Multiple Checkpoints; a Band of the Free Movement Protocol of Economic of Community of West African States

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Abstract:
Economic Community of West African (ECOWAS) is a regional group of fifteen West African countries founded in 1975 with the objectiveof promoting economic integration in all fields of economic activity, particularly industry, transport, telecommunications, energy, agriculture, natural resources, commerce, monetary and financial questions, social and cultural matters among others.To facilitate the actualization of these objectives, several protocols including the protocol on free movement of people were adopted. However, about four decades of free movement protocol, less was reported to have been achieved of its major objective. One of the bottlenecks largely coined in extant literatures was the existence of multiple and unviable checkpoints within most of the Member States a phenomenon that was believed toostracized the realization of the whole objectives. Although, the number and composition of checkpoints varies from one country to the other, it was estimated that checkpoints in West Africa are placed in a radius of 10km drives. This behaviour is nevertheless alarming and has since sabotagedthe smooth movement of people within the sub region. This study examined the consequences of the existence of multiple checkpoints on ECOWAS free movement protocol and how it has impeded its success as an economic union over the years.

Keywords: Ecowas, free movement, checkpoints

1. Introduction

Africans and particularly West Africans, have been described as among the most mobile people since the time immemorial. Although the momentum of their mobility in the olden days was mainly on settlements and pastoralist agriculture, less institutional policy was constituted to regulate the circumstances. However, since the decolonization exercise in the 1960s with the tilling pressure of expectations on accelerated economic and political developments, African countries absorbed the idea of regional and sub-regional integration. And ever since, regional integration has been and remained a priority of African governments. While there are myriads of integrating bodies, most of them generally sought to expand the growth of trade within the region by removing or minimizing barriers in intergovernmental relations, promoting trades, developing regional infrastructures and establishing large-scale manufacturing projects. Parts of the policies adopted to ensure these objectives were the removal of barriers to the free movement of people and factors of production.

In their effort to ensure these objectives, Countries in the West African sub-region integrated under the Economic Community of West African State (ECOWAS). ECOWAS was established in May 28, 1975 with a treaty signed in Lagos by sixteen West African Countries of Benin, Liberia, Burkina Faso, Cape Verde, Cote D'Ivoire, Gambia, Ghana, Guinea, Guinea Bissau, Mali, Niger, Nigeria, Senegal, Sierra Leone, Togo and Mauritania. However, Mauritania withdrew her membership in 2002 (Butu 2013). In a bit to achieve its objectives, ECOWAS adopted a protocol on free movement in 1979 by Protocol A/P.1/5/79 which stipulated the right of entry, establishment and residence of ECOWAS citizen among her member nations. Free Movement Protocol is a trio phase approach policy to be achieve in fifteen (15)years (5 years of each phase) with the first stage (phase I) enabling for the elimination within five years of all the requirements of visas for the entry of community citizen into another member land. The second stage (Phase II) provided the right of residence, including the right to seek and carry out an income-earning employment, while the third stage (Phase III)stipulated on the facilitation of business through the right of Community citizens to own and manage economic activities in member states other than his states of origin. It is less arguable that within the approximated four decades of the protocol, numerous achievements, including the removal of visas, introduction of single passport and harmonization of migration law have been ascertained. Census-based estimates by the United Nations Population Commission [UNPC] in Touzenis (2012) revealed that West Africa has the largest number of international immigrant stock in the Africa and majority of who are West Africans. This was also since reported by Haas

(2007) "whereas migration stock have been increasing over the past few decades in the west African sub region, an absolute decline was so far noted in other parts of the continent."

Nevertheless, in spite the purported achievements of the protocol, according to Adepoju, Boulton& Levin (2010), much has not been obtained from its expected achievements. This was true in their words "Though freedom of movement in the ECOWAS region is undoubtedly more advanced than in any other regional grouping in Africa continent, the objective of complete freedom of movement in the sub-region has not yet been realized."Several factors including the existence of multiple checkpoints, multifarious currencies, colonial ties among others were seen as the bottlenecks. This research examined the consequences of the manifolds of checkpoints on the realization of the free movement protocol in the sub region.

1.1. Statement of Problem
About four decades of free movement protocol of ECOWAS it is often reported that existence of multiple and unviable checkpoints within member statesostracized the realization of the whole objectives. Although, existence of checkpoints varies from one country to the other, a number of checkpoints in the West African region is nonetheless alarming and hence affecting people's movement. Recent study by Regional Support Programme and Market Access (2014) revealed that an average of six (6) checkpoints at every 100km existed in West Africa. Founded by these checkpoints, people are mandated for an unofficial payments thereby discouraging migration and hence impeded the free movement protocol

1.2. Objectives of the Study
The objective of this study is to examine the extent how multiple checkpoints among ECOWAS countries impeded the realization of the Free Movement Protocol and to suggest possible solution for future policy options.

