

Nigeria's Implementation of the Ecowas Protocol on Free Movement of Persons - Challenges and Responses

Amaka Jane Ekezie-Joseph
Pan African University, Nigeria

Abstract: In Africa, regional integration appeared to be a viable means to achieve socio-economic stability and facilitate the integration of the economies of newly independent African countries in the world global economy; with the Abuja treaty of the Organization of African Unity (OAU) now the African Union designating eight Regional Economic Communities (RECs) as the building blocks of the African Economic Community (AEC). In West Africa, economic decline and decay were the major catalysts for social change characterised by socio-economic and political turmoil enmeshed in increased poverty, chronic food shortages, expanded indebtedness, worsening balance of payments, and internecine wars (Anadi, 2005). Therefore, in search of new strategies for the attainment of all round sustainable development, the Economic Community of West African States (ECOWAS) was established for economic revitalization across the West African region and has offered the only practical means for building more viable national economies (Onyia, 1995).

I. INTRODUCTION

In Africa, regional integration appeared to be a viable means to achieve socio-economic stability and facilitate the integration of the economies of newly independent African countries in the world global economy; with the Abuja treaty of the Organization of African Unity (OAU) now the African Union designating eight Regional Economic Communities (RECs) as the building blocks of the African Economic Community (AEC). In West Africa, economic decline and decay were the major catalysts for social change characterised by socio-economic and political turmoil enmeshed in increased poverty, chronic food shortages, expanded indebtedness, worsening balance of payments, and internecine wars (Anadi, 2005). Therefore, in search of new strategies for the attainment of all round sustainable development, the Economic Community of West African States (ECOWAS) was established for economic revitalization across the West African region and has offered the only practical means for building more viable national economies (Onyia, 1995).

The determination to accelerate regional development through economic integration was the primary objective of the heads of member states for the enactment of the protocol on Free Movement of Persons, Right of Residence and Establishment in 1979. The protocol seeks to remove every impediment to the movement of its citizens across borders (Adepoju, 2005) as free mobility which permits free movement of people, their

goods and services are crucial to the attainment of a full economic union (Sowale, 2018).

However, despite the relevance of the ECOWAS Protocol on Free Movement of Persons, Right of Residence, and Establishment to the process of integration, several challenges have been encountered to its full implementation as generally, while the community has been strong on resolutions, it is short on implementation with a gap between policy formulation and policy implementation. These challenges often manifest in two forms; they may be pre-existing conditions in member states that hamper implementation or challenges that are by-products of the ratification and implementation of this protocol. However, these two are not mutually exclusive as they are largely interwoven. To a large extent, how member-states formulate policies and strategies to tackle these challenges go a long way to affect implementation and outcomes gotten from the protocol in question.

For Nigeria, in a bid to tackle some of these challenges, the government has since pursued a diverse range of protectionist policies most of which are highly inconsistent with Nigeria's multilateral commitments at ECOWAS and surely frustrate the momentum of removing trade barriers and also facilitating the free movement of persons across the region (Unah, 2019). It is also pertinent to note that real growth in the region is majorly driven by the dynamism of Nigeria's economy and the nature of its socio-political stability as conditions in Nigeria adversely affect other countries within the region – especially its closest neighbours like Benin and Niger (ECOWAS, 2016). It is against this backdrop that the goal of this study is to examine the challenges related to the implementation of the protocol on the free movement of Persons, Right of Residence and Right of Establishment; analyze Nigeria's responses to the challenges and how they affect its implementation of the Protocol, and to determine how Nigeria's responses shape outcomes in ECOWAS with regard to the results expected from the implementation of the protocol in question.

ECOWAS Protocol on Free Movement of Persons, Right of Residence, and Establishment

In line with the desire to accelerate the economic integration process across the region, the community was to establish a

common market through ‘the liberalization of trade; the adoption of a common external tariff and a common trade policy vis-à-vis third countries; and the removal, between the member States, of obstacles to the free movement of persons, goods, service and capital, and to the right of residence and establishment’ (ECOWAS, 1993). In addition, Articles 59.2 and 59.3 of the ECOWAS Revised Treaty emphasizes that citizens of the community shall have the right of entry, residence and establishment and Member States undertake to recognize these rights of Community citizens in their territories under the provisions of the Protocols relating thereto’ (ECOWAS, 1993). To this end, in 1979, the ECOWAS Protocol on Free Movement of Persons, Right of Residence and Establishment was enacted as an instrument to enable free movement of ECOWAS citizens within the region and has since come to be the pillar upon which the ECOWAS regional agenda is built (Elumelu, 2015). Its purpose was to set out a three-phase approach to further integration for 15 years.

