



BASIS FOR ECOWAS PROTOCOL ON FREE MOVEMENT OF GOODS AND PERSONS AND ITS IMPACT ON NIGERIA'S ECONOMIC DEVELOPMENT

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Abstract

The study examines ECOWAS Protocol of Free Movement of Goods and Persons and Nigeria's economic development (2010-2023). Liberal Inter-governmentalism theory of regional integration was adopted. The method of data collection was premised on both primary and secondary methods of data collections. Questionnaire and Personal Interview were employed as instruments for primary data, while for secondary method, sources like research papers, policy papers, documents, journals, magazines, seminars, workshop papers and handbook were utilized. The study revealed that the introduction of the ECOWAS protocol has promoted trade within the West African sub-region. However, the challenges of the Protocol have not helped the Nigeria's economic development. Even though ECOWAS prides itself as the first region in Africa with the free movement initiative, the Protocol is poorly implemented constituting more security concern than boosting regional trade and economic development. The security forces have rather turned the job to their own business, encouraging the crossing of smugglers of all sorts of commodities from one country to another with just a tip of tokens. There is high number of roadblocks, illegal barriers and the problem of insecurity on the roads. Thus, the privileges of the protocol have been abused. The Protocol rather than serve the purpose of integration is rather contributing to the insecurity prevalent in the sub-

region and resultantly affected the economic development of Nigeria. Though there have been previous joint initiatives aimed at facilitating the implementation of the Protocol on Free Movement including the ECOWAS Common

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Approach on Migration, the ECOWAS Cross Border Cooperation Fund, as well the establishment of monitoring units at selected border posts, the Government of Nigeria should work more in collaboration with neighboring member states to find joint solutions aimed at tackling the ineffective border management systems, smuggling, and illegal migration rather than adopting protectionist policies that do not augur well for regional integration in the long run.

Introduction

The current global trend is for groups of contiguous states to pull their resources together under a regional cooperation for the well-being of their citizens. This is what is generally referred to as integration. Economic integration involves the process whereby States agree to subsume their individual ability to formulate policies on matters concerning trade, custom tariffs, immigration and trade among others under collective organ. The basis for economic integration is to promote economic advancement of member-states and the overall development of the region or sub-region. The European Coal and Steel Company (ECSC) was similarly established in a treaty signed in Paris on 18 April, 1951 by Belgium, France, Germany, Italy, Luxemburg and Netherlands to pull their coal steel productions together for economic gain. It was seen as a first step towards a united Europe. In the same vein, European Economic Community (EEC) now called European Union (EU) was established on 25 March, 1957 to create a common market and harmonized economic policies. It has 25 members and has become a model for other attempts at regional integration throughout the world (Butu, 2013).

Ever since the colonial era, attempts have been made, throughout the various regions of Africa, at building supranational units chiefly for both administrative and legal convenience. Examples of such attempts include the Federation of Rhodesia and Nyasaland, the East African High Commission and the Federations in former French West and Equatorial Africa, all of which were attempts at forging a supranational nation state (Fagbayibo, 2013). These “federations” could not withstand the intricate dynamics of the independence tsunami, mainly because the post-independence political elite consolidated colonially-defined national territorial integrity and sovereignty. Instead, efforts were geared towards establishing supranational organisations at sub-regional levels to cater for functional economic needs. At the continental level, the OAU Charter was far from establishing a continental supranational organisation. Rather, emblems of supranationalism remain prominent at the sub-regional levels: the East African Community (EAC), the Organisation for Harmonisation in Africa of Business Laws (OHADA) and the Economic Community of West African States (ECOWAS) (Fagbayibo, 2013).

The Economic Community of West African States (ECOWAS) was established in 1975 for the purpose of engineering economic growth and development of the sub-region, given her endowed resources. ECOWAS was primarily created to promote economic cooperation within the West African sub-region so as to move them from developing to developed states. To pursue this aim, it adopted at its inception an intergovernmental approach to governance, based on national sovereignty and non-interference in the affairs of its member-states. The regional commitment at that time was essentially that member states would integrate the lofty ambitions of ECOWAS in planning and directing their respective national economic policies. After about a decade and half, the sub-regional organisation had reasons to revisit her operations and strategies which led to the 1993 revised treaty to enhance its relevance in a fast changing global world. This marked an important change both in the structure and the character of West African cooperation. There was a shift to a more people-centred organization as opposed to the overly bureaucratic inter-governmental agency of the past reflecting a new model of integration that was then taking shape in the African political consciousness (Adepoju, 2013).

