



# ECOWAS COMMISSION

## ECOWAS FREE MOVEMENT ACROSS SECTORS: “ISSUES AND EXPERIENCES”

**Tony Luka Elumelu PhD**

**Principal Program Officer Free Movement & Migration, ECOWAS Commission**





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- **Migration in West Africa**

- Historically, West Africa was always a region of high human mobility
- West African Migration is principally intra-regional

It is estimated that 80% of all migrants originating from West Africa live in another country in West Africa

Only Liberia (North America) and Cape Verde (Europe) have higher mobility beyond Africa

- Migrants Profiles are changing and becoming more diversified

More women

Better educated

Youth

- Migration will continue to be a defining element for ECOWAS

- Population growth – more than doubled by 2050 ( over 600 million)
- More than 60% of the population under 24 years of age
- Urbanization process – 60% of population in cities by 2020 – 2025
- Climate change

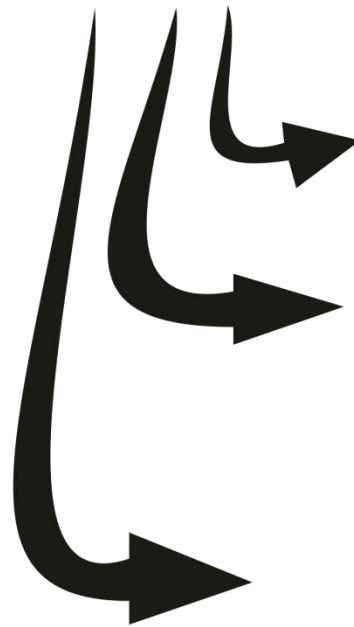




# ECOWAS Commission

FREE MOVEMENT VIS-A-VIS ECONOMIC, SECURITY, HUMANITARIAN

## FREE MOVEMENT



### ECONOMIC

Trade (Intra-Regional)  
Formal Trade  
Informal Trade  
Cross - Border Trade

### SECURITY

Insurgence  
Conflict  
Trans Humance

### HUMANITARIAN

Displaced Persons  
Asylum  
Refugees  
Climate Change  
Trans Humans





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## ECOWAS Free Movement Protocols

ECOWAS Treaty  
Adopted on May 28<sup>th</sup> 1975  
and revised in 1993.

### ARTICLE 59: IMMIGRATION

- Citizens of the community shall have the right of entry, residence and establishment and Member States undertake to recognize these rights of Community citizens in their territories in accordance with the provisions of the Protocols relating thereto.
- Member States undertake to adopt all appropriate measures to ensure that Community citizens enjoy fully the rights referred to in paragraph 1 of this Article.
- Member ' States undertake to adopt, at national level, all measures necessary for the effective implementation of the provisions of this Article.





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# Current Policy Framework

## ECOWAS Free Movement Protocols

- Rights of entry, residence and establishment,
- Trade Liberalization Scheme

## ECOWAS Common Approach to Migration

- Specific provisions included for Mobility, Employment and Higher Education





## Protocol on Free Movement



A/P1/5/79 relating to Free Movement of Persons, Residence and Establishment

A/P3/5/82 relating to the definition of community citizen

A/PSP.2/7/85 on the code of conduct or the implementation of the protocol on Free Movement of Persons, the right of residence and establishment (obligation of Member States in facilitation of the implementation) Rights and obligation of Member States

A/SP.1/7/86 on the second phase (Right of Residence and Establishment)

A/SP/2/5/90 on the implementation of the third phase (Right of Establishment) of the protocol on free movement of Persons, Right of Residence and Establishment

## Decisions on Free Movement



A/DEC.2/7/85 of the Authority of Heads of State and Government of the Economic Community of West African States relating to the Establishment of ECOWAS Travel Certificate for Member States.

A/DEC.2/5/90 Establishing a Residence Card in ECOWAS Member States (Signed by the Chairman in Banjul, 30<sup>th</sup> day of May, 1990)

A/DEC.1/5/2000 relating to the adoption of an ECOWAS Passport

Final Communique, Abuja Summit March, 2000 for the creation of Borderless region.

Decision A/DEC.5/10/98 Relating to the regulations on Transhumance between ECOWAS Member States

Regulation C/REG.3/01/03 Relating to the implementation of the regulations on Transhumance between the ECOWAS Member States.







