

**REPORT ON TRAINING WORKSHOP ON “IMPLEMENTATION OF THE ECOWAS  
FREE MOVEMENT PROTOCOL”**



**8<sup>TH</sup> – 9<sup>TH</sup> DECEMBER, 2017**

**THE PLACE HOTEL, TOKEH, WESTERN AREA RURAL DISTRICT**

**SUBMITTED BY:**

**CMS**

## **Executive Summary**

The two-day training workshop which was held on the 8<sup>th</sup> and 9<sup>th</sup> December 2018 at the Place Hotel in Tokeh, Freetown, was attended by participants from the Ministry of Labour and Social Security (MLSS), Ministry of Internal Affairs (MIA), Immigration Department (ID), Ministry of Social Welfare, Gender and Children Affairs (MSWCGA), Office of National Security (ONS), Civil Society Organizations, Migrant Organizations and the Sierra Leone Police (INTERPOL Division).

The main objective of the workshop was to promote intra-regional mobility within the ECOWAS region – by enhancing the capacity of participants to address the obstacles to the full implementation of the ECOWAS Free Movement Protocol in Ghana. The workshop also aimed to enhance participants’ knowledge and understanding of the linkages between regional integration, intra-regional migration and development in the ECOWAS region.

Six sessions were covered in the workshop. The sessions on Day 1 focused on migration concepts and terminologies as well as patterns of intra-regional migration within the ECOWAS region. The sessions on Days 2, on the other hand, focused on the challenges associated with the implementation of the ECOWAS protocol. The sessions were interactive and generated interesting discussions. Both the presenters and the participants shared their experiences and with regards to the implementation of the ECOWAS Free Movement Protocol. On the whole, the participants believed that the workshop was very relevant and that it provided them with the opportunity to meet other key stakeholders.

## DAY ONE

### Opening session

The workshop was called to order by Prof. Joseph Teye. He welcomed participants to the event and gave a brief background on the MADE West Africa Project and its activities. He informed the participants that this Project is funded by the European Union and was mainly geared towards promoting intra-regional migration and governance within West African States. He added that its activities are structured around five components mainly on Research, Capacity Building, Regional/Multi-Stakeholder Dialogues, Sustainable Development Goals (SDGs) Progress Assessment and Sub-Grant Scheme.



*Prof. Joseph Teye giving the opening remarks*

Prof. Teye also outlined the objectives of the workshop which are to:

- I. Increase the knowledge of participants on regional integration, intra-regional migration and related concepts and their implications for development in West Africa.
- II. Enhance participants' understanding of the ECOWAS free movement protocol.

- III. Equip participants with the skills required to deal with various challenges associated with implementation of ECOWAS Free Movement Protocol.

The participants were also given the opportunity to introduce themselves during the opening ceremony. An interesting approach was used to introduce participants, who were put in pairs and given 5 minutes to learn about each other. After the five minutes, each participant introduced the person he/she was paired with. The introductions highlighted participants' organizations, their line of work and expectations for the workshop. The introductions were followed by a tea break.

### **Session 1: Migration, Regional Integration and Development**

This introductory session was facilitated by Prof. Joseph Teye. He introduced the topic and explained that it was intended to enhance participants' understanding of the relationship between migration, integration and development. Using brainstorming approach, participants were first asked to explain the concept of development. The immigrant among the group was the first to explain what he understood by the term migration. About three other participants also explained migration in their own words. Prof. Teye explained that one key issue that must be considered in the definition of migration is the length of stay at the destination. He pointed out that in the orthodox literature an intended stay of 1 year or more is what constitutes migration. However, in practice, different countries and researchers use different lengths of stay. For instance, some countries in the ECOWAS region use six months while in some situations three months is used to capture seasonal migration during some studies. The facilitator also explained further that the lack of agreement on the length of stay used to define migration across the ECOWAS region makes comparison of migration data difficult. Prof Teye further pointed out that although migration involves movement across boundaries, these boundaries are sometimes difficult to demarcate on the ground. He noted that in the ECOWAS region, some ethnic communities that live across these artificial boundaries do not recognize some of these international boundaries created by the colonial masters. A participant working at the Sierra Leone-Guinea border shared her experience on this, noting that some of the people from Guinea do not understand why they should be asked of travel documents each time they cross the border to Sierra Leone arguing that they belong to both countries. Some common migration terminologies were also discussed. These include the concepts of internal migration, international migration, irregular migration, migrant worker, refugee, diaspora, transnationalism, brain drain, brain gain, brain circulation, and brain waste. Various participants gave their views on these concepts.