Phase I – Free Movement of Persons

Phase I of the protocol provided for the elimination, over 5 years, of the need for visas for stays of up to ninety days within ECOWAS territories by Community citizens in possession of valid travel documents and an international health certificate – though, Article 4 of the protocol highlighted the right of member states to refuse admission to any community citizen who comes within the category of inadmissible immigrant under domestic laws (Touzenis, 2012). However, the 90-day stay without visa is restricted by individual national domestic laws that allow member states to refuse the admission of community citizens who do not comply with provisions of domestic law.

Though a certain number of domestic legislations on inadmissibility stipulations might be in breach of the disposition of the protocol regarding the non-discrimination and equal treatment of nationals, it is clear that the protocol acknowledges state sovereignty in unambiguous terms making the state the center around which regional cohesion and cooperation revolve (Touzenis, 2012). To further clarify the issues of citizenship within the region and those who have the right to be tagged “community citizen” to benefit from the ECOWAS Protocol on Free Movement of Persons, the original ECOWAS treaty granted citizenship status to all nationals of member states. However, in 1982, Protocol A/P.3/5/82 relating to the Definition of community citizen was passed and set out conditions for the withdrawal/loss of citizenship as well as re-integration into the community. Individuals benefitting from a nationality outside of ECOWAS member states lose the right to be a community citizen and further grants citizenship to individuals who have resided in a member state for a period of at least 15 years.

To aid travel facilitation, the implementation of Phase I of the protocol, the ECOWAS Brown Card Motor Vehicle Insurance Scheme was launched which is aimed at providing insurance coverage during the 90-day stay of vehicles in member states

that are parties to the protocol. The major objectives of the Brown Card are to facilitate the free movement of international motorists within the community and to establish a common scheme for the settlement of claims arising from the free movement of goods and persons within ECOWAS (ECOWAS, 2019).

Further convinced of the need to adopt a harmonized travel document other than national passports to facilitate the movement of persons across borders, the Authority of Heads of State and Government introduced the ECOWAS Travel Certificate in 1985 and the objective was to do away with immigration and emigration forms when travelling between member states. Just like the Free Movement Protocol, the content of the Travel Certificate is subject to the domestic laws and regulations of the applicant. The certificate aimed to evolve in the long term into an ECOWAS International Passport, similar to that of the European Union. So, in May 2000, the Heads of State and Government adopted the ECOWAS Passport (Touzenis, 2012).

Phase II – Right of Residence

In 1986, the Supplementary Protocol on the Right of Residence A/SP.1/7/86 was voted. Constituting Phase II, this protocol requires member states to grant community citizens the right of residence in its territory to seek and carry out income-earning employment provided they had obtained a residence card or permit. In line with the principle of non-discrimination, it obliged member states to grant migrant workers who comply with the domestic regulations regarding residence equal treatment with nationals in areas such as security of employment, participation in social and cultural activities and cases of job loss, re-employment and training. It requires member states to harmonize the rules and regulations relating to the conditions for the issuance of a residence card or residence permit in view to establishing an ECOWAS Residence Card. It also prohibits mass expulsion of migrants and limits individual expulsion on the grounds of national security, public order or morality, public health, and non-fulfillment of essential conditions for residence.

In 1985, the Supplementary Protocol on the Code of Conduct for the implementation of the Protocol on Free Movement of Persons, Right of Residence and Establishment was voted and sets up roles and obligations of member states as well as defines the rights and obligations of migrants within the community. The rights guaranteed in the Protocol may not be withdrawn and its provisions interpreted by domestic law, legislation or practice in any member state to negatively affect the rights or liberties guaranteed to migrant workers and their families. Also, in line with constitutional procedures, the protocol calls on member states to protect the rights of migrants without any form of bias to seek justice and redress when their rights have been infringed upon.

Phase III – Right of Establishment

In 1990, the Supplementary Protocol on the Right to Establishment came to being. Constituting Phase III – the

final five-year period, this protocol focuses on the facilitation of business through the right of community citizens to establish and manage enterprises in countries other than their countries of origin. It also called on member states to cooperate closely to make possible the acquisition and exploitation of landed property in another member state by a community citizen. Here, the establishment and enhancement of export financing and regional payment mechanisms likely to facilitate intra-African trade is encouraged and the need to harmonize national laws and legislation regarding governing investments to consolidate the right of community citizens to establish and facilitate the smooth implementation of Phase III of the Protocol.

