

Whither the ECOWAS Free Movement Protocols? Pandemic Nationalism, Borders, and Migration in West Africa

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Abstract

The Covid-19 pandemic border closure policy and other anti-migrant policies in 2020 have become another basis for flaunting the ECOWAS free movement protocols by member states now referred to as pandemic nationalism. Although not limited to (West) Africa, pandemic nationalism reinforces the inability of ECOWAS to demonstrate supranationalism and ensure harmonization of Covid-19 trans-border policies among its members. Consequently, member states were unilaterally imposing conflicting or uncoordinated Coronavirus border closure policy without recourse to the protocols. Thus, the pandemic border closure policy has only exacerbated pre-existing trajectories which have serious implications for visa-free, border-free, and borderless West Africa as well as cross-border migration. These challenges are often attributed to colonial borders. This article has been able to adequately demonstrate that the Covid-19 pandemic has deepened nationalism which has, in turn, increased violation of ECOWAS free movement protocols through uncoordinated and reprisal border closure in which nationalism has trumped regionalism. The study is essentially qualitative, descriptive, analytical, and empirical.

Keywords: Borders, Covid-19, ECOWAS Protocols, Migration, Pandemic Nationalism

Introduction

Although it began as a public health crisis, the outbreak of Coronavirus is having an unprecedented impact on human migration. Following the increasing border closure and extension of travel restrictions, scholars have tried to interrogate the social, economic, political, diplomatic, marital, gender, agricultural, educational, health, and security impacts these measures will have globally (IOM 2020; Iwuoha and Aniche 2020; Isike and Ihembe 2021). As a result, Covid-19 pandemic border closure has ensured that border studies remain in the front-burner of global academic conversation in this pandemic era.

The interplay between pandemics and nationalism has received little attention in the academic literature because there have been few pandemics since the emergence of the modern state system, and also, due to the fact that the nexus between public health (and disease) and nationalism are rarely interrogated (Bieber 2020). Yet scholars like Herpolsheimer (2020) have warned against methodological nationalism and the neglecting of regional and interregional dimensions in the responses to the health crisis.

Bieber (2020) further attributed the increasing nationalism during the pandemic response to the emergence of far-right political parties and populist politicians prior to the pandemic. He however noted that there is likely to be global rise of nationalism beyond the pandemic era due to the states' responses to the pandemic. According to him, in a world less open, prosperous, and free, the pandemic will most likely strengthen the state and reinforce nationalism leading to de-globalization.

Similarly, Juergensmeyer (2020) noted that the pandemic has strengthened authoritarian regimes and prompted the rise of populism. In the same vein, Yi and Lee (2020) and Tamir (2020) posited that the Covid-19 is a global pandemic devoid of national characteristics, no borders, no passport, but it has paradoxically strengthened national sovereignty and reinforced state borders leading to border closure. Tamir (2020) has argued that it is medically illogical to close borders because some cities of different countries are economically, commercially, culturally and personally closer than cities of same country.

Nossem (2020) claimed that the pandemic border closure affected Europe more than any other continent which for him is a huge setback for European Union (EU) open border regime, one Europe project, and the entire Schengen area. Similarly, Heisbourg (2020) noted that the pandemic nationalism has led to tightening of intra-EU borders because of the absence of EU-level federal health-policy powers. Comparatively in Africa, Louw-Vaudran and Chikohomero (2021) argued that Covid-19 also demonstrated the lack of policy coordination among Southern African Development Community (SADC) countries, which further exposed the weaknesses of the cross-border infrastructure in Southern Africa.

This phenomenon is not peculiar to EU and SADC because Economic Community of West African States (ECOWAS) is encountering similar challenges, which have tremendously impacted on over 7,224,959 international migrants in the ECOWAS region despite its free movement protocol since 1979 (IOM 2020). This was why Hamadou (2020) demonstrated how Covid-19 was used as a justification for contravening ECOWAS free movement protocol. The Covid-19 pandemic border closure policy and other anti-migrant policies have thus become another basis for flaunting the ECOWAS free movement protocols by member states. This tendency to prioritize national approach over regional approach to tackling challenges that confront the sub-region like epidemics (i.e. Ebola and Monkey Pox) and pandemics (i.e. Covid-19 and HIV/AIDS) by member states is what is specifically referred to as pandemic nationalism in this article. The ECOWAS free movement protocols allow Community citizens with requisite travel documents (like international passport) to travel to any ECOWAS member state and stay for maximum of ninety days without visa.

But due to the novelty of the Covid-19 pandemic, literature on its implications for ECOWAS free movement protocols is still scanty. Therefore, the primary objective of this article is to examine the impacts of pandemic nationalism on ECOWAS visa-free, border-free and

borderless policies in the sub-region. This raises a number of questions. Has the pandemic deepened nationalism in the sub-region? Has it increased violation of ECOWAS free movement protocols? Has it resulted in uncoordinated and reprisal border closure in West Africa? What are the impacts on informal cross border trade (ICBT), migrants, intra-regional trade, and (informal) economy? To answer these questions and achieve the above objectives, the article is partitioned into nine sections.

The Methodology

The methods are essentially qualitative methods relying on combination of secondary and primary data. Documented and secondary data were sourced from the websites of international organizations such as International Organization for Migration (IOM), ECOWAS, West African Health Organization (WAHO), peer-reviewed publications in the subject area including those of the authors.

The sourcing of primary data involved interviewing purposively selected respondents. The interviewees were selected through purposive sampling so as to ensure that the targeted respondents who have direct experience of the pandemic border restrictions were interviewed. A total of fifteen persons were interviewed, three border officials, three drivers, four stranded migrants, and five informal cross border traders. The three border officials were one Nigerian customs official, one Beninese immigration officer, and one Togolese public health officer. The three drivers were one truck driver from Nigeria, one bus driver from Ghana, and one taxi driver from Benin Republic. The stranded migrants and informal cross border traders are all Community citizens. The stranded migrants encountered their experiences in Nigeria-Benin, Benin-Togo, Togo-Ghana, Ghana-Cote d'Ivoire, and Ghana-Burkina Faso borders while the informal cross border traders do their businesses along Nigeria-Benin, Benin-Togo, Togo-Ghana, Nigeria-Niger, and Burkina Faso-Cote d'Ivoire borders.