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# Protocol relating to the Free Movement of Persons, Residence and Establishment

### – Core Principles

- Entry
- Residence
- Establishment



### – First phase: Free Movement

- Travel without Visa – Passport and Health Certificate (Yellow Card)
- 90 days limit
- Entry restrictions for « inadmissible migrants »
- Guarantees in case of expulsion





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- Second Phase: Supplementary Protocol on the Right of Residence (July 1st, 1986)
  - Income earning employment
  - Apply for jobs effectively offered
  - Taking up a job according to national provisions
  - Remain in the country according to national provisions after ending the job
- Third Phase: Supplementary Protocol on the Right of Establishment (May 29th, 1990)
  - Access to non-salaried activities
  - Creation and Management of enterprises and companies
  - Principle of non-discrimination



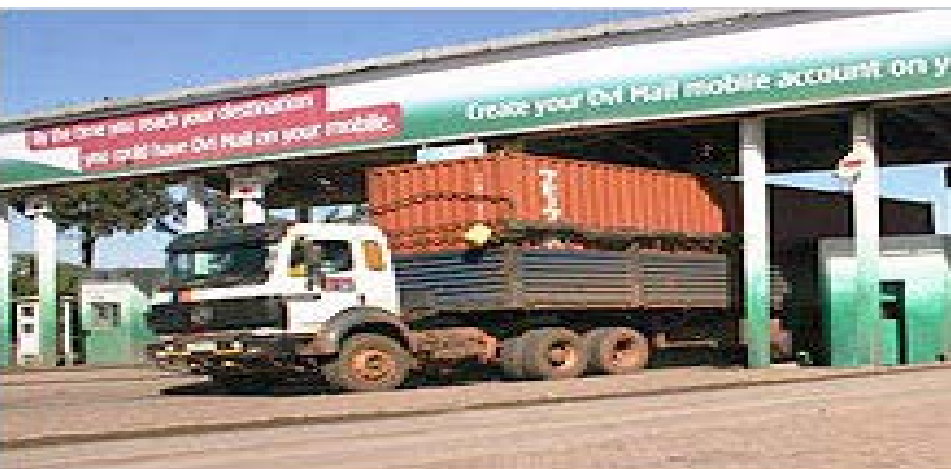




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### **Protocol A/P.1/5/79 RELATING TO FREE MOVEMENT OF PERSONS, RESIDENCE AND ESTABLISHMENT**

- Part IV art. 5- Movement of vehicles for the transportation of persons
- 1. Private, registered and properly documented vehicle max. 90 days upon presentation of the under-listed documents
- Valid driving license
- Matriculation certificate (ownership card) or Log Book
- Insurance Policy recognized by Member States
- International customs documents recognized within the Community





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### **Protocol A/P.1/5/79 RELATING TO FREE MOVEMENT OF PERSONS, RESIDENCE AND ESTABLISHMENT**



- 2. Commercial, registered and properly documented vehicle max. 90 days upon presentation of the under-listed documents
- Valid driving license
- Matriculation certificate (ownership card) or Log Book
- Insurance Policy recognized by Member States
- International customs documents recognized within the Community

During the stay, no commercial activity in the territory of the visited Member State is permitted.





**Table 1 - Implementation of selected ECOWAS initiatives**

<b>ECOWAS initiatives</b>						
✓ Implemented X Not Yet Implemented						
<b>Country</b> <i>Date of ratification of 1979 Protocol</i>	Abolition of visa and entry requirements for 90-day stay	Introduction of ECOWAS travel certificate	Harmonized immigration and emigration forms	National committee for monitoring free movement of persons and vehicles	ECOWAS Brown Card Scheme	ECOWAS Harmonised Regional Passport
Benin <i>4 Jan 1981</i>	✓	X	X	✓	X	✓
Burkina Faso <i>6 April 1982</i>	✓	✓	X	✓	X	✓
Cape Verde <i>11 June 1984</i>	✓	X	X	X	N/A (Island state)	X
Cote d'Ivoire <i>19 Jan 1981</i>	✓	X	X	X	✓	✓
The Gambia <i>30 Oct 1980</i>	✓	✓	X	X	✓	✓
Ghana <i>8 April 1980</i>	✓	✓	X	X	✓	✓
Guinea <i>17 Oct 1979</i>	✓	✓	X	X	✓	✓
Guinea Bissau <i>20 August 1979</i>	✓	X	X	X	✓	✓
Liberia <i>1 April 1980</i>	✓	X	X	X	✓	✓
Mali <i>5 June 1980</i>	✓	X	X	X	X	✓
Benin <i>4 Jan 1981</i>	✓	X	X	✓	✓	✓
Benin <i>4 Jan 1981</i>	✓	X	X	✓	✓	✓
Benin <i>4 Jan 1981</i>	✓	✓	X	✓	✓	✓
Benin <i>4 Jan 1981</i>	✓	X	X	X	✓	✓
Benin <i>4 Jan 1981</i>	✓	✓	X	X	✓	✓
Benin <i>4 Jan 1981</i>	✓	X	X	✓	✓	✓





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## CHALLENGES



There are some challenges in the implementation of the Protocols to fully achieve the political, social and economic impact they were meant to have!