II. CHALLENGES TO THE FREE MOVEMENT OF PERSONS IN WEST AFRICA

Socio-Political Challenges

No doubt, there have been giant strides made across the region to facilitate the Free Movement of People and fully attain the status of a borderless region. However, despite the progress made with regards to the implementation of the protocol, there exist several gaps and challenges that prevent the protocol from fully achieving the political, social, and economic impact they were meant to deliver to the community (Elumelu, 2015). Most countries within the region have implemented the provisions of the protocol but the degree of implementation is questionable. Elumelu (2015) conducted a study on 3,000 sampled migrants across the three borders within the ECOWAS region revealed numerous problems impeding free movement of persons across the sub-region. According to him, politically, some of the major problems working against free movement include the reluctance on the part of national governments and the perceived notions of relinquishing sovereignty that leads to the lack of political will to fully implement agreements signed by ECOWAS Heads of State. More often than not, member states still invoke their sovereign right to govern despite their commitment to the protocol. The result, therefore, is that they are mostly unwilling to put adequate structures on the ground to implement the Free Movement Protocol. This has left acute gaps for corrupt security operatives and their proxies to hijack the process and enact their laws which run parallel to community laws, all under the watch of the leaders who signed the protocol (Elumelu, 2015).

Poor dissemination of information both to community citizens and officials at the borders hamper the implementation of this protocol. Laws are often made and signed without community citizens who these laws affect knowing about them. For migration, information is key and implementation of the protocol would be better organized if potential migrants had access to entry requirements, and orientation on employment opportunities and regulations in other member states (Touzenis, 2012). This is further buttressed by instances of migrants who leave their countries via illegal means despite being eligible to move freely within the region. They put their lives at risk in the process because they are not empowered

with the right information on community laws and protocols that are meant to protect and help them migrate freely.

Also, the failure to harmonize local laws with regional laws and provisions of the protocol has hampered implementation as there seems to be a lack of policy and regulatory convergence among member states.

Bribery and corruption of security operatives at the borders have also proven to be a major challenge. When asked about the nature of the journey from Lagos to Accra by road, a traveler claims that *'it was filled with a lot of roadblocks by customs officials and touts who collect money at every point. The longest we had to wait was at the Aflao border between Togo and Ghana as there were lots of vehicles on a queue waiting to give bribe to the customs officials before being allowed passage...*' This sums up the realities of most travelers who are subjected to gruesome experiences on their journeys as the level of extortion by security operatives remains nothing to write home about.

Regarding the Right of Residence and Establishment, there also exists a lack of harmonization and standardization of professional qualifications. The experience of a Ghanaian immigrant living in Nigeria gives credence to this fact. She asserts that *'although when I moved to Nigeria after having completed my first degree in Ghana, I thought it will be easy to find gainful employment but I noticed some employers at interviews asking to know the equivalent of my grades in Nigeria and some even went as far as letting me know that they would prefer Nigerians to fill in the positions they advertised for despite me being even more qualified than some of the other applicants'*. From the foregoing, it is seen that in practice, certain professions are also "prohibited" to community citizens. In Ghana, for example, Article 27(1) of the Ghana Investment Promotion Centre Act 865/2013 stipulates inter alia that a non-citizen or enterprise not wholly owned by a citizen shall not invest or participate in the sale of goods or provision of services in a market, petty trading, hawking or selling in a stall at any place (Touzenis, 2012). In the light of this legislation, foreign nationals and businesses based in Ghana have often bemoaned the unfavorable national economic policies that tend to target and stifle their businesses. This policy is divergent from the ECOWAS provision that quotas, quantitative restrictions or prohibitions and administrative obstacles to trade among member states should be removed by member states (Touzenis, 2012).

In like manner, at different times, the Nigerian government has also come up with national economic policies that have made it difficult for Ghanaian businesses to operate in Nigeria. In 2005, for example, the government of President Olusegun Obasanjo placed an import ban on 96 Ghanaian goods. These included textiles, garments, starch, poultry, plastics and processed goods. The harassment and protectionism of national governments have often translated into anti-immigration policies and expulsions (Addawen, 2017)

National Security Concerns

Civil conflicts in some ECOWAS member states are hampering the free movement of persons and goods across the region (Esekumemu, 2014). The challenges of insecurity as regards the implementation of the free movement protocol are not only seen as a challenge in itself but a by-product of the free movement protocol as it is often opined that the implementation of the Protocol exacerbates insecurity. Now, since the end of the Liberian and Sierra-Leonean wars, there has been a proliferation of small arms and light weapons across the West African region (Esekumemu, 2014). These arms are used for civil conflict, including ethno religious conflict and political violence in West African countries. Also, the rise of terrorist groups like Boko-Haram has made the security climate in West Africa even more chaotic as members of these terrorist groups take advantage of the free movement protocol to perpetrate crimes across borders. Over the years, illegal migration and cross-border crimes have not only proliferated insecurity across the region but also undermined the capabilities of member states to be in charge of national security (Onuoha, 2013).

