Challenges to Intra-Regional Migration and Economic Integration in West Africa: A Focus on Ghana and Nigeria

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Introduction

The quest for regional economic cooperation and integration in Africa has consistently been topical in the political agendas of national governments, following the wave of independence from colonial rule across the continent in the early 1960s (Adedeji, 1970). The quest for African integration as a basis for unlocking pathways to sustainable development had already been echoed with the emergence of the United Nations Economic Commission for Africa (ECA) and the Organisation for Africa Unity (OAU). A commitment to integration in Africa, according to the Heads of States and Governments of the OAU, was crucial to consolidating a strong position for the continent within the global economy if the ambition of any meaningful economic development were to be achieved.

This resolve on the part of political leaders to integrate Africa was much more crystallised with the development of the Lagos Plan of Action (1980) and the subsequent passage of the "Final Act of Lagos (1980)" and the "Abuja Treaty (1991)". Whereas the "Lagos Plan of Action" inter alia subscribed to the development of Africa through import-substitution industrialisation, the "Final Act of Lagos (1980)" and the "Abuja Treaty (1991)" gave primacy to inter-African economic cooperation and integration with the aim of achieving an African Common Market by 2000 (Bujra, 2004). The corresponding support from ECA on the integration agenda facilitated the formation of many regional economic groupings including the Economic Community of West African States (ECOWAS) in West Africa, the Preferential Trade Area (PTA,) which served as the basis for the evolution of Common Market for Eastern and Southern Africa (COMESA); the Economic Community of Central Africa States (ECCAS) for Central Africa, as well as the Arab Maghreb Union (AMU) (Hartzenberg, 2011). Implicit in these forms of regional economic integration and cooperation arrangements, apart from the goal of an ultimate transition to political integration, are also commitments to a seamless movement of persons, goods and services within the delineated geopolitical space of the union or common market area.

In addition to emphasising the integration of migration as part of national development planning, poverty reduction strategies and programmes of countries as critical to addressing the root causes of irregular migration from sub-Saharan Africa during the "2015 Valletta Summit on Migration", the European Council further prescribed cooperation between sub-Saharan countries on migration issues in order to enhance intra- and inter-regional migration, and development. Similarly, the AU in its migration policy framework had long reiterated the need for a comprehensive migration policy strategy for Africa with specific attention to country differences. As such, the 1991 Abuja Treaty[2] of member countries witnessed the establishment of the African Economic Community (AEC). The treaty urged African countries to adopt employment policies that

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[2] http://www.fasngo.org/assets/files/resources/EXCL276_IX__Strategic_Framework_for_Policy_Mi, accessed 29.04.2017

will foster free movement of persons and exchange of available skilled manpower. It was envisioned that this would promote regional cooperation and integration on the continent. In spite of the increasing recognition that migration plays a vital role in facilitating economic growth and poverty reduction, the issues of effective migration policy, cooperation and intra-regional migration and integration still remain serious challenges across the continent. With the West Africa sub-region considered as one of the most mobile within the African continent, an overview of intra-regional migration and the quest for economic, social and political integration will suffice as a background to the evolution of ECOWAS a regional economic body.

ECOWAS and Intra-Regional Migration in West Africa

The West African sub-region has historically been a 'walked-across land'. This is in view of the fact that the migration of people within and across borders has traditionally been an integral part of the social organisation of societies within the sub-region (Rain, 1999; Adepoju, 2005). Inter-state population movements, before the advent of colonialism on the West African coast, were mostly dictated by flight from internecine warfare, trade and religious education, as well as the search for natural resources in the wake of demographic change and environmental pressures (de Haas, 2007a; Yaro, 2008). The arrival of colonialists contributed to the evolution of colonial mercantilism and the growth of cities and towns in colonial territories. In consequence, cities like Lagos, Dakar, Accra, Ibadan and Lome became important economic hubs, centres of political and administrative power, and social change. The economic potentials that came with the growth of these cities served to attract a host of labour migrants from different parts within the sub-region (Anarfi *et al.,* 2003; Konseiga, 2005). Much more recently, consistent efforts by ECOWAS at facilitating the free movement of persons and goods, and regional integration have served to sustain these migration flows (Agyei and Clottey, 2007; Fayomi and Adeola, 2015).

