ECOWAS Protocol on Free Movement and Trans-border Security in West Africa

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Abstract: Previous studies on regionalism in West Africa affirm that one of the reasons for integration in the region is the selfish political interests of Nigeria. However, the benefits of regional cooperation amongst West African states cannot be sacrificed on the altar of the political interests of Nigeria as previously claimed. Undoubtedly, the Economic Community of West African States (ECOWAS) has embarked on different integration schemes to foster cooperation and development among member-states; the most important among all is the Free Movement Protocol. Although existing literature has investigated the benefits and effectiveness of the protocol in West African Sub-region. Studies on the security implications of the Free Movement Protocol for the region are scanty. This study interrogates the ECOWAS Free Movement Protocol vis-à-vis trans-border security in West Africa and expands the frontiers of this area of study.

*Keywords***:** Sub-regional Integration, ECOWAS, Free Movement Protocol, Trans-Border Security, West Africa.

Introduction

Increasingly, states have been looking for greater ways of establishing collaborations that can create more opportunities for their population while also expanding harmonious relations with their neighbours. One such ways is through regional integration. Broadly defined, Integration is a process of both deepening and widening relationships amongst actors.

Regional integration can generally be seen as nation-states in a territorial region voluntarily deferring sovereignty to intergovernmental or supranational institutions in order to better their condition as a whole through cooperation. (Amaleia, 2010) The objectives of the agreement could range from economic to political to environmental, although it has typically taken the form of a political economy initiative where commercial interests have been the focus for achieving broader socio-political and security objectives, as defined by national governments.

Today, states have realized they cannot exist in isolation and are now increasingly interdependent. This current global trend of interdependence between and among states has encouraged the opening of borders among them. Countries with varying degrees of development in socio-economic, political and cultural spheres are thrown together in one form of regional arrangement or the other and this has further helped in facilitating the activities of transnational criminal activities. The dimension of trans-border crimes with its implication for regional and global peace and security at large have taken a new turn in this era of globalization. Thus, fundamental to this research is the quest to establish the relationship between the Economic Community of West African States (ECOWAS) protocol on free movement of persons, goods and services and the possible security challenges it may be posing to the West African sub-region.

ECOWAS and its Integration Schemes in West Africa

ECOWAS is an organization formed by the West African Heads of State and government for the purpose of economic integration. In addition to this, ECOWAS aims to promote cooperation and development in economic, social and cultural activities with particular objectives of improving the standard of living of ECOWAS citizens; increase and maintain economic stability; improve relations among member countries and to generally contribute to the progress and development of Africa. (Chapter II Article 3 Revised ECOWAS Treaty).The organization consist of fifteen members including: Burkina-Faso, Guinea-Bissau, Niger, Togo, Mali, Benin, Sénégal, Côte D'Ivoire (CFA countries), Ghana, Guinea, Nigeria, Liberia, The Gambia, Sierra Leone, Cabo Verde and, Liberia (non-CFA countries), Mauritania was also a part, but withdrew in 2000 (Anadi, 2005). ECOWAS represents an expression of Pan-Africanism (Gambari, 1991). The Francophone countries were initially not favourably disposed towards the idea of forming ECOWAS, it took a lot of effort on the part of Nigeria and Togo to change their disposition.

Since the inception of ECOWAS, the regional community has been making giant strides in the area of community integrative schemes to enhance the integration of West

African states. Current integration schemes includes Liberalisation of regional trade, Liberalisation of movement of persons, goods and services, harmonization of monetary and fiscal policies, harmonization of business law, development of transport, communications and energy networks and involvement of private sectors in the regional integration process. Factors put into consideration in all of these integration initiatives include their relevance to national economic interests of member states and contribution to the ultimate economic union goals. (Lansana, 2013) Compared to other regional arrangements on the African continents, ECOWAS is arguably the most advanced, although still miles far from the achievements of its European Union counterpart. The ECOWAS Protocol on free movement however is considered very germane to the overall objective of the ECOWAS integration policies, this is so because, there cannot be any genuine integration if free movement of the community citizens who are considered as agents of integration is hampered.

