

ECOWAS Protocol on Free Movement and Challenge of Labour Migration in West Africa
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1. State of Issue

The Economic Community of West African States (ECOWAS) Protocol on Free Movement, Right of Residence and Establishment enacted in 1979 to enhance economic and social integration of West Africa has given the citizens of member-states unrestricted movement within the sub-region, making it easy for nationals of other states to move to areas of economic opportunity (SWAC, 2006). The mass migration of ECOWAS citizens, taking the advantage of the Protocol has at times put pressure on the receiving country, precipitating reactions that are counterproductive to the objectives of ECOWAS, it is therefore a rational question to assess the implications of these actions of ECOWAS members against the overall objective of the ECOWAS integration and economic cooperation.



Figure1: Map of ECOWAS

2. Causes and Analysis

The ECOWAS Protocol on Free Movement, Right to Residency and Establishment, mandates member-states to allow ECOWAS citizens with valid document right of entry in their territories in accordance with the provisions of the protocols. ECOWAS member states are also required to adopt measures to ensure that ECOWAS citizens enjoy to the full the rights granted in Protocol. They are also to ensure that necessary measures are adopted in their countries for the effective implementation of the provisions of the Protocol (ECOWAS Commission, 2014). Beside the Protocol, other initiatives such as ECOWAS Travel Certificate, ECOWAS Passport and Brown Card Motor Vehicle Insurance Scheme were instituted at enhancing the achievement of the aims of the Protocol and enhance integration in the sub-region.

2.2 Factors Driving Migration in West Africa

Flow of migrants in large numbers within the West African sub-region has been going on before the advent of colonialism the 19th century for reasons such as agriculture, religious education, internecine wars, trade and environmental degradation or climate changes (Yaro, 2008). The introduction of borders and regulations on movements by colonialists, disrupted the flow and decreased intra-regional migration but picked up again following the introduction of mercantilism including forced labour recruitment for mines and plantations (Yaro,2008: de Haas et al, 2019). However, the ratification of the Protocol by almost all the fifteen member states has encouraged

migration of citizens to move into other countries in the sub-region in search of livelihood (Adepoju, 2005). Available data puts the number of total migrants within the West African sub-region constituted 7.64 million as of 2020 (UN DESA, 2020). Of this number, 7.4 million or 90% account for migration movement from other ECOWAS countries (UN DESA 2020). Going by the pattern of distribution of the migrants as depicted in Table 1, it is very clear that the flow is from areas of low Gross Domestic Product (GDP) to areas of high GDP. For instance, Ivory Coast which hosts the largest share of migrants from the sub-region is one of the richest countries as most of the migrants were attracted into the country because of the economic prosperity of the 1970s and 1980s and the friendly migrant disposition of former President Houphouet Boigny. Nigeria with the second largest share of migrants accounts for that because it is the largest economy in the sub-region. Among this number, there are also significant number of labour migrants are in the informal sector who takes advantage of the 90 days' residency to seek for temporary job in the informal sector (AU,2020).

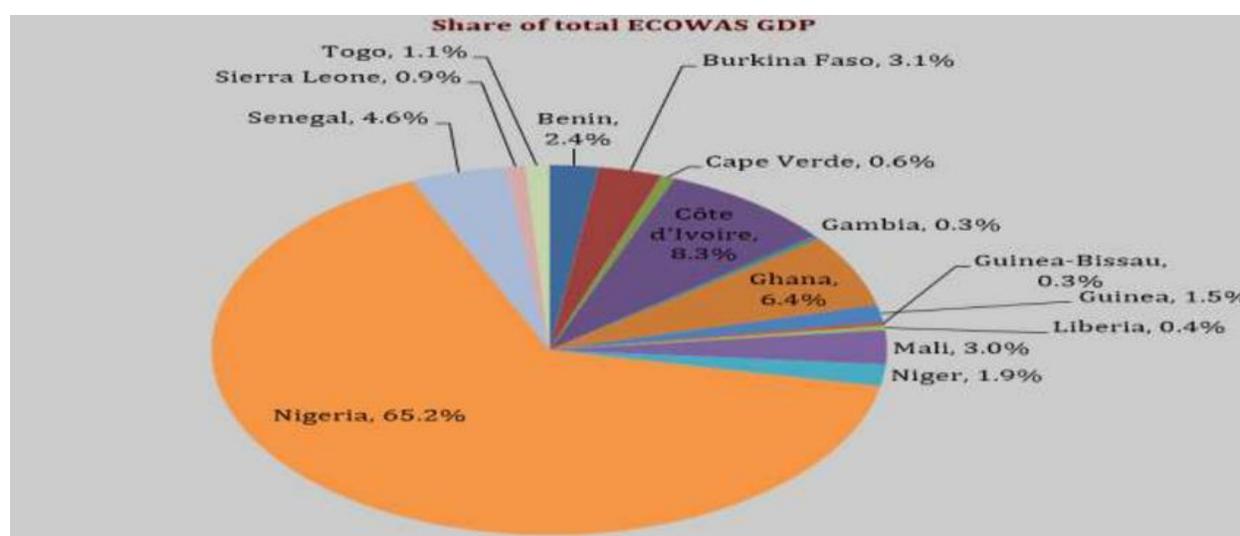


Figure 2: Share of ECOWAS GDP. Source: Research gate

Table 1: Top Migration Destination in West Africa

	Country	Number of Migrants	Percentage to Population
1	Ivory Coast	2,564,857	9.7
2	Nigeria	1,308,568	0.6
3	Bukinafosa	723,898	3.3
4	Mali	485,821	2.4
5	Ghana	476,412	1-5
6	Benin	394,276	3.3
7	Niger	348,056	1-4
8	Togo	279,936	3.4
9	Senegal	279,929	1.6
10	The Gambia	215,659	8.9

