

AN ASSESSMENT OF ECOWAS PROTOCOL ON FREE MOVEMENT, RESIDENCE AND ESTABLISHMENT OF WEST AFRICAN CITIZENS

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Abstract

The treaty establishing the Economic Community of West African States (ECOWAS) was signed in Lagos on the 28th of May 1975. Article 27 objective of the treaty is to establish a borderless region and a common citizenship in West Africa. A key objective of the treaty is to remove obstacles affecting the protocol on free movement of persons, residence and establishment in the sub-region. This study seeks to identify the obstacles hindering the full implementation of the protocol. Furthermore it also seeks to find out how ECOWAS has been able to mitigate these obstacles. In order to achieve the objectives of this study, descriptive analysis was employed and data was largely drawn from primary and secondary sources. The study adopted the Neo-functionalism theory to analysis ECOWAS protocol on free movement, residence and establishment of West African citizens. Findings shows that cultural and language barrier, lack of education, foreign policy of member states, inadequate funding, colonial heritage and historical antecedent economic condition of member states and threats to national security, such as: that illicit drug trafficking, money laundering, violent crimes, internet fraud, human trafficking, terrorism, and the proliferation of Small Arms and Light weapons, are the major factors hindering ECOWAS protocol on free movement, residence and establishment from achieving it goals and objectives. It therefore recommends among other measures, that states need to work together as a team for the ECOWAS protocol on free movement, residence and establishment to be fully implemented in West Africa.

Keywords: ECOWAS, movement, residence, establishment and National security.

INTRODUCTION

The quest for economic development and regional integration among African countries led to the establishment of ECOWAS (Economic Community of West Africa), SADC (Southern Africa Development Community), EAC (East African Community), and ECCAS (Economic Community of Central African States). These sub-regional organizations are all recognized under the African Union and their various activities have been aiding the growth and development of Africa.

Before the existence of ECOWAS, West Africa was made up of several states with diverse cultures, traditions and local languages that had emerged from different colonial experiences



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and administrations. Prior to colonialism, the West African region contained so many famous empires like: the Oyo Empire, Sokoto caliphate, Wolof, Kanem Bornu and Mali Songhai these empires lacked integration among themselves, which arose due to diversity in ethnic groups with different languages, cultures and traditions (Onwuka, 2012).

The quest to foster regional integration and cooperation among these states brought about the existence of ECOWAS. In view of this, one of the first steps taken towards the integration of ECOWAS took place in 1945, where all the French speaking countries in the region decided to adopt a single currency known as CFA Franc. In 1964, the Liberian President William Tubman suggested an economic union for West African states and in 1985, Guinea, Liberia, Cote d'Ivoire and Sierra Leone signed the single currency agreement but nothing tangible came out from this, not until in 1972 where the Nigerian and Togolese head of state General Yakubu Gowon and Gnassingbe Eyadema respectively embarked on a regional tour to campaign and show support towards the idea of regional integration (Davidson, 1999).

ECOWAS treaty was signed on the 28th of May 1975 in Lagos by Nigeria, Senegal, Sierra Leone, Côte d'Ivoire, Gambia, Liberia, Mali, Niger, Ghana, Guinea, Guinea-Bissau, Benin, Burkina Faso, Cape Verde, and Togo. According to Article 27 of the treaty one of the major objectives of ECOWAS is to create a unified citizenship for all ECOWAS states which has helped to develop the standard of living among all member states. The organization has provided a framework for security observation and control through the establishment of ECOMOG to foster peace in the region. The economic interests of member states have improved as trading relation between member states are well coordinated with the protocol on free movement. Nigeria for instance provides gas and electricity to member states like Benin, Ghana, and Togo. These developments have enabled the members to share a common goal and objective despite their difference, although several efforts have been made to provide a common currency with official languages to be English and French to enable easier communication. The quest for free movement of persons, goods and capital led to the organization to formulate the ECOWAS protocol on free movement, residence and establishment of West African citizens (Goodwin-Gill, 2002).

In May 1979 the protocol on free movement of persons, residence and establishment was established, which granted ECOWAS citizens the right to free entry and exit within an ECOWAS states for a maximum of 90days. Member states were given the period of 15years to fully implement and establish the protocol on free movement of persons, residence and establishment, within the first 5years of the establishment of the protocol on free movement the use of visa into an ECOWAS member states was abolished, ECOWAS citizens possessing a valid travel certificate and international health certificate were allowed to have access to free entry and exit within an ECOWAS states for a maximum of 90days without the need to acquire a visa (Comfort, 2013).