ECOWAS as a regional organisation therefore is making use of integration in the areas of trade, telecommunication, transportation, security cooperation, common tariff etc member-states to

promote development. Regional integration is majorly related to the objectives of increased trade and socio-economic linkages between countries which are the main focus of ECOWAS. According to EADS (2015), the value of exports from ECOWAS countries has grown by 260 percent since 2000, from \$34.5 billion in 2000 to nearly \$124 billion in 2014. Of this total, the share of ECOWAS exports going to other ECOWAS partners has stayed relatively steady at around 7 to 11 percent of total exports. Nigeria alone imported \$5.89 billion worth of goods and services from ECOWAS partners in 2014, though relatively low levels of intra-regional trade amongst ECOWAS countries. The truth is that formal trade within ECOWAS remains relatively small, despite efforts to reduce barriers to trade amongst West African neighbours. In 2014, less than 10 percent of exports from ECOWAS economies went to ECOWAS partners. However, there is wide variation in the share of individual country exports that went to ECOWAS partners. Nigeria, for instance, exported the highest volume of goods and services to ECOWAS economies, at more than \$5 billion. Yet, Nigerian ECOWAS exports comprised less than 6 percent of the country's total exports and this pinpoint to the fact that there is a vast prospect in ECOWAS intra-regional trade if things are done well (Peprah, Akosah and Blay, 2016).

The quest for economic development and regional integration among West African countries necessitated the establishment of the Economic Community of West Africa States (ECOWAS) in 1975. To realize this objective, the organization adopted the ECOWAS protocol on freedom of movement and the right of residency of citizens of member states in 1979. The protocol was aimed at creating a borderless sub-region through a single market, currency, and free tariff zone. For Nigeria, in a bid to tackle some of these challenges, the government has since pursued a diverse range of protectionist policies most of which are highly inconsistent with Nigeria's multilateral commitments at ECOWAS and surely frustrate the momentum of removing trade barriers and also facilitating the free movement of persons across the region (Unah, 2019). Despite the relevance of the ECOWAS Protocol on Free Movement of Goods and Persons, several challenges have been encountered to its full implementation as generally, while the community has been strong on resolutions, it is short on implementation with a gap between policy formulation and policy implementation. These challenges often manifest in two forms; they may be pre-existing conditions in member states that hamper implementation or challenges that are by-products of the ratification and implementation of this protocol. However, these two are not mutually exclusive as they are largely interwoven. It is against this backdrop that the goal of this study is to examine the basis for ECOWAS Protocol on free movement of goods and persons and its impact on Nigeria's economic development.

Research Questions

The study is guided by the following research questions:

- i. What is the basis of the ECOWAS Protocol on free movement of goods and persons?
- ii. How has the implementation of the ECOWAS Protocol on free movement of goods and persons affected the level of unemployment in Nigeria?

Literature Review

Bassey (2015) wrote on Assessment of Nigeria's Role in the Development of Economic Laws in ECOWAS. The study interrogated the Treaty, Protocols, Decisions and other sources of ECOWAS law promoting sustainable development. It highlighted the economic benefits, which the legal

culture has brought to both Nigeria and other members of the ECOWAS. Secondary sources were relied upon in generating relevant information for the study. The study revealed, among other things, that: (i) before 1975, there was no umbrella organization with a uniform source of law for the West African sub-region; (ii) Nigeria evolved a legal culture by spearheading the formation of the ECOWAS, drafting and revising of the ECOWAS Treaty, which has provided the legal framework for sustainable development in the sub-region.