In spite of the widespread recognition of the West Africa as a major migrant sending area in terms of international migration, there is evidence to suggest that a significant chunk of the migrants often remain within the region and as such substantial rates of intra-regional migration (Gagnon and Khoudour-Castéras, 2012; Awumbila *et al.,* 2014). The estimation is that 84% of migration movements within West Africa are directed towards another country within the region (Devillard, Bacchi and Noack, 2015). Similar conservative estimates posit, for example, that countries within the sub-region hosts about 7.5 million migrants coming from another West African country.[3] In lending credence to this observation, Awumbila *et al.,* (2009) point out that a notable feature of recent migratory patterns within the sub-region is that many West African States now double as immigration, emigration and transit countries.

But in the wake of global economic interdependence and increasing recognition of political and economic cooperation as pathways to sustainable economic development amongst nation states, the Economic Community of West African States (ECOWAS) evolved as regional economic and political union in May 1975.[4] The ECOWAS treaty, which served as the basis for the formation of a regional economic body, enjoined member states to allow for free movement of persons for the purposes of residence and establishment devoid of any visa and residential requirements. Community citizens are

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[3] https://www.oecd.org/migration/38481393.pdf, accessed 16.04.2017

[4] http://www.ecowas.int/about-ecowas/history/, accessed 16.04.2017

also to be granted the freedom to engage in any economic activity without any hindrance within the territories of member states. In particular the 1993 Revised ECOWAS Treaty (Article 3/1) emphasises cooperation and integration with a view to establishing a vibrant and effective economic union within West Africa. It is envisioned that this will enhance economic stability, improve the standard of living of people, as well as foster good and peaceful relations amongst member states (ECOWAS, 1993, p.5).

In focusing on immigration, Article 59 of the Revised Treaty (ECOWAS, 1993, p.36) outlines that

1. Citizens of the Community shall have the right of entry, residence and establishment and Member States undertake to recognise these rights of community citizens in their territories in accordance with the provisions of the protocols relating thereto.
2. Members states undertake to adopt all appropriate measures to ensure that community citizens enjoy fully the rights granted and enumerated in section 1 of the article above.
3. Lastly, Member States undertake to adopt, at national level, all measures necessary for the effective implementation of the provisions as stipulated within this Article (Article 59).

Ultimately, the ECOWAS Treaty and its accompanying Articles, seek to recreate the kind of borderless, visa free and homogenous society that had, hitherto the arrival of colonialism and the subsequent enactment of political boundaries, marked the West African sub-region (Adepoju, 2015). In line with this, several other binding protocols have been adopted to emphasise the importance of intra-regional mobility and the need for cooperation amongst member states in all spheres, as basis for a regional integration. These protocols *inter alia* include: 'A/P1/5/79', 'A/SP2/7/85', 'A/SP1/7/86', 'A/SP1/6/89', and 'A/SP2/5/90' (see ECOWAS, 1999; Awumbila *et al.,* 2014, p.62-64).

Essentially, these legally binding protocols, in tandem with several other initiatives like the ECOWAS Travel Certificate, Common Currency, Passport and Brown Card Motor Vehicle Insurance Scheme, are aimed at promoting regional migration and economic integration by fostering the free movement of persons and goods, the right of residence and establishment among member states (Ibid.). Despite the mounting evidence that migration plays a crucial role in enhancing economic growth and poverty reduction within the sub-region, as well as the numerous high-level efforts at facilitating free movement and economic integration, the ECOWAS protocols are fraught with the daunting practicalities of implementation across member states (Adepoju, 2002; Adeniran, 2012; Nwanolue and Iwuoha, 2015; Ademola, 2016). Importantly, critical challenges related to issues of different national migration policies, legal and labour codes, the lack of clear-cut focus and recognition for migrant rights and integration, lack of political commitment on the part of national governments and corruption have tended to undermine the effective implementation of the provisions made under the various phases of the ECOWAS protocol (Okom and Odoaka, 2012). This has had implications for efforts at promoting the seamless movement of persons, regional integration, poverty reduction and effective migration management within West Africa as a major migrant sending area (Awumbila *et al.,* 2014; Ayamga, 2014).