The rising levels of insecurity at the borders might be attributed to the Free Movement Protocol and the abuse of its provisions. However, it now becomes pertinent to ascertain whether the protocol in itself poses a challenge or rather the lack of adequate mechanisms to oversee implementation. The problem with most policies in ECOWAS and even at the broader AU level is not the coherence or quality of policies but more often than not, only lip service is paid to all that ought to be done; with a lack of maintenance, to ensure that the implementation of these policies and programs match what is projected in the books. The free movement opportunity has been exploited by migrants to perpetrate crimes like trafficking persons and drugs, money laundering, illegal sale of weapons, etc (David et.al, 2015).

In 2013, security experts in Ghana raised concerns that the ECOWAS Protocol on Free Movement posed a threat to Ghana's national security (Ayamga, 2014); and in 2019, when Nigeria closed its borders to neighboring countries; smuggling and the heightened levels of insecurity were some of the reasons given. Now, due to the rising levels of insecurity and terrorist activities all across the region, mobility of persons has been securitised as during movement there is a lot of fear and panic in the minds of people and the implementation of this protocol in the face of chaos jeopardizes the benefits of the protocol in the long run.

Border Management Systems

Simply put, border management entails facilitating the flow of people, goods, and services across national borders for the maintenance of peace and security. These tasks are typically undertaken by security agencies (Lampsey, 2012). In West Africa, there are about 35 international boundaries that are characterized by high levels of porosity (Lampsey, 2012). The significance of efficient border management systems in

relation to the Protocol on Free Movement of Persons cannot be overstated. The porosity of the borders in West Africa makes them highly susceptible to threats such as trafficking of persons, illegal sale and smuggling of small arms and light weapons, terrorism, amongst other threats. Most border agencies in the region are ill-equipped, their staff poorly trained and the agencies under-resourced to carry out effective border management activities. Sitting at the core of the problem would also be the fact that some of these border management agencies comprise unmotivated staff that does not effectively collaborate and coordinate their activities nationally and regionally.

Other challenges that hamper the effectiveness of border management systems in West Africa include inadequate means of communication for border patrol officers, corrupt activities being undertaken by officials at the borders, and the poor awareness of national constitutive laws and regional agreements relevant to the effective conduct of their work. The lack of a comprehensive and coordinated border management system in West Africa has not only made the free movement of persons more cumbersome with borders more prone to threats, it has also led to a scattered policy approach from member states in their various attempts to curb the threats and other matters arising.

Infrastructure and Financing

Amongst the many challenges, the infrastructural deficit is the bane to the implementation of the free movement of persons across the region (Esekumemu, 2014). The difficult economic geography of the ECOWAS region makes it particularly important to adopt a regional approach to infrastructure development especially as it concerns the implementation of the Free Movement Protocol (Ranganathan & Foster, 2011). The lack of goods roads, and well-developed seaports have hampered the free movement of persons and goods across the region. In most ECOWAS countries, the railway system is either poor or non-existent and there currently is not any rail line that connects ECOWAS countries. More so, several airports in West Africa do not meet international standards and in the region, the movement of goods is hampered due to the absence of cargo flights between countries.

Other constraining factors would be lack of electricity and high tariff rates, high transportation costs, poor telecommunication facilities and low levels of technology as most operations at the borders and other relevant offices are yet to be fully digitized. This not only slows down the speed of movement across borders but gives corrupt officials the leeway to carry on with their unscrupulous activities. Port delays and administrative charges account for the lion's share of the time. The high costs reflect the high transport costs in the region and the inefficiency of many ports. In the Ports sector, West Africa lacks a clear maritime hub and Ranganathan & Foster (2011) posit that this does not compare favorably with ports in other parts of Africa and is nowhere near global best practices and major shipping lines that serve West Africa do so via North Africa or Southern

Spain but the creation of a regional freight hub would serve to consolidate sea freight and the movement of persons/goods throughout the region (Ranganathan & Foster, 2011).

In terms of finance, one of the major challenges of the community is the case of poor funding by member states. Eight member states have populations of less than 10million people, and eleven member states have a gross domestic product (GDP) of less than \$5billion – this makes it even more difficult for governments to afford the high cost associated with infrastructure development and contributions to community projects. Only a few countries like Nigeria, Ghana, Ivory Coast and perhaps Senegal contribute heavily to community projects with Nigeria funding nearly 60% of the entire yearly ECOWAS budget. When there are no funds, the implementation of goals and objectives soon becomes a mirage or on the other hand, leaves the community at the mercy of donor agencies that come with their agenda.