ECOWAS countries can still refuse the entry of an inadmissible immigrant into their countries under their respective laws. In a case where by an immigrant is deported from a country, the country should guarantee the security of that individual in terms of life, prosperity and family (Adepoju, 2007). In July 1986 the delayed right of residence came into force when all member states ratified it although the right of establishment hasn't been



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implemented. In order to achieve the objectives Article 2(2) of the treaty requires member states to abolish all forms of obstacles preventing the protocol on free movement from being implemented, the abolition was to serve as a foundation for regional cooperation and integration in West Africa (Ojo, 1999).

According to Ike (1999), ECOWAS commissioner for trade stated that ECOWAS vision of a borderless region, integrating and creating a single currency union which can be achieved through regional cooperation and integration among member states. He however stated that the inter-state boundaries are still barriers to free movement, noting that ECOWAS citizens go through stress and pain while crossing borders, and even though visa entry has been abolished travellers are still harassed illegally by customs and police force which has led to various economic loss (Ike, 1999).

The establishment of ECOWAS protocol on free movement, residence and establishment in 1979 has not been fully implemented by member states. ECOWAS citizens while migrating still undergo rigorous and harsh scrutiny by member states security agencies and this leads to ineffectiveness of the protocol.

Esekumemu (2014), expressed that some issues affecting the application of the protocol are as a result of the political instability in member states, terrorism, trans-border crimes, poverty, underdevelopment, proliferation of small and light weapons among others have prevented the full application of the protocol (Esekumemu, 2014). Major Gen. Akwa during his speech at ECOWAS 40th celebration collaborated the above issues by expressing that majority of ECOWAS achievements are not known to majority of the citizens in the community (Akwa, 2015).

Opanike (2015), expressed that there are no security of lives and properties and the protocol constituted more security concern than economic advancement. The implication therefore is that, the protocol is only a drafted protocol and not applicable in practice. Research by different scholars have basically been on pointing out the challenges facing the protocol and the success of the protocol but leaving behind the various efforts put in place by member states in ensuring the durability of the protocol. This study therefore seeks to investigate the mechanisms put in place by ECOWAS member states to provide solutions to the various problems affecting the implementation of the protocol.

The central questions that underpin this research are:

- To what extent do ECOWAS member states cooperate in implementing the protocol on free movement, residence and establishment matters?
- What are the obstacles to ECOWAS protocol on free movement, residence and establishment of West African citizens?
- What strategies has ECOWAS kept in place to mitigate the obstacles hindering ECOWAS protocol on free movement, residence and establishment of West African citizens?

The study tend to find out the extent at which ECOWAS member states cooperate in dealing with free movement, residence and establishment matters. It also identify the obstacles hindering ECOWAS protocol on free movement and how ECOWAS can mitigate the

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obstacles hindering ECOWAS protocol on free movement, residence and establishment of West African citizens.

The following research hypotheses are to be tested and proven in order to realize and achieve the objectives of the study:

- ECOWAS member states have been effective in dealing with matters of the protocol on free movement, residence and establishment of West African citizens.
- Terrorism, political instability, economic crisis, and trans-border crimes are some of the obstacles hindering the ECOWAS protocol on free movement, residence and establishment of West African citizens.
- ECOWAS has been able to mitigate obstacles hindering the protocol on free movement, residence and establishment of West African citizens.

The significance of this study would be divided into practical and theoretical significance. Theoretically, it will provide the framework for international relations scholars and students to understand the application of international relations theories like Neo-Functionalism theory as it has been used in this study, to situations in the global community. It will underscore the relevance for the re-organisation of the protocol to fill up the lapses discovered by the research.

Practically, the study will underscore the relevance of ECOWAS protocol on free movement, residence and establishment, by enabling both students and government parastatals in charge of relations among countries to see the practicality of the protocol.

Furthermore, the study will be of practical importance for business men and corporate organisations operating within the sub-region, by enabling them have clearer understanding of the sub-region rules and regulations in the course of their transaction/relations across borders.

