

**The Economic Community of West African States (ECOWAS)  
passport and the facilitation of the Free Movement of Persons**

By

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## **ABSTRACT**

The movement of people across African borders has become a significant element of regional integration efforts throughout the continent. Consequently, the Economic Community of West African States (ECOWAS) has adopted a number of programmes aimed at facilitating the free movement of community citizens. Among these is the Protocol on Free Movement, Residence and Establishment, its supplementary protocols and free movement initiatives. In the year 2000, the West African community through the ECOWAS introduced a common passport. The passport was established and adopted as one of the numerous initiatives formulated under the organisation for the purposes of facilitating the movement of people within the sub-region. Although the ECOWAS passport has been celebrated for being the first fully functional common passport in Africa, the travel document's contribution towards the realization of the free movement of people aspiration has been limited. The principle objective of the study is to examine the effectiveness of the common passport in attaining the intended goal of improving mobility. Subsequently, the study provides a reflection on some of the challenges that persist against the successful use of the passport. The study demonstrates how the socio-economic and political conditions present in member states continue to affect the effectiveness of the common passport.

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## **LIST OF ABBREVIATIONS**

AEC	African Economic Community
AMU	Arab Maghreb Union
AU	African Union
EAC	East African Community
ECCAS	Economic Community of Central African States
ECOWAS	Economic Community of West African States
EU	European Union
FTA	Free Trade Agreement
LMI	Linear Market Integration
LPA	Lagos Plan of Action
OAU	Organisation of African Unity
PTA	Preferential Trade Area
REC	Regional Economic Community
SADC	Southern African Development Community
SADCC	Southern African Development Co-ordinating Conference
UN	United Nations



## **CHAPTER ONE**

### **Introduction**

#### **1.1. Presenting the Research Theme**

The movement of people across African borders has become a significant element of regional integration efforts throughout the African continent (Bujra, 2004: 3). Free movement of people has been spearheaded by a number of Regional Economic Communities (RECs) as a means to achieve the African Union's (AU) goal for regional integration (Thompson, 1993: 744). This African aspiration is aimed at the ultimate establishment of an African Economic Community (AEC) (Robert, 2004: 4). Subsequently, RECs have formulated and implemented a number of measures towards making their contributions to this regional goal espoused by the AU (Mukisa & Thompson, 1995: 57). In West Africa, the Economic Community of West African States (ECOWAS) developed a protocol on the free movement of people in the year 1979 (Oucho & Crush, 2001: 141). This policy instrument has since been complemented by a number of supplementary protocols and initiatives aimed at facilitating the free movement (Opanike et al, 2015: 44). Among these initiatives is the ECOWAS community passport. According to Nita (2013: 18), the passport was introduced in the year 2000 during an ECOWAS Heads of State and Government Summit. The passport is a regional travel document developed with the intention of eliminating restrictions on mobility such as the visa requirement for an ECOWAS community citizen travelling between West African borders (Bolarinwa, 2015: 163).

##### **1.1.1. Demarcation of the Research Problem**

Although the ECOWAS passport has been celebrated for being the first fully functional common passport in Africa, the travel document's contribution towards the realization of the free movement of people aspiration has been limited (Nita, 2013: 22). This is a result of the multiple factors within the region which continue to hamper on the effectiveness of the passport. These factors include; the execution and extortion of travellers at border posts, the persistence of restrictive domestic laws which give states the prerogative to deny entry to community citizens and unfavourable socio-economic conditions within receiving states among others (Okom & Udoaka, 2012: 121).



Additionally, the ECOWAS passport allows a community citizen the right to enter any of the member states for a period of 90 days without having to obtain a visa (Adepoju et al, 2010: 123). This period however is not sufficient for the carrying out of significant endeavours such as seeking employment, education or establishing a business. Therefore, unless travelling for the purposes of vacations or visiting family members, community citizens do not have any incentives for travel (Opanike et al, 2015: 46).

The primary goal of this research study is to position the free movement of people within the broader theme of Regional Integration. The study further seeks to examine, with particular reference to ECOWAS, the impact of the common passport in facilitating the free movement of people. This will be achieved by examining the multiple factors that continue to impede on the free movement of people across borders irrespective of the introduction of a passport meant to facilitate such mobility. Consequently, the research question to be addressed in this study can be expressed as follows; what factors have contributed towards the ineffectiveness of the ECOWAS common passport in facilitating the free movement of people?

Although the common passport was introduced in the West African community over a decade ago, the restrictions to free movement persist (Sibiri, 2016: 52). These restrictions exist beyond the functionality of the passport. Therefore the thesis argument advanced by the study is; the common passport addresses issues of entry and exists while not accounting for the persisting restrictions on mobility (Fagbayibo, 2015: 12). The passport only covers issues of access without a visa for a limited number of days. According to Adepoju (2003: 40), this function of the passport does not address the socio-economic and political factors found within member states which pose the most significant restrictions on mobility.

The study is demarcated in theoretical terms as it focuses on the concepts of regional integration and free movement as espoused by the AU and the ECOWAS' Protocol on Free Movement, Residence and Establishment (Adepoju et al, 2010: 121). The timeframe is set from the year 2000, when the common passport was adopted at the 35<sup>th</sup> summit of the ECOWAS heads of state and government to present day (Okom & Udoaka, 2012: 118). Furthermore, this study will be geographically demarcated, placing a focus on the ECOWAS. As indicated by Agyei & Clottey (2007: 6), the West African regional community is made up of fifteen member states that are located within the same region.

## **1.2. Research Methodology**

The purpose of this study is to determine the effectiveness of the ECOWAS common passport in facilitating the free movement of people in the region following the expectations of member states in the regional community. The study aims to evaluate the passport's ability to achieve the goal of free movement in West Africa through an examination of qualitative evidence which highlights the impact of this document on mobility. This section provides an outline of the research methodology employed in the course of the study. The methodology components covered in this section include; the research approach, the data collection techniques, data analysis ethical considerations and the limitations associated with the research method. The section concludes by highlighting the main aspects of the methodology employed in this study.

### **1.2.1. Research approach: Qualitative study**

Although a universally accepted definition of qualitative research has not been developed, it is fundamentally understood as an interpretative form of research that is mainly concerned with describing and understanding how social phenomena is constituted, experienced and interpreted (Babbie & Mouton, 2001: 270; Manson, 2002: 3). Qualitative research predominately involves providing a detailed understanding of a social phenomenon as accounted for by the research participants (Bloomberg & Volpe, 2012: 27). Unlike quantitative research which is predominately concerned with developing a generic representation of an event or activity, the qualitative approach focuses on the exploration of a social phenomenon being studied through the use of substantial descriptive accounts of the researcher's findings (Nieuwenhuis, 2007: 51).

The qualitative research approach studies social phenomenon within its natural setting (Manson, 2002: 2). Consequently, the approach is directed at taking the context in which a phenomenon exists into account (Gillham, 2000: 10). As a result, qualitative research is described as emergent since it is shaped by the changing contexts in which it is investigated (Bloomberg & Volpe, 2012: 30). Furthermore, since a qualitative inquiry provides a more detailed understanding of phenomena, the researcher is convinced that the study's stated purpose is concerned with gaining a deeper understanding of regional integration through the exploration of one of its components, the free movement of people, and understanding how

the use of a common passport impacts on this phenomenon (Strydom & Bezuidenhout, 2014: 191).

Qualitative research seeks to gain in-depth understanding of how certain social phenomena are carried out within their varying contexts (Creswell, 2003: 187). Unlike quantitative research, qualitative approaches embrace the phenomenon being studied in its entirety. Consequently, qualitative research incorporates the multidimensional and complex factors that exist alongside human phenomena as a means of generating deeper understandings of the nature of and the elements that influence such phenomena (Mason, 2002: 1). Instead of generating an understanding of a an object outside of its context as quantitative studies do, qualitative research explores the contents of a phenomenon's context in order to project a more detailed picture (Babbie & Mouton, 2001: 270). The researcher found that the study is consistent with the qualities of qualitative research as it seeks to attain an in-depth understanding of free movement by examining the impact of the ECOWAS passport on this phenomenon. The study aims to gain such an understanding by engaging the phenomenon within its secondary context, hence the study's use of a natural setting such as the West African region. The study considered the nuances present within such a setting and chose to embrace these nuances as part of the manner in which the phenomenon unfolds within the region.

The study warranted the use of a qualitative approach. This assessment is based on the researcher findings which demonstrate that the features of a quantitative approach would fail to appropriately capture the purpose of the study and to answer the research questions in a meaningful manner. This is because the study seeks to understand a social phenomenon taking place within a particular context. Such an exercise requires an investigation of the phenomenon to take place within the identified context (Bloomberg & Volpe, 2012: 26).

### **1.2.2. Research strategy: Case study**

Case studies engage a phenomenon in a broadened context which requires the consultation of various sources of information (Yin, 2003: 2). The study will use an evaluative case study approach to evaluate the effectiveness of the ECOWAS common passport in facilitating the free movement of people within the regional community. According to Yin (1994: 5), evaluative case studies seek to go beyond the interpretation of data found about a phenomenon to providing a judgement on the phenomenon. This is a single case study

focused on the case of ECOWAS. The case will be bounded to the ECOWAS passport which is issued to community citizens of the REC for a period of 90 days (Bolarinwa, 2015: 157).

### **1.2.3. Data collection: Documents**

For the purposes of this study, qualitative data will be collected and analysed in order to generate an in-depth understanding of the phenomenon being studied. The data sources to be used in the study will include documents, both published and unpublished, such as journal articles, reports and relevant protocols as well as news articles (Gillham, 2000: 37). The method to be used in order to generate data from these published and unpublished sources will be Document Analysis (Manson, 2002: 104). This method involves the analysis of documents in order to extract useful information to provide a deeper understanding of the phenomenon being studied (Creswell, 2003: 188). The researcher will employ this method of data collection because it has been established that the contents of written words and documents possess a reflection of the context within which the phenomenon being studied can be found (Nieuwenhuis, 2007: 81). These documents and texts provide an account of the manner in which the common passport in ECOWAS has impacted on how people within the region travel. This in turn provides an understanding on how the passport works to promote or hinder free patterns of movement in the region. The researcher has determined that these documents and texts provide a useful account of the common passport and how it has impacted on the phenomenon of free movement in contrast to accounts possibly derived from verbal utterances in the form of interviews.