1.3. Research Questions
    i.   What are the consequences of checkpoints on free movement of people?
    ii. How would the problem(s) of checkpoints be resolve?

1.4. Significance of the Study
The relevance of the study laid in her objective of critical examination of the consequences of manifolds of checkpoints toward the actualization of the free movement protocol. With her desire of recommending solutions, the study should find relevant for ECOWAS policy makers toward their objectives. In the body of literature, it will be useful for future academic consumptions. It is hopeful that the findings can ignite another research in the areas.

2. Literature Review
By most accounts, West African countries have not made significant progress in boosting their regional trade since the adoption of the ECOWAS treaty (UNCTAD, 2013). However, in comparative term, the percentage share of their trade contribution to the international market over the years is just 11% per less than the contributions of 50 per cent in developing countries of Asia, 21 per cent in Latin America and the Caribbean as well as 70% in Europe (UNCTAD 2013). Most of the reasons attributed to these mal-performances were the existence of some unviable checkpoints that hindered the smooth transitions of human and material resources from one country to the other (Adepoju, Boulton & Levin, 2010). A checkpoint according to Barka (2012) is a location where one country's authority stops goods and persons entering from another country or crossing out to another country.Adepoju (2003) sees it as a location where multitudes of government agencies are involved in documentations of goods and people coming in and out of a particular country.The multiplicity of those agencies within the ECOWAS sub-region translates into congestion and unnecessary delays for most migrants.Ideally, the protocol on free movement stipulated for nonrestrictive movement of people within the union, it was gathered that countries in the ECOWAS in contradictions to the protocol mounted multiple checkpoints in their country sides. Though some of the check points were authoritatively mounted, majority are illegitimate (Barka, 2012:7).He further stated that within 2 miles Nigerian – Benin border, there were an estimated 25 security checkpoints or roadblocks mounted within a radius of 10 kilometers. The most unfortunate incidence scenario, according to Daniel (2012) was that only 5 of these security check points (the Customs, Immigration, Joint Nigeria-Benin Anti-Crime Border Patrol, National Drug Law Enforcement Agency and Veterinary Quarantine Service) are considered to be legitimate while the remaining 20 were illegitimate creations implanted by law enforcement officials essentially for extortion (Daniel, 2012). Pakoun, (2008) opined that the existence of multiple checkpoints culminated into high scale extortions, harassment, incessant delays of migrants and hence discourage migrations. According to him, an average of $50 was required by a traveller to settle a checkpoint before proceeding. This, according to him in no less hindered the success of the free movement protocol.

The absurdities in the implementation of the protocol were captured by the ECOWAS President, (Mohammed IbnChambas)where he stated that;

Whenever I speak in public, one of the questions I get is the difficulty that ordinary people face when they try to move around in the region from one country to another. The cross border obstacles they face, particularly at the frontier where the processing of documents is extremely cumbersome and fraught with harassments, intimidation and, often times, plain extortion. Then on the highway you still find a lot of unauthorized checkpoints and road-blocks. All of these stand in the way of free movement of persons, especially with regards to free movement of goods (Leadership Newspaper, 1-19-2009).

One of the challenges most travellers particularly on trade mission encounter according to (Awumibila, Banneh, Toye, &Atiim 2014) was the cumbersome and costly procedures to clear goods at border posts. Whereas the number of checkpoints varies from country to another, but nevertheless two complete sets of controls to be completed at each side of the border post with numerous forms of documents to be filled and cleared. These administrative hurdles increases trade costs (each day of delay at customs is equivalent to an 85km delay between the trading countries). Existence of multiple checkpoints also encourages illicit trade and corruption in order to bypass some of the customs and border posts.

2.1. Theoretical Framework
From the mid-1990s, as a result of the global economic downturned, there aroused a concerned to revisit the border management policies by most developing countries. In a bit to do so, amyriads of theories emerged among which is the theory of Coordinated Border Management (CBM) propounded by Polner (ud) and which remained the central tool of analysis of this study. CBM today was utilized by both customs and non-customs border agencies, policymakers, and international organizations. The concept was however interchange with other terminologies by several bodies including Integrated Border Management used by the European Union (EU), Collaborative Border Management used by the World Bank, and Comprehensive Border Management coined by the Organization for Security and Cooperation in Europe among others (Ponle, ud).
Although the terms have subtle differences in definition over the years, the intent is largely the same i.e.a need for border agencies to coordinate their actions in order to improve effectiveness and efficiency of border procedures.One of major principle of the CBM is the use of institutional arrangements to coordinate the activities of various border agencies or even to merge them under one roof, thus reducing the number of agencies at the border points.
The relevance of CBM on the free movement of ECOWAS can be derived from the fact that better and coordinated border management procedure entails the coordination and cooperation among all the relevant authorities and agencies involved in border security and regulatory requirements that apply to passengers, goods and conveyances that are moved across national borders.