The two-week fieldworks/interviews (from November 14-28, 2020) were carried out when the pandemic border closures were lifted by some ECOWAS member states. All interviewees consented in writing to be interviewed. To ensure anonymity and confidentiality, they were only required to sign the consent letters omitting their names. The unstructured interviews were face-to-face encounters through research assistants in proximity with respondents. The convenience pre-designed availability research design helped to select respondents who were conveniently or accidentally available to participate in the study. The descriptions, interpretations, and analysis of the documents and responses were made using qualitative descriptive method.

Conceptual and Theoretical Approaches to Border Studies

Traditionally, border studies had historically focused on territorial rigidity considering them as stable lines that separate and limit states or the territorial trap and methodological nationalism dogmas rooted in the state-centric system (Agnew 1994). In other words, borders were seen as rigid territorial lines that separate political spaces and ideologies from one another (Paasi 2018). The geopolitical borders have endured due to the fact that the modern state borders are still largely shaped by the outcome of the Westphalian Treaty of 1648 on inviolability of borders and sovereignty of states in the then Europe (Croxtton 1999; Van Houtum 2000). It was this Treaty that marked the beginning of the era of the nation-state and nationalism (Brunet-Jailly 2005). The Treaty thus emphasized the relevance and

indispensability of territory as one of the essential features of the post-Westphalian modern state system (Schmidt 2011; Minca and Vaughan-Williams 2012).

The traditional approaches are therefore the earliest approaches to border studies. These approaches are generally state-centric suggesting the study of borders from the perspective of the state (Rumford, 2012). The state-centric approach to border studies is anchored on traditional geopolitical and functional approaches. These approaches are so narrow that they limit conceptualization and delineation of borders to mere geophysical and geopolitical spaces of inclusion and exclusion. State borders are thus referred to as geopolitical borders. From this state-centric perspective, state borders are sometimes though erroneously used interchangeably with boundaries or frontiers suggesting that marginal parts, fringe areas or peripheral regions of states that separate, divide, partition or demarcate them from one another (Paasi 2009; Parker and Adler-Nissen 2012). It is state-centered because borders are conceived as the hard territorial lines separating states within the international system (Newman 2003). Borders are thus seen as geometric lines running along the frontier territories at the edges of nation-states (Laine 2017). This means that international borders are simple artefacts on the ground or lines on the map (Agnew 2008). Borders generally stand for lines demarcated in space (Aniche 2021).

This traditional state-centric perspective of borders defined states by their territories and respective historical borders which also serve as symbolic and mental representations of statehood (Paasi 1998; Anderson and O'Dowd 1999; Newman 2003; Laine 2015). Thus, state-centered perspective conceived borders as functions of historical evolution and events that exhibited essential and necessary characteristics for the consolidation of the state (Van Houtum 2005; Parker and Adler-Nissen 2012; Laine 2017).

Perhaps, the inference that can be distilled from this perspective is that geopolitical borders historically evolved. Obviously, being state-centered, traditional (liberal, Marxist, and realist) approaches cannot provide the needed framework for understanding the tension between nationalism and regionalism as well as the conflicts between colonial and ethnic borders. Also, it is too limited in scope to serve as policy framework for decolonizing West African borders through visa-free, border-free, and borderless policies. Therefore, there is need to adopt theoretical approach with high explanatory value and analytical utility to adequately explain these contradictions. This approach lies within postmodern or poststructuralist approaches

The postmodern approaches are generally non-state-centric approaches to border studies that emerge as critiques of traditional approaches. These approaches challenged the traditional state-centric approaches that borders take the form of a mere territorial lines belonging to the states and located at its outer edges of territories of nation-states (Parker and Vaughan-Williams 2012). The postmodernist conceptualization of borders departs from the traditional territorial linearity of borders. They insist that borders are not limited to mere physical or visible lines that can be seen on maps and atlases (Paasi 2009), but also include virtual borders (Haselsberger 2014). For postmodernists, borders are not only the business of state in that there are more other borders than simply those of states. The proponents of postmodern approaches emphasizes flexibility, mobility, and plurality of borders (Golunov 2014). These approaches therefore highlight the multiplicity rather than singularity of borders (O'Dowd 2010). In other words, borders are in flux or state of constant motion in space and time (Ohmae 1989; Agnew 2008; Bauder 2011; Haselsberger 2014; Konrad 2015).

The point being made is that postmodern border studies are anchored on multi-perspectivism or methodological pluralism (Rumford 2012; Laine 2016). Thus, postmodern approaches are broader approaches to border studies than the traditional state-centric approaches. These approaches recognize the social spaces as essential components of psycho-social, socio-cultural, socio-linguistic, socio-historical, socio-economic and socio-political borders (Kramsch and Brambila 2007; Scott and van Houtum 2009; Laine 2017; Aniche 2022). Generally, postmodern border perspectives believe that borders are socially constructed and thus are conceived as relational, not given (Kolossoff 2005; Johnson, et al 2011; Agnew 2008). They argue that there are no natural borders anywhere. These views essentially challenge, deconstruct and problematize state-centered perspective of borders (Brunet-Jailly 2005; Rumford 2012).

From these perspectives, borders are complex, multifarious, multifaceted, multidimensional and multi-scalar with different symbolic and material forms, functions, and locations (Laine and Casaglia 2017). The metaphor of borders is thus used to represent any situation where limits are involved (Paasi 2009). Every space is defined by a boundary and every boundary demarcates a space (Haselsberger 2014). Borders have increasingly become temporal, ephemeral, virtual, and invisible (Parker and Vaughan-Williams 2009). It is in this sense that the Covid-19 lockdown and social distancing policies can be said to have created yet another dimension to borders and bordering even within the state boundaries.

Borders, conceived in this way, divide people into various categories as well as drawing physical and imaginary lines between “we” and “they”. It triggers discriminating tendencies or anti-immigrant propensities. Geopolitical borders divide people into different geographical, territorial or physical spaces of hybridity as citizens and foreigners or nationals and aliens. Socio-cultural, socio-linguistic and socio-historical borders separate people into both physical and social spatial hybridity as indigenes and strangers, aborigines and settlers, natives and migrants, freeborn and slaves, faithful and infidels. Some good examples of these are religious, racial, ethnic and communal borders. Socio-economic and socio-political borders split people into different social spaces of classes of people as rich and poor, “haves” and “have-nots”, rulers and subjects, nobles and commoners, elites and masses, ruling and ruled. Sometimes, these manifest in residential bifurcations such as reserved and slum, exclusive and ghetto, urban and rural, urban and suburb. Socio-psychological or psycho-social borders divide people into several social spaces as love and hate, philia and phobia, like and dislike, friends and foes, aligns and enemies (Newman 2003; Agnew 2008; Van Houtum 2010; Rumford 2012; Scott 2015; Aniche 2021).