The study also found that two of Nigeria's economic oriented foreign policies towards West Africa were its desire to sponsor the establishment of the ECOWAS and introduction of ECOWAS Market Integration Scheme. The study has shown that through Nigeria's efforts at economic integration of the West African sub-region some laudable legal framework has been put in place. The law guarantees certain fundamental socio-economic rights of the ECOWAS citizens including Nigerians. Empowered by such economic rights, citizens of one Member-State can move to another Member-State to settle, take employment or establish any legitimate enterprise therein. Similarly, through trade liberalization scheme, manufacturers have been able to export their goods profitably to Member States other than their countries of origin. The ECOWAS market integration scheme has created wider market for goods produces in Member-States. Intra- West African trade, which was extremely low, has now increased tremendously due to the introduction of the ECOWAS Trade Liberalization Scheme. The market integration scheme has created employment opportunities for ECOWAS citizens. Businessmen and women engaged in the export and import trade as well as other businesses in the Community happily and repatriate their earnings to their home countries. All these are positive indices of legal and economic developments in the ECOWAS emanating from Nigeria's efforts. The weaknesses of the study is that it did not built it analysis within any theoretical framework and also fails to discuss the basis of the ECOWAS Protocol on free movement of goods and persons and its impact on the level of unemployment in Nigeria from 2010-2023.

Aduloju (2017) assessed ECOWAS and Free Movement of Persons with focus on African Women as Cross-Border Victims. The study utilized both primary and secondary sources of data gathering in order to interrogate the provisions of ECOWAS Protocol on Free Movement of Persons vis-à-vis its operationalization and incapacity to increase women's economic opportunity and empowerment in West Africa. Through field survey, twenty (20) interviews were conducted at the Nigeria-Benin border. Moreover, observation method was employed to substantiate the interviews conducted. Data obtained were analyzed using descriptive analysis. Consequently, the study discovered that women constituted more of trans-border traders on Nigeria-Benin border, and precisely in West Africa. In addition, they are vulnerable to extortion, intimidation and sexual harassment by border officials, which has impinged on their rights contained in the ECOWAS Protocol on Free Movement of Persons. The study showed that the protocol does not fully protect women (mostly the ones with low economic characteristics who constitute larger population of women at the border) and thereby having implications for their livelihood and survival. However, the study did not adequately discuss the basis of the ECOWAS Protocol on free movement of goods and persons and its impact on the level of unemployment in Nigeria from 2010-2023.

Theoretical Framework

The study adopted Liberal Inter-governmentalism theory of regional integration. This theory was propounded by Hoffman (1966) and Moravcsik (1989). At the most fundamental level, liberal inter-

governmentalism rests on two basic assumptions about international politics. The first is that states are the critical actors in a context of international anarchy. That is, states seek to achieve goals primarily through intergovernmental negotiation and bargaining, rather than by a centralized authority making and enforcing political decisions (Moravcsik, 1993). Liberal Intergovernmentalism simply acknowledges a blunt empirical fact about contemporary institutions like the EU and ECOWAS: Member states are “masters of the treaty” and continue to enjoy preeminent decision-making power and political legitimacy.

According to liberal theories of International Relations, “the foreign policy goals of national governments vary in response to shifting pressure from domestic social groups, whose preferences are aggregated through political institutions” (Moravcsik, 1993: 481). The second basic liberal inter-governmentalism assumption is that states are purposive and at least boundedly rational. Rationalism is an individualist or agency assumption: actors calculate the utility of alternative courses of action and choose the one that satisfies (or maximizes) their utility under the circumstances (Moravcsik, 1995).

As proponents of inter-governmentalism have noted, national governments have and are still the driving force of any integration process. The ECOWAS treaty empowers Authority of Heads of State and Government to take appropriate action when obligations are flouted. Besides, reference can also be made of Article 26 of the ECOWAS constitution which empowers any member state to take safeguard measures in the event of disturbances in the economy. “In the event of serious disturbances occurring in the economy of a member state, following application of the provisions of the chapter, the member-state concerned shall take the necessary safeguard measures” (Constitution of ECOWAS, 1975:3).