Prof Teye also spent some time discussing the concept of regional integration with the participants. The participants were first asked to explain this concept. Regional integration was defined as a process by which states within a particular region increase their level of interaction with regard to economic, security, political, environmental or social and cultural issues. The facilitator then took them through the various stages/models of regional integration, which include preferential trade area, Free trade area, Customs Union, Common Market, Economic and Monetary union and complete political integration. The facilitator discussed several examples of these models from other parts of the world. The facilitator also discussed the history; principles; structures and operations of the sub-Regional Integration blocs in Africa. Other topics discussed in the session include challenges and benefits of regional integration as well as its legal and policy frameworks. This part of the session was highly

informative and participants gained a broad understanding of the wider cooperation needed but also the challenges and implications, including issues associated with the sovereignty of member states.

The last part of the session focused on the concept of development. Once again, the participants were asked to explain the concept. Prof Teye then explained how the meaning of the concept has evolved over the years. He explained that the way development is defined has implications for conclusions that can be made on the links between migration and development. He noted that in the 1950s/1960s, development was conceptualized as economic growth and there was an assumption that the benefits of growth will trickle down to all segments of society. He noted further that economists like this approach but when this approach is used, the benefits of migration tend to be measured only in terms of the flow of remittances and migrants led investment. He also explained the conceptualization of development as distributive justice. This basic needs approach gained much currency in the 1970s and focused on reduction in poverty, inequality and unemployment. The conceptualization of development as freedom was also discussed. The human development and anti-development approaches were also discussed. The links between migration, regional integration and development were also explained.

Finally, participants were put into two groups and asked to identify the benefits and demerits of migration to migrant sending areas and migrant receiving areas. The session ended with group presentations on this assignment.

## **Session 2: Migration Pattern in the ECOWAS region**

This session which was facilitated by Prof. Joseph Teye enhanced participants understanding of migration flows within the ECOWAS region. The facilitator started by asking participants to mention the common source countries immigrants in Sierra Leone. A participant stated that most of the immigrants come from Guinea. Other participants mentioned countries, such as Liberia, Ghana and Nigeria. When asked about trends of emigration, the participants also mentioned common destinations of emigrants from Sierra Leone. The facilitator then explained that 84% of people in West Africa travel within the region. He noted that current migration trends in West Africa are deeply rooted in historical antecedents. He went on to give an interactive lecture on the history of migration within ECOWAS. In the pre-colonial era, movements were motivated by the search of security and fertile land for settlement as well as trading activities. The colonial regime altered the motivation and direction of migration, as export-oriented economic policies prompted movement of migrants from the northern countries to the mining and plantation areas. The construction of rail and road networks stimulated male-dominated, seasonal and cross-border labour migrations within the sub-region. The facilitator explained further that in the post colonial era, migration trends have been complex. Since 1980s, migration flows from several ECOWAS countries have increased, in line with global migration trends. Major labour-exporting countries have continued to be Burkina Faso, Mali and Niger. However, Liberia and Sierra Leone joined these countries with high levels of emigration in the 1990s, mainly as a result of political crises.