The proposition of the study is that the ECOWAS passport has not been able to achieve the expected outcomes of increasing the free movement of people within the region. Therefore, the data collected from published and unpublished documents and written texts will be concerned with extracting evidence for this proposition in order to support or refute it (Mouton, 2001: 169). The processes of the utilization of the passport and the outcomes of such a process are well documented, which will allow the researcher to gain a deeper understanding of the common passport's effectiveness in achieving the intended goal of improving the levels of intra-regional movement.

The use of Document Review as a method of data collection is also informed by the ability to draw patterns and themes within the data which can answer the research questions posed by the study (Creswell, 2003: 191). Through the review of the different types of documents mentioned above, the researcher will be able to highlight the anticipated outcomes mentioned

in ECOWAS documents such as the protocol on free movement. The researcher does not however imply that the data found in documents is a direct representation of reality nor that such data should be accepted and interpreted as the ultimate 'truth'.

Documents as a source of evidence present a number of advantages for the study. Documents are argued to be useful for providing the exact names and details of a particular event or phenomenon as well as covering a wide range of issue areas (Gillham, 2000: 37). This provides the researcher with more detail on the issue being studied. Documents can also be reviewed as a means of checking the accuracy of data extracted from them and can further be reviewed by other researchers interested in replicating the study (Yin, 2003: 86). The literature will be collected through a desktop search of available materials in academic journals, government websites, and ECOWAS archives among others (Mouton, 2001: 170). These will be accessed through online portals that have been set up by the organisation. This search will be conducted by the researcher and the data collected will inform the discussions on the case of ECOWAS.

#### **1.2.4. Data analysis**

Data analysis as described by Yin (2003: 109) is concerned with the examining, categorizing and testing evidence collected from data sources in order to address the proposition of a study. In addition, data analysis involves a continual reflection on the data collected and asking analytical questions related to it (Creswell, 2003:190). As a case study, this research will follow a detailed description of the context within which the study will be conducted, that is the ECOWAS region. Thereafter, the analysis of the context will be followed by an analysis of the evidence collected for recurring themes. Bloomberg and Volpe (2012: 175) assert that analysis is essentially about searching for patterns and themes that assist the researcher in understanding the contexts and explanations for certain phenomenon. The analysis of data for themes is useful for generating an understanding of how the common passport has worked within other environments and to determine recurring themes within ECOWAS.

#### **1.2.5. Ethical considerations**

It is imperative to the researcher to ensure that the study does not violate any ethical regulations in the course of conducting the research. Therefore, the study will be conducted in full consideration of and in alignment with the university's rules and regulations regarding

research outputs. The researcher will ensure that the study is appropriately referenced in text and in the bibliographic list and that the appropriate procedures for acquiring authorisation for documents where necessary is followed. Additionally, the study will not present a biased interpretation of the evidence found in the data to be collected and analysed nor will it work to only present information that supports the study's stated assumptions. All research related activities, including the presentation of the study's findings will be conducted in a professional manner.

#### **1.2.6. Limitations of the research approach**

One of the main limitations of the study is based on the idea that as a single case study, the research will not allow the researcher to draw generalisations about the effectiveness of a common passport on regional integration and the free movement of people (Rule & Vaughn, 2011: 111). The study will be limited to presenting findings on the case of ECOWAS. Furthermore, the study will not include interviews, which would have possibly enriched the findings of study. However, for the purposes of this study, the use of documents as a source of data will provide sufficient material for evidence informing the study.

#### **1.2.7. Conclusion**

In conclusion, the discussion above has outlined the methodology informing this study. The research tradition was discussed in detail, indicating that the study will be a qualitative one as well as providing the rationale for the choice of research tradition. The research design was also reflected upon, as well as a discussion on the applicability of a case study design to this research. Thereafter, the data collection methods and data analysis techniques were accounted for, followed by ethical considerations related to research. Finally, the limitations of the method were highlighted as well as the suitable responses to these limitations.

### **1.3. Structure of dissertation**

The study is divided into 5 chapters which flow in a sequential manner. The first chapter is the introductory chapter which outlines the purpose of the study, the problem statement and an elementary overview of the study. In addition, chapter one includes the methodology section which situates the study within the qualitative research approach and highlights the research methodology as well as the data collection and analysis techniques. The second chapter is the literature review which positions the study in the context of existing literature and research that has been carried out in relation to the phenomenon being studied. The third

chapter is the ECOWAS case study which applies the topic and the literature discussed in the presiding chapter in relation to the selected case. The fourth chapter is a discussion of the results of the study as a reflection on the research questions, the literature review and the case study. The final chapter concludes the study by providing a summary of the study's findings and future areas of study.

## CHAPTER TWO

# The Conceptual Framework of Regional Integration and the Free Movement of Persons

### 2.1. Introduction

This chapter will provide a working definition and an analysis of the concepts of Regional Integration and the Free Movement of persons. The analysis will include a review of the history associated with the terms mentioned above, the evolution of the concepts of regional integration and the free movement as well as an analysis of both concepts within the contemporary environment. In conclusion, the chapter will outline the definitions of regional integration and free movement that will be used for the purposes of this study. These definitions will be limited to the conceptions of regional integration and free movement as advanced by the African Union as well as the regional bodies within the African continent, with a particular focus on the West African regional body ECOWAS.

The chapter will discuss the concept of regional integration within the African context. This will be achieved by first providing a historical outline of regional integration efforts in Africa and revealing how the concept has evolved from the period of its inception within the African landscape, to the contemporary environment. Furthermore, the different paths of regional integration will be outlined, with the intention to show how the concept has been applied differently (from different motivations and to different ends) within divergent contexts in the world. Lastly, the form and style of regional integration pursued by African states through the AU and the respective RECs will be discussed as a means to further operationalise the concept of regional integration within an African context.

### 2.2. The Evolution of Regional Integration

Regional integration as defined by Krapohl and Fink (2013: 472) is understood as the cooperation of a regional grouping on a number of policy areas such as trade, security and political stability. It is concerned with establishment of mutually beneficial relationships between states, usually within the same geographical space (Robert, 2004: 1). The concept of integration espouses multiple meanings and uses within the international system. A single definition of the concept has not been determined as the term often differs in significance and application according to the contexts under which it is evoked (Adetula, 2004: 3). For the



purposes of this study, integration is defined as a process of expanding relationships through deepening and strengthening ties between actors (Opanike et al, 2015: 41). Regional integration is often understood as the voluntary collaboration among states within the same territorial region for the purposes of increasing the level of cooperation on issues involving security, political stability and the economy among other issue areas (Olivier & Olivier, 2004: 351). It is concerned with achieving greater cooperation among states in order to improve the domestic conditions of a state's citizenry (Sibiri, 2016: 53). Integration and cooperative relationships are regarded as mutually beneficial, conducted among states that regard each other as equal partners (Adetula, 2004: 5). Additionally, regional integration requires that states defer their sovereignty to a supranational institution which is aimed at coordinating the efforts of each state in collaboration with other member states (Uzodike, 2009: 28).

Regional integration is often pursued by states that share a common history, culture as well as aspirations for growth and economic development (Mukisa & Thompson, 1995: 57). The concept of regional integration has been applied differently throughout the world. In Europe, the meaning ascribed to regional integration differs from the manner in which states in the Global South and particularly Africa have come to understand and apply it (Adetula, 2004: 4). This is a result of the different contexts under which the concept is used in both regions. Although the African integration project is said to be modelled on the European plan for integration, the manner in which both have manifested displays a difference based on the meaning ascribed to the concept of regional integration (Olivier & Olivier, 2004: 352). Consequently, a single definition of the concept has not been established (Thakur & Van Langenhove, 2006: 234). The different interpretations associated with the term are based on the manner in which different regions have experienced it.

The European Union (EU) has been argued to have been the first region to successfully implement the regional integration project and subsequently providing a model for other regions seeking to achieve integration (Cameron, 2010: 1). Olivier & Olivier (2004: 351) describe the EU as the most advanced regional grouping within the international system. With the advent of independence from colonial rule, Africa and the Global South embarked on the journey of integrating their economies for the purposes of achieving greater economic growth and development (Adetula, 2004: 2). The objective behind regional economic integration for Africa was the improvement of the structural conditions of the underdeveloped states within the continent (Uzodike, 2009: 27). The African region was characterised by

fragmented markets, a peripheral role within the international economic and political systems as a consequence of the continued exploitation of African markets by developed states (Tavares and Tang, 2011: 217).

In Africa, the regional integration project was consolidated under the Organisation of African Unity (OAU) in 1980 (Thakur & Van Langenhove, 2006: 236). During this period, the OAU adopted the Lagos Plan of Action (LPA) and used this plan to drive the project for African unity and development post colonial rule (Adetula, 2004: 6). The LPA outlined the plan for the ultimate establishment of the African Economic Community (AEC) in the year 2000 which would result in the cultural, social and economic integration of the continent (Mukisa & Thompson, 1995: 56). The AEC Treaty, commonly cited as the Abuja Treaty emerged as a subsequent policy plan for the integration of the African continent in the year 1991 by African Heads of State and Government (Thompson, 1993: 744). The Treaty is regarded as the policy that consolidated the call for African unity after colonial rule and is said to act as the foundation for Africa's development and gradual achievement of the goals of self-reliance and growth (Bujra, 2004: 6). The Abuja Treaty provides an outline of the necessary steps to be taken by African states, through the AU and RECs, towards attaining Economic Integration (Adetula, 2004: 17). The Treaty highlights how heads of state and government framed the notion of regional integration within an African context, stating specifically how this goal was to be approached and implemented (Qobo, 2007: 1). Regional integration according to the Treaty was to take place through the integration efforts performed under each REC (Uzodike, 2009: 31). The Abuja treaty envisioned the establishment of a community of African states which share a common market with a single currency, a common bank (known as the African Central Bank), common structures and institutions as well as a pan-African parliament and monetary union (Kiptoo, 2009: 13).

