiliation, the structuration of various transnational spaces, the constitution of institutions, different political ideologies, denationalization of national political decision-making, employment policies, restrictions from political contest and positions, among others are challenges that convergence through the ECOWAS free movement protocol has created and persistently struggling to solve.

ECOWAS Free Movement Protocol

In order to achieve its mandate of economic integration, the Authority of Heads of States and Government of the Economic Community of West African (ECOWAS) adopted the Free Movement Protocol on May 29th 1979 (ECOWAS 2019). Forty years since its inception, the Protocol relating to the Free Movement of persons, the right of residence and establishment has been instrumental in fostering regional integration and development. By the virtue of this flagship protocol, intra-regional mobility has significantly increased and consequently boosted economic activities in the region. The Free Movement Protocol has yielded multi-sectoral benefits and has also been a major contributory factor to key developments in the ECOWAS community (ECOWAS 2019). The primary purpose of the regional integration agenda on Free Movement of Persons within the sub-region, is to integrate the fifteen West African markets for goods, capital and labor so that the Community can advance harmoniously as one region in its search for sustained economic growth and development.

Article 2 (1) of ECOWAS Treaty provides:

> It shall be the aim of the Community to promote cooperation and development in all the fields of economic activity for the purpose of fostering closer relations among its members and contributing to the progress and development of the region.

In order to achieve the above purposes, Article 2(2) of the Treaty requires Member States to, by stages, ensure, inter alia, the abolition as between Member States of the obstacles to free movement of persons, goods, services and capital. The removal of obstacles to free movement was meant to provide the foundation upon which a borderless region was to be achieved. Hence, the need for a uniform application of an integrated vision of free movement between ECOWAS States (ECOWAS 2017).

The 2018 Migration Dialogue for West Africa (MIDWA) which was inaugurated by ECOWAS, deliberated on its thematic areas of border management, immigration data and the return and reintegration of migrants in the region. According to Tèi Konzi, (2018) there cannot be regional integration without Free Movement of Community citizens which has a direct link and impact on migration. 'Therefore, the constant assessment of the implementation status on migration will motivate Member States and ensure compliance to the tenets of ECOWAS Migration tests'. Tèi Konzi, (2018),being the Commissioner for Trade, Customs and Free Movement of the ECOWAS Commission, noted that:

> In view of the projected positive impact of the MIDWA process on the integration of our region, the European Union(EU) within the framework of the ECOWAS – EU Support on Free Movement and Migration in West Africa implemented by a Consortium of the International Organization for Migration (IOM), the International Centre for Migration Policy Development (ICMPD) and International Labour Organization (ILO) are supporting the initiative by strengthening the capacities of stakeholders in the region to better manage migration in West Africa.

To facilitate the free movement of people in the ECOWAS region, member States established a common passport, formally known as the ECOWAS travel certificate. The ECOWAS passport was introduced in December 2000 to exempt holders from intra-regional visa requirements and to function as an international travel document. ECOWAS has also implemented measures to ease the movement of persons transported in private and commercial vehicles by harmonizing policies that enable vehicles to enter and temporarily reside in a member State for up to ninety and fifteen days respectively. Most ECOWAS member States have, in this regards, instituted the ECOWAS brown card, which is an insurance of motor vehicles that covers the civil responsibility of the owner in the ECOWAS region (UNECA 2019).

By virtue of this flagship protocol, intra-regional mobility has significantly increased and consequently boosted economic activities in the region. The Free Movement Protocol has yielded multi-sectoral benefits in the region. It has also converge people of diverse culture, religion, faith, business, political affiliations, constitutional regulations, etc, together to transact business and live together within the region. Though the free movement has been a major contributory factor to key developments in the ECOWAS community (ECOWAS 2019), it has denied many living outside their countries of origin their constitutional rights of employment opportunity in civil service, right of elections or appointment to political offices, differential treatment in

educational institutions, difficulty in communication as a result of language barriers, among other diversities.