Application of Postcolonial Theoretical Approach to the Study of West African Borders

There are three main postmodern approaches to border studies which include constructivist, critical, and postcolonial approaches (Salter 2012). Among these three postmodern approaches, postcolonial approach possesses the analytical and explanatory adequacy for capturing or exposing the contradictions inherent in ECOWAS borders as well as providing policy framework for decolonizing these borders.

The postcolonial border theory challenges the dominant Eurocentrism of Western border literature on African border studies which focuses on the narrative of conquered peoples and their lands and about the bordering of postcolonial communities and peoples through the idea of the Westphalian modern state system. This parochial attempt to control the narrative transcends physical borders to embrace ideational, emotional and embodied borders. It points

to the legacy of colonial border structures that affect processes of hybridity such as inclusion and exclusion, belonging and non-belonging, insiders and outsiders (Comaroff and Comaroff 2005; Amoores 2006; Cash and Kinnvall 2017).

It identifies the enduring socio-cultural and political implications of colonially imposed borders on (West) Africa. Some of these socio-cultural implications of cross border ethno-linguistic groups in West Africa include cross border socio-cultural practices and events such as condolences, festivals, funerals, weddings, marriage rites, chieftaincy, carnivals, etc. Whilst examples of political implications of cross border kingdoms (traditional authorities) and linguistic groups in West Africa include one state, many nations and one nation, many states; citizen/indigene conundrum (resulting in dual citizenship, cross border censuses, birth registration, death certification, etc.); cross border political participation (leading to cross border political campaigns and voting) (Aniche 2022).

To be sure, postcolonial border studies in Africa focus on how the coloniality of the borders redrew the ethnic boundaries of the colonized. In the case of Africa (particularly West Africa), postcolonial approach to border studies consider postcolonial borders as one of the enduring legacies or vestiges of colonialism in West Africa. The colonial borders are colonial heritage preserved through the international law principle of *uti possidetis juris*. The colonial borders were created and externally imposed by colonial masters, and thus, not coterminous with ethnic borders, geo-physically leading to two major conflicting borders in (West) Africa – colonial and ethnic borders (Adepoju 2002; Konrad 2015; Aniche 2021).

Consequently, Africa's postcolonial experience is characterized by conflicts and power struggles among ethnic, linguistic and cultural groups contained within colonial borders. To the extent that in most of African states the internal boundaries between cultures remain more significant borders than the imposed boundaries between the post-colonial states (Konrad 2015). This was the reason why the so-called pandemic border closure policies or the 2020 Covid-19 border closure regimes were ineffective in checkmating border crossings among border communities who share deep socio-cultural, historical, socio-economic and kinship ties. Such that the local people freely visit their kith and kin (mostly through unofficial border paths) without knowing that they are crossing international borders (Hamadou, 2020).

Also, this approach draws attention to the fact that colonial borders were illegally created by the European powers in faraway Berlin where Africa was partitioned. The argument is that the treaties of friendship, pacification and protection which the European powers presented at the 1884/5 Berlin Conference as proof of people's consent and as evidence of sphere of influence were fraudulently procured. This is because these colonial spheres of influence over African territories were mainly established through unjust means such as deception, coercion, conquest, occupation, annexation, cessation, and proclamation (Aniche 2022).

Therefore, this article essentially leans more on postcolonial border perspectives. This is because it can complement with post-neo-functional regional approach towards decolonizing colonial borders in West Africa through visa-free, border-free and borderless regimes of ECOWAS.

ECOWAS Border and Migration Regimes in the Era of Covid-19 Pandemic

Among the various historical de-bordering, bordering and re-bordering treaties, conferences, and events, it was the Berlin Conference that directly impacted on West Africa by creating

colonial borders in the sub-region. The impact of the Conference was that colonial boundaries are not coterminous with ethnic boundaries in West Africa. This is because the continent was partitioned without any regard for the social, linguistic, and cultural realities of the indigenous people and as a result, some ethnic groups like Bono and Nzema (Cote d'Ivoire and Ghana), Ewe (Ghana and Togo), Yoruba (Benin and Nigeria), Hausa (Niger, Mali and Nigeria), Kroos, Mende and Vais (Liberia and Sierra Leone), Soninké (Mali, Mauritania and Senegal), Kanuri (Chad, Cameroun and Nigeria), Efik (Cameroun and Nigeria), among others, were divided and found themselves in different countries (Adepoju 2002).

Thus, political boundaries rarely match ethnic, linguistic and cultural boundaries. In Africa, forty-two per cent of the total length of land boundaries were drawn by parallels, meridians and equidistant lines, while thirty-seven per cent of the land boundaries were imposed on Africa by British and French colonial powers (Asiwaju 1993). The percentage could be even much higher in West Africa (Zeller 2013). This means that the major difference between the Westphalian division of Europe in 1648 and Berlin partition of Africa in 1885 is not that the latter is not coterminous with ethno-linguistic boundaries but the fact that while the former was internally constructed, the latter was externally imposed. In other words, while Europeans were parties to the Westphalia negotiations that redrew the European borders, Africans were not involved in the Berlin Conference that partitioned Africa (Adepoju 2015; Zeller 2010). In 1963, African states resolved in accordance with international law principle, *uti possidetis juris* to retain these colonial borders (Umozurike 2005).

Despite political and legal constraints posed by *uti possidetis juris*, there have been efforts in the recent times to redraw these colonial borders through regionalism reflecting gradual shift from visa-free West Africa to border-free and borderless West Africa. These colonial borders are also seriously being challenged by separatism, secessionism, disintegrative nationalism, and irredentism (Asiwaju 1993; Adepoju 2015; Nshimbi, Moyo and Oloruntoba 2018; Aniche 2021).