Nigeria's Implementation of the ECOWAS Protocol on Free Movement of Persons, Right of Residence and Establishment

Table 1: Dates of Nigeria's Ratification of all Protocols Relating to Free Movement of Persons, Right of Residence, and Establishment

Contr y	1979 Protocol A/P.1/5/ 79	1985 Supplemen tary Protocol A/ SP.1/7/85	1986 Supplemen tary Protocol A/ SP.1/7/86	1989 Supplemen tary Protocol A/ SP.1/6/89	1990 Supplemen tary Protocol A/ SP.2/5/90
Niger ia	12 Sept 1979	18 April 1988	18 April 1988	18 April 1990	27 August 1990

Source: ECOWAS Annual Report 2016

So far, Nigeria has ratified and is currently in the act of implementing all four protocols relating to the Free Movement of Persons, Right of Residence, and Establishment – however, what the degree of implementation is would be the bigger question. In relation to Phase I (Right of Entry) which requires visa abolition for all member states, all 15 ECOWAS member countries including Nigeria, have abolished visa and entry requirements for 90 days. Now, this implies that in Nigeria, ECOWAS citizens with valid travel documents and international health certificates can stay in the country without going through a visa application process. Nigeria also ratified the supplementary protocols relating to the definition of community citizen and the protocol on the code of conduct or implementation of the protocol on the free movement of persons (rights and obligations of member states).

In terms of making cross-border movement more convenient, Nigeria readily adopted the ECOWAS Travel Certificate launched in 1985, adopted the ECOWAS Common Passport launched in May 2000, and is one of the few ECOWAS countries currently using the ECOWAS Brown Card for Motor Vehicle drivers across the region. The use of the ECOWAS Travel Certificate is quite limited as most citizens prefer to go for the ECOWAS Passport due to its cost-effectiveness and universality as one can use the passport to

travel to other countries outside the ECOWAS region as opposed to the travel certificate. More recently, in February 2020, the Federal Government of Nigeria through the Nigeria Immigration Service adopted the Visa on Arrival (VoA) policy for all citizens of African Union countries except citizens ECOWAS member countries that do not require a visa to visit Nigeria.

The juxtaposition of domestic immigration and labor laws with the provisions of the ECOWAS Protocol on Free Movement of Persons, Right of Residence and Establishment brings to fore the areas of convergence and divergence between the both and exposes some of the lacunas present. Generally, in view of the Free Movement Protocol, Nigeria might have done well to remain consistent with its domestic immigration laws, there are a few laws that go contrary to provisions of the protocol and should not apply to ECOWAS citizens.

Section 14 of the Nigeria Immigration Regulations of 1963 states that '*...an immigrant may be permitted to enter or remain in Nigeria if the Immigration Officer thinks fit conditionally – (a) upon the immigrant or some other person on his behalf, furnishing security by depositing with the Immigration Officer, such sum as in the opinion of the Immigration Officer is sufficient to cover the cost of the return of the immigrant to his country of origin*'. This section's allowance for such securities to be collected at the discretion of the Immigration Officer is not consistent with the ECOWAS free movement provisions and should therefore not apply to ECOWAS citizens. Strict regulation of entry, movement, and residence is a prominent feature in the Nigeria Immigration Regulations and is not wholly compatible with the goal of free movement and although some of the regulations regarding entry might be compatible with the provisions of free movement within ECOWAS, the majority of them are not. One of such regulations is that the Comptroller-General of Immigrations represented by an Immigration Officer has to be informed of all movements a foreigner makes away from his/her place of the initial residence. There was no further clause stating the exemption of community citizens from that law.

Article 23 of the 1986 Supplementary Protocol relating to the Right of Residence amongst other things, guarantees the security of employment of community citizens in the host country, possibilities of re-employment in the case of job loss for economic reasons with community citizens being given preference over other workers newly admitted to the host country, access to social, cultural, and health facilities, and general protection of human rights and equality of treatment. Currently, both in the Nigeria Immigration Regulations of 2015 (amended in 2017), Labor Act, Nigerian constitution or any other policy document, there is not any policy or legislation that addresses the security of employment of migrant workers – especially community citizens. There also is not any policy or legislation that addresses the re-employment of community citizens and special considerations

given to them over other migrant workers in case of job loss. Also, no law or policy specifically addresses the ECOWAS Protocol provisions on equality of treatment.