ECOWAS Free Movement Protocol and its Benefits

Owoyemi, (2018) has identified four advantages and opportunities of trade facilitation of the ECOWAS Free Movement Protocol, viz: Increased Transparency and Predictability, Improved Security, Increased Business Opportunity and Growth and Contribution to Development Goals. According to her, trade facilitation is becoming more attractive for many African countries due to the need to reduce the costs of doing business and create a conducive environment to enhance investment for economic growth. She noted that, in the 2018 edition of the World Bank's ease of doing business survey, Nigeria ranked poorly at 145 out of the 190 economies assessed (previous year survey ranked Nigeria at 169), while other West African countries such as Gambia, Burkina Faso, Benin, Togo and Guinea - Bissau ranked 146, 148, 151, 156 and 176 respectively out of 190. Ghana however leads West Africa in ease of doing business, ranking at 120 (World Bank 2018).

To improve the economic status of ECOWAS countries therefore, Owoyemi, (2018) explained that a more transparent system creates better opportunities for fighting corruption. It introduces faster and more efficient customs procedures that greatly enhance the revenue collection at customs, which is one of the largest sources of income in many African countries. This brings about efficiency, increased transparency and result in predictability. Also that trade facilitation can improve security whilst creating opportunities for both the business community and governmental entities. Traders increase productivity through faster delivery and reduced transaction costs. Governments also profit from enhanced revenue collection, increased economic efficiency and augmented predictability in administrative processes and procedures. In addition, trade facilitation helps countries reduce trade costs and enhances competitiveness in the private sector. Also that a broader aim of trade inevitably focuses on sustainable and broad-based economic growth. The expectation is that, through trade facilitation, economic growth becomes a catalyst for poverty reduction by creating job and income opportunities (Owoyemi 2018).

Challenges of ECOWAS Free Movement Protocol and Trade Facilitation

Although there are some benefits enjoyed by ECOWAS countries through the Free Movement Protocol, especially relating to trade facilitation, yet there are

identified challenges that are militating against the successful implementation of the Protocol in the ECOWAS region. These include high transport costs, poor roads and infrastructure; weak national governance structures and poor institutional framework; corruption and low level automation in customs (Owoyemi 2018). She noted that high transportation costs coupled with poor road and rail infrastructure are one of the major reasons for low competitiveness. Oftentimes the cost of transporting goods across borders is extremely high and traders encounter bureaucratic bottlenecks that cause delays (ECOSOC 2009). Also that, poor policy coherence and coordination within West African governments have greatly stalled progress in trade facilitation. This is further compounded by conflicting trade procedures and poor institutional framework to adequately implement policies that will facilitate trade within the sub-region. Owoyemi, (2018) noted that, corruption discourages trade in the African sub-Continent, because it causes traders to pay higher fees on their goods before final clearance. This results in higher priced goods and commodities as traders tend to mark these up to guarantee some profit margin. And that lack of use of information and communication technologies (ICT) further eliminates transparency in the assessment of duties and taxes, increases clearance periods, and customs unpredictability.

Findings and Discussion

The findings of this study have shown that through the ECOWAS Free Movement Protocol, physical movement of persons and goods have been enhanced within the ECOWAS countries. No entry visa is required to enter member states. This has reduced the length of time used to book, attend interview and process Visa applications. The cost of visa and engaging "Consultants" to process visa has also been eliminated. This has given opportunities to plan, move and transact business in the region freely.

Closely related to the above finding is the fact that, citizens of ECOWAS member states can reside in the country of their choice and facilitate economic transactions in their "home" and "host" countries without any hinderance. This has greatly enhanced the economic status of many people, as they make a lot of profits by using their dual presence in two or more countries, to access the nature of business and import goods from cheaper economy to the other country, to enjoy the profit margins.

Furthermore, this study found that, as a result of the ECOWAS Free Movement Protocol, people of diverse languages, culture, religious beliefs, political identification and socio-economic status, have been brought together to live in a country other than their own, thereby converging people in diversity. For example, the FGD conducted among Nigerians living in Benin showed

that, the Nigerians are from different backgrounds and they do business with Beninese and citizens of other countries living in Benin.