Although visa-free and border-free guarantee free movement of persons and goods but the latter facilitate freer movement of persons and goods. Whilst, borderless region ensures the freest movement of persons and goods among the three. There is therefore a need to further clarify and differentiate between visa-free, border-free and borderless regimes. Visa-free region obtains when citizens of member states cross mutual borders for a given maximum number of days without encumbrances of visa requirement at the official border posts. This regime thus requires border checks for travel documents like international passport and national identification card but not closed, thick, or difficult-to-cross borders that inhibit interactions among neighboring states. It is rather a thin border. A thin border is permeable for certain kinds of flows but not open for everything and everyone. Even as a thin border clearly defines a political space, it also allows different forms of coexistence or border cooperation to emerge (Haselsberger 2014). This is the level which West Africa has been able to attain. This is the level at which ECOWAS is currently confronted with enormous challenges (Adeniran 2014; Aniche 2022).

A border-free region is achieved whenever a region of states dismantles all border posts and abolishes all forms of border checks or controls at their internal (or intra-regional) borders, and set up harmonized external (or extra-regional border) controls. This is an open border. Thus, free border movement of citizens of member states and common visa and harmonized migration policies against nationals of non-member do not render the region borderless. A

borderless region is a much deeper concept. It has to do with the sovereignty of member states. It must cost the member states their sovereignty. In other words, the member states of the region must sacrifice their sovereignty over their territories. By losing their sovereignty, the geophysical and geopolitical borders between member states cease to be international borders. By so doing, the Westphalian state system or nation-state gives way to regional supranationalism (supranational territoriality) or a new state system called region-state leading to post-national borders, borderless region or region without borders (*san frontiers*) (Aniche 2021). It is tantamount to removal of all borders, that is, a region where there are no borders (Anderson et al., 2009; Paasi 2018).

In this case, regional or post-national borders suggest a shift from nation-state to region-state or a shift from nationalism to supranationalism leading to emergence of new borders. Post-national borders is rooted in supranational logics of new political interactions and functions of integration across state borders transcending the jurisdictional and conceptual limits of state-centered bordering as a community of states or as networks of cities and cross-border regions (Scott 2015). It is this new state system without geophysical and geopolitical internal borders that West Africa must aspire to transcend (Aniche 2021).

Following from the 1991 Abuja Treaty, ECOWAS is one of the eight regional economic communities (RECs) in Africa striving to achieve the ultimate target of borderless region in its more than 15,000 square kilometers of internal borders separating fifteen countries comprising an area of 5,114,162 square kilometers (1,974,589 square miles) with an estimated population of over 400 million people. Its borders include 6,000 kilometer coastal arc stretching from the upper reaches of Angola in South-West Africa to the lower reaches of Western Sahara to the north and in the south by the Atlantic Ocean (Aniche 2022).

The two main strategic frameworks of achieving these targets (*visa-free, border-free, and borderless region*) in West Africa include the 1979 ECOWAS Protocol on Free Movement of Persons, Residence and Establishment and the 1998 ECOWAS Transhumance Protocol. The 1979 ECOWAS Protocol stipulates the right of Community citizens to enter, reside, and establish businesses in member states. It was meant to be implemented over a transitional period of fifteen years in three phases (1980-1995). The Phase I (1980-1985) provides the right of Community citizens to entry and stay in ECOWAS member states for maximum of ninety days without visa. The Phase II (1986-1990) regulates Community citizens' right of residence on Community territory to seek and take up paid employment. The Phase III (1990-1995) emphasizes the right of Community citizens to establish businesses or engage in economic activities in other ECOWAS member states (Adeniran 2014; Adepaju 2015).

Whilst the first phase was meant to facilitate visa-free West Africa ahead of African Economic Community (AEC) 2020 target, the second and third phases were intended to achieve border-free and borderless West Africa in line with proposed 2020 AEC target. One of the proposed AEC 2020 targets was visa-free Africa which was factored in the First Phase of ECOWAS Protocol while the other of the proposed AEC 2020 targets was border-free and border-less Africa which was captured by the Second and Third Phases of ECOWAS Protocol, respectively. The first phase of the Protocol remains a shining example in Africa. It is the most implemented among the three phases of ECOWAS Protocol because the two other phases are still poorly implemented. Some of ECOWAS landmark achievements in the visa-free regime include improvement on ease of doing business in some member countries; dismantling border posts and checkpoints on international highways between Nigeria and

Benin; removal of all customs road barriers by some members; adoption of ECOWAS passport to replace national passports in circulation over a transitional period of ten years; boosting transport and telecommunication links between member states through trans-coastal and trans-Sahelian road network; closer collaboration and information sharing between the police and internal security agents of member states; and elimination of rigid border formalities and modernization of border procedures through the use of passport scanning machines (Adepoju 2002; Aniche 2020a).

Despite the fact that ECOWAS remains best example of visa-free regime among the RECs, the prospect of shifting from visa-free to border-free and borderless West Africa remains dim as the policy framework for implementing the Protocol is still underdeveloped. ECOWAS efforts towards creating a borderless sub-region have been confronted by various challenges and inconsistencies which include the multiplicity of economic groupings and sub-groupings, overlapping membership, lack of political will, prioritization of national interest over regional concerns, economic recession, difficulties in meeting financial obligations, political instability, inter-state border disputes and conflicts, insecurity, neo-colonial ties, external interference, currency inconvertibility, language barriers, cumbersome border procedures, excessive securitization of borders, expulsion of nationals of member states by member states, and delay in doing business. All these have retarded progress in ratification and implementation of Protocols (Aniche 2020a).

Other constraints and challenges of enforcing visa-free, border-free and borderless regimes in West Africa include lack of harmonization and standardization of travel documents (like international passports, travel certificates, and identity cards); high costs of travel documents; lack of common visa requirements regime; lack of harmonized migration policy; incompatibility of national migration policies with the 2008 ECOWAS Common Approach on Migration; discrimination against nationals of member states in national legal and labor codes in the various member states; and lack of standard border management information system (BMIS) software readability by some member states (Aniche 2020b).

Another regulatory framework for facilitating visa-free migration or freedom of movement in West Africa is the 1998 ECOWAS Transhumance Protocol. The 1998 ECOWAS Transhumance Protocol provides that all transhumance livestock shall be allowed free passage across the borders of all member states (not at night) both at the points of exit and entry provided that they have the ECOWAS International Transhumance Certificate. But domestic laws in some member states remain in contradiction with these Protocols. Even as ECOWAS is working to address these impediments, these rights are still hindered by harassment at border crossing points, lack of information among citizens, lack of access to ECOWAS travel documents, and inadequate border management (Aniche 2022).