This paper thus draws on secondary data involving statistics and text analysis of published papers, reports and policy documents to wade into ongoing scientific discussions on the critical questions of effective intra-regional migration and integration

with a focus on Ghana and Nigeria. As Anglophone countries within the sub-region, Ghana and Nigeria have witnessed sustained levels of bilateral relations in many aspects (Antwi-Bosiakoh, 2012; Fadayomi *et al.,* 2014). In addition to recently launching their national migration policies, both countries have also witnessed appreciable levels of migrant flows, trade and economic cooperation over the years. These flows have been in the form of trade, skilled labour migration, and in recent times the influx of Nigerian banks, businesses and students in Ghana (Ademola, 2016). As such, drawing examples from both countries will provide insights into challenges affecting the effective implementation of the ECCOWAS protocols in West Africa. To do this, the rest of the paper is broadly divided into three sections. The first section (below) will briefly focus on theory of integration. This is to give a theoretical perspective to the ongoing discussion as paper. The second section is dedicated to discussion of the challenges hampering the smooth implementation of the ECOWAS protocols. The last section of this highlights ongoing efforts and recommendations at facilitating free intra-regional mobility and integration in West Africa.

Theory of Regional Integration

The theory of 'integration' has elicited a great deal of critical scientific debates amongst scholars in the bid to explain regional integration, following the creation of the European Coal and Steel Community (ECSC) in 1952. As a theory, 'integration' may be seen as evoking a sense of certain specific entities or parts coming together to form a systemic unit often for the purposes of collaborating towards the achievement of a common goal or deriving some benefits. Galtung (1968, p.337) is, for example, of the opinion that 'integration' is a "process whereby two or more actors form a new actor. When the process is completed, the actors are said to be integrated…". Indeed, earlier attempts at theorising 'integration' during the early 1950s generated reservations, as well as debates amongst scholars as to whether the concept was more of a process or an end product (Galtung, 1968; Checkel, 1999; Laursen, 2008). But in wading into the ongoing theoretical debates, Deutsch and Burrell (1957, p.5-6) conceptualised 'integration' as the "attainment, within a territory, a 'sense of community' and institutions and practices strong enough and widespread enough to assure, for a 'long' time, dependable expectations of 'peaceful change' among its population." While this sort of integration may translate as a "security community", he succinctly draws on 'amalgamation' to describe integration as the more "formal merger of two or more previously independent units into a larger unit, with some type of common government"(ibid.). In this light, the integration could be territorial, organisational or associational (Galtung, 1968).

For Ernst Haas (1958, p.16), integration refers to a process whereby "political actors in several distinct national settings are persuaded to shift their loyalties, expectations and political activities to a new centre, whose institutions possess or demand jurisdiction over pre-existing national states. The end result of a process of political integration is a new political community, super-imposed over the pre-existing ones." In his neofunctional approach to explaining integration in Europe, for example, Haas postulated the concept of 'spill-over' (functional and political) to delve into the critical question of how cooperation in certain sectors of the economy could precipitate greater economic integration and eventually to a much more widespread political integration in Europe. For Haas (1958), 'functional spill-over' brings into perspective how integration in one specific policy area could serve as a catalyst to sustained integration in other areas (Hatton, 2011). 'Political spill-over' on the other hand, focuses the interests of key actors in pushing the integration agenda. It emphasises the relevance of supranational and subnational actors in the integration process (Laursen, 2008). These actors become

instrumental in promoting integration in order to pursue their own interests. Along these 'spill-overs', therefore, it is envisaged that integration (European integration) would become a self-sustaining process that will eventually lead to the formation of a supranational political unit or entity (situated in Brussels).[5] Lindberg (1963) in drawing on 'spill-over' describes the concept as highlighting a series of continuous actions, where in a given situation an action that is taken to achieve a specific goal will create another circumstance that will require further action to achieve the original goal that was targeted. This further action taken will again trigger another condition that will need more action and so on.

