

Operationalizing ECOWAS Protocol on Free Movement of People among the Member States: Issues of Convergence, Divergence and Prospects for Sub-Regional Integration

By

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Introduction

Migration is commonplace in the world today. Within the milieu of growing and intensive economic, political and socio-cultural interdependence among state and non-state actors, mass intra and inter border and continental movements of people have been on the ascendancy. Global estimates indicate that 3 percent of the world's population are migrants (United Nations, 2006). The West African sub-region is no exception to this growing phenomenon. Of the 191 million migrants scattered across the globe nearly 7 million people hail from the West Africa sub-region (ibid). Most countries in the world experience immigration and emigration in varying proportions such that each country is classified based on the proportion of migrants who enter or leave a state. Some countries are also classified as transit states as they receive many migrants who eventually relocate to other states. Since the 1980s, the issue of international migration has gained prominence with regards to relations between states and international organizations ranging from regional blocs like the European Union (EU), Southern Africa Development Community (SADC), Economic Community of West African States (ECOWAS) etc. to United Nations (UN) and its specialized agencies for many reasons including the plight of refugees (forced migration) and the impact of labour migration (brain drain/gain) on the economies of developing countries.

This paper traces the historical antecedents of the Economic Community of West African States' (ECOWAS) protocol on free movement of persons, its rationale and discusses issues surrounding its implementation among the member countries. Section one looks at the historical background of West African migration, types and factors influencing population movements as well as direction of migrations flows. The next section examines the protocol and discusses the issues of convergence and divergence among the member states and identifies factors affecting effective implementation. The final section looks at factors required for effective free movement of persons, goods and services to facilitate the materialisation of economic integration.

Theories of Migration- Some Basic Tenets

Spatial mobility of human population involving a change of place of usual residence between well defined geographical entities is an important process for population redistribution within and across countries. Migration is either voluntary, that is, when people decide on their own volition when and how to move and where to settle, or involuntary; a situation where people are forced by circumstances such as natural disasters, depletion of resources, political persecution, armed conflicts, etc, to settle somewhere else. Both voluntary and involuntary migration can occur either internally or internationally. In effect, migrants all over the world are seeking what all human beings desire: *better standards of living, a safe environment and freedom from want and fear* (UNFPA, 2005).

Massey et al (1993) reviewed various theories of international migration and conclude that though there are no inherent contradictions in propositions, assumptions, and hypotheses of all the theories, different policy implications can be drawn from each theory. These theories include macro and micro theories of neoclassical economics; new economics theory of migration; dual labour market theory; world system theory; network theory; migration systems theory and cumulative causation.

Neoclassical migration theorists see international migration as movement based on individual's decision for income maximization. Differences in wages and employment and the cost of migration are the main reasons for migration (Massey, 1993:432). New economics of migration theorists see conditions in variety of markets including labour, capital and insurance markets as the compelling factors that make households decide to leave home country in order to reduce risk to family income or overcome capital constraints on production activities of families. Dual labour market and world system theorists both ignore the micro-level analysis of decision making and ascribe migration as a result of modern industrial economies and economic globalization respectively.

Distinctively, each model reflects a different research interest or objectives that inform policies by states to control migration. This may range from changing income and employment laws and conditions in destination countries or by promoting economic development of countries of origin (Massey, 1993:463). As the paper traces the historical development of migration in West Africa, the various theories behind the key policies shall be referred to in details.

1. Historical Background

Migration among West Africans in general has been described as a way of life (Adepoju 2000 and Zacheria and Conde, 1978) and it dates back to the pre-colonial era. This is because the people have migrated over the generations in responses to demographic, political and economic factors. Thus, long distance migration (across frontiers) is not a new thing in West Africa.

Pre-Colonial Era

Intra West African migration was initially seen as population movement in response to human needs like favourable ecological conditions, fertile land, food, shelter as well as greater security during the period of tribal warfare in the 19th Century. Interestingly, population movements currently considered as international migration occurred over large tracts of land without much restriction except the fear and harm from wild animals, difficult means of transportation, poor access to information, security threats posed by inter-ethnic warfare, slave raids and harsh climatic conditions. In view of these difficulties, there were mass movements of people (entire ethnic group, lineage or family) from one location to another as opposed to individual movements emphasised by micro- level migration theories of neo classical and new economics traditions. Examples of ethnic groups that migrated to their present locations include the Akan, Ewe and Ga in Ghana.

Besides, commercial migration by traders also featured prominently and this involved both male and female. Thus, there was much interaction between those living inland and along the coast. And in view of the differences in ecological conditions which necessitated exchange of goods such as salt, livestock, food, clothes, etc. Indeed, West African migrants within the region have always thought of the region as an economic unit within which people, trade in goods and services moved without restriction (Addo, 1975). It was therefore difficult to distinguish between internal and external migration

during the pre-colonial period (Adepoju, 2005). During the period, nomadic pastoralists were able to bring their cattle from the northern countries for grazing during the long drought period.