THEORETICAL FRAMEWORK

In mid-1950s, the theory of neo-functionalism emerged. It is a theory of regional integration which clearly defines the process by which states eliminate barriers to trade hindering economic, political and socio-cultural activities among member states. For the purpose of this Neo-functionalism explains the integration theory of the western region of Europe. The theory is associated to the plans of integration of the founding fathers. Jean Monnet's approach to integration focused on integrating the individual sectors with hope on an after-effect in order to promote the integration process. It also followed the early neo-functional pattern (Jasmine, 2012).

Neo-functionalism was created in 1958 by Earns Haas who in cooperated the theory in his work 'The Uniting of Europe: Political, Social and Economic Forces 1950-1957' (Cini 2004) Haas' purpose was to give an explanation for the integration of Europe's aftermath of the second world war. The theory gave an explanation on the regional development and integration through economic cooperation in America, but in Europe the political and economic integration was best developed, this theory became known through the Europe union (Cini, 2004).



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Some major scholars associated with neo-functionalism include Leon Lindberg, Joseph Nye and Amitai Etzioni. The central objective of this theory is to examine the impact of one institute whose composition, powers and functions makes it able to redirect the expectations and loyalties of political actors. According to Haas definition political integration occurs when different political actors in different political settings are persuaded to change their loyalties, towards a new institution which possess jurisdiction over the old nation state, resulting in a new political community super imposed over the old one. Haas furthermore discovered that there is an expansive logic in the sector's integration that operates under conditions, which continually extend the range of activities under international jurisdiction. Therefore, once the international amalgamation process is initiated it could again come under appropriate conditions, spill over to broaden and deepen the international policy realm until most functions are ultimately transferred to international authorities. This concept of spill over is central to the theory of neo-functionalism. Lindberg formulates spill over as the preliminary task and grant of power to the central organisations that produces a state that can only be dealt with by expending the grant of power.

Neo-functionalism reformulates the functionalist ethics in regards to regional institutions, the functionalist sees integration as a vital tool for political and economic development which imposes more functional activities among states and emphasize on the need for functional organizations cooperation. Though integration from the viewing point of Neo-functionalists is that institutions such as ECOWAS foster socio-economic and political growth. The functionalist view on the end result of integration as a separate institution performs its functions, while neo-functionalists view is shifted to the one new centre, as a result of the new political community which arises (Haas, 1958). Jean Monnet viewed an increase in Europe integration as the vital originator to a violent free Europe. According to neo-functionalism nationalism and national state importance will reduce because of central international state (Jasmine, 2012).

The theory of Neo-functionalism is applicable to this study because it explains the essence of establishing an organisation/institution to foster integration and it also enables states function effectively under the established organisation.

In line with the Neo-functionalism theory, ECOWAS member states interact and function effectively while engaging in political, economic and social affairs. This is as a result of ECOWAS as an organisation being able to manage and control the activities/affairs of states in order to achieve the set goals of ECOWAS protocol on free movement.

Neo-functionalism theory also emphasizes on the importance of integration. It explains that people tend to function effectively when they integrate; in essence, ECOWAS protocol on free movement of persons, residence and establishment can be fully implemented when member states come together and work as a team.

The theory of Neo-functionalism is also very vital to the implementation of the protocol on free movement, as it serves as a means to foster integration among member states and effect solutions to obstacles hindering the implementation of the protocol on free movement through the established organisation (ECOWAS). This therefore explains how Neo-

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functionalism can be applicable to the implementation of ECOWAS protocol on free movement of persons, residence and establishment.

Overview of ECOWAS protocol on free movement, residence and establishment

In its objective of promoting economic and regional integration, ECOWAS established the protocol on free movement of persons, residence and establishment, which eliminate the use of visa entry and requirements that restrict free movement in West Africa.

A unified ECOWAS passport and brown card was introduced to aid the free movement of persons, vehicles, goods and services across states. This could be implemented through the Common External Tariff (CET) and ECOWAS Trade liberalization (TLS). ECOWAS also enables free movement of commodities and services through the abolishment of tariff and trade barriers. West Africa is the only region in Africa where their citizens do not need to possess a visa to have access to free entry.

Regionalism and integration in Africa and among sub-regional groupings, has attracted public attention and extensive discussion by the media, statesmen, stakeholders and academia. Challenges associated with cross-border security in integration efforts have also received some attention especially the implications on individual country's security. Despite the extensive studies and wide range of literature available on regionalism, only a few authors have devoted time and space on specific effects of free movement of people on countries and more particularly the security implications of transnational movements. In view of that, the literatures to be reviewed for this study will mainly involve peer-reviewed articles by renowned writers on ECOWAS rules on free movement (Bilal, 2001).