Prof Teye also explained that the dominant typologies of migration in contemporary West Africa include permanent migration, seasonal migration, cross-border movements, return migration and

transit migration. He pointed out that poverty, environmental degradation and political instability are key drivers of intra-regional mobility migration. Relying on the secondary data, especially the work he co-authored with Awumbila and colleagues, Prof Teye used tables and maps to explain the patterns of intra-regional migration in the ECOWAS region. The key features of migration highlighted as follows:

- All ECOWAS countries are both recipients and senders of migrants
- Intra-regional labour migration flows are still dominated by a north-south movement from countries of Sahel West Africa (e.g. Mali and Burkina Faso) to the mineral-rich and plantation-rich coastal countries ( e.g. Cote d' Ivoire, Ghana, Nigeria)
- The destination of labour migrants are not necessarily the most economically prosperous countries.
- Migration patterns are explained by proximity, colonial legacy; ethnic ties.
- Majority of West African migrants in the sub-region are not very highly educated and tend to work in the informal sector as traders, artisans, farmers.
- Females dominate commercial migration streams

Participants to share ideas about the challenges of intra-regional mobility and suggested ways of enhancing travel within the region.

### **Session 3: ECOWAS protocol on Free Movement of Person, Residence and Establishment**

This session was presented by Mr. Francis Chibilee Kamara, Lecturer, at the University of Makeni (USL) Sierra Leone. He started with lecture mode of delivery but also interacted with participants and allowed them to share their experiences. He elaborated on the historical background of the formation of the ECOWAS, noting that it was formed in 1975. He noted further that the 1979 Protocol relating to the Free Movement of Persons, Right of Residence and Establishment was adopted just four years after the establishment of ECOWAS (1979). He spent several minutes discussing and the general principles that formed the basis for the ECOWAS Protocol on the free movement of persons, residence and establishment. He explained that this protocol sets out the right of Community citizens to enter, reside and establish in the territories of Member States. He also explained that the Revised ECOWAS Treaty of 1993, which provides in Article 3(1) for “the removal, between Member States of obstacles to the free movement of persons, goods, services and capital, and to the right of residence and establishment”.



*Mr Francis Chibilee Kamara delivering the lecture*

The facilitator also spoke about the ECOWAS Protocol in detail covering the scope of application; the content of the protocol; the terminologies such as Treaties Commission, Council of Ministers, Community, Citizens of the Community and Member States.

In addition to the Free Movement Protocol, supplementary protocols passed in 1985, 1986 and 1989 were also presented. The ECOWAS common approach was also presented. Following Mr. Kamara's presentation, the protocol was further discussed in-depth. A participant explained that one major problem of the protocol is that it does not prescribe punishment for states that do not implement what they have ratified. Another participant noted that while the protocol is good in principle, the fact that states can refuse admit citizens deem inadmissible is a challenge. The session left participants better equipped with knowledge about the Protocol.

## **DAY TWO**

The training started with a recap of day 1 by Mr. Abubakarr Sillah a participant from the Ministry of Labour and Social Security. This was followed with Session 4, which covered the challenges

associated with the implementation of the ECOWAS protocol on the Free Movement of persons, Residence and Establishment.

#### **Session 4: Challenges of the ECOWAS Free Movement Protocol**

In this session, the implementation record and inherent challenges of the Free Movement protocol via existing border structures were discussed. Prof Teye started with a brainstorming session which was guided by the following questions:

- Do you think that free movement is guaranteed within the sub-region?
- What challenges are associated with movements within the sub-region?
- Which areas of the protocol are difficult to implement in Sierra Leone?

Participants shared their views on each of the questions. The facilitator then outlined the record of implementation of the protocol. He noted that in relation to the first phase (Right of Entry), all the 15 Member States have abolished visa and entry requirements for those staying up to 90 days. Member States adopted the standardized ECOWAS Travel Certificate in 1985 while ECOWAS passport adopted in 2000.

He noted that the right of residence and right of establishment components of the protocol were quite poorly implemented. He stated for instance, that some countries such as Ghana and Nigeria are often blamed for not allowing ECOWAS migrants to work in certain sectors of the economy. He also explained the fact that work permit problems still persists as many countries in the region, including Sierra Leone, requires a proof that no local can fill a position before foreigners including ECOWAS citizens could be considered.