Colonial period

One of the principal relics of colonial rule is the demarcation or creation of borders. In the efforts of Europeans to scramble for control over the people and resources of Africa, these borders were made without any regard for the social and cultural realities of the indigenous people and as a result, some ethnic groups like *Nzema and Bono* (Ghana and Cote D'Ivoire), *Ewe* (Ghana and Togo), *Yuroba* (Nigeria and Benin), *Hausa* (Nigeria, Niger and Mali), *Mende* (Liberia and Sierra Leone) among others were divided and found themselves in different countries. The ethnic groups in the adjacent countries regarded movements across these artificial boundaries as part of their internal movements. This is simply because they continued to keep their kinship ties in spite of the boundaries created (Adepoju, 1998 and Twum-Baah, 1995). Their cultural affinity facilitated movement across these borders and integration, especially where they speak the language of the indigenous people in the host country.

The sub-region witnessed a new framework for massive movement of people as a result of demand for labour to meet the requirements of plantations, mines, infrastructural development and public service. In some of the new political units created by colonialist, the local labour supply could not meet the requirements. This was in response to the booming export sector promoted by the economic policies of the colonial masters. According to Sudarkasa (1975), some Yurobas were brought from Nigeria to construct Fort James in Accra. However, Amin (1974) attribute this to the refusal of some indigenous populations to participate or limited number to meet labour requirements. Thus, intra West African migration flows during this era could also be explained by world systems theory which postulates that capitalism has extended from its core in the Western Europe, North America Oceania and Japan, the factors of production in the peripheral regions (developing countries) have come under intense influence and control of markets, migration flow is an inevitable consequence (Massey, 1989). The migration flows which occurred on cocoa farms in Ghana, coffee plantations in Cote d'Ivoire and the groundnut fields in Senegal and the Gambia (Adepoju, 2005 and Bening, 1975) is direct outcome of the policies of the colonial powers.

Songsore (1983) described this as centre-periphery structure that emerged over the colonial space-economy to serve the interest of the metropolis.

It is noted that the French colonialist devised strategies (compulsory recruitment, contract and forced labour) to secure cheap labour to meet the labour needs of the export and infrastructural sectors (Adepoju, 1998). According to Twum-Baah et al (1985), the nationals of Burkina Faso and Togo were the main victims of this policy; and these strategies resulted in large-scale internal and cross border movements within West Africa. Thus, policies of the colonial powers ensured that certain nodes were created in their scheme of things to facilitate the production of raw materials such as gold, cocoa, timber, rubber, coffee, etc needed by the industrial sector at home. They therefore devised mechanisms to attract labour from the hinterlands; which included Burkina Faso, Mali, Niger, Chad and Guinea. This migration phenomenon (both internal and international) received boost through the development of transport network within and across countries.

Post-Colonial Era

In the early days of post - colonial era, the efforts put in place to consolidate the boundaries created did not hinder movement across borders significantly. According to Twum-Baah (1985), over two and half million West African nationals were residing Burkina Faso, Cote D'Ivoire, Ghana, Mali, Liberia, Sierra Leone, Senegal, The Gambia and Togo before the formation of ECOWAS and enactment of the protocol on free movement of persons. Over 50% of them were residing in the Cote D'Ivoire. However, this was short lived as restrictions on movement across borders imposed to protect economic and political interests of the individual countries became important policy objectives.

The late 1960s witnessed enactment of rules and regulations to control immigration into their countries in order to protect the job security of their nationals. For instance, Ghana enacted the Aliens compliance order (Act 160) in 1969. Section 10 of Act 160 prohibits the engagement of foreign nationals to reside and work in Ghana, except in accordance with a licence granted by the Minister responsible. This era ushered in attempts to draw distinction between internal and international migration. Among other things, this act was passed to regulate immigrants and thereby protect the domestic labour market opportunities available for its citizens.

Following these developments, much tougher laws including procedures for entry and employment of non-nationals were enacted. Besides, expulsion and deportations of non-nationals became the order of the day as politicians sought to use it to deal with their economic difficulties. Thus, nine members of ECOWAS have deported non-nationals: Sierra Leone (1968); Cote d'Ivoire (1958, 1964, 1999); Ghana (1969); Equatorial Guinea (1974); Senegal (1967, 1990); Guinea (1968); Nigeria (1983, 1985) Liberia (1983) and Benin (1998) – Adepoju, 2005.

Factors influencing migration flows-before 1975

Free movement was facilitated by loosely demarcated boundaries dividing ethnic groups which live on each side of the border (Twum-Baah, 1985). Such ethnic groups included Bono and Nzema (Cote d'Ivoire and Ghana), Ewe (Ghana and Togo), Yuroba (Benin and Nigeria) and Hausa (Nigeria and Niger) as well as Mende (Liberia and Sierra Leone)

Absence of requirement for travel documents during the early days of independence also helped to promote movement of persons within the sub-region region.

Liberal attitude taken towards immigration of foreign African workers by the colonial administration encouraged free movement. This can be attributed to the fact that these migrants worked in the sectors (mining, commercial export crops like cocoa and coffee) which benefited the colonial powers, hence the “laissez faire” attitude towards immigration.