Thus, the Protocol is at the heart of the organizations' objective.

Prior to the enactment of the ECOWAS Protocol on free movement, people move from one location to another, there was little or no regards for the artificial borders created by the colonial powers, in fact, tribes find themselves divided into two sovereign nations by these artificial borders. Cross-border movement among these artificially divided tribes continued to be seen as not international but part of their own internal movements as members of same families are found in two different countries. However, as states began to mature, cross-border movement became increasingly difficult and hampered by states custom laws and requirements. The Protocol to liberalize trans-border mobility however is borne out of the need to promote regional trade and engender regional integration. It is believed that this economic integration will increase wealth and better the lot of the community citizens.

> Even more than the promotion of trade, the mobility of labour and the other factors of production was central to ECOWAS and exemplified what the community was about. The free movement of persons within the region was both a repudiation of colonial frontiers in so far as they impeded the economic development of the new States, and an affirmation of the spirit of cooperation and mutual assistance. (Gowon, 1984)

The determination to ensure accelerated regional development through economic integration was the main consideration of the Heads of member states' for enactment of the Protocol. The Protocol therefore seeks to remove every impediments or barriers to trade movement of its citizens across borders. For any regional arrangement to eventually

get to become a full economic union, it must have passed through stages of integration which include a Free Trade Area, Customs Union, a Common Market, e.t.c. Free mobility which allows free movement of people, their goods and services is crucial to the attainment of full Economic Union. The obvious relevance of the ECOWAS integration programmes to current and future development priorities of its Member States augurs well for the future course of the regional integration process.

ECOWAS Protocol on Free Movement: Integration and Security

The ECOWAS Protocol on the Free Movement of People and Goods ensures free mobility of the community citizens i.e. citizens of member states. The Protocol on free movement conferred on Community citizens the right to enter and reside in the territory of any member state, provided they possessed a valid travel document and international health certificate. However, it also allowed member states the right to refuse admission to any Community citizens who were inadmissible under the member state's own domestic law. The four supplementary protocols adopted between 1985 and 1990 committed member states, among other things, to: provide valid travel document to their citizens, grant Community citizens the right of residence for the purpose of seeking and carrying out income-earning employment, ensure

appropriate treatment for persons being expelled, not to expel Community citizens en masse, limit the grounds for individual expulsion to reasons of national security, public order or morality, public health or non-fulfilment of an essential condition of residence.

Since the end of the Cold War, West Africa has been characterized by series of conflicts in different dimensions. There are hardly any of the countries in the sub-region which did not experience one form of crisis leading to conflict or another. Several authors have tried to analyze the root causes of these conflicts and there is a consensus on a number of causes such as the weak structure of states inherited from colonial rule, unstable and feeble political institutions, under developed economy, mismanagement of natural resources, self-enriching rulers who will protect their stay in power by all means etc. Most of the states have experienced full scaled civil wars; examples are Liberia, Sierra Leone, Guinea Bissau, Ivory Coast, Nigeria, most have also experiences coup d'état, religious and ethnic clashes. There is no single factor that can be said to be the cause of any of these conflicts, however, our interest is not on the conflict and their causes per say, but in its implication for regional peace and security especially with the ECOWAS Protocol on Free Movement as a point of analysis.

Looking at the nature of conflicts generally in Africa immediately after

independence, conflicts were mostly over disputed territories e.g dispute over Ogaden between Ethiopia and Somalia, also between Nigeria and Cameroon over the Bakkassi Pennisula, Libya and Chad over the Aouzou Strip, this went on for the most part of the Cold War period. However, from the end of the cold war, states started experiencing internal crisis as a result of a number of factors. One of which is the international criteria of democratization to receive foreign assistance coupled with civil unrest in their demands for more participation and openness in government. Thus, most West African states went through different dimensions of civil war.

West Africa's security atmosphere has changed since the outbreak in the 1990s of the Liberian war, Sierra Leonean and Ivorian conflicts. Today, there is a change in the security calculations of the sub-region. The sub-region's internal conflicts have included groups who are fighting among themselves over such things as natural resources, political and chieftaincy matters, sometimes the groups fight against their governments, these conflicts have often been internationalized as a result of the spillover effects they have (Olonisakin, 2008). States' concerns about the activities of cross-border criminal networks have increased. The sub-region is now notorious for trans-border criminality.