3. Methodology
This research utilized secondary source of information derived from documentary materials from library. Information from internet source was also used. Data was analyzed both in quantitative and qualitative methods.

3.1. The Consequential Effects of Checkpoints among Ecowas Countries
In addition to the unnecessary delay in all the checkpoints where commodities worth thousands of dollars were made to be perished, illegal fees are equally paid or collectedby the security forces to wipe or ease ways for clearance a situation which bedeviled into wide range corruption in almost all the ECOWAS countries. This was succinctly captured by Adeniran (2012) that "migrations of citizens within ECOWAS member states continue to experience routine intimidation and harassment by officials along the common borders." He further opined that, routine threats of arbitrary arrestand denial of passage if bribes are not paid are still common in ECOWAS Countries. The amount paid and the expected time for clearance nevertheless varies from country to country. Whereas in some countries relative quick or fastness was ensured, in some other countries travellers were subjected to wanton bureaucracies in clearance processions an even which took a number of days. Below are figures extracted from Regional Support Programme and Market Access Report (2014) showing the approximated checkpoints per kilometer, amounts paid or collected by checkpoints as well as the estimated delay times per checkpoints in some selected routs among ECOWASStates.
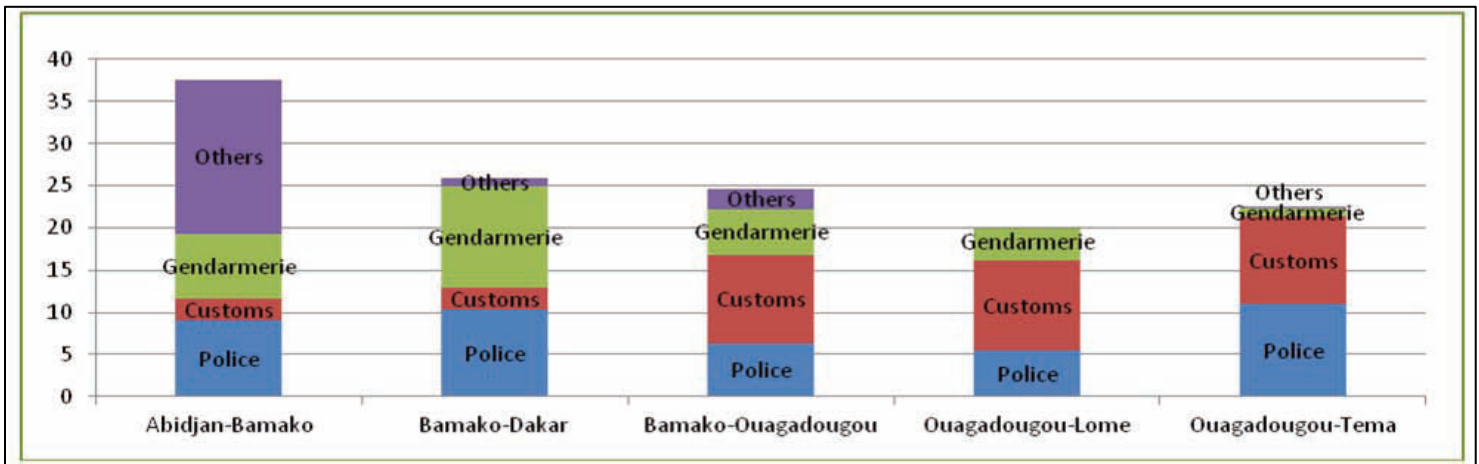