Development gaps observed by the people also influence the magnitude and direction of migration flows in both the past and present. It has been argued that changes in colonial administering authorities of Togo from Germans to French made Togo relatively underdeveloped. Consequently, Togolese nationals who could obtain decent employment emigrated to Ghana in search of better living conditions during the colonial and early days of independence (Twum-Baah, 1985).

The passing of indigenisation policies by countries to protect the few available jobs in addition to expulsion and stricter border controls impeded free movement of people within the sub-region. Some of these policies were implemented when the economic conditions began to deteriorate and the governments faced civil and political upheavals.

Types of Migration Flow

The pattern of migration established during the colonial era was mainly from the savannah zones in the north (Burkina Faso and Mali) towards the forest and coastal zones in southern Ghana and La Cote d'Ivoire. Some movements from Mali and Guinea to Senegal (groundnut producing and urban areas) and the Gambia were also observed. With time, the forced recruitment of labour was replaced by voluntary migration of individuals and groups (families) who were seeking improved well-being. This phenomenon can be explained by the micro theory of migration which postulates that rational individual decides to migrate to where the expected benefits (discounted returns) are the highest over specific time frame (Borgas, 1990). Thus, people move to locations where they can be most productive, given their expertise and both financial and social costs involved (cost of travelling, searching for work, adjusting to new environment, psychological cost of cutting family ties, etc), Massey, et al 1990).

By the time this policy was abolished by the French colonial authority, migration has become a habit of the people. Thus, migration was mainly voluntary and temporal; and it usually involves professionals, clandestine workers and refugees. It is estimated that one-third of the population of West Africa resides outside their places of birth (Migration DRC, 2004). Intentions to emigrate are generally high among the Ghanaian population (NIDI/Eurostat, 2001 and Anarfi et al 1999). Most countries in the sub-region were net losers of population in the period 1995-2000 (Black, et al 2004). Table one shows some selected development and migration indicators of the ECOWAS Member States.

Table 1: Selected Development and Migration Indicators for West African Countries

Country	Pop 2000*	GDP Per Capita (PPP\$) 2000	Human Development Index (HDI) 2000	Migration Stock 2000	Average Annual Net Migration (per 1000) 1995 - 2000
Benin	6.3	990	0.420	1.6	-3.2
Burkina Faso	11.5	976	0.325	9.7	-5.5

¹ Mauritania has ceased to be a member of ECOWAS

Cape Verde	0.4	4863	0.715	2.4	-2.5
Cote d'Ivoire	16.0	1630	0.428	14.6	0.8
The Gambia	1.3	1649	0.405	14.2	9.1
Ghana	19.3	1964	0.548	3.2	-1.2
Guinea	8.2	1982	0.414	9.1	-6.2
Guinea	1.2	755	0.349	1.6	-2.9
Bissau.	2.9	-	-	5.5	36.6
Liberia	11.4	797	0.386	0.4	-4.7
Mali	2.7	1677	0.438	2.3	3.4
Mauritania ¹	10.8	746	0.277	1.1	-0.1
Niger	113.9	896	0.462	0.7	-0.2
Nigeria	9.4	1510	0.431	3.0	-1.1
Senegal	4.4	490	0.275	1.1	-7.8
Sierra Leone	4.5	1442	0.493	4.0	6.1
Togo					

Source: Black et al, 2004

Most of the intra West Africa movements by citizens of the various States are short-term, male dominated and over long distances.

Most of the migrants during the pre-colonial and colonial era were self-employed rather than wage labourers (Twum-Baah, 1985). For instance, artisans from Benin came to Ghana to construct swish houses in the forest and coastal Savanna ecological zones (Agyei, 2000). However, migration flows in the post-colonial era were dominated by unskilled persons; and this was sustained by economic and social pressures at source as well as potential benefits at the destination.

In all the three historical periods, north-south migration has been an important direction of flow. One of the reasons for this phenomenon is the different ecological zones in the sub-region and also within individual countries (Ghana, Cote d'Ivoire, Togo, Benin and Nigeria). In view of the heavy dependence on small scale agriculture usually subsistence, the long dry season which constitutes a lean farming season provides opportunity for many people to move southward to work on farms. They return at the beginning of the rainy season to embark on their farming activities. This type of migration is temporal and dominated by males, and constitutes repeat migration. This type of migration also occurs within and between countries in the sub-region.

It has also been observed that cattle herdsmen in the Savanna ecological zone send their animals to the south specifically, the forest and the coastal belts during the dry season to look for pasture to feed their livestock. In Ghana, they come as far as Niger and Mali; this activity has been a source of tension and conflict between local crop farmers and these nomadic pastoralists. However, in the Sahel ecological zone (Mali, Niger and Chad), a lot of migrants undertake short term movements primarily to trade.

Apart from the above, other population movements also take place between west and east depending on political stability and prevailing economic circumstances in the source and destination countries. For instance, in the 1960s, some Nigerians migrated to Ghana and when Ghana experienced economic difficulties in the 1970s and 80s, many Ghanaians moved to Cote d'Ivoire and Nigeria in search of jobs to improve their well-being. According to Adepoju (2005), there were about 2.5 million immigrants from West Africa residing in Nigeria in 1982 and Ghanaians constituted over 80%.