The relevance of liberal inter-governmentalism could be seen in the formation of ECOWAS. The formation of ECOWAS is mainly hinged on the theoretical extrapolations of liberal inter-governmentalism. The theory is also relevance in that it revealed that the gaps in implementation and inability of ECOWAS member countries to attain a cohesive union of ECOWAS people through a common currency and customs union can be attributed as pointed out by Hoffmann, to the reluctance of member states to transfer their sovereignty to the institution. These gaps pave the way for the intrusion of internal politics of member countries; Nigerian traders in Ghana are victims of these political intrigues.

Methodology

This research adopted descriptive design to ensure accurate description of the phenomenon under study. The basic categories of institutions that fall under the specific study as population are: ECOWAS Secretariat, Federal Ministry of Foreign Affairs, Federal Ministry of Trade and Investment Headquarters, Abuja, Nigeria Export Promotion Council, Nigerian Chamber of Commerce, Nigeria Customs Service, Abuja, Nigeria Immigration Service Abuja. These set of people were used as the total population of the study and the various demographic characteristics of the population. The total population of the study is two thousand and nineteen (2,019). The Rakesh statistical model for determining sample size was employed in this study to arrive at a definite population size of four hundred (400). This study adopted purposive sampling technique. The technique allowed the researcher to choose the sample on the basis of some predetermined characteristics such as deep knowledge of the issue under study.

The method of data collection was premised on both primary and secondary methods. For this study, data was generated from copies of questionnaire that were administered to respondent as

well as the series of interview that was conducted in the bid to collect the opinions of the interviewees. Thus, the primary data for this study are generated using two instruments; questionnaire and interview. The study used 5-point Likert scale questionnaire for its investigation making provisions to tick options that are relevant to their opinion. These options are Strongly Agree, Agree, Strongly Disagree, Disagree and Undecided. Both qualitative and quantitative secondary sources were used for data collection in the study. Secondary sources were explored to enrich the quality of data that was generated. These include the collection of data existing in prints or in data bank. Materials came from various sources like official documents from the member-states and the sub-regional organization, such as the Treaty, Mission Statements, Protocols, Decisions, Regulations, Progress reports, Press releases, Newsletters, Research papers and academic works.

Therefore, data from questionnaire were analyzed using the statistical package for social science (SPSS) version 23.0. As a descriptive statistical tool, it is used to analyze the responses on the research questions. Information from in-depth interview source was analyzed using contextual analysis. The study also drew qualitative information and quantitative data through content analysis of official speeches and policy review documents. Four hundred (400) copies of questionnaire were distributed while three hundred and seventy-six (376) copies of questionnaire were filled and retrieved. Thus 376 out of the 400 copies of questionnaire were used to analyze the data.

Data Analysis and Interpretation of Result

Table 1: Responses on the basis for the ECOWAS Protocol on free movement of goods and persons

Options	Frequency	%
1. The need to promote regional trade and engender regional integration	62	16
2. To remove every impediments to trade movement of its citizens across borders	79	21
3. To improve standard of living and political influence	69	18
4. To encourage exchange of goods, services, labour & capital between the member states for improved economic development	98	27
5. All of the above	68	18
Total	376	100

Source: Field Data, January (2023).

Table 1 shows responses on the basis for the ECOWAS Protocol on free movement of goods and persons. Respondents who pointed to the proposition that the ECOWAS Protocol on free movement of goods and persons was enacted out of the need to encourage exchange of goods, services, labour & capital between the member states for improved economic development are in the majority with ninety-eight (98) representing twenty-seven (27%) percent. Those who said the basis for the protocol is to remove every impediments to trade movement of its citizens across borders are seventy-nine (79) accounting for twenty-one (21%) percent. Sixty-nine (69)

respondents representing eighteen (18%) percent indicated improvement in the standard of living and political influence as the basis for the protocol. The need to promote regional trade and engender regional integration had sixty-two (62) respondents representing sixteen (16%) while those who indicated all of the above are sixty-eight (68) respondents representing eighteen (18%) percent.

The above analysis correlates with an interview responses conducted with an official of ECOWAS Secretariat Abuja. He revealed that prior to the enactment of the ECOWAS Protocol on free movement, people move from one location to another, there was little or no regards for the artificial borders created by the colonial powers, in fact, tribes find themselves divided into two sovereign nations by these artificial borders. Cross-border movement among these artificially divided tribes continued to be seen as not international but part of their own internal movements as members of same families are found in two different countries. However, as states began to mature, cross-border movement became increasingly difficult and hampered by states custom laws and requirements.