The ECA during the year 1975 played an instrumental role in the establishment of the RECs that were purposed for the carrying out of the regional integration project under the OAU (Adetula, 2004: 6; Tavares and Tang, 2011: 218). The East and Southern regions of the continent were represented by the Preferential Trade Area (PTA) while Central African states were organised under the Economic Community of Central African States (ECCAS) (Fagbayibo, 2015: 11). The Northern part of Africa was later organised under the Arab Maghreb Union (AMU) in the year 1989 and West African states under the Economic Community of West African States (ECOWAS) (Mistry, 2000: 561). New formations have emerged from these original RECs, bringing the total number of RECs in the region to eight

(Nita, 2013: 16). According to Hartzenberg (2011: 6) some RECs such as the Southern African Development Co-ordinating Conference (SADCC) were established with a different mandate compared to that of the other RECs. SADCC for example, was developed on the basis of political cooperation between states in Southern Africa as a response to the growing influence of Apartheid South Africa in the region (Adetula, 2004: 14). The organisation later became a regional integration platform when it was changed to the current Southern African Development Community (SADC) (Hartzenberg, 2011: 5).

**Table 1: Major Regional Integration Arrangements in Africa**

Grouping	Year of Est.	Member States
Central Africa Customs and Economic Union	1966	Cameroon, Central African Rep. Chad, Congo, Equatorial
East Africa Community (EAC) I	1967	Kenya, Tanzania, Uganda. In 1999 East African
Southern African Customs Union (Mano River Union (MRU))	1969	Botswana, Lesotho, Swaziland, South Africa
West African Economic Community (CEAO).	1973	Liberia, Sierra-Leone and Guinea.
Economic Community of West African States	1973	Benin, Burkina Faso, Cote d'Ivoire, Mali, Mauritania,
Economic Community of the	1975	Benin, Burkina Faso, Cape Verde, Cote d'Ivoire, The
Southern African Development Co-ordinating Conference (SADCC).	1976	Burundi, Rwanda and Zaire
Southern African Development Co-ordinating Conference (SADCC).	1980	SADC was established in August 1992 in Windhoek, Namibia, to replace the Southern African Development
Preferential Trade Area (PTA)	1981	Burundi, Comoros, Djibouti, Ethiopia, Kenya, Lesotho,
Economic Community of Central African States	1984	Burundi, Cameroon, Central African Rep., Chad, Congo,
African Economic Community (AEC)	1991	All members of the OAU
Common Market for Eastern and Southern Africa (COMESA).	1993	15 Countries attended the PTA Summit in Kampala in 1993 and later signed the Treaty, which establish

Adetula 2004

The adoption of the Accra Declaration in 2007 symbolised a step further by heads of state and government in the regional integration project (Adetula, 2004: 6). The Declaration stated the AU's and the various African leaders' under the organisations' intention to drive regional integration within the continent with the goal of ultimately establishing a Union Government for Africa (Tavares and Tang, 2011: 223). The Accra Declaration further consolidated the role of RECs in the region and advocated for the strengthening of these sub-regional organisations for the purpose of attaining the final goal of African unity (Zoppi, 2013: 53). Each REC therefore has been tasked with formulating and implementing the necessary measures to ensure the free movement of people across their respective borders (Qobo, 2007: 1). The goal of integration has particularly been more acute in states that share the same territorial area as they tend to encounter similar challenges (Bujra, 2004: 7). Where political instability is concerned for instance, neighbouring states often experience the spill over effects of the conditions in the affected state as challenges within the contemporary system are usually trans-boundary in character (Opanike et al, 2015: 46). Issues that affect a single state may have consequences for neighbouring states as well. Therefore, as a means to effectively address concerns on trans-border issues, states have often decided on collaborative efforts such as regional integration. Opanike et al (2015: 42) has suggested that this is also based on the global trends of globalisation which have resulted in states cooperating across a number of issue areas.

### **2.2.1. Approaches to Integration in Africa**

The style of integration pursued by African states is one focused on Linear Market Integration (LMI) within RECs and through the AU (Mistry, 2000: 559). The strategy followed by states within African RECs includes the establishment of a Free Trade Agreement (FTA) to govern a Free Trade Zone and an Economic Union that involves the harmonisation of monetary and fiscal policies of states to form a Common Economic Unit (Hartzenberg, 2011: 2). The project of regional integration is economy orientated, with the primary objective of states being the need to develop their economies by collaborating with other states within the same geographical space (Opanike et al, 2015: 42). The first step, establishing an FTA, has been achieved by a number of African states within their respective RECs (Koroma, 2008: 25). However, the success of the FTAs that have been established within African sub-regional platforms has been limited by the persistence of political and

socio-economic factors that are not conducive for the fulfilment of the objectives set out under the free trade agreements states enter into (Tavares and Tang, 2011: 220). Among the challenges experienced by member states is the lack of progress in the successful implementation of policies on free movement of people, goods and services (Koroma, 2008: 28).

### **2.3. Theoretical background to Regional Integration and Free Movement in Africa**

Neo-liberalism can be useful in explaining efforts towards regional integration. This theory advocates for the liberalisation of markets and provides a market oriented perspective of integration (Oloruntoba, 2016: 296). This is consistent with the basic tenants present in new regionalism. New regionalism as an approach towards Africa's integration is focused on the use of markets as principle drivers of integration rather than states (Tavares & Tang, 2011: 226). It encompasses multiple areas of cooperation between states which go beyond the economical spheres to include social, cultural and security cooperation (Uzodike, 2009: 31). Adetula (2004: 2) argues that African states adopted this approach, abandoning old regionalism as a means to respond to the changing international environment. These changes have brought along with them the need for greater cooperation between states as global and regional interdependence continues to increase (Souare, 2005: 136). New regionalism provides a useful lens through which to view integration within the contemporary African space (Kiptoo, 2009: 12). While old regionalism places emphasis on integration as a means of protecting states' political sovereignty and freedom, the set of priorities pursued by states has changed to reflect a much urgent need for economic development and an expansion of the scope of cooperation among nation-states (Qobo, 2007: 2). This new set of priorities, combined with the globalised world system has led states to pursue integration efforts through the AU and the various RECs that have emerged from the region.

Political science also offers an approach to understanding integration within the contemporary environment. These approaches are focussed on the arguments for integration made by functionalism and neo-functionalism. According to Uzodike (2009: 29), functionalists argue that states often cooperate on a number of platforms, ranging from political to economic cooperation for the purposes of attaining peace and mutual development. This theory places states' need for peace and addressing similar needs at the core of integration (Aryeetey, 2001: 13). Neo-functionalism goes further to attribute the integration of states to four variables which are; actors, motives, processes and context. Neo-

functionalists suggest that the integration process is driven by a number of actors besides the state. Oloruntoba (2016: 298) states that these actors, such as political organisations within states, have a set of motives that propel them towards pursuing integration initiatives especially when such an exercise offers favourable returns. This integration process, moving from existing interdependence between states to more formal cooperation and agreements, takes place within social, economic and technical contexts (Uzodike, 2009: 29). Therefore, as cooperation within these contexts solidifies, countries move towards a vital state of integration, political unification.

The creation of the ECOWAS and the adoption of the protocols on free movement provide evidence of neo-functionalisms' assumptions and how new regionalism has manifested itself within the continent. ECOWAS member states sought cooperation among them in order to not only adapt to the changing international environment, but to take advantage of the benefits derived from multidimensional integration (Kayizzi-Mugerwa et al, 2014: 1). The desire to achieve free movement of people in ECOWAS can be accounted for by the neo-functionalism idea that as the process of integration deepens, states start to explore and consolidate more areas of cooperation (Uzodike, 2009: 28).

Furthermore, existing literature suggests that both regional integration and free movement of people across borders can be explained by political and economic similarities among states (Hartzenberg, 2011: 4). When states have greater similarities on both political and economic grounds, they are more likely to integrate and allow greater mobility of their citizens across each others' borders (Gulzau et al, 2016: 166). Democratic peace theory states that the chances of cooperation between democratic states are higher than those between non-democratic states. The main argument advanced by this theory suggests that integration is most likely to occur among democratic states as democracies are concerned with peace and co-existence (Sibiri, 2016: 52). The assumption is that democratic states share the same aspirations and therefore have more incentive for collaboration rather than conflict (Okom & Udoaka, 2012: 118). Democratic peace theory can be applied within the ECOWAS case as stronger ties between (similar) states are visible between west African democracies.

However, it is also vital to note that in the case of ECOWAS, sizeable disparities in political and economic capabilities among states also exist (Souare, 2005: 140). Some states are plagued with political instability and economic vulnerability while states like Nigeria, are regarded as hegemonic powers (Oloruntoba, 2016: 301). According to the political and

economic similarities approach, these differences form a basis for slower integration and impediments to free movement of people as the costs and benefits associated with integration and free movement are asymmetrical (Tavares & Tang, 2011: 227). Therefore some states restrict mobility into their territories as a result of the costs attached to free movement, hence the slow implementation of the protocol on free movement and the full adoption of initiatives such as the ECOWAS common passport (Kayizzi-Mugerwa et al, 2014: 3).