In terms of types of labour, intra-West African migration involves both skilled and unskilled. Migration of the skilled labour like nurses, teachers, lecturers, doctors, engineers, etc to Nigeria was on large scale in the 1980s. At the same time, migration of unskilled persons within that period to Nigeria was unprecedented in the history of the region. Attractiveness of Nigeria to a large number of migrants from Ghana, Togo, Benin and Chad could be explained by job opportunities and relatively high remuneration which followed the oil boom. In addition, for a long time, the Ivorian economy grew steadily and therefore attracted a lot of migrants from Ghana and Burkina Faso. The Ghanaian migrants to Cote d'Ivoire as compared to Nigeria possessed lower skills.

This type of migration can be explained by economic maximization theory which postulates that as demand for and supply of labour is always in equilibrium in a classic competitive framework, wages are considered as the prime determinant of labour migration. Thus, migration differentials among West African States are direct response to real wage differences (Greenwood, 1975). In view of this, the migration of professionals within the West African sub-region is understood to be dependent on differences in remuneration.

The gender dimension of migration within the region has changed significantly. The pattern of migration was for males to leave, to be joined by wives and children. For instance, the short-term migration from north to south was male-dominated and temporal. However, with globalisation and increased education, more women have joined the migration streams. Most of the females in the sub-region are commercial migrants especially, traders who cross frontiers to buy and sell merchandise. Ghanaian women travel to Cote d'Ivoire, Togo and Nigeria to buy and sell goods and this is promoting regional trade and economic integration.

2. ECOWAS Protocol on Free Movement of Persons

The Economic Community of West African States (ECOWAS) was formed on 1975 to among other things encourage, foster and accelerate the economic and social development of the Member States in order to improve the living standards of their peoples (ECOWAS Treaty, 1975). The Member States include Benin, Burkina Faso, Cape Verde, Cote d'Ivoire, The Gambia, Ghana, Guinea and Guinea Bissau. Others are Liberia, Mali, Mauritania², Niger, Nigeria, Senegal, Sierra Leone and Togolese. This was based on the conviction that the promotion of harmonious economic development of the Member States required effective economic co-operation and integration largely through a determined and concerted policy of self-reliance. The recognition of the need for economic integration including free flow of persons, goods and services stimulated the enactment of Protocol on free movement of persons, and the right of residence and establishment in 1979. The first phase of the Protocol guaranteed free entry of citizens from Member states without visa for ninety days and it was ratified by all member states in 1980. The second phase of the protocol, right of residence became effective in July 1986 and all member states ratified it. However, right of establishment is yet to come into force.

With the coming into force of this protocol, the member states abolished visa and other entry requirements for citizens traveling to a sister country. This means that a citizen of ECOWAS member state who possesses a valid traveling documents and international health certificate can spend a period not exceeding 90 days in another state. Notwithstanding the protocol, a member state has the right to deny entry of any immigrant considered to be

² Mauritania has ceased to be a member of ECOWAS

inadmissible by its laws (Article 4). In 1986, the second phase of the protocol (right of residence) was ratified by all member states.

Rationale

Article 27 of the ECOWAS treaty affirmed the need for economic integration, which includes free flow of persons, goods and services by calling on the Member States to ensure graduation removal of all obstacles to free movement of persons, services and capital (Paragraph 1 of Article 27). ECOWAS member states were as a matter of fact required to stop demanding visa and residence permits, and therefore allow West Africans to work and undertake commercial and industrial activities within their territories (Paragraph 2). The re-creation of borderless West Africa was in consonance with the African Charter on Human and People's Rights and UN human rights.

In addition, they were of the opinion that the integration of the Member States into a viable regional Community may demand the partial and gradual pooling of national sovereignties to the Community within the context of a collective political will.

It was believed that the existing bilateral and multilateral forms of economic co-operation within the region open up perspectives for more extensive co-operation. It was also based on the view that the sub-region needed to face together the political, economic and socio-cultural challenges of sustainable improvement in the welfare of their populations; and pooling together of their resources, particularly people will ensure the most rapid and optimum expansion of the sub-region's productive capacity. These constitute the main rationale for re-creating free movement of persons in the sub-region.

Provisions in the Protocol

- i) The Community citizens have the right to enter, reside and establish in the territory of Member States.
- ii) The right of entry, residence and establishment is to be progressively established in the course of a maximum transitional period of fifteen (15) years from the definitive entry into force of this Protocol by abolishing all other obstacles to free movement of persons and the right of residence and establishment.

iii) The right of entry, residence and establishment which shall be established in the course of a transitional period shall be accomplished in three phases.