The Protocol to liberalize trans-border mobility however is borne out of the need to promote regional trade and engender regional integration. It is believed that this economic integration will increase wealth and better the lot of the community citizens. Even more than the promotion of trade, the mobility of labour and the other factors of production was central to ECOWAS and exemplified what the community was about. The free movement of persons within the region was both a repudiation of colonial frontiers in so far as they impeded the economic development of the new States, and an affirmation of the spirit of cooperation and mutual assistance (Interviewed January 19th 2023).

Another respondent who is an official of the Federal Ministry of Foreign Affairs added that the determination to ensure accelerated regional development through economic integration was the main consideration of the Heads of member states' for enactment of the Protocol. The Protocol therefore seeks to remove every impediments or barriers to trade movement of its citizens across borders. For any regional arrangement to eventually get to become a full economic union, it must have passed through stages of integration which include a Free Trade Area, Customs Union, a Common Market, etc. Free mobility which allows free movement of people, their goods and services is crucial to the attainment of full Economic Union. The obvious relevance of the ECOWAS integration programmes to current and future development priorities of its Member States augurs well for the future course of the regional integration process (Interviewed January 13th 2023).

The table below shows dates of Nigeria's ratification and subsequent implementation of the ECOWAS Protocol on Free Movement of Persons, Right of Residence and Establishment:

Table 2: Dates of Nigeria's Ratification of all Protocols Relating to Free Movement of Persons, Right of Residence, and Establishment

Country	1979 Protocol A/P.1/5/79	1985 Supplementary Protocol A/SP.1/7/85	1986 Supplementary Protocol A/SP.1/7/86	1989 Supplementary Protocol A/SP.1/6/89	1990 Supplementary Protocol A/SP.2/5/90
Nigeria	12 Sept 1979	18 April 1988	18 April 1988	18 April 1990	27 August 1990

Source: ECOWAS Annual Report 2016

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

In terms of making cross-border movement more convenient, Nigeria readily adopted the ECOWAS Travel Certificate launched in 1985, adopted the ECOWAS Common Passport launched in May 2000, and is one of the few ECOWAS countries currently using the ECOWAS Brown Card for Motor Vehicle drivers across the region. The use of the ECOWAS Travel Certificate is quite limited as most citizens prefer to go for the ECOWAS Passport due to its cost effectiveness and universality as one can use the passport to travel to other countries outside the ECOWAS region as opposed to the travel certificate (ECOWAS Annual Report, 2016).

From the above findings, it can be deduced that the central reason for establishing ECOWAS protocol of free movement of goods and persons was to ensure all round development of her members, the establishment of ECOWAS is a blessing to economic and trade sectors development in West Africa. This finding is in line with the submission of AfDB (2019) report on 'Infrastructure Development and Intra-Regional Trade' where it was observed that Regional integration is vital for the building markets, the creation of robust and diverse economies as well as increasing opportunities for growth and attracting investment finances. The study of the World Bank (2014) is also in line with the finding as it suggests that "Regionalism within Africa continent will go a long way in aiding the pooling of the under-utilized resources and fragmented markets, promoting industrialization and acting as a suitable alternative to unilateral trade liberalization.

The issue of economic development of member-states is central to ECOWAS and it has been established that the regional integration and trade liberalization policies couple with other schemes and protocols have contributed to her main aim of achieving economic development. There is no doubt that the necessity for economic integration, which includes the free flow of people, products, and services, prompted the adoption of the protocol on the free movement of persons, right of residence, and establishment in 1979. The framework's major purpose is to assist, nurture, and accelerate the economic and social growth of member countries, as well as to improve the living conditions of their people (Interviewed January 19th 2023).