The crux in pushing for integration, as generally advanced by scholars on the subject, points to the desire of political actors to shift their expectations, as well as concentrate their political activities with a new unified centre that is often perceived as more organised to fulfil these expectations (Nwanolue and Iwuoha, 2012, p.3). It reflects specific or strategic mechanisms aimed at propagating new and supranational forms of citizenship, trade liberalisation, establishment of common customs union and market akin that of the European Union (Yaya, 2012). In line with this Lindberg (1963, p.6), is of the view that integration is a 'political process' and as such relates to the situation where nation-states "forgo the desire and ability to conduct foreign and key domestic policies independently of each other, seeking instead to make joint decisions or to delegate the decision-making process to new central organs." It further refers to the "process where political actors are convinced "to shift their expectations and political activities to a new centre" (ibid.).

While these earlier theoretical explications may have provided the thrust for the critical consideration of regional integration, scholarship has bemoaned the 'deterministic' nature of earlier theorisations of integration (Laursen, 2008, p.5). Following the crisis of European integration in the mid 1960s, Haas (1967) himself bemoaned his gullibility in not anticipating the rejuvenation of nationalism and "anti-functionalism of high-politics" (Haas, 1967, cited in Laursen, 2008, p.5). This notwithstanding, regional integration may conceptualised as a process where, on the one hand, certain group of actors with specific interests consistently engage in lobbying governments for certain outcomes. On the hand, the process as noted under the "actor-socialisation" is marked by coalitions and cooperation with other groups and decision-makers in order to garner their support in getting decisions through in the system. Collective decision-making is integral in the attempts at regional integration of whatever sort. This integration could be economic, political and social. A particular union or regional body will there be seen as fully integrated when all the processes of economic, social and political integration are effective and fully functional. It is, however, worthy to note that integration may occur in one aspect without being functional in the other fields or aspects of regional integration. The theory of 'integration' can therefore be used as a theoretical guide to highlight the observed plethora of challenges that seem to be derailing efforts at full integration in all aspects within the sub-region. The theory will help bring into perspective why there seems to be no 'spill-over' effects in spite of relative advancements in implementing some aspects of the protocols across the sub-region.

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[5] http://www.civitas.org.uk/eu-facts/eu-overview/theories-of-european-integration/

Implementation of the ECOWAS Protocols: What are the Challenges?

An important provision of the first, second and third phases of the ECOWAS protocol ('A/P1/5/79'; A/SP1/7/86' and 'A/SP2/5/90'), for example, enjoins member states to *inter alia* make efforts at ensuring the right and freedom to enter, reside and establish for the purposes of employment or engaging in economic activities. However these obligations that are legally binding on member states of the Community have not been implemented to the letter and as such, still saddled with a lot of challenges and inconsistencies. For instance, the issue of inter-state strict, stressful and frustrating border procedures still remains a bane to commuters. Whilst the issue of visa requirements have been removed and that persons can stay up to 90 days in a member country, this provision stresses the possession of valid and proper travel documentation. However, a notable challenge that often encountered relates to the inability to efficiently determine the nationalities of travellers. This is because most them do not often have any form of identification or documentation. Aside from other measures like the ECOWAS travel certificate that have been instituted as an alternative, convenient and cheaper means of documentation and easier cross-border movement, most commuters often do not have these documents.

But almost all the countries have ratified the protocol for free movement with the abolition of visa and entry requirements up to 90 days. This has in part contributed to sustained movement of persons, goods and strengthened trade relations between countries like Ghana, Togo, Nigeria, Benin and Ivory Coast. Having achieved relative success in facilitating mobility, it is envisaged that this would have provided a 'spill-over' effect to implementing other strategies or protocols as postulated in Haas' (1958) thesis on 'functional spill-over'. However, community members like Benin, Cape Verde, Ivory Coast, Guinea Bissau, Liberia and Mali have still not implemented or adopted the ECOWAS Travel Certificate (Awumbila *et al.,* 2014). It is worthy to note that with the exception of Ghana and Sierra Leone, almost all the member states of ECOWAS are yet to harmonise immigration and emigration forms. The situation has created the opportunity for corruption, unnecessary taxation and extortion of money, as well as harassment being meted out to people at borders and ports of entry (Okom and Udoaka, 2012).