In order to facilitate the movement of persons, restrictions on the entry of private or commercial vehicles in member states were to be removed subject to possession of valid driving licence, Matriculation Certificate (Ownership Card) or Log Book, Insurance Policy and International customs documents recognized within the Community. Whereas a private vehicle can remain in another member state for up to 90 days, commercial vehicles are restricted to 15 days (within which it is not allowed to engage in business). Both types are subject to renewal upon request when its permit expires. In furtherance of increased movement of people, ECOWAS has issued 'brown card' insurance scheme for inter-state road transport to facilitate effective movement of persons, goods and services (Abdoulahi, 2005)

Progress in the Implementation of the Protocol

Problems and challenges encountered in the implementation of the protocol are discussed in this section. In spite of ratifying the protocol which ushered in the free movement of persons in the sub-region impeded by the colonial powers; several border checks continue to exist. This has resulted in severe harassment and extortion of money from travellers by security personnel at the numerous checkpoints. Free movement is also hampered by different official languages at border posts. There are reports of torture and killings by security personnel in countries like Senegal and Gambia. The killing of 44 Ghanaians in The Gambia by security agencies in 2005 constitutes an example of harassments and difficulties faced by citizens of member states in exercising their right to free movement within the sub-region (Ghanaian Times, 2007).

It has been argued that implementation of the protocol coincided with a period of economic recession in many member states; and this resulted in large influx of nationals of West Africa to Nigeria. When the economic situation became unbearable for the government of Nigeria, it revoked article 4 and 27 of the protocol and expelled 0.9 and 1.3 million non-national residents most of them Ghanaians in 1983 and 1985 respectively (Adepoju, 2005). Besides Nigeria, other member states which have expelled immigrants of West African origin since the operationalisation of the

protocol include the Cote d'Ivoire (1999); Senegal (1990); Liberia (1983) and Benin (1998) – Adepoju, 2005.

The delay in the implementation of trade liberalisation policies such as reduction in customs duties has contributed to slow down efforts at integration and realisation of free movement of persons (Abdoulahi, 2005). For instance, reduction of tariff on industrial products did not begin in 1981 as planned and those which should have been achieved within the period 1990 to 2000. This is sometimes attributed to small size and similarity of the economies of the member states.

Inability to ensure full implementation of the protocol is ascribed to multiple membership and overlapping interests of member states in other groups which can pose serious problems when coordinating or harmonising policies/programmes. Attempts to introduce common currency for Ghana, Nigeria, Sierra Leone and Gambia is still on the drawing board. Hence, the expulsion of nationals from member states and harrowing experiences of travellers across borders shows that all is not well with the implementation of the protocol on free movement of persons intended for effective integration of the sub-region.

In spite of these difficulties, the implementation of the protocol has achieved some measure of success. The flow of population from the sub-region constitutes a relatively large proportion of all immigrants in most of the Member States. Statistics from the Ghana Immigration Service shows that at least one-third of all arrivals in Ghana between 1999 and 2002 is from ECOWAS Member States. Table 2 shows Ghana's immigration statistics (Arrivals in Ghana) from 1999- 2002.

Table 2: Immigration Statistics by Nationality: Ghana (1999 – 2002)

Country	Year			
	1999	2000	2001	2002
ECOWAS*	26,898 (31%)	85,032 (52%)	182,437 (60%)	68,230 (33%)
Other African	7,788 (9%)	10,965 (7%)	12,733 (4%)	12,668 (6%)
Non-Africans	51,800 (60%)	66,446 (41%)	109,434 (36%)	123,726 (61%)

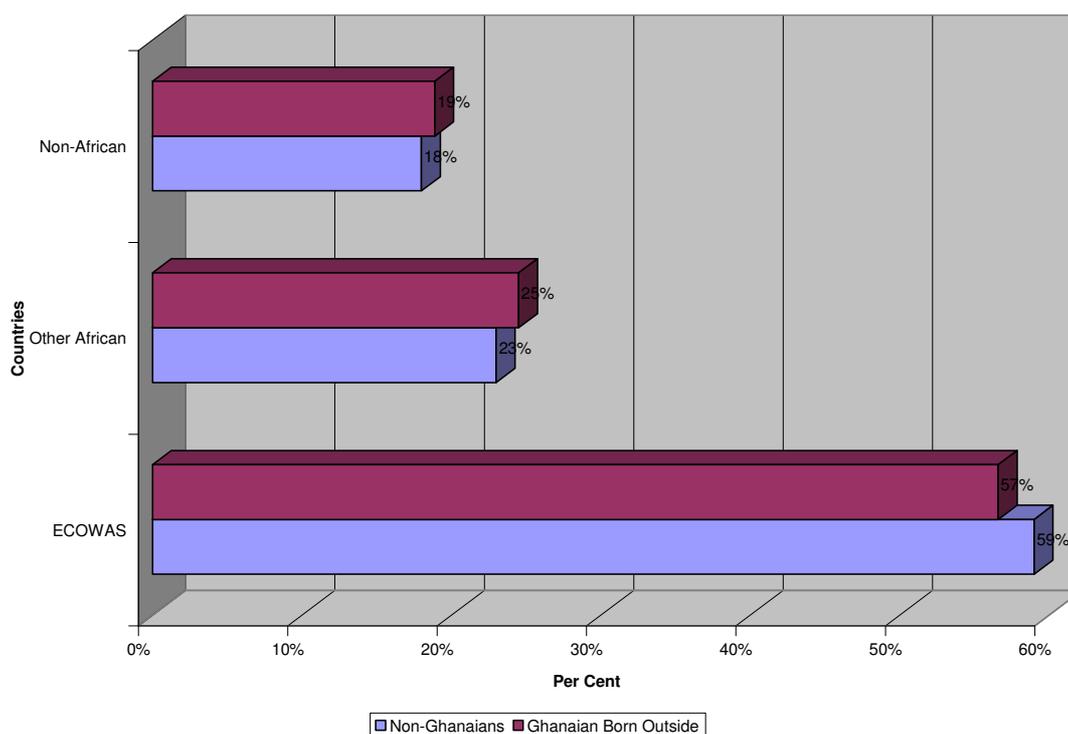
Total	86,486	162,443	304,604	204,624
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* excludes Ghanaians