However, the nature and manner in which the protocol is been implemented have become a source of security debate among scholars. To start with, The ECOWAS policy of integration is anchored on the principle of unrestricted international mobility and free trade which is in line with the philosophy of the common market theory. The essence is to remove encumbrances that are capable of militating the movement of citizens and goods within the member-states (Ochoga, 2019). In other words, the ECOWAS policy of integration believes that the colonial boundaries in

Africa divided West African states into smaller political units that made individual states' development an impossible mission. Hence, breaking the relevance of the physical boundaries through sub-regional economic integration becomes the only answer. It is on this premise that Wilson, (2015:4) contends that the demarcation of the boundaries by the colonial powers divided territorial frontiers but the aged long economic and socio-political affection existing among border communities seems to make such demarcation an artificial exercise.

From the arguments so far, it has been established that the provisions of the ECOWAS protocol on free movement of persons and establishment only exist on documents. It has not been fully implemented by Member States of the community. There are more restrictions on the movement of people within West Africa to the provisions of this protocol. One of the problems facing the operationalization of this protocol has been discovered in the course of this study to be largely ignorance by border officials in the sub-region about of its existence and inadequate education on the provisions of this protocol.

Table 4: Weakness in the ECOWAS Protocol on free movement of goods and persons aggravated unemployment problems in Nigeria

Option	Frequency	Percentage
Strongly Agree	172	46%
Agree	159	42%
Disagree	16	4%
Strongly Disagree	19	5%
Undecided	9	3%
Total	376	100%

Source: Field Data, January (2023).

Table 4 presents responses on whether weakness in the ECOWAS Protocol on free movement of goods and persons aggravated unemployment problems in Nigeria. Numerically, respondents who strongly agreed and those who agreed are in the majority, representing one hundred and seventy-two (172) or forty-six percent (46%) and one hundred and fifty-nine (159) representing forty-two percent (42%) respectively. Sixteen (16) respondents representing four (4%) percent disagreed while nineteen (19) respondents or five (5%) percent strongly disagreed. Nine (9) respondents representing three (3) percent were undecided. Validating this, an official of the Nigeria Export Promotion Council reveals that:

In the case of Nigeria, a steady influx of Community citizens into the country many of whom are illegal immigrants has aggravated unemployment problems in the Nigerian economy. This trend has been exacerbated by the dubious preference for these illegal aliens by private employers principally because as illegal migrants they are ever ready to accept low wages, in spite of a higher professional and technical skill in relation to Nigerian workers. Security wise, however, evidences abound to show that illegal immigrants are often intricately involved in criminal enterprises such as robberies, religious fundamentalism (Boko Haram recently), uprisings and riots in the country. Above all, the constantly and consistently escalating population

of immigrants has more than over-tasked the capacity of the officials of the Immigration department and security organizations to monitor their movement and activities in the country. There have been two major cases of expulsion of illegal aliens from Nigeria, with unfavorable backlash for Nigeria's policy in West Africa. On certain occasions, under pressure from criminal gangs, Nigeria has had cause to close its borders with its neighbours. This development has negatively impacted on the free movement of persons, goods and services between her and these neighbours. Thus Nigeria must pay more attention to cross border migration and movement of people, goods and services more so given her rapidly liberalizing and globalizing economy and the growing imperative of regional integration (Interviewed January, 16th 2023)

The justification for this viewpoint is self evident in the economic affairs of West Africa as reported by Sowale (2018); Nigeria accounts for 48% of all exports and 33% of all imports within the West African sub-region, and therefore stands to benefit the most from a regime of free movement of persons, goods and services. That there are probably more Nigerians who benefit from the 1979 ECOWAS Protocol Relating to free movement of persons, residence and establishment than the nationals of any other member state of ECOWAS cannot be ignored.

Table 5: Top Migration Destination in West Africa

S/N	Country	Number of Migrants	Percentage to Population
1	Ivory Coast	2,564,857	9.7
2	Nigeria	1,308,568	0.6
3	Burkina Faso	723,898	3.3
4	Mali	485,821	2.4
5	Ghana	476,412	1.5
6	Benin	394,276	3.3
7	Niger	348,056	1.4
8	Togo	279,936	3.4
9	Senegal	279,929	1.6
10	The Gambia	215,659	8.9

Source UN DESA (2020).