Asante (1996), considered the integration process in Africa to include the responsibility of African countries coming to realize that it is almost impossible and difficult for individual states (especially the developing ones) to single handily attain economic development and independence. He stressed the need for Africans to view economic cooperation as a means to reinforce their collective economic strength and assert their influence in global issues. He added that the creation of ECOWAS therefore, was the most practical initiative by West African countries towards economic emancipation. He admits, however, that despite a couple of achievements by ECOWAS, the road towards progress has not been smooth. The author is thus of the view that the community's classic approach to integration, which gives primary emphasis to trade liberalization on an across the board basis, has created some complex challenges which are increasingly impeding and undermining the process of integration. He extended the argument of integration beyond lowering tariffs and elimination of trade barriers. To him, the lack of basic structures for regional trade and the economic structure of ECOWAS countries are the major reasons for the low level of trade, also suggested a need for new direction of priorities as highlighted in the revised treaty (Asante, 1996).

Asante (1999), further posits that lack of political commitment by member states have bedevilled ECOWAS efforts towards building a viable sub-regional economic community. According to him, the absence of a strong and committed regional leader is also a serious handicap for ECOWAS and therefore stresses the need for the establishment of an effective high-powered body to revitalize the organization. In this regard, he is of the opinion that the

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Nigerian-Benin partnership would be necessary within the framework of the concept of multispeed development to effectively meet the various forms of challenges impeding the integration process of ECOWAS (Asante, 1999). Asante, however, ignored the issue of member states national security as a serious under pinning factor inhibiting the full integration of ECOWAS member countries.

Adedeji (1990), suggests that the political will of state leaders will ultimately determine the fate of regional integration arrangements in the sub-region. According to him, when a strong and sustained commitment by political leaders is absent, decisions are difficult to reach, and their implementation proves to be more challenging and enormous. Besides, no sustained efforts have been made to align national priorities with regional objectives, while meeting financial and budgetary obligations becomes increasingly rare. He further attributes ECOWAS common characteristic challenges to the multifaceted political economy of the sub-region (Adedeji, 1990). This view is particularly important as it enables a better appreciation of the importance of security matters to member states as they strive to achieve economic independence and development.

Adedeji's asserted that political will is paramount for the ECOWAS integration is a fact but he failed to highlight the main determinants of political will, which includes national security considerations (Adedeji, 1990).

Right of Residence

The second phase of the protocol is aimed at extending the residency of visiting ECOWAS citizens beyond the initial 90days, the protocol also grant migrants the right to seek employment provided they acquire an ECOWAS residence permit. Member states are to grant these migrant workers that have conformed to the rules governing their residency under the ECOWAS protocol, equal treatment with nationals of the host country in areas such as participation, in the case of job loss, re-employment and training and also participation in socio-cultural activities. (Robert, 2004).

In 1986, the supplementary protocol on rights of residency was signed, which required ECOWAS states to grant member-states citizens the right to take up residency in its terrain (Kabbanji, 2005).

Right of Establishment

The third phase of the protocol emphasized on the right of member-states nationals to have access to and also carry out economic activities in another member-state. This protocol seeks to ensure that these migrant workers are not discriminated against. It also grant ECOWAS nationals the right to acquire land and property in the territory of the host ECOWAS state. In essence it's pertinent to note that economic cooperation between member-states is very vital to the wellbeing of the region (Kabbanji, 2005).



METHODOLOGY OF THE STUDY

Research Design

This study is based on both descriptive and ex-post facto research design. The descriptive approach describes the extent ECOWAS member states cooperate in implementing the protocol on free movement matters, the obstacles to ECOWAS protocol and the strategies ECOWAS has put in place to mitigate the obstacles on ECOWAS protocol.

Data Collection

Data collection is the science and art of acquiring information about the select properties of units (Leege & Francis, 1974). However, data collection approach utilized by a researcher is informed by the nature of the study and when the source for the data is determined it will lead to obtaining the main idea necessary to answer the research questions (Merriam, 2002).

This study therefore is based on qualitative data, which are sourced mainly from documents including textbooks, journals, magazines, internet materials, and documents on Economic Community of West African States.