Participants were given the opportunity to discuss the challenges associated with implementation of the ECOWAS protocol. The immigrant among the participants was the first to identify a challenge. He spoke about harassment and request for unofficial payments at the borders within the region. He cited several experiences of harassment at the borders. A participant from the Ministry of Labour and Social Security also narrated some of his experiences. This was followed by several stories of harassment. Another challenge that was discussed at length was citizens' lack of passports and other travel documents. The border immigration official and a police who participated in the workshop complained of the large numbers of people appearing at the borders without any travel document. The immigrant among the participants attributed this to the harassment at the borders and noted that people are not motivated to carry travel documents because they are aware that immigration officials will still ask them to make unofficial payments even when carrying passports. The officials, on the other hand, explained that it is the lack of travel documents that cause harassments. Other challenges discussed include: low level of knowledge about the protocols; misunderstanding of the contributions of immigrants; crimes by migrants; language barrier; and lack of harmony between policies/laws of member states and the ECOWAS policy.



## **Session 5: Addressing the Challenges associated with the implementation of the protocol**

Having identified these issues in the previous session as limitations, session five was mostly devoted to Group Work that focus on identification of strategies to deal with these challenges. Participants were placed into two groups; Group 1 and 2 to discuss and find solution/s to the following problems that hindered the effective implementation of the ECOWAS protocol.

**Group 1** was tasked to proffer solutions to address the under-listed issues:

- Low Knowledge on the protocol;
- Harassment at the borders;
- Lack of travelling document.

**Group 2** was assigned to discuss and find solution/s to address the following problems:

- Language barriers
- Enhancing knowledge on the developmental impact of migration
- Ensuring local people understand the contribution of migrant workers
- Contradiction between local policies

The group work was completed and a member of each group was asked to report on behalf of their respective group. The reports mainly focused on mass sensitization/awareness raising campaigns, harmonization of national laws and policies with the Protocol, monitoring of activities at border posts, capacity building for border officials and other relevant stakeholders and political will, as solutions to the above mentioned limitations.

## **Session 6: Border Management, Migrants' Rights and Security**

This session was also facilitated by Prof Teye. The discussion focused on forms of migrant rights violations at the borders. During the deliberations, participants shared personal experiences in this regard: Participants disclosed various forms of migrant rights abuse at the borders. Participants, once again, mentioned series of violations which included extortion of monies and other material goods, time wasting, arbitrary detention, harassment, and disregard of border officials for traveling documents.

Additionally, the participants discussed and agreed that the nature of borders create challenges for border management and security, observing that Sierra Leone in particular has porous borders with many illegal entry points. They also stated that there were very limited official manning border points. During the discussions it was suggested that Governments, particularly the Government of Sierra Leone, needed to try and reduce the porosity of the border points, and capacitate border officials through training and provision of equipment and other logistics for effective border management.

Moreover, the issue of how securitization of migration affects free movement was discussed during this session. It was confirmed that increasing terrorist activities globally has led to increased checks and security exercises at entry points. These delays and inconveniences affected the free movement in many ways, but it was acknowledged that such delays and inconveniences were necessary to ensure the needed global security.

## **Closing ceremony**

In his closing remarks, Prof Teye thanked the participants and informed them of future programmes of the MADE West African project. The participants also thanked the organizers of the workshop. The participants also evaluated the workshop on the forms provided.

### **Conclusion**

The workshop focused on various topics including: the concepts of migration, regional integration and development; ECOWAS Free Movement Protocol, challenges associated with implementation of the ECOWAS protocol on Free movements, and the migrants rights. The workshop provided opportunity for various stakeholders to discuss strategies to address the gaps in the implementation of the ECOWAS Free movement protocol. The participants generally acknowledged that the workshop was relevant.