Similar challenges related to the presence of countless checkpoints and barriers mounted by National Police and Custom officials on trans-boundary roads, in the name of ensuring internal national security have also served to hamper free movement. This has particularly been the case on the trans-boundary highways like the Tema-Paga-Ougadougou (Ghana-Burkina Faso-Niger) and the Lagos-Seme highway (Nigeria). At a recent seminar in May 2013, for example, security experts at the Centre for Advance Strategic Analysis (CAS)-Accra, particularly raised concerns that the ratification of the ECOWAS protocols and hence free movement presented a security threat to Ghana's national security (Ayamga, 2014). These concerns came at the back of recent momentum in oil exploration activities in the country. As such, Ghana was vulnerable in the light of its lack of infrastructure and inability to adequately run security checks on the voluminous number of migrants that flow into the country from the neighbouring states.

Furthermore, aside from the challenge of having to switch from one official language to the other at border crossings or ports, it is estimated that there are more than 120 security and border checkpoints between Badagry (the exit point from Nigeria to Benin) and Noe (the entry point from Ghana to the Ivory Coast). The long haul of vehicular traffic often waiting for entry permits to cross borders is not only a frustrating sight to behold, but present significant waste of time, economic loss and a challenge to the

ultimate goal of a borderless and hassle-free movement as prescribed by the ECOWAS treaty. Whilst Ghana has, for example, just announced the removal of all Customs road barriers by September 2017, the situation of numerous checkpoints across the major trans-boundary roads within the sub-region has contributed to the continuous harassment and extortion of money by corrupt officials.

Another existential challenge to the implementation of the ECOWAS protocols has to also do with incompatibilities of national migration policies, discrimination against nationals of member states in national legal and labour codes in the various member states. This has often served as a basis for harassment of foreign nationals and expulsions. Like in Mali where foreigners cannot hold any employment in any public service, for example, Awumbila *et al.,* (2014) highlight that in Ghana and Togo, immigrants are also barred from working in any of the security services. Similarly, certain enterprises within the national economic set up are exclusively reserved for Ghanaian nationals. 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. In the light of this legislation, foreign nationals and businesses based in Ghana have often bemoaned the unfavourable national economic policies that tend to target and stifle their businesses.[6]

In particular the requirement of $300,000 from all foreign businesses, including Nigerian investors in Ghana, tends to contrast the provisions or expectations as stipulated under the ECOWAS Trade Liberalisation Scheme (TLS). This policy is in divergence with the ECOWAS provision that quotas, quantitative restrictions or prohibitions and administrative obstacles to trade among members states should be removed by member states. Interestingly, various Nigerian governments have over the years also come up with national economic policies and legislations that have also made it practically difficult for Ghanaian businesses and investors to operate in Nigeria.[7] 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 (Ademola, 2016). Whilst the different national policies are incompatible with the stipulation of the TLS prescribed under ECOWAS, the different protectionism on the part of both countries have on several occasions marred the cordial trade and bilateral relations that exist between them (Ibid.). The harassment and protectionism of national governments have often translated into anti-immigration policies and expulsions.

The discrimination and expulsion of Community Citizens by member states is still very rife within the Community. Aside the unfavourable national trade and economic policies, hostile national immigration policies tend to alienate and curtail Community Citizen's' right to residence and establishment. Indeed, Article 14 (1) of the supplementary protocol on the second phase of the right to residence (A/SP1/86) has made the provision that migrants from member states may be expelled for reasons of national security, public order or morality in accordance with the law of the host state. Accordingly, the immigrant, the government of his/her country of origin and the executive secretariat of ECOWAS should be notified of the expulsion in writing for the purposes of

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[6] http://www.ghanaweb.com/GhanaHomePage/business/Trade-between-Nigeria-Ghana-won-t-be-a-reality-until-Envoy-440112
[7] http://sunnewsonline.com/nigerias-trade-policy-limiting-exports-from-ghana-envoy/

information.[8]   Apart from the infamous expulsion of more than one million illegal aliens (mostly Ghanaians) from Nigeria between 1983 – 1985, hostile directives were recently sanctioned by the Ghana government in March 1999 for all immigrants (including Nigerians) to register and acquire identity cards and to comply with the laws governing the operation of foreign businesses and economic activities. Similar immigration policies in the Ivory Coast saw the expulsion of mostly Mossi farmer settlers in total disregarded for the provisions of the ECOWAS protocols on the right to free movement and establishment (Okom and Odoaka, 2012).