Source: Ghana Immigration Service quoted in Twum-Baah (2005)

Besides, more than half of 740,191 non-Ghanaian population in the year 2000 were nationals of sister West African countries. Similarly, over 50% of 740,610 Ghanaians born outside indicated that they were born in ECOWAS country (Ghana Statistical Service, 2002). This demonstrates that intra- West African movement is a significant factor in population distribution. Figure 1 shows the proportion of non-Ghanaian population and Ghanaians born outside in the year 2000.

Figure 1: Proportion of Non-Ghanaian Residents and Ghanaians Born outside Ghana in the year 2000.



Source: Ghana Statistical Service (2002).

Convergence issues

Migration is critical towards the attainment and maximization of the potential of a global workforce (Wolf, 2004, Rodrik, 2002). Many countries including ECOWAS member states are shifting their policies from restricting the occurrence of migration to managing the global phenomenon. Managing migration involves going beyond resolving inter and intra coordination problems between states, regional bodies, international organizations and interest groups. Hidden actors such as periphery ministries within states, civil society organization like NGOs, migration networks and industry players and lately Africans in the diaspora have gained recognition in managing migration. Issues that bring about convergence on migration include both challenges and good prospects.

Globalization and Interdependence

Globalization makes states open to global economy of international trade and tourism which have been greatly facilitated by technological advancement in telecommunication and transport. It is estimated that about 3% of the world's population are migrants. International migration among ECOWAS states is changing. Many people migrate to Europe, Canada and the United States. South Africa also attracts sizeable number of west African nationals especially Ghanaians and Nigerians.

Migration is very difficult to stop once started- embedded in economy and society of most states. Migrant networks are vibrant and self-sustaining. In countries where labour market require the service of migrant workers, civil society groups like employers' associations lobby legislators to make immigrations laws that migrants. Over 90 million of today's migrants migrate for economic reasons. Migration challenges conventional forms of citizenship as migrants democratically active in both sending and receiving countries.

Changing trends in migration

Most states are experiencing changes in migration which requires collective responses by ECOWAS member states. Some of these include child and women trafficking, skills migration ,return migration, the spread of HIV/AIDS, increasing importance of remittance from abroad on individual economies and the 'deadly voyage' of West nationals to Europe. Maximizing the benefits of some of these opportunities and tackling new

challenges requires much cooperation among West African states to research and use data to inform individual and collective actions on migration. For instance, international migration in West Africa was traditionally male dominated. Recently, the sub-region is experiencing changes as more women and children migrate for various reasons. Women are actively involved in cross border trade among the member states. Cooperation between West African states are likely to maximize benefits and reduce the effects of challenges.

Challenges of Free movement

There are key issues regarding the operationalisation of the protocol that member states agreed used as starting point. They include absence of adequate mechanisms to control infiltration of criminals; lack of harmonisation of national laws and policies on migration as well as inadequate infrastructure to facilitate realisation of borderless West Africa.

It has been realised that ECOWAS has not instituted adequate mechanisms for controlling the entry of illegal immigrants into member states. This is due to the fact that many people in the sub-region do not possess any valid travelling documents including birth certificates. This has been exploited by persons who carry out nefarious activities such as internet fraud, money laundering, human trafficking, etc. There are also concerns that the privileges enshrined in the protocol have been abused by some citizens of the sub-region. Some of the abuses include smuggling of goods and illicit trade in narcotics. These crimes and acts of economic saboteur have led to expression of resentment among officials and the general public in the destination countries. Ghana for instance, has established a Boarder Patrol Unit within the Ghana Immigration Service to police her borders³.

The sub-regional body has also failed to ensure harmonisation of national laws pertaining to migration before the protocol became effective. This 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, hence revocation of the protocol and

³ Ghana disbanded Border Guards Unit of the Ghana Armed Forces in 1980.

expulsion of non-nationals in difficult economic times by some Member States.

Another issue is that inadequate infrastructural facilities in the sub-region do not promote effective movement. At the time the protocol coming into force, the road networks were restricted to national borders and little efforts were placed on expanding road and rail networks beyond national borders to facilitate effective flow of human traffic. Perhaps, adequate preparations were not made to facilitate smooth and effective implementation of the protocol for the benefit of the people.