Also, it was found that there is discrimination of travelers along the Lagos/ Seme borderline, vitiated by language barrier. Nigerians English speaking are made to go through stressful procedure and pay higher at the Benin border and vice versa with Beninese French speaking crossing the Nigerian border. This situation is a reflection that the free movement in the region is vitiated by some variables.

Moreover, ECOWAS, (2017) in its report titled "Challenges of free movement within member States of ECOWAS" stated that ECOWAS Protocol is being greatly undermined, as shown in a recent documentary tagged 'ECOWAS Taxi', which revealed certain deplorable conducts of some officials at some Community borders. The documentary revealed where immigration officers at these various border-posts extorted money from West African travelers and traders alike, demanding bribes total disregard for status or nationality of the individual(s) in question. This, obviously is an obstacle to free movement which also hinders intra-community trade and directly defies the guiding principles of free movement to which ECOWAS Member States are signatories and a key element of the integration process.(ECOWAS 2017).

ECOWAS, (2017) also reported that, over 80% of Africa's exports are shipped overseas, mainly to the European Union (EU), China and the US. The low intraregional trade coupled with conflicting trade rules, poor transport network, long wait times at borders, cumbersome formalities, and inadequate or unclear rules and regulations, have all become serious obstacles to trade, and as a consequence adversely affect investment, employment and trade-led development (UN 2016).

The study also found that, though there are different people from various nationals in Benin, only their citizens have the right of employment into civil service, political appointment and election into political offices. Nigerians and other nationals are denied these rights. These are exclusively reserved for the indigenes. Foreigners cannot also vote or be voted for. Apart from that, government policies in Benin sometimes are not favourable to foreigners and there can be sudden change in existing policies against the foreigners. For example, information elicited during the FGD revealed that Globacom Nigeria communication company had huge investment and was well established in Benin. Government brought up a policy suddenly and ordered Globacom to vacate the country without any compensation. Also, that a recent government policy has banned Nigerians from buying and owning lands in Benin Republic.

Above all, respondents during the FGD insinuated that the ECOWAS free movement Protocol has not been achieved officially, although people are achieving it informally by "paying" their ways through.

Conclusion

This study concluded that ECOWAS Free Movement Protocol has improved transborder movement of people and goods within the member countries, especially on socio-economic basis. This no doubt has enhanced the economic development of states and specific individual status and it has also encouraged people within the region to reside in countries other than their own, thereby converging people of different languages, religious beliefs, socio-cultural traits in their diversities, while at the same time exposing the diversities through discriminations, segregation and non-identification against citizens of other member states in host countries.

Recommendations

To ensure that ECOWAS Free Movement Protocol is effective, a re-invention of a pro-active Protocol that will remove all impediments and discrimination associated with divergence in language, socio-cultural values, political identification and religious beliefs is recommended. Also, it is recommended that implementation strategies of the provisions of the Protocol should be put in place. There should be penalties for non-implementation. This can be achieved by the Heads of Member states putting a monitoring authority in place to monitor compliance and give sanction for failures.

Furthermore, this study recommends full automation of the borders in the ECOWAS countries to regulate procedure for the movement of people and goods, charges payable, remittance to appropriate government accounts and automatic denial of movement to non-compliant persons. This high technological process will keep records of movement at the border, ensure better security and appropriate income into government coffer, thereby reducing the high level of corruption and extortions at the borders within the region.

Above all, since the ECOWAS Free Movement Protocol allows free movement of persons and goods within the region, to facilitate better integration of people in their host countries, ECOWAS and member national governments should work towards putting in place in their respective countries, opportunities for foreigners who have lived in the "host" country for a number of years, or has particular qualifications, attained certain status or achieved particular feat- are allowed to be employed into the civil service, occupy government positions or elected into political offices, as the case may be. This will give the beneficiaries a huge sense of belonging to encourage them contribute their best to develop their host countries and attain their own full potentials.

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