The quest to protect national interests and sovereignty is also worthy of note. In January 1983, the Federal Government through a television broadcast by the then Minister of Internal Affairs, Alhaji Ali Baba, announced its decision to expel alien workers without previous public debate or warning. They were given 14 days to leave. Amongst the many reasons cited at the time, the government claimed that many alien workers many of which were ECOWAS citizens were violating the 1963 Immigration Act which prohibited private-sector employment without the written consent of the Director of Immigration and the abuse of law could no longer be tolerated. Another widely spread justification for the expulsion was that aliens were mainly responsible for the decline in moral standards and increase in crime rates – and although they were singled out as a major source of crime especially armed robbery and prostitution, these claims were never really backed up with any statistical data (Brown, 1989). At the time, the 1979 protocol on Free Movement was seen as exacerbating Nigeria's severe economic, social and political problems with rising levels of unemployment, inflation, and political unrest plaguing the country. This decision which can be described as arbitrary, unjust, and crisis provoked is proof that when faced with the alternative of either complying with the Protocol they helped to promulgate and duly ratified but would not yield any immediate returns or taking the opportunity to gain widespread political support by taking advantage of the known public antagonism against a few million aliens, Nigeria's leadership chose the latter course of action (Brown, 1989). This act negates not only the Free Movement Protocol which Nigeria committed itself, but also the *raison d'être* for which the community was established. The Nigeria-Benin border has been quite problematic because of the activities of smugglers and traffickers engaging in numerous social vices. This has caused several regimes and governments to opt for the closure of borders in 1985, 1996, and twice in 2003. The terrific activities of these smugglers and traffickers to the economy, security and state sovereignty make it extremely difficult for policymakers and government to effectively differentiate between policies that negate the free movement protocol and hamper regional integration from policies that tackle irregular migration.

More recently, in August 2019, the Federal Government of Nigeria under President Mohammed Buhari announced the closure of land borders mostly to tackle the case of rice smuggling from Benin Republic. Given Nigeria's larger population, economy, and natural resource wealth, Benin adopted a strategy centered on being an "entrepôt state," i.e., serving as a trading hub, importing goods and re-exporting them legally but most often illegally to Nigeria, thus profiting from distortions in Nigeria's economy (Golub, Mbaye, & Golubski, 2019). As the fifth-largest importer of rice in the world with a population of only about 12million, smugglers from Benin illegally sell over 90% of this imported rice

without paying customs duties, tax, or other forms of duties traders trading legally across the borders ought to pay. Not only has this resulted in a loss of government revenue, but created several distortions in the Nigerian market economy especially in the agricultural sector. The major justifications given for the recent closure of borders are the quest to protect national security, protect infant industries, and checkmate illegal activities and the importation of contraband goods.

There has been an outcry from the regional community as stakeholders claim that the border closure goes against all trade and free movement treaties signed by Nigeria at the regional level. Ghana, Niger, Chad, and Benin have all experienced economic downturns in one way or the other as Nigeria's 200million inhabitants provide a large market for producers in these countries and according to the ECOWAS Commission Chairman, it has also had a negative impact on the volume of inter-community trade between 2019 and 2020 (Golub, Mbaye, & Golubski, 2019). The border closure suggests two things – one is that with Nigeria being the "regional hegemon" it can dictate what it does by flouting the rules and the other is that it is a breach of the protocol. The question is what smaller member states can do to Nigeria if it breaches the protocol. There is a kind of counter imbalance between how Nigeria behaves and its role within the community as Nigeria contributes about 60% of the community levy and its regional power status is adversely affecting how it behaves.

Impact of Nigeria's Implementation of the ECOWAS Protocol on Free Movement of Persons, Right of Residence, and Establishment on Regional Stability

As a country that gave so much impetus to the formation of ECOWAS, its influence within the region cannot be overstated. Being the largest economy in Africa with a GDP that exceeds all of the ECOWAS member states combined, Nigeria's hegemonic status within the region raises the question of the impact or level of influence it has on regional stability in ECOWAS. Because of its implementation of the ECOWAS Protocol on Free Movement of Persons, Right of Residence and Establishment, the impact can be felt in two ways – its effect domestically and its effect on the region and how it influences the actions of other member states in the long run.

As a key player in the economic growth of West Africa and given its role in the facilitation of cross border trade and regional migration in West Africa, Nigeria's recent border closure has resulted in the informal sector which accounts for about 50% of the GDP in West Africa and is the mainstay of the economies of Niger, Benin, and Chad experiencing a huge downturn. Other countries have also suffered huge economic losses and decry the sharp decline in their GDP as a result of the closure. Ghana depends on the Lagos-Abidjan highway which has been blocked as a result of the closure for overland access to other markets in West Africa and the traders' association in Ghana has since called for a reciprocal closure of borders to act in retaliation to Nigeria's move. Stakeholders

opine that this move negatively impacts the West African integration project and the ripple effect it generates does not tell well for integration in West Africa in the long run as it cripples trade through the restriction of the movement of persons and investments. Not only does it create distrust and breed discontent among member states, it also puts a strain on the interactions between member states.