To what extent do ECOWAS member states cooperate in implementing the protocol on free movement matters?

The above assertion however confirms an earlier observation by Touzenis (2012), who noted that irrespective of the fact that the protocol has not being completely implemented, in the aspect of free movement of persons and intra-regional migration the protocol has been successfully implemented by member states. According to Touzenis (2012), only phase 1 of the treaty has been well implemented by ECOWAS member States. Stating that for the past thirty-four years of the establishment of ECOWAS, there have been many accomplishments in the area of ensuring free movement of persons (the abolishment of VISA), migration within the region has been and is currently an essential aspect of social and economic development in West Africa as a result of the high level of cooperation among member states. Member states have supported and fostered the implementation of ECOWAS protocol on free movement of persons, through their various activities such as;

- **ECOWAS Brotherliness Initiative**

In an interview with Mr. Nicholas an ECOWAS official, he is of the opinion that Nigeria and Benin Du Republic have built a brotherly framework to enable the protocol to flourish effectively. Mr. Nicholas gave an example of how Nigeria who is seen as the giant of Africa provides gas and electricity to neighbouring countries like Ghana and Benin Du Republic. He believes that cooperation among member-states will enable them develop and have a peaceful society (Fieldwork, 2017).

- **Movement of Capital and Capital Issues Committee**

Jean (2012), noted that Establishment of Capital and Capital Issues Committee was formed by ECOWAS member states, for the purpose of ensuring the free movement of persons, residence and establishment between Member States in accordance with the objectives of this Treaty. According to Jean (2012), Member states established a Capital Issues Committee which comprises of one representative of each Member States with financial, commercial or

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banking experience and qualifications to foster the implementation of the protocol on free movements of persons, residence and establishment in West Africa (Jean, 2012).

Jean (2012), further stated that the Capital Issues Committee of member states are assigned to ensure that nationals of a Member State are given the opportunity of acquiring shares, stocks and other securities. Member states are also assigned to ensure that nationals are allowed to invest in enterprises within the sub-region and to establish appropriate machinery for the regulation of the capital issues market to ensure its proper functioning and the protection of the investors therein (Jean, 2012).

Obstacles to ECOWAS protocol on free movement, residence and establishment of West African citizens

Numerous problems have been encountered by ECOWAS in the enhancement of the process of regional integration of West Africa. One of the major challenges facing the full implementation of the Protocol is the cumbersome procedures involved in processing travelling documents at border posts by security officials. This was disclosed by Mr, Nicholas an ECOWAS official representative. He shared his thoughts on issues challenging the full implementation of the protocol on Free Movement of Persons, residence and establishment. Apart from harassments, intimidation and oftentimes plain extortion, he also mentioned the existence of illegal checkpoints and road blocks as some of the impediments. He added that such impediments obstructed the smooth implementation of free movement of persons, particularly the free movement of establishment.

- **Cultural and Language Barrier**

Within the ECOWAS region, there exist cultural diversities that sometimes are in contrast to the full implementation of the ECOWAS protocol. For instance, in some northern part of Nigeria, the women are not allowed to participate in economic activities and other socio-economic and political roles. This adversely affects the ability of these groups of people to get involved in economic development programmes and activities even when they travel to other ECOWAS countries. On the other hand, language barrier constitutes a significant challenge in business communications and transaction among member states. A very good example could be seen in the case of some French and English speaking countries among the ECOWAS states. A citizen of a member country that basically speaks French would find it quite difficult to communicate to a fellow citizen of a member state that majorly speaks English or a native language. In such a scenario, effective communication and feedback mechanism could be impaired by language barrier.

- **Foreign policy of member states**

In terms of foreign policies of member states, one of the respondent stated that member countries, in a bid to protect their own economy do enact some economic and financial policies that do not favour the rest of the ECOWAS member states. A typical example is the Nigerian financial regulation policies which does not support the use of Nigerian ATM cards abroad. Although this policy is meant to enhance financial prudence and spending limit among Nigerian ATM card users, which affects the level and convenience of carrying out economic transaction by Nigerian citizens in another country. Also related to this, is the



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prohibition of the importation of second hand cars into Nigeria this policy will consequently affect member states relations.