#### **2.4. Free movement in the African Union**

Free movement has always been a prominent element of the regional integration project in West Africa (Robert, 2001: 16). The free movement of persons is regarded as a facilitating factor towards achieving the goal of regional integration (Fagbayibo, 2015: 4). This is based on the assumption that the free movement of persons facilitates trade within a particular regional area, which is an important aspect of the integration project (Nwogu, 2007: 348). The ability to move freely between states while experiencing limited restrictions on such movement is regarded by Nita (2013: 9) as imperative for improving the levels of intra-regional trade as well as achieving the ultimate goal for an African Economic Community through regional integration.

For the AU, the goal of regional integration is only regarded as attainable upon the enactment and complete implementation of free movement protocols within the eight RECs (Sibiri, 2016: 52). Consequently, the AU promoted the establishment of such protocols and the implementation of the provisions found within them. Among the RECs that have heeded the call for the elimination of travel restrictions have been the ECOWAS, SADC and the EAC to a limited extent (Oucho & Crush, 2001: 141). The final goal for the AU is the establishment of a regional community. Therefore, according to Hartzenberg (2011: 3) the free movement of people is not only an objective pursued by RECs but by the AU as a central regional integration goal.

#### **2.5. Free Movement in The European Union**

The European Union is regarded as one of the best examples of regional integration in the world (Olivier & Olivier, 2004: 351). The African Union and the ECOWAS goals on regional integration are directly inspired by the model of integration employed by the EU (Sibiri, 2016: 51). The ECOWAS passport is modelled on the EU passport and has been implemented in such a manner that resembles the EU processes (Bolarinwa, 2015: 163).

Souare (2005: 137) argues that the EU is more economically advanced than the West African region. The high levels of integration in the EU prior to the establishment of the common passport have also been cited as a reason for the relative success of this initiative in the EU and not in the ECOWAS (Sibiri, 2016: 52). Both the EU and ECOWAS have similar interventions to promote regional integration, however ECOWAS has not been able to achieve the same kind of results as the EU as a consequence of the unique challenges experienced within the sub-region (Okom & Udoaka, 2012: 124).

The community passport has been successful in the EU as member states have acted to adopt the resolutions relating to the establishment of the passport and have changed their domestic laws and institutions to reflect the provisions of the resolution (Fagbayibo, 2015:14). This is because the EU does not experience the same security and implementation challenges that ECOWAS member states do (Sibiri, 2016: 54). Therefore the processes of implementation and effectiveness of the passport has been made easier in this region than it is in West Africa (Robin, 2009: 144). Furthermore, the security architecture of the EU is better advanced when compared to ECOWAS (Nita, 2013: 15). This ensures that the security threats that hinder integration in West Africa do not have the same crippling effect in the EU. In addition, the West African region is plagued with civil war and political instability which hinders the success of initiatives such as the passport (Opanike et al, 2015: 44). These conditions are not a challenge in the EU as the high levels of integration in the region place the EU at an advantageous position in implementing a common passport (Sibiri, 2016: 57).

## **2.6. Conclusion**

Although the appropriate path and approaches to the regional integration project in Africa remain a contested topic, the desire by states within the region to achieve greater cooperation among themselves continues to be a firm aspiration expressed by the member states of the AU (Fagbayibo, 2015: 18). The discussion above has outlined definitions of both the concepts of regional integration and the free movement of people. The discussion has highlighted how the concepts are operationalised within the African context with the aim of developing definitions that would be consistent with the manner in which the concepts are engaged within the region (Qobo, 2007: 2). Subsequently, the definition of the concepts of regional integration and free movement to be employed in this study are based on the understanding outlined in the discussion above. These definitions emphasise the economic cooperation between states for the purposes of achieving development and economic growth



through collaboration and the elimination of travel barriers as a means to facilitating the movement of people among cooperating states (Oloruntoba, 2016: 298).

## **CHAPTER THREE**

### **Free Movement and the Common Passport: the case of ECOWAS**

#### **3.1. Introduction**

The free movement of people is a constant feature of regional integration efforts throughout the African continent (Fagbayibo, 2015: 4). Opanike et al (2015: 43) has argued that the ECOWAS is the most advanced in the attainment of this goal with the establishment of the Free Movement protocols and the recent adoption of a common passport. The purpose of this chapter is to discuss the case of ECOWAS in relation to the free movement of people and the common passport. The chapter will provide a brief overview of how the West African region has engaged with the concepts of regional integration and specifically, the free movement of people. This will include an outline of the policy instruments used by the ECOWAS as a means to improve the level of mobility among community citizens in the sub-region. Moreover, the chapter will further discuss the common passport as an initiative under the protocol on free movement. The chapter concludes with a reflection on the ECOWAS case, in relation to the concept of the free movement of people.

#### **3.2. Overview of ECOWAS**

The Economic Community of West African States (ECOWAS) was formed by 16 West African heads of state and government in the year 1975 with the aim of achieving economic integration in the sub-region (Kiptoo, 2017: 12; Lar, 2009: 23). ECOWAS was established as a means of promoting greater cooperation and development in the West African region and further improving the living conditions of community citizens (Adeniran, 2012: 1; Adetula, 2004: 15). The aims advanced by the sub-regional bloc are further regarded as constituting a significant contribution towards the integration and development of the African continent (Opanike et al, 2015: 42). The regional organisation's founding principles are posited on unity and Pan-Africanism, which express the need for greater cooperation among African states for the purposes of achieving growth and development within the continent (Thiam, 2010: 45).

The bloc currently consists of fifteen member states including; Nigeria, The Gambia, Senegal, Niger, Togo, Mali, Burkina-Faso, Liberia, Sierra Leon, Guinea, Ghana, Guinea-Bissau, Benin, Cote D'Ivoire and Cabo Verde (Agyei & Clottey, 2007: 10). Member states have played a crucial role in the formulation and implementation of the various integration

initiatives under the ECOWAS (Opanike et al, 2015: 42). Such initiatives include agreements on trade as well as collaboration on domestic laws for the purposes of increasing the level of interdependence and cooperation among states (Aryeetey, 2001: 15). ECOWAS is considered one of the most advanced sub-regional formations in the continent in relation to the numerous policies and activities surrounding regional integration efforts (Opanike et al, 2015: 43).

**Figure 1: The ECOWAS member states**



Source: ECOWAS 2017 <http://www.ecowas.int/life-in-the-community/maps/>

A major element of the regional integration project is the free movement of people across West African borders (Robert, 2001: 16). The free movement of people is regarded as a particularly important aspect of integration (Adepoju, 2009: 23). According to Opanike et al (2015: 43), this is based on the view that people are necessary agents for the implementation of integration efforts. The free movement of people is argued to further contribute towards economic and political integration as well as increased cross-border socialisation (Konseiga, 2005: 28). Consequently, the movement of people has become one of the most central conditions of integration efforts in regional and sub-regional environments (Fagbayibo, 2015: 5). This perception of the centrality of human beings within the integration project is evidenced by the prioritising of the free movement of people within the ECOWAS framework through the development of the Protocol Relating to Free Movement, Residence and Establishment (Opanike et al, 2015: 43). Subsequently, this protocol has become the

central focus of ECOWAS as a means to achieve the goal of regional integration (Aryeetey, 2001: 23). The protocol on free movement was introduced with the aim of facilitating high levels of mobility within the sub-region and to further the cause for closer cooperation and coordination among member states (Adepoju, 2009: 23).

### **3.3. Regional Integration in ECOWAS**

The process of integration among West African states has been a persistent goal first framed in the period after independence during the early 1960s (Zoppi, 2013: 47). Oloruntoba (2016: 300) describes the formation of ECOWAS as a direct consequence of the integration aspirations of the states in the West African region. In 1975, as a means to achieve this goal, the Treaty establishing the regional bloc ECOWAS was adopted (Souare, 2005: 137). In the year 1979, the regional organisation adopted and ratified the Protocol Relating to Free Movement of Persons, Residence and Establishment (Adepoju et al, 2010: 121; Okom & Udoaka, 2012: 118).

#### **3.3.1. Background to Integration and Free Movement in West Africa**

The need to achieve greater mobility across West African borders comes at a period where the movement of people across borders is hampered by strict border controls and rigid immigration laws within states (Fagbayibo, 2015: 4). Prior to the colonial period, the West African community was organised according to tribes and nations (Mistry, 2000: 553). These tribes migrated as a collective while individual migration was a rare instance (Opanike et al, 2015: 43). When compared to the prevailing conditions within the contemporary environment, movement during the pre-colonial period was reasonably open to all people within west Africa and restrictions on mobility were limited (Lar, 2009: 23). This meant that people could move liberally between territories, allowing for higher levels of trade and cooperation among families, tribes and nations (Agyei & Clotey, 2007: 4).

The artificial borders introduced by the colonial administration resulted in the establishment of border controls and other travel restrictions which were to impede on the free movement of people in the region (Zoppi, 2013: 45). Adepoju (2009: 20) argues that the colonial administration created boundaries that cut across tribes and peoples that belonged within the same communities. During the early stages of colonial rule, the movement across these artificial borders did not significantly decrease the mobility of people (Opanike et al, 2015: 43). However, as the Westphalian state system further consolidated within Africa in the post

colonial period, border controls increased and mobility was significantly affected (Agyei & Clottey, 2007: 5; Fagbayibo, 2015: 7). Subsequently, states began to realise that the mobility of people, goods and services was essential to the development of the respective economies of states and the livelihood of their citizens (Uzodike, 2009: 27). This led to the call for greater mobility in the region through the use of integration interventions within the ECOWAS institutional framework (Lar, 2009: 24). Furthermore, it is imperative to note that the need for regional integration has emerged during a period in global history where the international system is characterised by increasing interdependence among nations (Bolarinwa, 2015: 154). The interconnectedness of the global system has compelled states to move towards greater integration in order to address some of the challenges states are currently confronted with (Opanike et al, 2015: 42).