Nigeria’s protectionism and its emphasis on national interest and sovereignty will negate the possibility of forging stronger economic ties in the future and might be a major setback in the move to create a common currency within the community soon. In the political sphere, Nigeria’s protectionist policies might have an impact on regional security as it relies on countries like Chad and Niger for cooperation to fight the Boko Haram insurgency and in the wake of these economic squabbles, these countries might be reluctant to render assistance which might result in chaos if not handled properly. Nigeria wields so much influence within the community and has a lot of potentials to drive the regional agenda if it was not so inward-looking.

Therefore, the regional agenda would only hold sway if and when countries make the regional strategy part of their national policies and address whatever gaps that might arise between the two with the promotion of integration at the core of decisions that they make. Nigeria ought to exemplify this by looking beyond its immediate national priorities and finding the balance between national economic goals and maximum gains from increased integration to set a trend for other member states to follow.

Table 2: Tabular representation of Progress and Challenges in Nigeria’s implementation of the Free Movement Protocol

Indicator/Item	Key Characteristics, Achievements, and Gaps
Economic Features	<ul style="list-style-type: none"> The Strong economy in West Africa due to large markets, human capital, and the presence of opportunities both in the formal and informal sectors. Economic hegemon in West Africa
Migration Profile	<ul style="list-style-type: none"> Important migrant destination for migrants in West Africa The Bulk of the migrants in Nigeria from ECOWAS countries are from Benin, Ghana, and Mali
Progress with Implementation of the Free Movement Protocol and Key Achievements	<ul style="list-style-type: none"> Ratified the Free Movement Protocol of 1979 and its supplementary protocols Abolished visa and entry requirements for 90 days Uses the ECOWAS Common Passport Adoption of the ECOWAS Brown Card Motor Vehicle Insurance Scheme Adoption of the use of biometric identity cards
Gaps/Challenges	<ul style="list-style-type: none"> Prioritization of national interests over the ECOWAS regional agenda Divergences in certain areas of national laws and policies from ECOWAS laws on migration Ineffective border management systems Knowledge and information deficit regarding ECOWAS policies and laws on migration on the part of security operatives

	and the masses. <ul style="list-style-type: none"> Infrastructure and Financing Harassment of migrants at the borders
--	---

Source: Researcher’s Construct (2020)

III. CONCLUSION AND RECOMMENDATIONS

The need to revitalize the economies of countries of West Africa post-independence spurred the creation of the ECOWAS and by extension the protocol on Free Movement of Persons, Right of Residence, and Establishment. However, the gap between policy formulation and implementation within the community leaves room for questions to be answered as to why member states oftentimes lack the political will to implement policies to which they willingly committed themselves to at the regional level. Though a plethora of reasons may account for this, but more often than not, it is the relevant decision makers’ estimation of a regional economic organization or its policies in meeting their specific and immediate national needs that determines whether or not to choose to cooperate on a given issue or project (Brown, 1989). It is against this background, and with the analyses carried out that this study concludes that within the community, member states despite the authority they have given to the community, only willingly carry on with community programs and policies when it caters to their immediate national needs.

Being assessed in the light of Nigeria’s implementation of the Protocol on Free Movement, it is glaring to see that despite its role in the formation and sustenance of the community, Nigeria’s quest to protect its national interest in the face of the challenges often trumps its desire to cooperate fully to implement regional agreements. As with any other regional agreement/treaty all over the world, the implementation of the ECOWAS Protocol on Free Movement of Persons, Right of Residence, and Establishment comes with its challenges; however, the reaction to these challenges ultimately determine the nature of results gotten from the ECOWAS integration agenda. About Nigeria, and other states within the region, it becomes pertinent to see these challenges not as stumbling blocks to the furtherance of national interests or national security, but as an opportunity to find joint solutions to problems that affect all.

In all, the future of integration in West Africa and the formation of stronger ties between member states are highly dependent on the nature of approaches adopted to deal with challenges that arise and the unwavering commitment to the community and its agenda. Therefore, this study recommends that;

- As part of policy formulation mechanisms, the ECOWAS Commission should put in place adequate disciplinary measures to not only ensure compliance but also ease implementation by state parties to ECOWAS agreements. In the case of Nigeria and its incessant closure of borders for example, as much as the ECOWAS Commission agrees that such actions negate the country’s commitment to the free

movement protocol and is bad for regional stability, there has not been any clear sanctions or measures taken to ensure total compliance and this inaction on the part of the community gives impetus placing of national interests over regional interests by countries like Nigeria.