Figure 1: Estimated Number of Checkpoints in Some Selected Member states
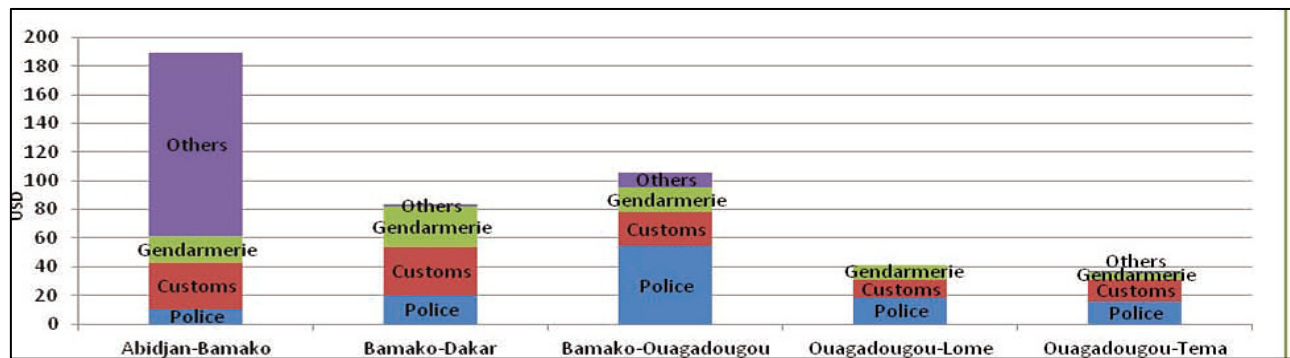*Source: Regional Support Programme (2014);Barka, (2012:7)*

Figure 2: Estimated Bribe Collected Per Checkpoint (Usd)
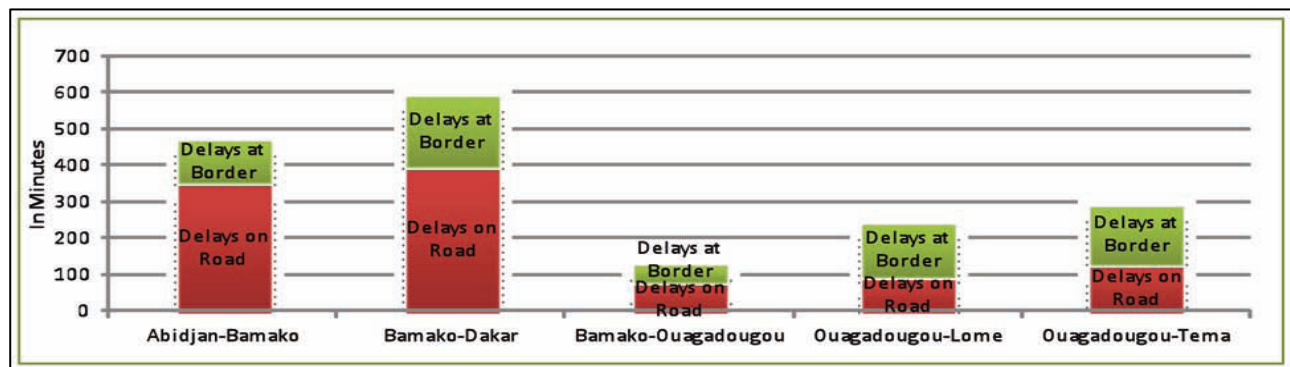*Source: Regional Support Programme (2014);Barka, (2012:7)*

Figure 3: Estimated Delay In Minutetime Per Checkpoint
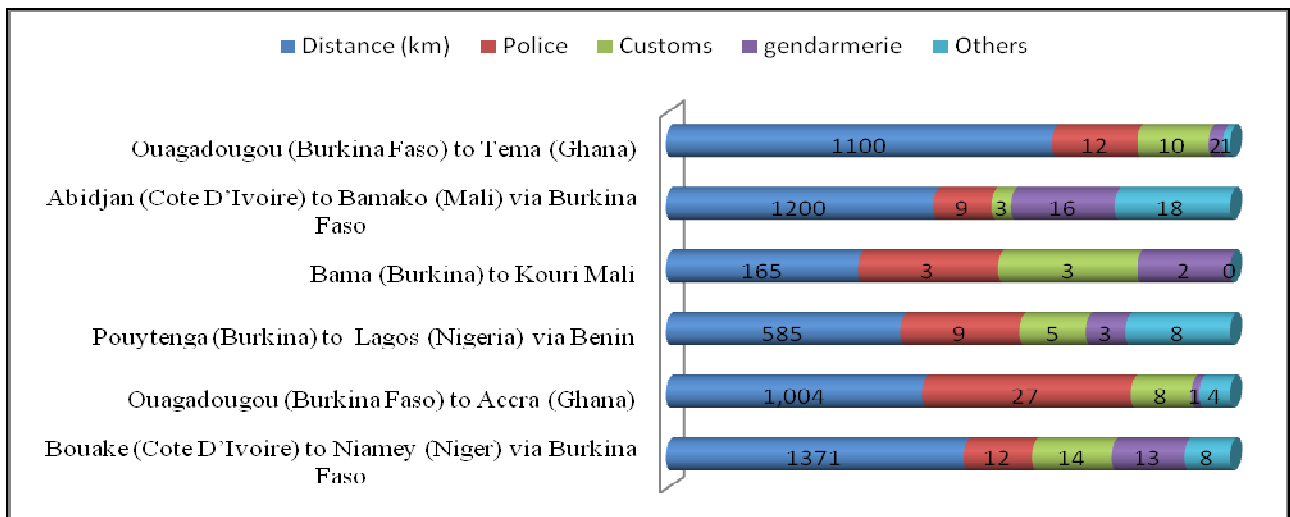*Source: Regional Support Programme (2014);Barka, (2012:7)*