### **3.3.2. Treaty and the Protocol on Free Movement of People**

In May 1979, the Protocol Relating to Free Movement of Persons, Residence and Establishment was adopted by the ECOWAS Authority of Heads of State and Government (Adeniran, 2012: 2). This protocol was established and adopted as an indication of the region's integration goal (Lar, 2009: 23). The protocol is centred on the aspiration of the west African region to achieve greater cooperation and coordination among the member states of ECOWAS through the free movement of people between west African borders (Agyei & Clottey, 2007: 11). Free movement of people is understood as the mobility of people within a certain area where restrictions on entry have been eliminated (Nita, 2013: 9). The implementation of the protocol has been structured according to three phases (Sibiri, 2016: 63). Each phase has a specific goal attached to it and was to be implemented in a period of five years (Robert, 2001: 6).

Phase 1 of the protocol provides for the right of entry and the abolishing of the visa requirement at the entry points of member states (Sibiri, 2016: 66). This phase is focused on the elimination of travel requirements such as the visa as a means of facilitating increased levels of movement of people in the region (Adepoju, 2009: 24; Robin, 2009: 151). Phase 1 of the protocol has been successfully implemented (Adepoju et al, 2010: 123). This is evidenced by the initiatives that have emerged as a result. In a similar vein, ECOWAS introduced a common passport for the purpose of eliminating the visa requirement for travelling community citizens (Souare, 2005: 138). Sibiri (2016: 64) states that the success of the first phase has been plagued by a number of challenges which have made it difficult to

implement the second and third phases of the protocol. These challenges are supported by the ineffectiveness of the interventions such as the travel certificate and the common passport, introduced as part of the first phase in facilitating the free movement of people (Bolarinwa, 2015: 164).

The second and third phases of the protocol focus on the right of residence and establishment (Robin, 2009: 151). Phase 2 provides for the right to residence in a member state by ECOWAS community citizens who possess the required residence permits according to the host state's domestic immigration laws (Lar, 2009: 24). Phase 2 makes a further provision for ECOWAS community citizens to seek employment and carry out employment related activities within a host state (Agyei & Clottey, 2007: 10). In addition, phase 2 further places an expectation on states to ensure that migrant workers who are legally employed receive comparable treatment with local workers (Adepoju et al, 2010: 123). As indicated by Bolarinwa (2015: 158), the third phase is focused on the right of establishment which includes the establishment of business enterprises and investments by community citizens. Phase 3 provides that citizens of ECOWAS should attain access and the right to residence in member states and the right to establish business enterprises and trade (Adepoju et al, 2010: 124). The third phase was scheduled to be implemented after the second phase in the interval of 5 years for each phase (Thompson, 1993: 754). However, this implementation has not occurred as the preceding phase has not yet been successfully implemented (Nita, 2013: 22). It was the understanding advanced by the ECOWAS heads of state and government that the third phase was to be implemented with ease as the second phase would have established conditions favourable for its implementation (Adepoju, 2002: 12).

The protocol on free movement has been succeeded by a number of supplementary protocols aimed at further advancing the provisions of this policy instrument. These were introduced in the period between 1985 and 1990 (Lar, 2009: 24). These supplementary protocols are concerned with providing guidelines for the realization of the protocol on free movement and the broader goal of regional integration in West Africa (Adepoju et al, 2010: 132). The focus areas within the supplementary protocols include; provisions for individual expulsion as well as mass expulsion of community citizens, regulations on the rights of community citizens and the issuing of travel documents and valid health certificates (Opanike et al, 2015: 44). The supplementary protocols were introduced in conjunction with the three phases of the protocol on free movement as they address specific elements of each phase (Sibiri, 2016: 63). Member states ratified the supplementary protocols as part of their commitment to implementing the

provisions of the protocol on free movement (Aryeetey, 2001: 24). However, this commitment has been undermined by the lack of political will to apply the provisions within each protocol (Okom & Udoaka, 2012: 126).

According to Lar (2009: 25), the protocol on free movement has been adopted by all member states in the ECOWAS. These states have committed to advancing the provisions reflected in the protocol on free movement and the supplementary protocols (Gulzau et al, 2016: 168). This commitment made by states has required that states further work to implement the interventions that have been introduced as part of the protocols. These initiatives include the ECOWAS travel certificates and the ECOWAS passport which is meant to promote mobility in the sub-region (Uzodike, 2009: 34). The passport has not however been adopted by all member states as it is currently in use in a small number of member states (Fagbayibo, 2015: 11).

### **3.4. The ECOWAS Passport**

The Authority of Heads of State and Government adopted the ECOWAS common passport during the 23<sup>rd</sup> summit in Abuja in the year 2000 (Adepoju, 2003: 40). The uniform passport was modelled on the European Union (EU) passport which was established for the purposes of increasing the level of integration within the EU (Sibiri, 2015: 54). The passport was introduced as an initiative informed by the protocols on free movement (Adepoju, 2009: 27).

Prior to the introduction of the common passport, a travel certificate was issued to community citizens in 1985 (Uzodike, 2009: 34). According to Adepoju et al (2010: 125), the ECOWAS travel certificate is valid for a period of two years and can be renewed for a further two year upon expiry. This document grants citizens access to any ECOWAS member state. The certificate was introduced with the aim to facilitate cross border movement and to make travelling more affordable for community citizens (Fagbayibo, 2015: 11). The ECOWAS passport was introduced with the aim of eventually replacing the travel certificate (Adepoju, 2009: 28). During the year 1982, another initiative inspired by the protocols on free movement was introduced (Nita, 2013: 18). The ECOWAS Brown Card Motor Vehicle Insurance Scheme was established in order to provide insurance cover for vehicles travelling in between member state borders (Adepoju et al, 2010: 126). The majority of vehicles covered by this initiative were business cars that often travel between states for commercial purposes (Bolarinwa, 2015: 163). These initiatives were both introduced as a means to realise

the goal of making movement between states easier and more affordable so as to encourage the movement of people for purposes such as trade (Adepoju, 2003: 40).

Although ECOWAS has introduced a number of interventions to address the movement of people, the success of these initiatives is hampered by the prevailing domestic conditions within member states (Sibiri, 2016: 64). The efficiency of the travel certificate and most recently the common passport have been affected by the unfavourable conditions in states which are perpetuated by the lack of coordination between domestic structures and policies, lack of the necessary infrastructure to facilitate free movement, political instability, and inadequate monitoring mechanisms for regional instruments such as the protocols on free movement (Aryeetey, 2001: 24). Consequently, the common passport is only in use within a number of states in the west African region as only ten out of fifteen states are reported to have adopted the regional passport (Fagbayibo, 2015: 11).

### **3.5. Conclusion- Reflection**

Adeniran (2012: 3) describes how the free movement of people in the West African region continues to feature as a significant aspect of the region's integration. This is because states realise that the integration process requires conditions that foster free movement of people across borders (Fagbayibo, 2015: 5). In the West African region, this objective has been clearly articulated in the protocols on free movement and the supplementary protocols that have emerged out of it. The common passport further reflects the commitment by the regional grouping ECOWAS to facilitating mobility within the sub-region (Sibiri, 2016: 60). Although the implementation of these integration and free movement efforts has not been as successful as envisioned by the heads of government and state who initiated the protocols, they have indicated the significance of the free movement of people and the presence of political will to achieve this objective among ECOWAS member states (Adepoju, 2002: 12). The case of ECOWAS provides an understanding and illustration of the goal of free movement as it is arguably the most advanced sub-region in relation to this aspect of regional integration (Kimenyi & Smith, 2012: 15).



## CHAPTER FOUR

### **Discussion: The Effectiveness of the ECOWAS Common Passport**

#### **4.1. Introduction**

Aryeetey (2001: 24) suggests that the free movement of people within the West African region is restricted by a number of domestic and sub-regional challenges. Although the Protocol on Free Movement has been in force for over three decades, the realization of the goal of integration through free movement across West African borders is yet to be fulfilled (Bolarinwa, 2015: 165). As a means to capacitate the Protocol on Free Movement, a common passport has been introduced. The common passport was established with the aim of improving mobility within the sub-region; however the prevailing conditions within ECOWAS member states have created challenges for the successful implementation of the Protocol and subsequently the common passport (Adeniran, 2012: 2). This chapter seeks to examine some of these socio-political conditions that have impeded on the implementation of the Protocol and further reveal how the effectiveness of the common passport has been affected by these persisting conditions. These will be used as a basis for formulating further recommendations on how to improve the effectiveness of the passport in the concluding chapter.

#### **4.2. Restrictions on Free Movement**

According to Sibiri (2016: 64) a number of restrictions to free movement in the west African region still exist. These restrictions include the inadmissibility clause, mass expulsions, and political conditions among others (Lar, 2009: 24). The perception that the common passport was created as a means to further facilitate the movement of people according to the provisions of the protocol has meant that the passport essentially operates under similar conditions as the protocol (Adepoju, 2003: 40).

The passport has not been able to achieve the goal of making movement free within the sub-region because although it provides citizens access into the territory of member states, incentives for travel are not enough to attract citizens (Adeniran, 2012: 3). Community citizens can enter a member state however they cannot reside nor establish business enterprises as the passport does not offer citizens adequate time for these activities (Robin, 2009: 151). Citizens therefore do not have enough incentive to travel to member states as

such travel does not offer long term opportunities for travelling citizens (Robert, 2001: 20). Community citizens that are in possession of an ECOWAS passport are faced with a number of travel restrictions that hinder the effectiveness of the passport in making movement between member states easier (Souare, 2005: 139). In this regard, although citizens have the common passport, they still have to pay fees for entry and stay in some countries (Oloruntoba, 2016: 301). Fees are not meant to be charged as entry and stay is accounted for in the passport yet community citizens have continued to pay these fees in some parts of the region (Adepoju et al, 2010: 127).