Even though the aim of the free movement protocol is to enhance economic activities, criminals have availed themselves of this initiative to perpetrate their nefarious activities. These have a lot of implication for the security of the sub-region. There is no security of lives and properties, weapons are readily available as a result of the proliferation of small arms and light weapons. Refugees generate a different set of problems for their host country. In fact, the expected future conflict in the sub-region is conflict over amenities and resources between refugees and host communities (Olonisakin, 2008).

The challenges of the Protocol have not helped the security landscape of the sub-region. Even though ECOWAS prides itself as the first region in Africa with the free movement initiative, the Protocol is poorly implemented constituting more security concern than boosting regional trade and economic development. The security forces have rather turned the job to their own business, encouraging the crossing of smugglers of all sorts of commodities from one country to another with just a tip of tokens. There is high number of roadblocks, illegal barriers and the problem of insecurity on the roads. In 2005, about 44 Ghanaians were killed in The Gambia while trying to exercise their rights to freedom of movement within the sub-region. (Ghanaian Times, 2007)

Also, because ECOWAS does not have adequate instituted mechanism for checking the entry of illegal immigrants, people who carry out nefarious activities have exploited the opportunity to their advantage laundering money, trafficking in human, drugs, illegal arms e.t.c. Thus, the privileges of the protocol have been abused. The Protocol rather than serve the purpose of integration is rather contributing to the insecurity prevalent in the sub-region.

Unrestricted free movement of people in the sub-region can easily bring about a situation of tension among citizens of the receiving country and migrants especially in places where migrants dominate trade and labour. This will lead to resentments towards migrants which can degenerate to 'populist political sentiments'. Regimes that are rather weak can become destabilized under such tensions.

As earlier said, the nature of conflicts changed after the end of the Cold War. Conflicts now originate from within a state and gradually spread outside into the neighbouring countries in its spill-over effects. This is the experience in West African sub-region today as in other parts of the continent. The ECOWAS protocol on free movement because of the lack of instituted mechanism for proper monitoring of cross border movements is rather positively contributing to the spill-over effects of conflicts in the sub-region. The free movement protocol cannot be said to be solely responsible for the ease of passage of militants and their weapons but the subversion of security agents have also contributed to the insecurity of the sub-region.

Conclusion

There is hardly any region of the world that is spared of the phenomenon of trans-border crimes. However, the peculiarity of West African socio-economic problems such as poverty and inequality, hunger, unemployment and corruption presents more severe dimension of transnational criminal activities. Most of the conflict that at times appear internal also have trans-border undertone. The sub-region vast ungoverned spaces especially those around the porous borders present a fertile ground for international terrorist organizations such as Al' Qaeda and Al' Qaeda in the Islamic Maghreb to thrive in their activities. There are speculations that the Boko Haram insurgent group in Nigeria has connections with the Al' Qaeda in the Islamic Maghreb, Al'Shabaab in Somalia and operational bases in Niger Republic, Republic of Chad and Cameroon. (Tanchum, 2012). This signifies connections with other terrorist's organization and the aim is to create a coordinated jihadist movement across West Africa.

The porosity of the West African borders can be identified as an aiding factor of the activities of these insurgencies groups and criminal networks across the region. Finally, though the Free Movement Protocol

has laudable goals, people with clandestine activities have availed themselves of the provision of the protocol and are carrying out their activities across the sub-region. This is possible because of problems inherent in the implementation of the protocol, for instance, most travelers do not possess travel documents even those who have, the credibility of their documents can hardly be ascertained. In fact, the Protocol is lacking full implementation by member states till today because of the perceived problems it poses to their national security. If these issues raised i.e instituted mechanism for proper implementation and adequate training of security agencies to curb subversions and machinery for proper checking and detection of fraudulent travel documents, can be addressed, then the Protocol on free movement will serve its purpose of integration in the West Africa sub-region.

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