The number of migrants into ECOWAS countries has put pressure on the fragile economies of these countries. Citizens of the countries hosting large number of these migrants, blame the economic woes on the activities of the migrants (AU, 2020). In Nigeria, the effect of the global recession of the 1980s that wiped away the prosperity years of the oil boom turned Nigerians against other West African migrant communities, particularly those from Ghana giving rise to the popular refrain 'Ghana must go'(Daly, 2019). The government of Nigeria bought into this resentment and started a programme of mass deportation of ECOWAS citizens residing in Nigeria illegally. Similarly, in Ivory Coast anti-immigrant sentiment that started in 2002 and lasted for a decade, plunged the country into a political crisis. Discriminatory policies and actions targeted at migrants from Burkina Faso, Mali, Liberia and Ghana who were perceived as non-Ivoirians, got a political backlash between then

incumbent President Laurent Gbagbo and Alassane Quattara (MICIC, 2020). The situation escalated into a full blown civil war fought along ethnic and religious line when attempt was made by the Gbagbo government to demobilize those he considered non-Ivoirians from the military (MICIC, 2020).

Table 6: The Effects of illegal movement & trade due to ECOWAS Protocol relating to free movement of persons and goods on Nigeria's economy

Effect/Year	2015	2016	2017	2018	2019
Sales Loss	₦353,650,660	₦558,674,850	₦877,846,680	₦1,312,608,850	₦2,240,278,560
Declined Revenue	₦7,823,117	₦8,020,134	₦11,948,380	₦39,627,650	₦51,068,760
Reduced Market Share	6%	7%	7%	8%	9%
Employment Loss	60 workers	100 workers	130 workers	150 workers	200 workers
Reduction in Capacity Utilization	10%	15%	20%	25%	33%
Cost of protecting and enforcing Products Trade marks	₦2.73M	₦5.10M	₦10.20M	₦19.30M	₦37.22M

Source: Researcher's Compilation, January 2023.

From the table, it is evident that illegal movement & trade due to ECOWAS Protocol relating to free movement of persons and goods have negatively affected the operations of Nigerian economy. Furthermore, an official of the Federal Ministry of Trade and Investment Headquarters, Abuja also added a voice to the hitherto argument when he noted that: as a country that gave so much impetus to the formation of ECOWAS, its influence within the region cannot be overstated. Being the largest economy in Africa with a GDP that exceeds the entire ECOWAS member states combined, Nigeria's hegemonic status within the region raises the question of the impact or level of influence it has on regional stability in ECOWAS. Because of its implementation of the ECOWAS Protocol on Free Movement of Persons, Right of Residence and Establishment, the impact can be felt in two ways – its effect domestically and its effect on the region and how it influences the actions of other member states in the long run. As a key player in the economic growth of West Africa and given its role in the facilitation of cross border trade and regional migration in West Africa, Nigeria's recent border closure has resulted in the informal sector which accounts for about

50% of the GDP in West Africa and is the mainstay of the economies of Niger, Benin, and Chad experiencing a huge downturn.

Other countries have also suffered huge economic losses and decry the sharp decline in their GDP as a result of the closure. Ghana depends on the Lagos-Abidjan highway which has been blocked as a result of the closure for overland access to other markets in West Africa and the traders' association in Ghana has since called for a reciprocal closure of borders to act in retaliation to Nigeria's move. Stakeholders opine that this move negatively impacts the West African integration project and the ripple effect it generates does not tell well for integration in West Africa in the long run as it cripples trade through the restriction of the movement of persons and investments. Not only does it create distrust and breed discontent among member states, it also puts a strain on the interactions between member states (Interviewed January, 20th 2023).

Specifically, he emphasized that: Even though the aim of the free movement protocol is to enhance economic activities, criminals have availed themselves of this initiative to perpetrate their nefarious activities. These have a lot of implication for the security of the sub-region. There is no security of lives and properties, weapons are readily available as a result of the proliferation of small arms and light weapons. Refugees generate a different set of problems for their host country. In fact, the expected future conflict in the sub-region is conflict over amenities and resources between refugees and host communities (Interviewed January 20th 2023).