Travelling community citizens do not only have to pay fees for provisions that are accounted for under the passport but also face harassment from local police (Adeniran, 2012: 3). Officers set up stop and search roadblocks along routes frequently used by travelling community citizens (Okom & Udoaka, 2012: 121). The ECOWAS Executive Secretariat reported the existence of more than 60 checkpoints conducted by both police officers and non-state actors along Nigerian roads (Robin, 2009: 152). These are some of the restrictions on travel that still exist regardless of the protocols on free movement and the introduction of the common passport (Fagbayibo, 2015: 12). In 2005 it is reported that over 40 Ghanaians were killed while travelling to The Gambia (Lar, 2009: 25; Opanike et al, 2015: 45). This occurred in a period where the free movement of people across borders in the sub-region was supposedly accounted for by the protocols and its interventions (Agyei & Clotey, 2007: 12). This incident provides proof that the security threat is still persistent in the West African region.

Furthermore, community citizens continue to experience harassment by police officers when travelling within the region (Bolarinwa, 2015: 163). This is made possible by the poor levels of security within states (Okom & Udoaka, 2012: 122). States that are experiencing civil wars and facing political instability often experience challenges in relation to security (Adepoju, 2002: 13). These security issues hinder the mobility of community citizens who would otherwise travel to member states for the purposes of trade and other commercial activities (Uzodike, 2009: 36). Instances have occurred where citizens were tortured and abused while exercising their right to free movement as provided for by the protocols (Lar, 2009: 24). Therefore, the ECOWAS passport may provide access into states, however, it does not account for the security concerns travelling citizens may have.

#### **4.2.1. Lack of Information on the Common Passport**

The lack of information on the common passport has also led to an ineffectiveness of the document (Adepoju, 2009: 38). As a result of this lack of knowledge on the passport, some immigration officials do not recognise it as a legitimate travel document (Bolarinwa, 2015: 162). People in possession of the common passport have encountered challenges in using it as some officials at border posts do not accept the passport as a legal travel document (Kimenyi & Smith, 2012: 15). Therefore, although a citizen may have been in possession of the passport, the lack of information on the validity of the passport makes it difficult to gain access into territories where the passport is not recognised (Robin, 2009: 152).

According to Adepoju (2009: 19) this challenge has also resulted in the limited use of the common passport itself as community citizens are not aware of the passport's existence and applicability. Member states have not effectively communicated the implementation of the protocols on free movement and the initiatives that have emerged out of them (Adepoju et al, 2010: 125). This lack of awareness surrounding the passport has meant that only a few citizens are in possession of the travel document and even fewer of them are making use of it (Adepoju, 2009: 39; Lar, 2009: 25). Therefore, although the common passport may exist, its use and effectiveness is limited by the lack of knowledge by both the relevant authorities and the community citizens.

As a response to this challenge, the Authority of Heads of State and Government launched national committees for the purpose of monitoring the implementation of the initiatives under the protocol (Robin, 2009: 152). These committees were meant to ensure that states were complying with the provisions of the protocols and therefore adequately disseminating information on the free movement initiatives undertaken by ECOWAS (Adepoju, 2009: 31). A number of states committed to the establishment of such a committee within their respective domestic structures (Adepoju et al, 2010: 124). However, Nita (2013: 23) argues that these committees have not been effective in promoting the implementation of ECOWAS initiatives, particularly the initiatives launched under the protocol on the free movement of people. This is because the relevant committees have failed to monitor and effectively report on the progress made by states on the implementation of the protocol initiatives.

#### **4.2.2. Language and currency barriers that hamper the Free Movement of Persons**

Bolarinwa (2015: 163) indicates that community citizens are faced with language barriers when travelling within the sub-region. Citizens that are not familiar with the language used in a particular state are easily identified as non-nationals. These people therefore become easy targets for harassment and extortion within the borders of host states (Adeniran, 2012: 3). Furthermore, citizens are required to change currencies multiple times while travelling as member states use different currencies (Aryeetey, 2001: 25). This makes the journey difficult and at times expensive for citizens as currency rates are not uniform. Agyei & Clotney (2007: 12) state that at border posts, citizens are required to pay bribes using the host state's currency in order to be granted access to state territory. These illegal activities in border posts and within states are persistent in the contemporary landscape.

#### **4.2.3. Inadmissibility Clause of the Protocol on Free Movement, Residence and Establishment**

According to Agyei & Clotney (2007: 10), inadmissibility is provided for by the protocol on free movement. A clause found in article 4 of the protocol allows states to deny access to community citizens into member states' territories based on rigid laws that were established during the colonial era (Nita, 2013: 18). Consequently, although a citizen may have the common passport, they still face the possibility of being denied access into a member state based on the receiving state's domestic laws (Adepoju, 2009: 24). Since these laws were established during a different era, some domestic laws are discriminatory and are not consistent with the regional integration initiatives and goals such as the common passport and achieving free movement respectively (Adepoju et al, 2010: 129).

According to the clause, states have the right to deny access to any community citizens without providing an explanation for the reason why such admission is denied (Sibiri, 2016: 65). Therefore, the right to deny admission without an explanation also applies to citizens who are using the passport (Adepoju et al, 2010: 129).

Domestic laws relating to immigration during the early years of independence were designed to protect the local labour markets and economies of states (Adepoju, 2009: 20). This hindered the free movement of people which was a norm before colonialism and to some extent during the colonial period, albeit at different levels (Agyei & Clotney, 2007: 4). The

realisation that integration was a suitable option for the West African region only emerged in the 1970s, after the domestic laws preventing foreign nationals from entering states had already been enacted (Oloruntoba, 2016: 298). Upon the establishment of the ECOWAS treaty in 1975 and the protocol on the free movement of people in 1979, domestic immigration laws were still operational and continued to operate in conjunction with the inadmissibility provision in article 4 of the protocol (Fagbayibo, 2015: 8).

The purpose of the protocols on free movement are to create a unified region where community citizens can move freely between member states without experiencing major restrictions on travel, establishment and residence (Sibiri, 2016: 62). However, the domestic laws of member states do not reflect this aspiration, of which they are signatories to (Adepoju, 2003: 39). Domestic policies on immigration remain the same regardless of the commitments made by governments to work towards achieving the goal of free movement in the region (Agyei & Clottey, 2007: 16). This further highlights how the protocols on free movement privilege state sovereignty over the goal of regional integration through the free movement of people (Adepoju et al, 2010: 129). This is evidenced by the authority placed on discriminatory domestic laws on immigration over the provisions of an inclusive protocol. The domestic laws of member states which do not reflect the protocol provisions are retained as a matter of state sovereignty (Adepoju, 2002: 16). This means that the regional bloc cannot override these laws. Therefore, although states may commit themselves to the protocol and the initiatives that emerge out of it, states may still practice discriminatory and exclusionary immigration practices based on domestic orientations (Adepoju, 2009: 40). This therefore limits the effectiveness of the passport since states can choose to ignore the provisions of the protocols in domestic practices such as border control and terms of access into a member state.

According to Mistry (200: 565), the rhetoric by states is that of greater integration and the promotion of free movement in the region for regional economic benefits. However, the reality on the ground reveals that states are not aligning their domestic laws and practices to their ECOWAS commitments (Fagbayibo, 2015: 9). Instead, states have chosen to retain the laws and therefore practices that were in place before the protocols were established. The necessary institutional changes have not been made as there have not been any legal changes within these member states (Bolarinwa, 2015: 164). This has implications for the common passport as the conditions that prevail on the ground continue to restrict free movement of people (Nita, 2013: 22). In this instance, not only does the lack of change in legal and

institutional frameworks incapacitate the protocols, it further limits the ECOWAS passport in achieving its intended goal.

#### **4.2.4. Expulsion of community citizens from ECOWAS member states**

Cases of mass expulsion in West Africa have further incapacitated the effectiveness of the common passport (Adepoju, 2003: 39). Community citizens have been expelled from countries like Nigeria and Senegal as a result of undocumented entry or the inability to be financially self-sufficient (Okom & Udoaka, 2012: 125). Mass deportations were common during the early years of independence as part of the strict domestic controls on migration (Adepoju et al, 2010: 136). States cited economic and socio-political reasons for deporting and expelling non-nationals during the immediate post-colonial era (Agyei & Clottey, 2007: 19). However, these laws continue to exist and are constantly enforced by immigration officials within contemporary spaces of travel. The justifications for expelling community citizens are based on the same socio-political and economic issues that were highlighted in the early days of independence (Adepoju, 2009: 26).

Furthermore, the protocol on free movement stipulates that state officials are not only permitted to refuse entry to any community citizen, including those travelling by the common passport but are legally permitted to expel community citizens (Opanike et al, 2015: 44). Therefore, this restrictive clause continues to hinder the free movement of people in the region as well as limiting the effectiveness of the passport in facilitating this movement of people (Adepoju et al, 2010: 135). The passport is rendered ineffective in this regard as it does not offer citizens an opportunity to bypass these laws.

#### **4.2.5. Multiple memberships of West African states in multilateral organisations**

Aryeetey (2001:10) suggests that one of the challenges in achieving greater levels of movement in the west African region is the lack of coordination and harmonisation of domestic policies with the provisions of the protocol on free movement and other regional integration initiatives undertaken by member states. This is a consequence of the multiple memberships and overlapping interests that states have, making it difficult to clearly define and align policies with a particular regional organisation (Agyei & Clottey, 2007: 13; Mistry, 2000: 568). The West African region is divided among states that associate themselves with the Francophone and Anglophone groups, predisposing states to the interests of both blocs

(Adepoju, 2009: 35). This multiple membership states possess provides an explanation for the number of states such as the Gambia that have not changed their domestic policies on immigration to reflect the protocol's provisions (Aryeetey, 2001: 32).

Each one of the multilateral organisations operating within West Africa advocates for a particular set of interests (Oloruntoba, 2016: 301). These interests often conflict with those of other regional platforms in West Africa, resulting in the inability of states to institutionalise and implement the resolutions that emerge out of these formations (Aryeetey, 2001: 24). According to Uzodike (2009: 35), instances occur where a state has committed to a resolution that conflicts with not only a resolution with a different bloc but one that does not correspond with domestic conditions.