Source UN DESA 2020

2.3 Reaction of ECOWAS Countries to Influx of Labour Migrants

The number of migrants into ECOWAS countries has put pressure on the fragile economies of these countries. Citizens of the countries hosting large number of these migrants, blame the economic woes on the activities of the migrants (AU,2020). In Nigeria, the effect of the global recession of the 1980s that wiped away the prosperity years of the oil boom turned Nigerians against other West African migrant communities, particularly those from Ghana giving rise to the popular refrain ‘Ghana must go’(Daly,2019). The government of Nigeria bought into this resentment and started a programme of mass deportation of ECOWAS citizens residing in Nigeria illegally. Similarly, in Ivory Coast anti-immigrant sentiment that started in 2002 and lasted for a decade, plunged the country into a political crisis. Discriminatory policies and actions targeted at migrants from Burkina Faso, Mali, Liberia and Ghana who were perceived as non-Ivoirians, got a political backlash between then incumbent President Laurent Gbagbo and Alassane Quattara (MICIC,2020). The situation escalated into a full blown civil war fought along ethnic and religious line when attempt was made by the Gbagbo government to demobilize those he considered non-Ivoirians from the military (MICIC,2020).

The resentment against migrants in West Africa have continued even in recent times. A case in point The campaign of Ghanaian retail traders GUTA who argue that foreigners pose a serious threat to survival of Ghanaian businesses (Yendaw, 2019). The actions of West African governments against migrants’ population in most of the cases has been inspired by the dynamics of politics and contest for power. Hiding under the guise that the migrants do not valid migrant documentation, discriminatory policies are often visited on them to placate nationals who see them as the problem(Yendaw,2019).

Furthermore, in Ghana the Investment Promotion Centre Act bars non-citizen from investing or participating in the sale of goods or provision of services in a market, petty trading, hawking or selling in a stall at any place. The Government went ahead to impose a license fee of \$300,000 for all foreigners including ECOWAS citizens wishing to continue doing businesses in the country. Nigerian migrants doing petty businesses in the country were the most affected as their shops have been closed down due to their inability to afford the fee (Vanguard 2020). This kind of action is not particular to Ghana as in 2005, for example, the government of President Olusegun Obasanjo placed an import ban on Ghanaian goods. These included textiles, garments, starch, poultry, plastics and processed goods (Aptata, 2020). This kind of actions are incompatible with the spirit of ECOWAS integration.

2.4 Implication on ECOWAS Integration

Indeed, the pressure on economic competition between ECOWAS migrants and nationals has compelled individual countries to take unilateral actions to protect the interest of their citizens and in the process hampering the sub-regional integration scheme (Adepoju, 2002). The unilateral actions against ECOWAS migrants have undermined the effective implementation of Protocol on Free Movement, Right of Residency and Establishment. Even though the Protocol stipulates that national governments to inform ECOWAS Secretariat and home government of the citizens before actions are taken against them, but most of the times this is observed in the breach.

The ECOWAS parliament which have attempted to intervene in few cases has failed to influence the governments of member-states from continuing with their actions against the migrant population. Consequently, ECOWAS which is has been in existence for close to 46 years is still struggling to achieve a free trade area which is the first stage in regional integration

3. Future Expectations and Implication

Results of the analysis has shown that the practice of regionalism in Africa and particularly the ECOWAS integration scheme continues to experience hiccups due to lack of regional institutions to drive the laudable goals signed and ratified by the member-states.

The economic crisis common to almost all the countries is compelling the governments to take unilateral actions to satisfy demands of their nationals, thus undermining the objective of the ECOWAS integration scheme. The ECOWAS Protocol on Free Movement has succeeded to remove the border lines instituted by colonialists indicating a tremendous acceptance to the idea of economic integration in the sub-region. However, the general economic downturn of ECOWAS member-states is responsible for the backlash between ECOWAS migrants and their host states. Even though the enactment of the Protocol of Free Movement, Right of Residency and Establishment was to accelerate the economic cooperation and integration of member states of Economic Community of West African States, thereby creating a sustainable economic development that will impact positively on the lives and wellbeing of citizens. However, the issue of economic crisis and security challenges confronting member's states of ECOWAS has not helped the members to engage in collective effort at implementing the measures for the overall interest of the member states as envisaged.

4. Conclusion

The resentment from nationals of the host countries of ECOWAS migrants and government unilateral actions to placate their citizen has led to the crisis of labour migration in West Africa. Institutions of ECOWAS has been absent in protecting the right of ECOWAS citizens residing outside of their countries of origin. It is imperative for Member-state to strengthen institutions at the supra-national level to engage the states to protect the right of the migrants and promote the integration of the sub-region.

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