It is also important to note that the member-states are at different levels of economic development and this has impeded realisation of free movement of persons within the sub-region. In view of this, the direction of movement is toward certain nodes of economic development and thereby putting undue stress on those economies. For instance, Nigeria, Cote d'Ivoire, Senegal and Ghana (lately) have been at the receiving ends of these population movements. Emphasis should have been placed on acceleration of economic growth and poverty reduction in the various countries in order to avoid citizens of some countries becoming economic burden on a few Member States.

Divergent Issues Strict Migration Policies

Most countries in the world are pursuing migration policies that aim to restrict migrant entry into their countries. Martin (2003) notes that the top 25 richest countries spend between \$ 25-30 billion annually to enforce immigration laws. Much of such funds are used in controlling borders, erecting physical structures and barriers, and enforcing restrictions and laws such as airline checks etc. But such migrations policies are not peculiar to advanced countries in the North alone. In 2002, the United Nations report on migration listed 44 countries including 30 from developing countries as states which have increased levels of border restrictions in their respective migration policies. Also, of the 78 states which carried out policies that reduce immigration levels, 57 were developing countries including African states. (UN2002:17-18).

Thus, some migration policies pursued by some ECOWAS member states do not conform to the letter and spirit of the ECOWAS. It is an issue of

divergence on the protocol on free movement for member states to safeguard and protect the interest of only its citizens in each state.. This could be explained by the desire to avert internal political upheavals likely to result from low level of economic growth and development. Policies are therefore designed to ensure that available job opportunities are given mostly to nationals rather than shared with non-nationals from the sub-region. It is worthy to note that Ghana's Immigration Act, 2000 (Act 573) which repealed Act 160 has no specific provisions for citizens from ECOWAS Member States; as such it fails to address the process of integration as espoused in the ECOWAS treaty.

The political and ideological differences among the leaders as well as internal political instabilities and civil strife have hampered the effective implementation of the protocol. The differences among the leaders breed suspicion and distrust thereby resulting in the tightening of border controls. There were also fears that some Member States were supporting insurgents or rebels, and thereby allowing their territories to be used as to launch attacks to overthrow their governments. In order to deal with such threats, restrictions on movement across borders increase despite the existence of the protocol. Such strict border controls are not in conformity with international norms and the predominant global ideology of liberal democracy. From a human rights perspective, people have a right to mobility. Besides ECOWAS, both NEPAD and the AU charters promote the rights of Africans to migrate freely without many hindrances.

Political Instability

Free movement of people within the sub-region without restrictions raises issues of tension in states where migrants dominate trade and labour of sections of economies. This creates anti migration sentiments that degenerates into populist political movements (Castles,2004:873). Such tensions run as undercurrents for destabilizing weak regimes.

Within the ECOWAS sub-region, the existence of political and social unrest in some member states distracted the attention of the governments from fulfilling their obligations toward the sub-regional body. In some cases, political unrest serves as a launching pad for the molestation and expulsion of non-nationals. It has been stated that the political crises in the Cote d'Ivoire sparked of hatred for non-nationals especially Burkinabes. Thus, though technically, there is freedom of movement within the sub-region,

there are restrictive attitudes resulting in expulsion, widespread harassment and denial of the human rights of migrants.

Weak Institutional framework at National and Supranational levels

Institutional arrangement at the national and sub-regional levels promotes divergence in policy implementation. Within most member states, migration policies are handled by different ministries, departments and agencies. Poor coordination, competition and implementation lapses result in several challenges that hinder free movement of people in the region. In Ghana, for instance, the ministries of interior, local government, trade and foreign affairs have different roles to perform on the state's migration policy. Poor coordination among these ministries and their numerous departments and agencies may easily result in contraventions of the ECOWAS protocol.

At the supranational level, compared to trade dialogues and conferences, ECOWAS organizes much less fora on migration. Structures within ECOWAS to address migration issues attract less attention. For instance, there is the absence of mechanisms for the settlement of complaints for the harassment and abuse of human rights of ECOWAS citizens by the Member States. There is lack of awareness institutions and procedures for individuals to claim damages to life and property; and human rights abuses (including denial of rights enshrined in the protocol) suffered in ECOWAS countries. In view of this, some officials at the frontiers such as Customs, Immigration, Police, etc harass and exhort money from travellers despite the fact that technically there is free movement within West Africa.

Incompatibility of Migration and Welfare

Hatton (2000) observes that whereas trade policies are being more liberalized over the years, policies on immigration are less liberal. In the past fifty years industrial tariffs have fallen from 40% to 3 % as a result of trade negotiations while immigration policies in most countries remain tight or tighter in some countries. Within ECOWAS, trade issues take precedence over the movement of people as much more resource and time have been devoted to harmonizing trade policies in the region. A major difference is that migration policies do not benefit from multilateral negotiations between countries like trade. With trade there are issues to negotiate for while the

gains from migrations are absolute often in favour of one party. The smallness of economies of member states requires harnessing all labour and capital potential of each state for maximum economic integration. But the sub-region falls victim to what is termed the biggest economic distortion in the world- prohibitive laws that aim to restrict international migration (Wolf, 2004).