These challenges relates to:

- Definition of ECOWAS Citizen
- Discretionary rights for Member States
- <<Inadmissible Migrant>> not clearly defined
- Public order, public security and public health not clearly defined
- Protocols remain unknown to many ECOWAS citizens
- Harassments at border posts
- Possibility to seek redress of citizens rights when violated
- Lack of domestication of Protocols and Relevant Texts on Free Movement
- Incoherent Implementation of Free Movement Protocol





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### ECOWAS Common Approach on Migration

- The road to the ECOWAS Common Approach
  - Change of paradigm – Migration has raised in the global political agenda (Global Commission on International Migration, UN High Level Dialogue on Migration, Rabat-Process etc.)
  - Migration Management is key to the regional integration and development process



**Need for a coherent and comprehensive view of Migration within the ECOWAS Region**





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- Actions to promote Free Movement within the ECOWAS space
  - Implementation of the Protocol on Free Movement of Persons, the Right of Residence and Establishment
  - Making the regional fund to finance cross-border cooperation operational
  - Defining a regional territorial planning strategy
- Actions to promote the management of regular migration
  - Implementation of pilot experiments at the national and regional levels
  - Measures concerning students and young professionals
  - Measures concerning Diaspora







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- Measures concerning students and young professionals
  - Facilitate West African students' access to universities, institutes and African, North American European, Asian and other professional institutes ;
  - Facilitate students' return to their country of origin at the end of their studies ;
  - Conclude young professional exchange agreements in order to improve their linguistic and professional knowledge and acquire salaries work experience in another country;
  - Broaden the range of university and technical courses offered, taking into account the labour market needs (public and private) ;
  - Create or strengthen entrepreneurship training and





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- Actions for Policy Harmonisation
  - Setting up a system for supporting and monitoring migration and migration policies
  - Harmonizing policies related to migration and development
- Actions for controlling irregular migration and human trafficking particularly of women and children
  - Fight against irregular migrations and human trafficking
  - Strengthening the dialogue framework between ECOWAS, host countries and transit countries
  - Strengthening Migration Management capacities
  - Strengthening the protection and assistance system for victims of human trafficking





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– Actions aiming to take into account the Gender and Migration dimension

- Include gender dimensions in migration policies ;
- Establish and strengthen support institutions for entrepreneurship training for female migrants ;
- Remove all illegal trade barriers which stifle the entrepreneurs potential of women when they migrate.





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- Actions to protect the rights of migrants, asylum seekers and refugees
  - 1) Protection of the rights of migrants
    - Formulate an active integration policy for migrants from ECOWAS Member States
    - Combat exclusion and xenophobia
    - Encourage Member States and their EU partners to ratify the UN Convention on the rights on migrants
    - Put in place regional mechanism to monitor the UN Convention on the Rights of Migrants
  - 2) Protection of asylum seekers and refugees
    - Put in place mechanisms for granting rights of residence and establishment to refugees from ECOWAS countries





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### Challenges to the implementation of the Common Approach

- Lack of strategic vision;
- Lack of comprehensive action plans;
- Lack of coordination and cooperation mechanisms for its implementation etc.
- No monitoring and evaluation mechanisms
- No available funds





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## IN PROGRESS

- Review of Free Movement Protocol
- Harmonization of vehicular travel documents
- Discussion with relevant stakeholders to interconnect borders
- Harmonization of training curriculum for institutions of training for operatives
- Establishment of monitoring units
- Establishment of information centers at the borders
- Strengthening the Forum on Migration Dialogue for West Africa (MIDWA)
- Development of regional Migration Policy
- Use of biometric National ID cards for intra regional mobility
- Removal of residence card requirement for Migrants of ECOWAS extraction
- ECOWAS Trade Liberalization Scheme
- Adoption of ECOWAS Common External Tariff







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- Support Received from international Partners

- ECOWAS – Spain Fund on Migration and Development
  - EUR 10 m for the implementation of the Common Approach
    - One part for the Governments of Member States
      - » Free Movement / Irregular Migration
    - A second part for the regional Civil Society
      - » Migration and Development / Free Movement
- Support to Free Movement & Migration in West Africa (EU/ IOM)
  - 10th EDF – this project covers various areas (data collection, border management, human trafficking etc.) on a overall EUR 26m portfolio implemented through IOM and consortium for up to five years,
- Migration EU Expertise (MIEUX / ICMPD)
  - Development of a standard training curriculum on the Free Movement Protocols
- ACP Observatory on Migration
  - Various trainings and capacity building activities and starting 2012 a study on south – south labor migration



*We are champions, not because we win  
But We win because we are champions!*



- THANK YOU !
  - MERCI !
  - OBRIGADO!