Figure 4: Estimated Distance (Km) and Checkpoints in Some Selected Countries
Source: Regional Support Programme (2014); Barka, (2012:7)

The existence of checkpoint even meant for security reason is an impediment to the success of the free movement protocol, whereas collection of fees of whatever kind is also a gross violation of article 10.2 of the 1993 revised protocol. This argument is also true of Awumbilaet al (2014) who opined that "fees for entry or residence, even if confined to cost recovery may well impede free movement given the rate of poverty in West Africa."

Although, multiple checkpoints with no exceptions are the major feature of West African countries, but its prevalence varies from one country to another. For example, it was gathered that in every 100km radius there were about 3 check points in Burkina Faso, 6 in Cote D'Ivoire, 7 in Niger and 7 in Mali among others (Regional Support Programme and Market Access Report, 2014). In contradiction to situations in other developing countries where checkpoints are situated at the border or entry point of a country, ECOWAS witnessed an unprecedented number of checkpoints even within members' major or high roads and most recent even within cities and towns. It was also gathered that countries with the highest number of check points within their territory were Niger, Burkina

Faso, Mali, Cote D'Ivoire and Ghana. Whereas customs erect more checkpoints in border points, police and road agents erect more within country sides. On country basis, customs and other public agents erect more checkpoints in Francophone ECOWASwhereas in the Anglophone countries like Nigeria and Ghana, police raise more checkpoints.

Extortions, harassment, incessant delays featured all these checkpoints. For example, along the 1,020 km Lome, Togo-Ouagadougou, Burkina Faso route, the average total in bribes paid by travellers fell between 15,500 FCFA -22,000 FCFA. And in the 1,050 km from the Tema port in Ghana to Ouagadougou, the average total fell between 14,000 FCFA and 18,000 FCFA (Pakoun, 2008).

4. Conclusion

It is not disputable from the above that these negative states behaviour toward the implementation of the free movement protocol through the establishment of non-contextual checkpoints remained the major hindrance for the ECOWAS success in general and the free movement protocol in specific over the years. While most of reasons adduced are security, it was observed that the poor economic systems of most of the member states are the major culprit.Many of the countries established checkpoints as a mechanism for raising fund for their national developments, others assumed checkpoints as a security panacea of culling criminals and illicit goods from the entry of their country. In whatever bearing or lens an individual give his analysis, it will be less debatable that existence of multiple checkpoints is negation of the ECOWAS objective of propounding a borderless West Africa.

5. Recommendation

There is an urgent need of the harmonization of domestic and security laws of Member States with that of ECOWAS. The current procedure of selective treatment of individuals based on his nationality is not desirable for the interest of any purported integration. Through their legal harmonization, Members should surrender their border security to a single security patrol system composing the nationals of various members to checkmate the mobility of the community citizens.

Regular training, monitoring and supervision of the law enforcement agencies on the scope and limits of the protocols and related matters should be ensured. The current system manifested by extortions, harassments and brutality of some securities institutions at the border post was seen as a product of inefficiency of work know-how. Through routine training and regular inspections, they must conform to standard in their discharges.

As a matter of urgency, public campaigns or mobilization must be organized by ECOWAS Secretariat, the Member nations and Civil Societies Organizations to educate people on the provisions of free movement protocol. It was observed that many citizens fell into the traps of national laws of Member States due to their poor knowledge of the protocol or non-awareness of its existence at all.This contention was succinctly captured by Boulton (ud) "The main shortcoming of these highly favorable provisions in the free movement protocols is that they are either not known or not implemented."

Due to the difficulties involve in the issuance of travel certificatepropounded by bureaucratic policies, it is therefore a high time to cease such document in the domain of National Authorities and be taken over by the ECOWAS Secretariat.

The introduction of the electronic Single Window concept that allows traders and migrant to provide all necessary information and documentation pertaining their routes and destinations will be propounded. This will help guarantee centralized information that will be consummate by all the agencies and hence reduce the number of delay hours in checkpoints.

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