- **Economic condition of member states**

In terms of the economic condition of member states constituting a significant challenge for the implementation of the ECOWAS protocol, one of the respondents stated that most of Benin-Republic citizens are not financially buoyant. In such instance, their migration to other ECOWAS member states do not significantly contribute to the economic growth and development of their host economy. Majority of these immigrants are within the low income earners with low skills and low professional expertise in their fields of endeavour. This therefore underscores the need for human capital development especially among the ECOWAS member states to enhance effective mobility of labour among member states.

- **Money Laundering / (419) Scam**

The issue relating to money laundering and advance fee fraud (419) is an emerging phenomenon in West Africa. Findings shows that, due to the high corruption rate in the country, resources are not equally distributed giving room for people to engage in illicit activities like fraud. Those that are having and refuses to share and contribute to the society often transfer their money outside the country which often have adverse effect on the economy of the country (Garuba, 2010).

The term 419 was coined out of the Nigerian criminal code on fraud, criminals often take benefit of the advanced improvement in technology with improved internet facilities and communication system which allows scammers perpetrate their crimes without passing border areas (Addo, 2006).

It will be argued that the increased level of globalization is aiding increase in internet fraud. At a tender age of 9/10years, children are introduced to internet facilities to improve their interaction and do tasks easily but the adverse effect is that, through the internet, they are often exposed to the urge to perpetrate criminal activities. Since internet fraud doesn't need physical borders before it can thrive, it's often easier to get carried away from major crimes. Advanced fee fraud in Nigeria often begins with an unsolicited letter from an official in Nigeria seeking the recipient's cooperation in transferring huge amount of money out of the sender's country (Durkin & Brinkman, 2009).

These senders often lay emphasis on his inability to get those funds directly to his account unless it been transferred outside the country. The emails contains details of the deceased which is their best fraud term. There often arises problems and the receiver is often encouraged to pay certain fee like insurance fee, delivery fee, levy, bribe to mention a few. When these money are thereafter paid by the victim, more request are been made and it's the same for their victims. Individuals have been caught with stack of money in their vehicles and are always ready to bribe their way outside the country. one of the respondent stated that, the money are usually stacked alongside clothes and other valuables making it undetected by as a result of intelligence often given ahead, majority of the offenders are been apprehended. Money laundering is the act of camouflaging the source, identity and destinations of money gained through illegal means. It could also be termed the "process of taking any action with property of any form which is either solely or in part the proceeds of a crime that will



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disguise the fact that that property is the proceeds of a crime or obscure the beneficial ownership of said property” (Ering, 2011).

It has become a prominent practice by Nigerian elites who often syphon the countries resources and funds into their oversea accounts. For example, late Diepreye Alamieyeseigha, a one-time governor in Nigeria was charged the United Kingdom for laundering £1.8million found in cash and bank in 2005 (Addo, 2006). Bulk smugglers always make use of mules who embrace conventional smuggling method of narcotics syndicate-concealing bulk cheque in books or on their body (Adegbite, 2010). In West Africa, most of the vehicles purchased have second hand values with no document to show for it and when they are been smuggled, money are easily pushed around border areas (UNODC, 2005).

In essence, the Nigeria exceptionalism concept places her among the countries in the world with concrete attention by the international community. The country’s economic woes coupled with political instability has been a breeding ground for border crimes. Trans-border crime in Nigeria since 1960 to 21st century ranges from drug smuggling, human trafficking, armed robbery, arms trafficking, oil exploration among others and have continue to increase. The border areas especially with Benin Republic is one post that majority of the crimes are been perpetrated. Robbers can easily run to Benin without been detected and can return anytime again. Smuggling for food items and crude oil for instance is prominent across the border area even with the presence of the security personals (Ering, 2011).

The trade in drugs and arms is rampant as they are easily transported. The drugs are concealed in packs away from the security operatives. The money these drug barons gain are not usually spent well alongside advanced fraud fee “yahooboy” (Nigerian name for internet fraudsters). Their lavish lifestyle tend to encourage others to involve them in such trade in order to compete with the wealthy individuals. This makes it impossible for the trade to be eliminated as the head is been cut off but other branches usually spring.

- **Threat to National Security**

In a related development, the issue of security challenges have continuously posed a threat to the full implementation of the ECOWAS protocol. A very good illustration is the case of terrorist insurgency in countries like Nigeria, Benin, Niger and Chad popularly known as the Chad Basin. The incidences of terrorism attacks (such as the Boko Haram attacks) have made member countries to tighten their borders and strengthen their security measures to ensure adequate protection of the lives and properties of their citizens. Hence ECOWAS countries have to apply more restrictive measures and monitoring agencies to buff up security at the borders and target areas of terrorist attack which has affected free movement, residence and establishment among member states.