As pertains in many parts of the world, migration is not compatible with collective welfare schemes (Raico, 1998). West African states have state owned welfare systems that are not self-sustaining for their own citizens let alone have nationals of other ECOWAS member states benefit from it. Migration policies therefore target restricting migrants including West African nationals from benefitting in welfare systems of member states.

Informal Cross Border Trade

Another issue that brings divergence is that of informal cross border trade. This involves illegal smuggling of goods like gold, diamond, cocoa etc. by west African nationals to neighbouring countries for big profit. The porous nature of borders in the region coupled with the connivance of corrupt border officials facilitates the practice. Informal border trade is not only beneficial to individuals. Meagher (2005) notes that a country like Togo which has no mine received \$150 and \$40 million from gold and diamonds in 1988. Informal cross border trade also involves many people. Plunked and Stryker (2002) estimated that between 4-5 million women were involved in the collection processing and marketing shea nut and butter in some west African states thereby generating 80% of their income. Most ECOWAS states pursue divergent policies to tackle informal cross border trade. The most popular include stricter border controls. But in many instances, strict border controls achieve less impact in controlling migrants than perceived by policy makers (Castles, 2004).

Summary/Conclusion

The formation of ECOWAS and enactment of protocol on free movement of persons have helped to re-create borderless West Africa which existed before the advent of colonial rule. Although the flow of population has increased considerably within the past two and half decades the protocol has been in existence, there are problems and challenges to realisation of free

movement of persons within the sub-region. These include strict border checks, unstable economies of many member states, delay in implementation of policies toward integration, and lack of focus due to multiple memberships in international organisations.

The convergence issues on the protocol include absence of mechanisms to control illegal immigrants; harmonisation of laws on migration; inadequate infrastructural facilities to facilitate free movement, etc. protection of nationals, ideological differences, political unrest and absence of mechanisms for redressing human rights abuses. Effective realisation of free movement of persons in West Africa requires research and reliable data on population and migration issues.

Key Areas of Migration Research

Relationship between migration and development

A key area for research is to investigate the impact of emigration of skilled workers on economies in West Africa. Emphasis has so far been on health professional. Some attentions need to be directed at professionals in other fields such as academia, engineering, and science. Many universities are already lacking scientists. In Ghana, secondary and polytechnic institutions are finding it difficult to recruit science and math teachers. The few scientist and mathematicians trained by Ghanaian universities seek greener pasture abroad.

Another area of joint research worth pursuing by west African states is that of remittances. Many African countries have identified remittance as a crucial source of fighting poverty among the poor. It worthwhile to investigate at intervals how the process can be facilitated by public and private institutions to change for instance poor saving habits by west African nationals.

Most governments are currently pursuing policies that encourage its nationals to return and support each economy. Some even have projects to attract African Americans to return to Africa. A good example is the Joseph Project by the Ghana government aimed at resettling people of African origin in the country and reintegrating them into the economy. Much of what constitute the policy framework for such programmes are not firmly

grounded in research. Here, collaboration between west African states is desirable to avoid duplication and unnecessary competition.

Many West African states face much embarrassment as their nationals attempt to migrate to Europe and beyond through very challenging circumstances. While research may not very necessary to find out why this phenomenon is on the rise, it is appropriate to research into areas of cooperation to check these developments. Bilateral and multilateral cooperation in producing educational films on the hazards of illegal migration may be recommended.

Fundamentally, how to cooperate in doing research and disseminating the findings of research is the key to managing migration in the sub-region. This may start with assessing the impact of recent strict policies being undertaken by each ECOWAS member state. The result may help these states decide on reorienting their policies towards attaining the goals of ECOWAS to get free movement of goods, capital and people. That is migration management policies that are informed by research stands a good chance of benefiting states and individuals and the numerous migration networks emerging from civil society.

ECOWAS as an organization stands a good chance in harmonizing migration policies among member states by playing the lead role to fund and implement findings on migration studies. The most critical areas include institutional and policy reforms, tackling illegal cross border trade, promoting involvement of migration networks in decision making at all levels, and taking bold steps to minimize child and women trafficking and fight the spread of HIV/AIDS.

In sum, the paper has been an attempt to discuss the origins of migration in west Africa vis-a-vis the coming into force of the ECOWAS protocol on free movement of goods, capital and persons. Globalization and the changing nature of migration which commenced many years ago have led to some convergence among states within the sub-region to cooperate to improve the movement of people. Issues such as child trafficking, the menace of HIV/AIDS, and the benefits of communally sharing few skilled personnel within the region engender some common policies at the supranational level. However, much divergence still persist among member states in implementing policies on migration at the various stages. Within each state, ministries and department pursue contradictory policies and goals. At the

regional level, each states quest to obtain the most benefit from migration force individuals countries to pursue statist restrictive migration policies that often run counter to the ideals of ECOWAS. The sub-regional group itself has a weak institution implementing the ECOWAS policies on migration. These coupled with ECOWAS emphasis on trade rather than free movement of people calls for research and cooperation on migration within ECOWAS.

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