Discussion of Findings

The study found out that the basis of the ECOWAS Protocol on free movement of goods and persons in West Africa is driven by a confluence of factors, both internal and external to the sub – region. These include the growing realization that the fragmented and externally oriented nature of Africa economies to impose serious cost, evident for example is the low level of trade among African countries when compared to other global regions. Being dependent on primary commodities exports for the most part, many economies on the continent remain vulnerable to global commodity price fluctuations, exacerbating both existing challenges of poverty and rising inequalities within the countries and the widening gap between Africa itself and other global regions in terms of the overall quality of life and the socio – economic attainment and well being of citizens.

All these led to the enactment and implementation of Free movement of goods, persons and rights of establishment as a great protocol of ECOWAS, also that the adoption of Common External Tariff, removal of tariff and other taxes on raw and agricultural goods, ECOWAS passport, creation of trade and transport corridors, rule of origin of goods, and several other measures are part of the moves by ECOWAS to promote trade and economic development in West Africa.

The finding is also in tandem with an earlier study conducted by Adepaju (2012) who submitted that several reasons led to the formation of ECOWAS including economic weakness, security, to increase intra regional trade, improve standard of living and political influence. Thus to encourage the exchange of goods, services, labour, and capital between the member states, the Community provided in its Protocol for the abolition of obstacles to the free movement in West Africa. As such to facilitate the pace of trade and commerce that was under 4% as a consequence of colonial legacies as African countries trade less among themselves and more with their former colonial powers.

The study revealed that the introduction of the ECOWAS protocol has promoted trade within the West African sub-region. However, the challenges of the Protocol have not helped the Nigeria's economic development in terms of reducing the unemployment rate in the country. Even though ECOWAS prides itself as the first region in Africa with the free movement initiative, the Protocol is poorly implemented constituting more security concern than boosting regional trade and economic development. The security forces have rather turned the job to their own business, encouraging the crossing of smugglers of all sorts of commodities from one country to another with just a tip of tokens. There is high number of roadblocks, illegal barriers and the problem of insecurity on the roads. Thus, the privileges of the protocol have been abused. The Protocol rather than serve the purpose of integration is rather contributing to the insecurity prevalent in the sub-region and resultantly affected the economic development of Nigeria.

This is supported by earlier studies by Pepurah, Akosah and Blay (2016) where the case agreed on doing business across the borders and is taking advantage of the protocol. Besides, Oxford Business Group (2016) commented that because of the expanding middle class a lot of opportunities are being created across the board. However, this observation runs contrary to those of Agyei and Clotney (2008) and Adepoju (2007) who noted that relative to trade with other economic blocs, intra-regional trade in the West African bloc is abysmal and it's estimated at a low fraction of 11% of the total or cumulative trade volumes of countries in the sub-region. Adepoju (2012) also noted that the prospects of the protocol are not seen because most of the trade in the sub-region is informal as a result of the need to avoid delays associated with customs clearance and the pervasive roadblocks across frontiers in the sub-region. Though Agyei and Clotney; Adepoju findings were to the contrary, to current study finding.

Conclusion

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

Being assessed in the light of Nigeria's implementation of the Protocol on Free Movement, it is glaring to see that despite its role in the formation and sustenance of the community, Nigeria's quest to protect its national interest in the face of the challenges often trumps its desire to cooperate fully to implement regional agreements.

Recommendations

- i. As part of policy formulation mechanisms, the ECOWAS Commission should put in place adequate disciplinary measures to not only ensure compliance but also ease

implementation by state parties to ECOWAS agreements. In the case of Nigeria and its incessant closure of borders for example, as much as the ECOWAS Commission agrees that such actions negate the country's commitment to the free movement protocol and is bad for regional stability, there has not been any clear sanctions or measures taken to ensure total compliance and this inaction on the part of the community gives impetus placing of national interests over regional interests by countries like Nigeria.

- ii. For Nigeria, proper harmonization of national policies to reflect all the provisions of the ECOWAS Protocol on Free Movement of Persons, Right of Residence, and Establishment would facilitate implementation and ensure compliance on the part of national agencies and bodies in charge of executing and monitoring the implementation of the protocol.

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