The issue of tariffs is also another critical challenge to the goal of economic integration. Essentially, the quest for a common currency and Trade Liberalisation Scheme (TLS) across the sub-region remains a mirage. The TLS was instituted to specifically strive for the reduction and systematic elimination of tariffs and other barriers with the motive to enhance the free movement of goods. In line with this, Article 35 of the revised Treaty outlines, for example, that: "there shall be progressively established in the course of ten (10) years, effective from 1 January, 1990 as stipulated in article 54, a Customs Union among the Member States. Within this union, Customs duties or other charges with equivalent effect on Community originating imports shall be eliminated" (ECOWAS, 1993).

In line with this obligation, the Revised ECOWAS Treaty also recommends the establishment of a common external tariff in respect of all goods imported into the Member States from third countries (Ibid). The implementation of these articles has not reflected in many countries. In Ghana, for example, the recent budget statement (2017) from the newly elected government sought to score political points by scrapping duty on the importation of spare parts. Although political commentators speculated that the government might not have been aware of the ECOWAS obligation for a common external tariff on all goods imported into member states from third countries, the policy direction reflects the incompatible policy legislations within the Community. The situation is compounded by the fact that the implementation of a common currency or creation of monetary zone is still at the crossroads.

Conclusion

Although the aforementioned issues highlighted are by no means exhaustive of the myriad of existential challenges to the realisation of a holistic and functional regional integration of ECOWAS states, it is important to note that there are ongoing efforts which are aimed at the implementation of the provisions stipulated in the various protocols. As member states that have been instrumental in the establishment of ECOWAS, Ghana and Nigeria have been at the forefront of the regional integration agenda. However, both countries have significantly lagged in fully committing to the goals of true political cooperation and economic integration as envisaged by ECOWAS. Nonetheless, both countries have continued to enjoy good cooperation and bilateral relations. But, what is the way forward for the ECOWAS Community? What policy options or measures may be explored to navigate some of the challenges enumerated for effective regional mobility and economic integration under ECOWAS?

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[8]http://documentation.ecowas.int/download/en/legal_documents/protocols/Supplementary%20Protocol%20on%20the%20Second%20Phase%20(Right%20of%20Residence)%20of%20the%20Protocol%20on%20Free%20Movement%20of%20Persons,%20Right%20of%20Residence%20and%20Establishment.pdf, accessed 16. 04.2017

In terms of regional migration, for example, all the member states as earlier noted have ratified the ECOWAS protocol on the free movement of persons (Awumbila *et al.,* 2014). Indeed, the 2008 ECOWAS Common Approach on Migration adopted by the Authority of Heads of State sought to tackle the challenges enumerated in the foregoing discussion based on six (6) principles. These six principles include: ensuring the free movement of persons within the ECOWAS zone, the promotion of legal or regular migration as an important part of the development process, combating human trafficking, the protection of the rights of migrants, asylum seekers and refugees, the harmonisation of national policies and lastly, the recognition of the gender dimension of migration (ECOWAS, 2008).

In relation to the foregoing, several countries like Senegal, Nigeria, Ghana, Liberia, Guinea, Sierra Leone and Benin have made significant strides towards effective regional mobility by adopting the ECOWAS Passport. With regard to the issue of unnecessary check points on trans-boundary highways, the proposition of two (2 check points per country advanced by the ECOWAS Heads of State in January, 2007 has still not been implemented (Okom and Odoaka, 2012). Whilst concerns relating to issues of security on the highways may pose challenges to implementing this proposition, governments and appropriate institutions of member states should provide their nationals or people who wish to travel the adequate information on the need for valid documents, educate citizens of their rights as enshrined in the ECOWAS protocol for free movement and the regulations guiding entry and establishment in member states. This would contribute to reducing harassment and corruption, especially at the borders and ports of entry within the Community.

The critical issues to violations and non-compliance should also be tackled pragmatically without favour at the various meetings and fora within the Community. Ultimately, there is need for a much more concerted political commitment on the part of member states in working to implement and tackle the numerous challenges to regional integration and economic development. Furthermore, there is need to harmonise and ensure synergies in the various national policies of member states. It is envisaged that cooperation between member states in ensuring a borderless and stress-free movement of persons, goods and trade relations would contribute to tackling the root causes of irregular migration, employment and economic development within the West African sub-region.

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