STRATEGIES ECOWAS HAS PUT IN PLACE TO MITIGATE THE OBSTACLES HINDERING ECOWAS PROTOCOL ON FREE MOVEMENT, RESIDENCE AND ESTABLISHMENT OF WEST AFRICAN CITIZENS

The study also examine how ECOWAS can mitigate the obstacles hindering ECOWAS protocol on free movement, residence and establishment of West African citizens, the researcher further interviewed the key informant (Mr. Yusuf) on what measures that have



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been put in place to combat border crime and obstacles against free movement of persons and goods.

Establishment of ECOWAS security structure\building

In his response, he stated that ECOWAS has been able to build an ECOWAS BUILDING, which is also known as Baggage hall and also refers to as Seme border terminal building. According to him, it is only the legitimate route between Nigeria and Republic of Benin which leads to the rest of West African sub-region. At this point, passengers and goods are routinely checked, along with other collaborating law enforcement agencies at the border.

Establishment of Formidable Checkpoints

Asiwaju (2008), stated that "important decisions are taken but these are often contradicted by the actions of member states. For instance the two check points per country as outlined by ECOWAS Heads of States in 2007 have not been implemented. Furthermore, ECOWAS as a commission charged with responsibility of implementing the protocol, can continue to mount pressure on member States to attend to the demands of the protocol on the formation of two checks points per country" (Asiwaju, 2008).

Formation of ECOMOG

ECOWAS has been able to form a formidable military force to help restore peace and orderliness among member states. This military force popularly referred to as the ECOMOG was established to fight against trans-border crimes and promote peace keeping missions that will ensure successful implementation of the ECOWAS protocol.

Establishment of WAEC

To foster unity and peaceful relationship among the ECOWAS States, ECOWAS countries have been able to establish a unified examination body- the West African Examination Council (WAEC) -which is an examination body recognised among member states that certifies citizens of member states being qualified to move from secondary education to the tertiary level within the sub- region.

CONCLUSION

The research set out to examine the security challenges and implications of the full implementation of the ECOWAS Protocol on Free Movement of Persons, residence and establishment, focusing on the negative impact of cross-border crimes on member states national security.

It was realized that the failure of most ECOWAS members to fully implement the Protocol on the Free Movement of Persons, residence and establishment is as a result of various security challenges faced within the member states. The threats identified by Transnational Organized Crime are in the areas of illicit drug trafficking, money laundering, violent crimes, internet fraud, human trafficking, terrorism, and the proliferation of Small Arms and Light Weapons among other are issues that undermine ECOWAS efforts at full implementation of the protocol.

It is the position of this study that any attempt to address the security challenges posed by the Protocol without reference to the security needs of individual states security will hit a snag.



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Finally, this study has a few limitations like inability to access primary materials, finance, among others. However, these limitations also strengthen its capacity to proffer new knowledge in the area it is centred on.

RECOMMENDATIONS

In line with the identified obstacles hindering the free movement protocol in West Africa, this study recommends the following measures:

- All member states must work together to reduce the activities of trans border criminal elements through their security operatives, so as to encourage member states to open up their borders more freely to community citizens on legitimate grounds. ,
- Member states administrative restrictions on the free movement, residence and establishment should be abolished: such as, natural law, immigration, customs and other law enforcement, that negate the exchange of goods, services, persons and capital between member states,
- Lastly, there is the need for regular and constant review of certain provisions in the protocol to make it relevant to contemporary integration schemes. The review should also be geared towards making the protocol attractive to those ECOWAS states that have unofficially closed their doors to the protocol. This could be done by addressing the specific challenges raised by member states regarding the full implementation of the protocol. For instance, countries that have complained about the security challenges of the protocol should be encouraged to offer alternatives that will address such challenges taking into consideration the need for regional integration. That is not to suggest that the development and or revision of the protocol should be left to such states alone.