2. Security in conflict-torn areas and peace-building in post-conflict states is necessary. Although the ECOWAS Peace and Security Architecture is doing its best to ensure peace and stability across the region; however, the persistent activities of terrorist groups like Boko Haram and chaos caused by political and ethnic violence in member states might require new tactics and an intensification of efforts to deal with. Insecurity breeds fear and ultimately hampers the free movement of people and discourage community citizens from wanting to settle or reside in other states.
3. For Nigeria, proper harmonization of national policies to reflect all the provisions of the ECOWAS Protocol on Free Movement of Persons, Right of Residence, and Establishment would facilitate implementation and ensure compliance on the part of national agencies and bodies in charge of executing and monitoring the implementation of the protocol.
4. Though there have been previous joint initiatives aimed at facilitating the implementation of the Protocol on Free Movement including the ECOWAS Common Approach on Migration, the ECOWAS Cross Border Cooperation Fund, as well the establishment of monitoring units at selected border posts, the Government of Nigeria should work more in collaboration with neighboring member states to find joint solutions aimed at tackling the ineffective border management systems, smuggling, and illegal migration rather than adopting protectionist policies that do not augur well for regional integration in the long run.

REFERENCES

- [1] Addawen, S. (2017). Challenges to Intra-Regional Migration and Economic Integration in West-Africa: A Focus on Nigeria and Ghana.

- [2] Adepoju, A. (2005). Migration in West Africa. Lagos: International Migration for Human Resources Development Center.
- [3] Anadi, S. K. (2005). Regional Integration in Africa: The Case of ECOWAS. Zurich Open Repository and Archive.
- [4] Ayanga, V. (2014). An Assessment of Implementation of ECOWAS Protocol on Free Movement of Persons, Goods and Services at the Ghana-Burkina Faso Border.
- [5] Brown, L. M. (1989). Nigeria and the ECOWAS Protocol on Free Movement. *Journal of Modern African Studies*; Vol 27, No 2, 251-273.
- [6] ECOWAS. (1993). ECOWAS Revised Treaty. Abuja: ECOWAS Commission.
- [7] ECOWAS. (2016). 2016 Annual Report: ECOWAS Common External Tariff(CET) - Achievements, Challenges, and Prospects. Abuja: ECOWAS Commission.
- [8] ECOWAS. (2019). Brown Card ECOWAS Insurance. Retrieved from <http://www.browncard.org/Objectifs.html>
- [9] Elumelu, A. (2015). An Assessment of the ECOWAS Protocol on Free Movement. In L. Hamalai, & M. Obadan, 40 Years of ECOWAS (1975-2015) (pp. 258-276). Abuja: National Institute for Legislative Studies.
- [10] Esekumemu, V. C. (2014). The Economic Community of West African States: Challenges to the Implementation of the Protocol on Free Movement of Goods, Persons, and Establishment. *Developing Country Studies*; Vol 4, No 6.
- [11] Golub, S., Mbaye, A. A., & Golubski, C. (2019, October Tuesday). The Effect of Nigeria's Closed Borders on Informal Trade with Benin. Retrieved from Brookings: <https://www.brookings.edu/blog/africa-in-focus/2019/10/29/the-effects-of-nigerias-closed-borders-on-informal-trade-with-benin/>
- [12] Lamptey, A. A. (2012). Rethinking Border Management Strategies in West Africa: Experiences from the Sahel. Kofi Annan International Peacekeeping Training Center.
- [13] Onuoha, F. (2013). Porous Borders and Boko Haram's Arms Smuggling Operations in Nigeria. Al Jazeera Centre for Studies.
- [14] Onyia, F. O. (1995). NIGERIA AND ECOWAS: A Study of the Obstacles to Nigeria's Implementation of ECOWAS Protocols.
- [15] Ranganathan, R., & Foster, V. (2011). ECOWAS' Infrastructure - A Regional Perspective. World Bank.
- [16] Sowale, A. O. (2018). Economic Community of West African States' Protocol on Free Movement and the Challenges of Human Trafficking in West Africa. *Insight on Africa* 10, 215-225.
- [17] Touzenis, K. (2012). Free Movement of Persons in the European Union and Economic Community of West African States - A Comparison of Law and Practice. Paris: UNESCO.
- [18] Unah, L. (2019, December 2). Nigeria Border Closure Causes Economic Shock. Retrieved February 4, 2020, from African Business: <https://africanbusinessmagazine.com/region/west-africa/nigeria-border-closure-causes-economic-shock/>