Pandemic Nationalism, Borders, and Migration in West Africa

The Covid-19 pandemic almost brought international movement to a standstill, and West Africa is not an exception (Zanker, Arhin-Sam and Jegen 2020). Although the coronavirus is a global pandemic (without borders), it has strengthened national sovereignty and reinforced state borders resulting in border closure in 2020 (Yi and Lee 2020; Tamir 2020). The Covid-19 pandemic has thus stirred up strong nationalist sentiments (de Kloet, Lin and Chow 2020). The fact that nationalism (i.e. pandemic nationalism, vaccine nationalism, etc.) became more visible during the pandemic response has been attributed to rise in populism prior to the pandemic. The Covid-19 pandemic has thus increased nationalism now referred to as

pandemic nationalism, Covid nationalism or coronationalism (Bieber 2020; Juergensmeyer 2020). The pandemic has renewed the importance of state borders. The pandemic has reinforced the power of the state in its most traditional role as protector of society from outside threats (Heisbourg 2020). The government responses to the pandemic is likely to shape the role of nationalism globally. These pandemic responses (like border closure) appear to make nationalism more salient leading to the difficulty in mobilizing support and solidarity across borders (Bieber 2020). The overwhelming emphasis on national interest exposed the pandemic nationalist politics of re-bordering in Europe and Africa (Nossem 2020).

Pandemic nationalism has impacted negatively on regional integration thereby rolling back regionalisms such as the EU, ECOWAS, etc. For instance, pandemic nationalism has led to tightening of intra-EU borders (Heisbourg 2020). The response of many EU states to the pandemic was to close their borders and introduce export restrictions which in some cases in violation of the rules governing the single market. The corona crisis exacerbated the old tensions between northern and southern EU member states akin to the 2011 migration and 2015 refugee crisis (and security concerns) (Krastev and Leonard 2020). The EU Schengen (visa-free and border-free) Agreement failed the pandemic test (Tamir 2020). The pandemic border closure is therefore a huge setback for European open border regime, one Europe project, and the entire Schengen area (Nossem 2020).

For example, Switzerland and Slovenia closed their borders with Italy with Austria banning all Italians from crossing her borders during the pandemic. Denmark sealed its border to Germany, the Czech Republic locked itself up, Norway and Poland closed their borders, and Spain completely shut off. This pandemic bandwagon response has also affected even European countries ruled by the far left party like France and Germany (Nossem 2020). There was obviously lack of solidarity between EU countries, as Italy struggled with increasing cases of fatalities. EU failed to declare a unified shutdown until March 18, 2020 (Fenny 2020). But using the Italian and Swiss examples, Tamir (2020) argued that it is medically illogical to close borders during pandemic. This is because an Italian from Milan is probably geographically, economically, commercially, culturally and personally closer to a Swiss from Lausanne than to a compatriot from Sicily. He suggested that a more effective strategy might be to ignore national boundaries and map social and economic interactions.

In Southern Africa, there was also obvious lack of coordination among SADC countries leading to failure of implementation SADC strategies for curbing the spread of Covid-19. This began when Zimbabwe's government unilaterally announced the shutdown of borders due to the surge of Covid-19. South Africa subsequently closed 35 of its 52 border crossings (including Beitbridge, Lebombo and the main crossings into Lesotho, eSwatini and Botswana) and two of its eight ports. The border closure negatively impacted informal cross border traders (Louw-Vaudran and Chikohomero 2021).

In the specific case of the focal point of this study, violations of the ECOWAS free movement protocols by member countries predated Covid-19, and has in fact become a recurring decimal. ECOWAS has consistently demonstrated lack of capacity in implementing and enforcing its protocols in terms of failure to sanction violators. As such members have either resorted to unilateral action/reaction (self-help mechanisms) or bilateral resolution in situations where ECOWAS is unable to assume the role of supranational arbiter penalizing offenders, rewarding observers, and compensating victims. For instance, despite the ratification of 1979 ECOWAS Protocol, Article 59 of the 1993 ECOWAS Revised Treaty,

and 1998 ECOWAS Transhumance Protocol by member countries, both documented and undocumented migrants continue to face expulsion and other anti-immigrant actions within the sub-region (Lokossou et al. 2021).

Historically, nationalism (arising from public health issues) in the form of unilateral border closure policy by ECOWAS member states pre-dated the 2020 Covid-19 border closure policy in the sub-region. Between 2014 and 2016, most West African states unilaterally imposed border closure regime to contain the spread of Ebola (Bappah 2015; Ifediora and Aning 2017; Lokossou et al. 2021).

The Covid-19 pandemic border closure policy has become another basis for flaunting the free movement protocols through anti-migrant policy by member states. Thus, pandemic nationalism reinforces the inability of ECOWAS to demonstrate supranationalism and ensure harmonization of Covid-19 trans-border policies among its members. Consequently, member states were unilaterally imposing conflicting or uncoordinated Coronavirus border closure policy without recourse to the protocols (Herpolsheimer 2020).

In other words, the implementation of the free movement protocols in the sub-region has long been weakened because of the diverging national interests of member states. Little wonder that the application of the protocols within ECOWAS remains fragmentary during the pandemic due to non-harmonized and uncoordinated responses of West African states (Zanker, Arhin-Sam and Jegen 2020). This is despite the fact that ECOWAS tried to ensure a harmonized approach to control the spread of the Covid-19 pandemic by adopting a framework of common guidelines for post-pandemic re-opening of cross-border trading and transportation (ECOWAS 2020a).

Presentation and Discussion of the Result

The lack of regional coordination in the border-related decisions was evident in the two differing levels of ECOWAS resolutions. Firstly and proactively, to ensure Covid-19 preparedness, an emergency meeting of West African Ministers of Health (WAMoH) was held on February 14, 2020 in Bamako, Mali, where they resolved to strengthen cross-border coordination, collaboration, and surveillance of all ports of entry (air, land and sea) among member states (ECOWAS 2020b). This metamorphosed into a Regional Strategic Plan for Preparedness and Response to Covid-19 in which a regional Committee of Experts and a Ministerial Coordinating Committee on Health were also set up to coordinate the regional response (Engel and Herpolsheimer 2021; Oloruntoba 2021). Secondly, though belatedly and reactively, the Heads of State and Government (HoSG) of the ECOWAS, during their extraordinary virtual Summit on April 23, 2020 resolved to coordinate measures across the sub-region to stop the spread of the pandemic and facilitate the free movement of goods and persons (ECOWAS 2020a; Okafor 2021).