REFERENCES

- Adedeji A. (1990) "Economic Development Issues of West Africa," *keynote address to the West African Conference on Economic Development and Environmental Sustainability, organized by Friends of the Earth*. Accra: Ghana.
- Adegbite, O. (2010) Fraud and Counterfeiting in Nigeria. In J.T. Picarelli (Eds.) *International Organized Crime: the African Experience*. International Scientific and Professional Advisory Council of the United Nations Crime Prevention and Criminal Justice Programme, Courmayeur Mont Blanc, Italy 10-12 December, 2010.
- Adepoju, A. (2007) "Creating a Borderless West Africa": *Constraints and Prospects for Intra-regional Migration*". UNESCO: Blackwell Publishers.
- Asante, S.K.B. (1996) *The Strategy of Regional Integration in Africa*. Friedrich Ebert Foundation: Ghana Office.
- Asante, S.K.B. (1999) *Regionalism and Africa's Development Expectations, Reality and Challenges*, London: Macmillan Press.
- Akwa M.G. (2015) ECOWAS at 40-Achievement and challenges: Commandant Kaipct
- Asiwaju, A.I. (2000) "Boundaries and Regional Integration: a Research Agenda for Africa". In: Dubois, C.; Michel, M. and Soumille, P. (eds.) *Frontières plurielles, frontières conflictuelles en Afrique subsaharienne. L'Harmattan*: Paris, pp. 441-456. IDEA: Sweden.



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- Bilal, S. (2001) "Regional Integration in Western Africa" Report prepared for and financed by the Ministry of Foreign Affairs, the Netherlands for Overseas Development Institution.
- Cini, M. and Perez-Solorzano, B. N. (2004) *European Union Politics*. Oxford: Oxford University Press.
- Comfort, A. M (2013) *Ensuring free border movements in ECOWAS integration: Challenges to national security*: Lagon, Ghana.
- David, M. (1946) *The Progress of the International Government in the Functional Theory of Politics*. Londra: Editura Martin Robertson.
- Davidson, B. (1999) *The African genius: an introduction to social and cultural history*. Little, Denver, CO, USA
- Deutsch, K.W. (1971) *Political Community at the International Level: Problems of Definition and Measurement*. New York: Doubleday and Co.
- Eilstrup-Sangiovanni, M. (2006) *Debates on European Integration*. Hampshire: Palgrave Macmillan Ltd.
- Esekumenu V.C (2014) *The Economic Community of West Africa States (ECOWAS): The challenges to the implementation to the protocol on the Free Movement of Goods, Persons and Establishment*: Abaraka, Nigeria.
- Garuba, D.S. (2010) *Trans-Border Economic Crimes, Illegal Oil Bunkering and Economic Reforms in Nigeria*. Policy Brief Series, no. 15. Chile: Global Consortium on Security Transformation.
- Goodwin-Gill, G (2002) *Forced Migration and Human Rights*. Geneva, Graduate Institute of International and Development Studies. http://hei.unige.ch/conf/psio_230502/files/goodwin-gill.pdf (Accessed June 2008.)
- Haas, E.B. (1975) *International Integration: The European and the Universal Process* International Organization. Cambridge.
- Ike, I.J. (2013) *The impact of ECOWAS protocol on free movement of persons, goods, and capital in west Africa: A case study of Nigeria-Benin republic border relations, 1999-2012*.
- Kabbanji, L. (2005) *Politiques migratoires et intégration régionale en Afrique de l'Ouest*. <http://iussp2005.princeton.edu/download.aspx?submissionId=51829>.
- Kristina, T. (2010) *Trafficking in Human Beings: Human rights and transnational criminal law developments in law and practices*. France: The United Nations educational, scientific and cultural organisation.
- Onuoha, J. (2008) *Beyond Diplomacy: Contemporary Issues in International Relations*. Nsukka: Great AP Express Publishers Ltd.
- Onwuka, R. (2002) *Development and Integration in West Africa: The Case of ECOWAS*. Ife: Ife University Press.
- Opanike A. (2015) *ECOWAS Protocol on Free Movement and Trans-border security in West Africa*: King college: London U.K.
- Ojo, O.B.J. (1999) *Integration in ECOWAS: successes and difficulties*. In D.C. Bach (ed.) *Regionalisation in Africa: Integration and Disintegration*, Cambridge: James Currey Publishers.
- Robert, R. (2004) *The Social Dimensions of Regional Integration in ECOWAS*. Geneva, International Labour Organization. (Working Paper 49.)
- Rosamond, B. (2000) *Theories of European Integration*. Hampshire: Palgrave Macmillan Ltd.