In West Africa, states have not been able to institutionalise and implement some of the provisions of the protocol on free movement because of these reasons (Qobo, 2007: 3). The domestic laws of a number of states have not changed to reflect the changes advanced by the protocol which include the use of the common passport (Konseiga, 2005: 31). Therefore the common passport has been rendered ineffective in certain parts of the economic community because community citizens, irrespective of being in possession of the passport, are still required to pay fees and other monies as a means to gain access into a member state (Sibiri, 2016: 64). The immigration institutions have not been changed as a result of the coming into effect of the protocols on free movement. It can be argued that had the domestic structures been amended to reflect the contents of the protocols, making use of the passport would be more effective (Fagbayibo, 2015: 12). Therefore, border restrictions and immigration patrols on domestic roads continue unabated, making it difficult for travellers to gain access into member states.

The policy positions of the ECOWAS and UEMOA occasionally differ (Page & Bilal, 2001: 4). This creates a divide between member states that are members of both these regional institutions (Tavares & Tang, 2011: 224). Some member states are more inclined to privilege the decisions and policy initiatives of the UEMOA because of the history and solidarity ties associated with the organisation (Adeniran, 2012: 3). Both ECOWAS and UEMOA have been in competition over their policies and members, each organisation driving for the sole leadership of the region (Adepoju, 2009: 31). Moreover, member states often have differing interests within each organisation, further dividing the region into multiple interest blocs that pursue different goals (Nita, 2013: 19). This division has meant that states within the region

are not only divided by the major regional organisations but by blocs within those organisations. Such a condition makes it difficult for the region to effectively pursue a common goal such as the free movement of people across borders (Adepoju, 2009: 32). The lack of political will to implement the provisions of the protocol is a result of such divisions within the region and within the major regional organisations (Aryeetey, 2015: 26).

#### **4.2.6. Domestic costs associated with implementing the Protocol on Free Movement (1979)**

For some states, especially those regarded as poor states, the provision of these rights presents more costs than opportunities (Uzodike, 2009: 36). The introduction of new policies and the adjustment of state institutions in order to reflect the provisions of the protocol require states to make use of their national resources (Adepoju, 2009: 36). In some instances, states do not possess the necessary resources and funds to carry out such operations (Agyei & Clotey, 2007: 16; Kimenyi & Smith, 2012: 17). Therefore, although having signed the resolution a state may not have the necessary capacity to implement its provisions. The protocols on free movement have also been accused of protecting and advancing the interests of the richer states at the expense of the smaller ECOWAS member states (Bolarinwa, 2015: 165). This is based on the assumption that smaller, less developed states do not possess the same capabilities that larger states do to implement the protocol and its initiatives (Kiptoo, 2009: 13). Some states argue that the opening up of their borders has led to an influx of non-nationals, creating unsustainable socio-economic conditions for local citizens (Adepoju, 2003: 39). It is suggested that local citizens end up competing for resources and access to service delivery with non-nationals, creating sentiments of resentment, possible harassment and violence (Agyei & Clotey, 2007: 18; Sibiri, 2016: 64). For poor states, the national resources are argued to be insufficient for present populations. Therefore, increasing the number of people in the state to share these insufficient resources creates unfavourable economic and political conditions (Adepoju, 2003: 40).

In some instances, states do not have the appropriate security architecture to implement and monitor the immigration process (Opanike et al, 2015: 45). Although states may ratify and adopt a regional protocol such as this, they may not be in a suitable position to effectively monitor the processes and activities associated with the implementation of the protocol (Agyei & Clotey, 2007: 16).



#### **4.2.7. Socio-economic and security threats associated with the free movement of people**

The free movement of people also has implications for the receiving state as people, goods and services are allowed to freely flow in and out of the country (Kimenyi & Smith, 2012: 16). This opens states up to a number of risks as the free movement of people can be easily used as a means of transporting illegal substances into states (Bolarinwa, 2015: 164). These substances may be meant for trade within a host state or could be in transit to another state. Cases such as these may have unfavourable consequences for the social environment, especially within local communities (Opanike et al, 2015: 46). Although the trade in illegal substances is not one of the intended purposes of the protocols on free movement, it is an unintended consequence that has led to some member states strengthening their border controls and strictly monitoring the movement of people as a means to restrict the inward flow of illegal substances (Agyei & Clottey, 2007: 20). Therefore, although the state may have ratified the protocol and committed to adhering to the provisions stated, the realities experienced as a consequence of free movement may result in the disregard of some of the protocol's provisions in order to protect domestic interests and pursue domestic priorities (Adeniran, 2012: 4).

According to Opanike et al (2015: 44) one of the major concerns associated with the protocol on free movement and the common passport has been the opportunity unrestricted access to host states has created for illegal activities. The elimination of travel restrictions has also led to the unrestricted movement of arms, drugs as well as human trafficking activities. With the promotion of free movement of people, criminal networks have taken advantage of these initiatives in order to advance their trade within host states (Agyei & Clottey, 2007: 16). Some states have cited these security concerns associated with the protocols and the common passport as a reason for not implementing some of the provisions under the initiative (Thiam, 2010: 47). They argue that the border controls and roadblocks that continue to exist are in place in order to ensure that illegal activities and products are not transferred from one state into another through these channels of entry (Adepoju, 2009: 33).

#### **4.2.8. State Sovereignty and the Free Movement of People across state boundaries**

Regional integration and the use of regional institutions are essentially about states ceding their sovereignty over to a regional authority (Souare, 2005: 140). As most states are built on the idea of state sovereignty and the protection of their national interests, the priorities of the regional body are often afforded secondary status (Adepoju, 2009: 33). Political leaders find it difficult to relinquish power to regional bodies and essentially receive policy directives from an external authority (Fagbayibo, 2015: 14; Uzodike, 2009: 36). This leads to cases where the implementation of regional policy is equated to the handing over of state sovereignty to the regional body concerned (Aryeetey, 2001: 30). In the case of ECOWAS and the protocol on free movement, states may regard a change in domestic policy to reflect a shift in sovereignty and control of domestic activity. This has led to gross suspicion with political leaders, making them sceptical about the implementation of certain reforms in line with the protocols on free movement within states (Aderian, 2012: 3; Oucho & Crush, 2001: 154).

Moreover, it is imperative to note that one of the major challenges that have impeded on the establishment of domestic policy in relation to the provisions of the protocol has been the need to fulfil national interest over regional interest (Qobo, 2007: 6). States are predominately concerned with protecting and fulfilling their national interests before making provisions for regional interests based on regional agreements (Fagbayibo, 2015: 12). In some instances, regional policy clashes with the national interests of a member state. Although states may be aware of such an inconsistency between their domestic interests and the interests of the region which are expressed through regional policy agreements and protocols such as the protocols on free movement (Thompson, 1993: 749). States sign into regional agreements such as the protocol as a result of consensus voting and the common practice of voting according to the expectations of the other member states (Sibiri, 2016: 67).

#### **4.3. Conclusion**

The issues identified above are all regarded as contributing factors to the lack of efficiency of the common passport and protocol on free movement (Sibiri, 2016: 69). The passport has been incapacitated by the continual existence of socio-economic and political issues that fall outside of the regional body ECOWAS' jurisdiction (Nita, 2013: 23). It only offers a starting point for states in facilitating the free movement of people, with the actual responsibility to

ensure that the passports are used effectively remaining with the member states. As an ECOWAS intervention, the passport is only as effective as the individual member states make it (Okom & Udoaka, 2012: 127). ECOWAS cannot implement the provisions of the protocol within states as this would require an intervention on domestic policy (Bolarinwa, 2015: 166). Although member states are part of the regional organisation, such intervention from an external actor would be regarded as a possible threat to state sovereignty (Agyei & Clottey, 2007: 19). Therefore, although the passport may have suitable objectives and would otherwise be effective if implementation was the responsibility of the regional body, it is made ineffective by the various authorities and different conditions within states that are responsible for this process (Aryeetey, 2001: 25).

## CHAPTER FIVE

### Conclusion and Recommendations

#### 5.1. Introduction

The free movement of people across African borders forms an integral part of the AU vision for an integrated continent (Kayizzi-Mugerwa et al, 2014: 1; Oloruntoba, 2016: 302). Efforts to achieve greater levels of mobility within the various RECs have continued with varied levels of success (Nita, 2013: 22). Opanike et al (2015: 43) suggest that the West African REC is the most advanced in the implementation of the various initiatives developed for the purposes of achieving more cooperation between states. However, this success is accompanied by a persistent challenge posed by the question of mobility within the sub-region (Hartzenberg, 2011: 3). As argued by Adeniran (2012: 2), the movement of people continues to be restricted regardless of the introduction of numerous initiatives aimed at the facilitation of the free movement of people across borders.

This study has sought to reveal the challenges associated with the introduction of a common passport in the West African region as a tool for the facilitation of the free movement of persons. The passport was introduced against the backdrop of socio-economic and political conditions which have created environments that are not conducive for the free movement of people across borders (Robin, 2009: 152). This chapter will outline the main argument found in this study by reflecting on the findings of the study. The findings of this study highlight the conditions that restrict the free movement of people across West African borders and how they impact on the effectiveness of the common passport. Thereafter, a discussion on possible future areas of study will follow. The concluding section will include recommendations on how the effectiveness of the passport as well as other integration initiatives under the various RECs can be improved.