In spite of the proactive resolution of the emergency meeting of WAMoH under the platform of WAHO and Regional Center for Surveillance and Disease Control (RCSDC), all West African countries unilaterally and with little warning closed their land, air, and maritime borders. These unilateral and uncoordinated border closures by member states inevitably affected movement of people in breach of the ECOWAS Protocols (Banga, Keane, Mendez-Parra, Pettinotti and Sommer 2020; Fenny 2020; WAHO 2020; Ahanhanzo et al. 2021; Patterson and Balogun 2021; Nwoko 2021).

Consequently, over 20,000 migrants were stranded at various borders in the West and other African regions as well as an estimated 1,800 migrants waiting in transit centers in countries such as Niger. In the case of Ghana with an estimated 466,780 international migrants, the majority of whom originated from other ECOWAS states, some were stranded, while others were attempting to enter and/or leave Ghana through irregular means due to border closures (IOM 2020). Migrants were also stranded in Burkina Faso, Mali, and Niger leading to overcrowding of the transit centers (ReliefWeb 2020a).

Thus, the uncoordinated, impromptu, and emergency border closure created long traffic and stranded migrants who clustered the official border crossings in the region. This made it very difficult for transporters and migrants who waited too long in these official border crossings to observe the Covid-19 protocols like social distancing, hygiene, etc. The border officials interviewed agreed that due to heavy traffic it was impossible for them to ensure observance of the Covid-19 measures. For example, excerpt from the Nigerian custom official, a Beninese immigration officer, and a Togolese public health officer states:

Due to the heavy traffic, cargoes and traders we couldn't ensure strict observance of Covid-19 protocols particularly social distancing while inspecting the vehicles,...¹ large number of migrants made it difficult for to us observe Covid-19 protocols like the use of sanitizers,... There was directive to handle the cases of Beninese first² Public health workers were overwhelmed by large number of migrants such that we had difficulty in controlling the queue to ensure physical distancing, hygiene,... We neither had enough testing equipment to quicken testing nor capacity to test every migrant... not even enough manpower to reduce the queue... As such, we were directed to attend to Togolese first³

It has been reported that collection of bribe by border officials has increased by 30% per truck along these corridors (Bouët and Laborde 2020). The truck, bus, and taxi drivers interviewed revealed that they paid more than 20,000.00 Naira, 8,000.00 Naira, and 2,000.00 Naira,⁴ respectively, to cross the Seme border to Nigeria and yet it took them not less than ten days to cross the border. For instance, excerpt from them:

These custom officers are all corrupt... they demanded that I should bribe them with 21,000.00 Naira for them to allow me cross the border... Once they find out that you are heading to Nigeria they charge you more. Nigerians always pay more to cross other West African borders.⁵ I paid 8,500.00 Naira bribe to the security men before they allowed me to cross Seme border, even after complaining to them that I am not with enough money because I have spent so much in bribing to cross Ghana-Togo and Benin-Togo borders,... They are wicked... The immigration officers were given Nigerians preferential treatment to cross Seme borders into Nigeria⁶ I bribed the border officials with 2,100.00 Naira for quick crossing yet it took me ten days to cross the border... It is bad... It is affecting my business...⁷

The border communities and informal cross-border commerce were negatively impacted. The informal cross border traders admitted that they had to bribe immigration and customs officials with huge amount of money in order for them to carry out their trade but this negatively affected their profits even when they increased the prices of their goods. Excerpt from them:

We pay so much in bribe to immigration and customs officials for them to allow us to continue with our cross border trade... if we refuse to pay, they will seize our goods... We had to bribe different groups from both countries daily... This is affecting our profits... Some of us can no longer continue with business because they don't have money to buy and sell again...⁸

Given the porosity of the West African borders, some of the stranded migrants and cross border informal traders resorted to crossing the borders through bush paths thereby evading health checks with its implications for spread of the virus and other diseases (Bouët and

Laborde. 2020). Some of the interviewees corroborated this assertion by stating that they risk the bush path option because they could not afford to bribe the border officials. Excerpt from them:

We paid some villagers (escorts) less amount of money from what border officials demanded to help us locate the bush paths... It was dangerous and very stressful... The villagers were hostile. Some of us were rob. Some became sick due to the stress. Some even contracted the virus though very few died while crossing through the bush paths... In some cases, the border officials traced and caught us, and we still paid them...⁹

On the other hand, the resolution of the HoSG of the ECOWAS was belated and reactive because member states have already imposed and enforced unilateral closure of both ECOWAS internal (mutual) and external borders under their laws without deference to ECOWAS free movement protocols or visa-free, border-free, and borderless regimes. Between March-April 2020, twelve countries have officially closed their borders. These include Burkina Faso, Côte d'Ivoire, Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Niger, Nigeria, Sierra Leone, and Togo. These constitute 66 percent of the 352 points of entry of the ECOWAS mutual borders, and 26 percent were only open to transport of goods and/or returning nationals constituting a substantial obstacle to the right of entry (Hamadou 2020).

Perhaps, the first West African country to announce indefinite closure of her land, sea and air borders was Côte d'Ivoire on March 20, 2020 to take effect from March 22, 2020 (Herman, Maarek, Wilde, Adao and Abousaada 2020). This announcement seemed to have a domino effect on other ECOWAS member countries who took what appeared as reprisal measures. For example, by relying on the Imposition of Restrictions Coronavirus Disease (Covid-19) Pandemic Instrument, 2020, Ghana on March 21, 2020 ordered an initial two-week closure of all air, land and sea borders to human traffic with effect from March 22, 2020 (Asiedu 2020; Mwainyekule and Frimpong 2020; Sarpong and Obeng 2020). The case of Ghana led to protests by traders in Elubo West and Aflao border towns in which they lamented the effect of the border closure on their businesses (Okafor 2021). Whilst, by promulgating decrees, Burkina Faso on March 21, 2020 imposed closure of land borders until May 4, 2020 (Herman, Maarek, Wilde, Adao and Abousaada 2020).

