



ECOWAS COMMISSION



**PRESENTATION BY THE FREE MOVEMENT AND TOURISM
DIRECTORATE**

CURRENT STATUS OF THE ECOWAS BORDER MANAGEMENT

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MANDATE OF THE FREE MOVEMENT DIRECTORATE

Derived from:

- The ECOWAS Treaty 1975: Article 2, Paragraph 2, and Article 27 on Free Movement of Persons, Right of Residence and Establishment
- Mini Summit of Heads of State and Government on the creation of a Borderless ECOWAS, Abuja, 27 March 2000
- ECOWAS Common Approach on Migration adopted at the 33rd Ordinary Session of the Head of State and Government , Ouagadougou, January 2008



THE ECOWAS TREATY

- Article 3 para. 2 of the ECOWAS Treaty (Aim and Objectives)

In order to achieve the aims set out in paragraph 1... the community shall... ensure the establishment of a common market through the removal of barriers between Member States of obstacles to the Free Movement of persons, goods, services and capital and the rights of Residence and Establishment



REVISED TREATY OF 1993

Article 59 of the Revised Treaty of 1993 makes provisions for Immigration as follows:

- 1 . 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.
2. 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.
3. Member ' States undertake to adopt, at national level, all measures necessary for the effective implementation of this article



Free Movement of Persons cont...

Second Phase: Right of Residence (A/SP.1/7/86)

- 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
- Residence Permit
- Expulsion

Third Phase: Right of Establishment (A/SP2/5/90)

- Access to non-salaried activities
- Creation and Management of enterprises and companies
- Principle of non-discrimination



FREE MOVEMENT OF PERSONS, RIGHT OF RESIDENCE AND ESTABLISHMENT

- Protocol relating to the Free Movement of Persons, Residence and Establishment
 - Core Principles
 - Entry
 - Residence
 - Establishment

First phase: Right of Entry (A/P 1/5/79)

- Removal of Visa Requirement
- Community citizens to travel with National Passport and Health Certificate (Yellow Card)
- 90 days limit of stay
- Entry restrictions for « inadmissible migrants »
- Guarantees in case of expulsion



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 mentioned document
 - Valid driving license
 - Matriculation certificate (Ownership card) or Log Book
 - Insurance policy recognized by MS
 - International customs documents recognized within the Community



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

- 2. Commercial, registered and properly documented vehicle max. 15 days upon presentation of the mentioned documents
 - Valid driving license
 - Matriculation certificate (Ownership card) or Log Book
 - Insurance Policy recognized by MS
 - International customs documents recognized within the Community

During the stay no commercial activity in the territory of the visited MS is allowed



CREATION OF A BORDERLESS ECOWAS

- Adoption and Introduction of single ECOWAS Passport
- Adoption and Introduction of a Schengen-type visa
- Abolition of Residence Permit requirement by Community Citizens in Member State
- Removal of Road Blocks and Security Checkpoints on International Highways
- Joint Border patrols by neighbouring states
- Exchange of information by security operatives at the borders
- Sensitization of operatives on Free Movement



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

« ECOWAS Member States, relying on the orientations of the Tripoli Declaration, establish a direct link between migration and development. Consequently, the link between migration and development should be conveyed in a parallel approach to these two components and by striving continuously to harmonies policies related to one another. »



ECOWAS Common Approach Cont...

Migration and Development Action Plan

- Free Movement
- Regular Migration
- Irregular Migration
- Policy Harmonization / Migration and Development
- Gender
- Asylum Seekers and Refugees / Rights of Migrants



IMPLEMENTATION STATUS

- Deployment of harmonized travel documents in ECOWAS Space
- Establishment of National and Regional Media Network on the Implementation of the Free Movement Protocol
- Cross-Border Cooperation
- Harmonization of Tourism Guide
- Establishment of Monitoring Units at identified ECOWAS borders.
- Completion of Action Plan for the Establishment of Information Centers at ECOWAS Borders
- Completion of roadmap on ECOVISA – Schengen type Visa for West Africa



IMPLEMENTATION STATUS CONT.

- Strategic partnership with member states Comptroller of Customs, Immigration service and I.G's of Police to combat border crimes and promote free movement
- Institutionalized Heads of Immigration annual meetings
- Train the trainers program for security operatives
- Fund raising for the implementation of the ECOWAS Common Approach on Migration – 10th EDF
- Implementation of the Spain – ECOWAS Fund on Migration and Development (10 Million Euro)
- Construction of integrated borders between contiguous MS
- Production of sensitization materials for the enlightenment of community citizens



SOME OBSERVATIONS

A misconception - all migrants crossing the Sahara are “in transit” to Europe; about 65,000-120,000 enter Maghreb yearly over land of which 20-38% are estimated to enter Europe. Many migrants stay in N/A as a Second best option e.g. Libya;

- ↪ Despite recent increase, W/A migration to the EU is still relatively modest compared to migration from N/A and E. Europe. Estimated 800,000 registered W/A migrants in the main European receiving countries compared to 2,600,000 N. Africans.
- ↪ Migration from W/A to the Maghreb and Europe is likely to continue; increased border controls have rather led to the swift diversion of migration routes with increase in the risks, costs & suffering of migrants.
- ↪ In absolute, Nigeria, Ghana and Senegal predominate in migration to Europe and North America. Cape Verde, Cote D'Ivoire and Cameroun have considerable migrants pops. living in Europe;



MISCONCEPTIONS

• **Overestimation of absolute number of migrants or share migrants/population** (e.g. in 2010, in Italy actual 7% vis-à-vis perceived 25% while in the USA 14% and 39%, respectively). For irregular migrants, discrepancy even higher.

Table 1: Perceived and actual percentage of the population made up of migrants, in four transatlantic countries, 2010

Country	Perceived	Actual
Italy	25	7
Spain	21	14
United States of America	39	14
Canada	39	20

Source: Transatlantic Trends, 2010: 6.



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
- Institutionalizing a regional consultative dialogue on migration
- Development of regional Migration Policy
- Use of biometric National ID cards for intra regional mobility



PARTNERSHIPS

- Support to Free Movement of Persons and Migration in West Africa (10TH EDF): **EU, IOM, ILO, ICMPD;**
- Migration Dialogue for West Africa States (MIDWA) to promote Inter-State Dialogue on Migration: **IOM;**
- Capacity Building in Migration - **FRONTEX:**
- Migration Data Management - **ICAO**



ACHIEVEMENTS

- Achievements since 1979
 - Abolishment of Visa
 - Legal recognition of the right to residence and establishment
 - Growing usage of ECOWAS travel document



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



LOOKING AHEAD

De-politicize the debate and address issues of concern:

- Need to openly discuss positive and negative effects of migration rather than partisan interpretations fuelling local anxieties;
- Focus should be on issues of broad national concern and not interest of particular segments of society, and clearly inform about rights/obligations of all (citizens and non).

Working with the media for balanced media reporting:

- Recognize migrants as heterogeneous groups and avoid single-issues headlines, over/under-representation & blanket labelling.
- Gov`ts should create a climate for fair and accurate reporting, while other stakeholders increasingly engage with media



LOOKING AHEAD

ECOWAS Perspectives:

- Addressing Irregular Migration from W/A to Europe;
- Promoting Human Rights of Migrants
- Combating Trafficking in Human Beings;
- Enhancing Capacities for Migration & Border Mgt.
- Promoting more legal channels of migration thro Partnership & Technical Cooperation Agreements
- Enhancing South-South Cooperation and Intra-Regional Labour mobility & Economic Cooperation



THANK YOU