#### 5.2. Overview of findings

This study has sought to answer the research question outlined in the first chapter. In this regard, the research question was concerned with the factors contributing towards the ineffectiveness of the ECOWAS community passport in facilitating free movement within the region. The findings included the conceptual framework of the main concepts of the study in the second chapter. The third and fourth chapters were focused on the case of the ECOWAS

and a subsequent discussion of the conditions that prevail within the REC. The primary goal of the study was to discuss the effectiveness of the common passport which according to Nita (2013: 18) was introduced in the year 2000 by the heads of state and government in the ECOWAS. The passport was established and adopted as one of the numerous initiatives formulated under the organisation for the purposes of facilitating the movement of people within the sub-region, a goal espoused in the RECs protocol on free movement, residence and establishment (Souare, 2005: 138).

The conceptual framework set out to provide definitions and the operationalisation of the main concepts employed by the study. The concepts of regional integration and the free movement of people were analysed in the backdrop of the contemporary environment under which they are applied. Moreover, the discussion on these main concepts considered and emphasised the African context. The history, the evolution and the current meanings ascribed to the concepts were captured within the African context. This highlighted the differences that exist between different regions in the application of the concepts and the results that emerge thereof (Qobo, 2007: 5; Robin, 2009: 153). The conceptual framework narrowed the scope of the study to focus on the concepts mentioned above. This narrowed focus influenced the discussion on the ECOWAS case as well as the subsequent chapter. The definitions adopted in the study were based on the definitions advanced by the AU and the ECOWAS. The concept of regional integration was largely framed according to the definitions and understanding espoused by the AU in the organisation's articulation of the African Economic Community vision (Uzodike, 2009: 28). The free movement of people was outlined on the basis of both the AU and ECOWAS operationalisation of the concept, placing greater emphasis on the study's case, ECOWAS.

The ECOWAS case study outlined the manner in which regional integration and the free movement of people manifest within the sub-region. The origins of the integration goal through the formation of the REC and the establishment of the protocols on free movement were the primary focus of the discussion presented in the chapter (Thiam, 2010: 60). The protocol and its supplementary protocols were presented as forming the foundation on which the common passport and the other free movement initiatives were introduced (ECOWAS, 2011: 2). Adepoju (2002: 15) highlights that the common passport emerged as an effort by heads of state and government to facilitate and further implement the provisions of the protocols on free movement. The organisation has previously adopted a travel certificate to fulfil a similar purpose (Bolarinwa, 2015: 163). However, the study revealed how, according

to Adetula (2004: 16) the introduction of free movement initiatives such as these had limited impact against the backdrop of the socio-economic and political environments in West African states.

The study further highlighted that the provisions stated within the protocols are not fully implemented within the REC (Opanike, 2015: 45). Okom and Udoake (2012: 122) state that this is not only a consequence of the unfavourable conditions within member states but a further reflection of the nature of the protocols. The protocols on free movement, although committed to achieving free movement of persons in the West African region, contain clauses that are inconsistent with this goal (Adepoju, 2002: 11). The inadmissibility clause found in Article 4 of the protocol on free movement presents a contradiction of the protocol's stated objectives (ECOWAS, 1979: 5). The clause allows states to deny access to community citizens, including those that are in possession of a valid travel document such as the common passport (Opanike, 2015: 44). According to Bolarinwa (2015: 158) member states retain the right to grant or deny entry to citizens on the basis of domestic considerations. This right is, however, inconsistent with the REC's goal to abolish all travel restrictions for community citizens travelling within the sub-region (Bolarinwa, 2015: 161). The protocol advocates for the removal of all restrictions on free movement and the establishment of the right to entry for community citizens (Okom & Udoaka, 2012: 118). Therefore, the rights presented within the protocol present a contradiction and inconsistency. Adeniran (2012: 1) argues that this contradiction requires immediate attention as the continued infringement of one right by the other will only serve the purpose of maintaining the status quo.

In addition, the study highlighted some of the challenges against the successful implementation of the provisions of the protocol. This was done as a means of demonstrating the reasons for the limited effectiveness of the common passport. This revealed the relationship between the effectiveness of the protocol and the effectiveness of the initiatives derived from it (Adepoju et al, 2010: 129). The protocol, by being inconsistent and implemented in the backdrop of unfavourable socio-economic and political conditions has produced initiatives such as the passport that maintain this inconsistency (Adeniran, 2012: 5). The common passport was introduced into an environment where the conditions are not conducive for the free movement of people as envisioned by the REC (Souare, 2005: 141). Therefore, the effectiveness of the common passport relies on the provisions of the protocol and the conditions within member states, both of which are currently not favourable for the successful use of a common passport (Oloruntoba, 2016: 300).

### **5.3. Future areas of research**

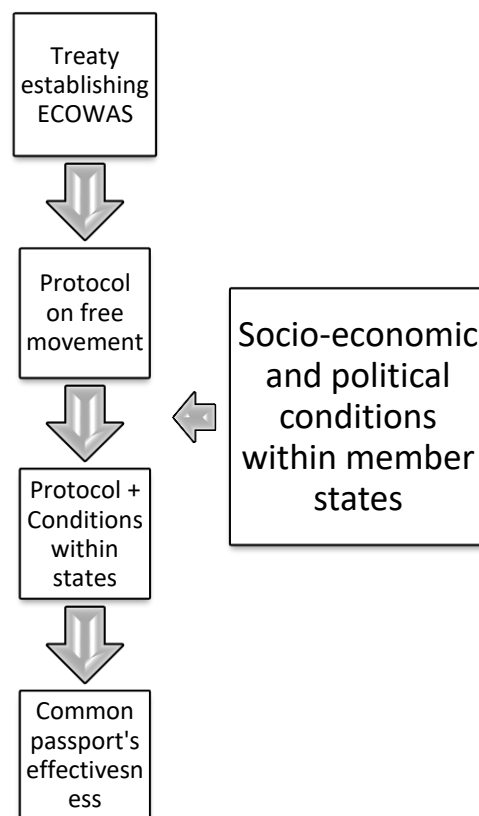
A further investigation into the free movement of people across REC borders and ultimately across African borders is necessary for the development of the integration project (Kayizzi-Mugerwa et al, 2014: 4). Research investigating the effectiveness of regional integration tools used within RECs such as the common passport for the purposes of facilitating the free movement of people and the integration of the sub-region where such initiatives are implemented, is imperative for the development of appropriate policies on integration and migration within the African context (Hartzenberg, 2011: 18). In this regard, research highlighting the protocols on free movement also presents an opportunity for further study. Moreover, future research can be focused on an investigation into the necessary socio-economic and political conditions for the successful implementation of protocols on free movement and their respective initiatives (Kiptoo, 2009: 13).

Further, Nita (2013: 22) argues that research examining the African context in relation to the regional integration process is required. The manner in which the concept of regional integration is understood and operationalised in Africa is based on the application of the concept in the European Union (Gulzau et al, 2016: 167; Olivier & Olivier, 2004: 363). The difference in context between these two regional spaces translates to differences in the use and implementation of the concept hence the need to further investigate the unique conditions experienced within the African environment, as argued by Gulzau, Mau & Zaun (2016: 171). In this regard, research has to be conducted as to determine the role that the pre-colonial and colonial African history plays in shaping the current conditions that exist within the various RECs driving the integration project (Hartzenberg, 2011: 4). An understanding of the current conditions that continue to impede on the continent's progress with regards to the integration project should emerge from an understanding of the continent's history and its impact on the current societal and governance structures tasked with the realisation of the AEC project (Okom & Udoake, 2012: 127).

Subsequently, an investigation into the African context for regional integration may reveal the unique conditions that require a different model of regional integration to be developed and used for the ultimate establishment of the AEC (Qobo, 2007: 2). This presents further opportunities for future research into regional integration and the appropriate tools and initiatives for its realisation.

#### 5.4. Conclusion and Recommendations

Adeniran (2012: 2) has indicated that the free movement of people across African borders remains a challenge for RECs in the continent. The slow progress in implementing the provisions of the protocols on free movement in ECOWAS provides evidence for this claim (Bolarinwa, 2015: 162). The study has revealed how the successful adoption of a common passport in the sub-region requires a comprehensive approach that would take into consideration the inconsistencies in the protocol on free movement and the socio-economic conditions within member states (Adepoju et al, 2010: 144). The study has highlighted the relationship between the protocols on free movement and the common passport. This relationship has meant that the common passport's success and effectiveness in facilitating the free movement of people in West Africa is linked to the protocol's success in creating more favourable conditions for the implementation of free movement initiatives (Adepoju, 2002: 13). Subsequently, the passport can only be effective once the protocol has addressed the conditions within member states that continue to restrict the movement of people across borders (Uzodike, 2009: 38). Figure 2 provides an illustration of the relationship between the protocol and the common passport. **Figure 2: Relationship between protocol on free movement and the ECOWAS common passport**





*Source:* developed by author

Member states should work to ensure that the conditions within their respective states are conducive for the implementation of the provisions of the protocol. This will ensure the successful adoption and implementation of the protocol's initiatives such as the common passport among others (Qobo, 2007: 9). According to Adepoju (2002: 16), the underlying assumption is that the protocol's initiatives will find greater success within an environment where the provisions of the protocol are fully observed and implemented. For instance, as stated by Adepoju et al (2010: 126), the protocol requires that states eliminate all restrictive practices within their states that impede on the free movement of people such as illegal roadblocks and charging fees at border posts. In states where these practices prevail, the passport is rendered ineffective as it does not exempt travelling community citizens from being harassed or experiencing extortion (Adepoju, 2002: 12).

Moreover, Konseiga (2005: 31) indicates that some member states still have domestic laws that restrict the free movement of people regardless of the requirement placed on them by the protocol to align their domestic policies with the provisions reflected in it. Member states should ensure that their domestic policies on the movement of community citizens are aligned to the protocol and other regional integration efforts espoused by the region (Hartzenberg, 2011: 17). For instance, member states should institute the revision of domestic laws that deny access to community citizens on the basis of their nationality (Adepoju et al, 2010: 129). Okom and Udoake (2012: 128) suggest that domestic laws should reflect the objectives of the protocol by granting access into their territories to all community citizens in possession of a valid travel document such as the common passport.

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