Similarly, by declaring a sixty-day national health emergency on March 21, 2020 with subsequent confirmation by parliament on March 22, 2020 called Public Health Law (in accordance with Article 88 of the Constitution), Liberia closed her borders with Guinea and Cote d'Ivoire (with effect from March 31, 2020), and Sierra Leone (with effect from April 1, 2020) (Goiton, 2020; Herman, Maarek, Wilde, Adao and Abousaada 2020; Nordgreen and Kumar 2020).

Subsequently, by citing the Constitution (Article 69) and the State of Emergency Act No. 69, Senegal declared a national health emergency by decree March 23, 2020 closing land borders from March 21, 2020 to May 31, 2020. Also, based on her laws, Mali on March 25, 2020 declared a national health emergency announcing indefinite closure of her land borders. In the same vein, Guinea on March 27, 2020 declared an initial one-month state of emergency (subsequently extended to June 15, 2020) closing land borders to travelers (Herman, Maarek, Wilde, Adao and Abousaada 2020).

Three days later, on March 30, 2020, Nigeria signed the Covid-19 Regulations 2020 that provided for closure of land borders (Herman, Maarek, Wilde, Adao and Abousaada 2020).

To be sure, the closure of Nigerian-West African land borders (Benin Republic and Niger) preceded the pandemic. Other countries like Benin Republic and Cape Verde imposed varying forms of border restrictions. Sierra Leone eventually announced restriction of border crossings and air travelling (NFP 2020). While, Togo closed borders with Ghana and Burkina Faso and imposed other forms of travel restrictions (AGRA 2020).

The resolution of the HoSG of the ECOWAS was simply a confirmation of what is already in existence. While the earlier resolution of the emergency meeting of WAMoH failed to ensure a coordinated or a harmonized regional approach to closure of both ECOWAS internal and external borders. This failure was in contravention of the free movement protocols and in deference to diverse national laws. The uncoordinated approach to border closure is also demonstrated by different dates and duration of its implementation and enforcement by member states. The implication was that Covid-19 pandemic aggravated violation of ECOWAS visa-free, border-free, and borderless regimes ensuring that nationalism trumped supranationalism despite neo-functional approach to West African regionalism thereby demonstrating the inability of ECOWAS to decolonize West African borders. Evidentially, pandemic nationalism has reinforced the vindication of intergovernmentalism's critiques of neo-functionalist approach to regional integration in (West) Africa and even in Europe (Aniche 2021).

Not even Article 4 of the 1979 Dakar Protocol of the ECOWAS (which authorizes states to limit the freedom of movement and residence for reasons of public order, public security, or public health), justifies the unilateral and uncoordinated imposition of pandemic border closure regimes by member countries. This is because Covid-19 is a global pandemic which affects all member states, and thus, requires coordinated border policy to contain its spread. There is need therefore to transcend the neo-functionalist approach to regional integration as well as de-bordering and re-bordering in West Africa.

While it is difficult to attribute the low cases of Covid-19 in the sub-region to the unilateral or uncoordinated imposition of emergency border restrictions; obviously, it has worsened the already low intra-regional trade in West Africa through disruption of cross-border trade (Hamadou 2020). This has led to greater instability in consumer prices, significant widening of the public deficit, and negative annual growth in the region, for example, Cape Verde (5.5%), Nigeria (5.4%), Liberia (2.6%), Sierra Leone (2.3%), and Guinea Bissau (1.6%). The budget deficit for ECOWAS as a whole is expected to reach 6.4% in 2020 after an increase of 4.7% in 2019 and 2.9% in 2018, reflecting a general worsening in all countries (ReliefWeb 2020b). Generally, the pandemic border restrictions had significant impact on migration trends and patterns (Schöfberger and Rango 2020). Consequently, the intra-regional migration was significantly affected, for instance, there was a 79% decrease in cross-border travel across West and Central Africa during the second half of March and a decrease of 48% between January and April 2020 (Independent Monitoring, Rapid Research and Evidence Facility, 2020).

Towards Decolonizing Borders and Regionalism in the Post-Pandemic West Africa

ECOWAS neo-functional approach to regionalism (free movement and free trade) has not been able to transform it to a supranational institution enforcing rules. Instead, the pandemic nationalism tended to weaken ECOWAS while fortifying state's sovereignty or Westphalia state system in which nationalism trumps regionalism or supranationalism in West Africa. What then is the alternative theoretical approach to neo-functionalist regionalism in the sub-

region? How can ECOWAS decolonize borders in post-pandemic era? Should the West African integration transcend neo-functionalism? Is post-neo-functionalism the solution?

To change the narratives, there is need to rethink integration, migration and borders in West Africa in line with postcolonial border studies. To rethink regionalism, migration and borders in West Africa, the colonial borders must be deconstructed and reconstructed as conceived by postcolonial theoretical constructs. The colonial borders were illegally created by the European powers in faraway Berlin. The treaties of friendship, pacification and protection which the European powers presented at the Berlin Conference as proof of people's consent and as evidence of sphere of influence were fraudulently procured. Most of the treaties were signed under duress by African kings and chiefs through gunboat diplomacy. Those who refused to sign were either deposed or killed. Some of the deposed kings were forced into exile. The colonial spheres of influence over West African territories were mainly established through conquest, occupation, annexation, cessation, and proclamation. These methods used by most of the European powers to acquire West African territories are now obsolete and unacceptable in modern international law (Aniche 2021).

On the grounds of the logic of international law principle, *ex injuria jus non oritur*, West Africans should not be bound by 1884/5 Berlin Treaty because they were not party to it. This means that the borders were externally imposed on West Africans therefore there is sufficient legal basis to revoke *uti possidetis juris* and recreate the borders. This provides the template for a more radical approach to integration in West Africa. The onus is therefore on West Africa states to dismantle these colonial borders towards creating a border-free and borderless West Africa. ECOWAS member states must sacrifice their sovereignty over their territories for the geophysical and geopolitical borders between member states to cease to be international borders. There is need to dismantle these geophysical and geopolitical borders which divide West Africans into different geographical, territorial or physical spaces as citizens and foreigners or nationals and aliens. By so doing, the current Westphalian state system of nation-state will give way to regional supranationalism or a new state system called region-state. It is this new state system without internal (or mutual) borders that West Africa must aspire to transcend if they want to deconstruct the colonial borders and eliminate undocumented migration of West Africans in the sub-region (Aniche 2022).

But this approach as radical as it seems may not address security challenges and centrifugal forces of sub-nationalism in West Africa. To address disintegrative nationalism and security challenges in the sub-region, West Africa must go beyond dismantling the state-centric geophysical and geopolitical borders. There should be genuine efforts at deconstructing ethnic boundaries of socio-psychological, socio-cultural, socio-linguistic, socio-historical, and socio-political spaces of inclusion and exclusion that divide West Africans into various socially constructed categories that in turn draws physical and imaginary lines between "us" against "them" as indigenes and strangers, aborigines and settlers, natives and migrants, freeborn and slaves, faithful and infidels (Aniche 2021).

This is very essential in forging sub-regional integration, unity, prosperity, and development. This should be long-term rather than short-term. It will entail jettisoning the current neo-functional strategy and adopting post-neo-functional approach to regional integration in West Africa. While the EU proceeded from economic integration to political integration through neo-functionalism, West Africa should gradually transform from regional security

cooperation to regional economic and political integration through post-nationalism given the enormous security challenges confronting it (Aniche 2020a).

Post-neo-functionalism is a two-stage approach to regional integration consisting of security regionalism stage, and economic and political regionalism stage. The first stage approach is the stage of security regionalism which should be state-driven. This stage involves initial cooperation and integration in security architecture of the sub-region comprising military, police, customs, immigration, intelligence, anti-trafficking, and anti-drug agencies. The role of the military and police should be to secure the sub-region against insurgency and insurrection, while that of the customs, immigration, anti-trafficking, and anti-drug agencies should be to police ECOWAS (external) borders. The regional security integration stage should be operated simultaneously with neo-nationalism (or a synthesis of political and economic nationalism) geared towards achieving nation-building, national integration, and national development as well as growing the private sector. The purpose is to deconstruct and reconstruct ethnic borders and address the challenges of disintegrative nationalism and insecurity in the sub-region as well as transform the economies for global competitiveness (Aniche 2020c).

The second stage is the stage of economic and political regionalism should be people-driven, humanistic or private sector-led so as to facilitate people-to-people integration and bottom-top integration. This phase thus entails evolving a truly people-driven and human-centered regional integration involving the organized labor and private sector, and facilitating free movement of goods, services, businesses, finances, capital, and investments. This will eventually facilitate large scale, multi-national transnational, and cross-border merging of businesses and finances in the sub-region. This approach is distinct from neo-functionalist state-driven, state-centric, top-bottom, public sector-led or inter-governmental integration. At this stage of post-neo-functionalism, the role of the national government should be facilitative, that is to help complete the process of the gradual shift from nation-state to region-state where regional supranationalism trumps nationalism including pandemic nationalism (Aniche 2021).

It is only through this two-phase approach that colonial borders and regional integration in West Africa can be decolonized. This approach is also capable of deconstructing and reconstructing not only ethnic borders where regionalism can trump nationalism beyond pandemic nationalism, in the sub-region, but also the question of the artificial and imposed state in Africa which is no longer fit for purpose (Isike and Olasupo 2022).

Conclusion

This article has been able to adequately demonstrate that Covid-19 pandemic has deepened nationalism and weakened regionalism during the pandemic lockdown. This has in turn increased violation of ECOWAS free movement protocols through uncoordinated and reprisal border closure¹⁰ in which nationalism has trumped regionalism negatively impacting on ICBT, migrants, intra-regional trade, and (informal) economy. This means that it has been able to achieve the primary objective of establishing the impact of pandemic nationalism on the implementation of Community visa-free and border-free regimes, and attaining borderless West Africa. It argued that pandemic nationalism has only reinforced a pre-existing trajectory of rising nationalism in the sub-region due to the inability of ECOWAS to deconstruct and reconstruct colonial and ethnic borders for more than four decades.

The inability to decolonize these borders and West African regionalism have continued to combine to create geophysical and geopolitical borders dividing West Africans into different geographical, territorial or physical spaces as citizens and foreigners or nationals and aliens as well as socially constructed binaries like indigenes and strangers, aborigines and settlers, natives and migrants, freeborn and slaves, faithful and infidels. These binaries are the recipe for rising nationalism and sub-nationalism in the sub-region.

In order to change this narrative, this article therefore suggested that there is the need to construct alternative theoretical approach to West African integration by fundamentally rethinking the path to regionalism in the sub-region as a long-term measure. The fundamental thing to do is to initiate a sub-regional integration that will be truly people-driven by involving the OPS (consisting of West African businesspersons and investors) and mainstreaming the organized labor in regional policies that can enhance people-to-people integration through free movement of goods, services, capital, persons, and investments. This is the template that will eventually enable West Africans to merge their businesses so as to facilitate trans-border integration of West African finance and industrial capitals to form big cartels, consortiums, conglomerates, and multinational and transnational regional businesses as basis for establishing a strong and a stable regional integration in the sub-region where regionalism trumps all forms of nationalism including pandemic nationalism.

But at the interim, a short-term solution should be to systematically strengthen coordination and consultation among the various ECOWAS member states so as to harmonize and ensure that the pandemic policies and measures are consistent with the Community Protocols. In this regards, border checkpoints should only be set up to provide health checks and screening, and quarantine and hospital facilities for the infected migrants and informal cross border traders when necessary.

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Notes

¹Response from a Nigerian customs official.

²Response from a Beninese immigration officer with translation.

³Response from a Togolese public health officer with translation.

⁴The Naira to Dollar official exchange was at period of the fieldwork (November 2020) 393.00 Naira to 1.00 US dollar.

⁵Response from a truck driver from Nigeria.

⁶Response from a bus driver from Ghana.

⁷Response from a taxi driver from Benin Republic stated the amounts in their respective currencies but the equivalents were stated in Naira.

⁸Combined responses from informal cross border traders (dealing on locally manufactured soaps, foot wears, native jewelries, native clothes, food stuffs, etc.) in ECOWAS borders who stated bribes ranging from 2,500 to 3,500 Naira (equivalent) daily.

⁹Combined responses from stranded migrants and informal cross border traders on transit.

¹⁰Note that border closure or restriction was significantly relaxed in the sub-region in 2021.

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