

Document prepared by Livia Styp-Rekowska from the Africa Capacity Building Centre (ACBC) of the International Organization for Migration (IOM)

This report has been produced with the financial assistance of the European Union under the project "Support to Free Movement of Persons and Migration in West Africa (FMM West Africa)". The contents of this report are the sole responsibility of the author and can in no way be taken to reflect the views of the European Union, the Economic Community for West African States (ECOWAS), the International Organization for Migration (IOM), the International Centre for Migration Policy Development (ICMPD) or the International Labour Organization (ILO).

Contents

ACRONYMS	4
EXECUTIVE SUMMARY	5
Concepts and Terminology	5
METHODOLOGY AND SCOPE	7
BACKGROUND	8
Immigration and Border Management in West Africa	8
ECOWAS: Institutional and Regulatory Framework	9
ANALYSIS	12
Policy	12
Other Policy-Setting Documents	14
Legal framework	16
Institutional and coordination mechanisms	22
Administration	29
Selected Immigration and Border Management interventions	30
RECOMMENDATIONS	37
REFERENCES	41
Regulatory Documents	41
Policy Documents	41
ANNEXES	42

Acronyms

DCAF	- Geneva Centre for Democratic Control of Armed Forces
ECOWAS	- Economic Community of West African States
EU	- European Union
FMPD	- Free Movement of Persons Directorate
GIZ	- Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ)
ICAO	- International Civil Aviation Organization
ICMPD	- International Centre for Migration Policy Development
ILO	- International Labour Organisation
IOM	- International Organization for Migration
MRZ	- Machine-readable Zone
OSBP	- One Stop Border Post
UNDP	- United Nations Development Program
UNOWA	- United Nations Office for West Africa
WAEMU	- West African Economic and Monetary Union

Executive Summary

West Africa is one of Africa's most mobile regions. Intra-regional migration represents a large part of cross-border movements, and has been widely recognized as key to the region's economic growth and stability.

In an effort to assist the Economic Community of West African States (ECOWAS) in further operationalizing its ambitious framework of free movement of persons, services and goods in the ECOWAS space, the Consortium of Partners - the International Organization for Migration (IOM), International Centre for Migration Policy Development (ICMPD), and the International Labour Organisation (ILO)- with the support of the European Union (EU) and in close collaboration with ECOWAS counterparts, is implementing a comprehensive initiative, Support to Free Movement of Persons and Migration in West Africa (thereafter, the 'Project').

As part of the inception phase, several baseline surveys, including the present one dedicated to ECOWAS immigration and border management capacities, priorities and needs are being conducted. This assessment has examined the policy, regulatory, institutional and administrative aspect of the ECOWAS immigration and border management framework, as well as concrete initiatives that are being pursued by the Community.

It has found that an impressive array of immigration and border management related-related policy documents already exists and that these could be further strengthened by defining and streamlining ECOWAS immigration and border management priorities in a single strategic, action-oriented document dedicated specifically to immigration and border management. It has also concluded that while the regulatory framework of protocols on the free movement of persons, goods and services, supplemented by other ECOWAS legal instruments, represent a sound basis for a regional immigration and border management framework, this could be further enhanced by adding and/or removing specific provisions to make it more comprehensive and encompassing. The evaluation of the institutional coordination mechanisms - within, as well as outside of ECOWAS - has revealed that a detailed structure already exists which, nevertheless, could be further reinforced by relatively minor adjustments to some of the these existing coordination mechanisms. Administratively, ECOWAS has a committed, expert-level staffing force who, however, lack the necessary human and programmatic resources to follow up on their ever-increasing and technically ever-more complex portfolio. Finally, selected ECOWAS interventions, namely the introduction of the ECOWAS biometric ID card; development and installation of border management information systems; reduction of harassment and corruption at the borders; increased awareness on the Protocols among the citizens and border officials alike; standardization of the regional immigration and border management training curriculum; and on-going immigration and border management infrastructure projects in the region are all testimony to the fact that ECOWAS pays significant attention to immigration and border management as an important component of the regional integration process.

As such, the Project represents a unique opportunity to support on-going and planned ECOWAS initiatives in the area of immigration and border management, thus contributing to making the ECOWAS space welcoming, as well as safe for migrants.

This assessment report was produced by IOM's Africa Capacity-Building Centre: its Regional Immigration and Border Management Specialist Ms Livia Styp-Rekowska.

Concepts and Terminology

This section seeks to clarify and elaborate the concepts and terms applied for the purposes of this document.

This assessment concerns itself with the immigration and border management issues being addressed by the ECOWAS Commission including the relevant guiding and legal framework. The assessment does not purport to deal comprehensively with all the aspects of migration management, nor does it focus exclusively on the concept and issues associated with “Integrated Border Management”.

Migration Management

A term used to encompass numerous governmental functions within a national system for the orderly and humane management for cross-border migration, particularly managing the entry and presence of foreigners within the borders of the State and the protection of refugees and others in need of protection. It refers to a planned approach to the development of policy, legislative and administrative responses to key migration issues.

Immigration and Border Management

Immigration and border management is an area pertaining to governments’ policy, legislation, administrative structures, operational systems and the human resource base necessary to respond effectively to diverse migration and border challenges and to institute appropriate migration governance. Efficient border and immigration management policies and structures, supported by professional and well trained immigration and border officers, foster smooth movement management at borders and prevent irregular migration, but also enable to detect smuggled migrants and trafficked persons with the ultimate objective of dismantling organized crime networks and protecting the rights of these vulnerable persons.

Integrated Border Management

With the increasing mobility of persons and goods, States need to address the challenge of ensuring the right balance between open, but at the same time secured and controlled borders. In order to respond to this challenge, the European Union (EU) has developed the concept of “Integrated Border Management” which is key to the European border management strategy. Integrated Border Management requires that all competent authorities work together in an effective and efficient manner. Cooperation should not be established exclusively within each country, but also across its borders, with relevant agencies of neighbouring states. Integrated Border Management seeks to address three levels of cooperation and coordination: intra-service cooperation, inter-agency cooperation and international cooperation.

Methodology and Scope

Based on the Terms of Reference provided at the outset of the assessment, preparations for and conduct of the baseline survey had several stages and components.

Initially, desk review of the relevant documentation - official reports, declarations, policies, legal texts, press releases, as well as academic studies and analytical papers - was undertaken in order to compile interviewing questionnaires. This was followed by fieldwork in Abuja (8-18 January 2014) during which interviews were conducted with ECOWAS counterparts, as well as external stakeholders. In the case of interlocutors based outside Abuja, relevant information was sought via telephone or email. Finally, data gathered through the desk research and interviews were synthesized and analysed in order to provide a basic overview of ECOWAS' priorities and needs in the area of immigration and border management.

Based on its Terms of Reference, the assessment sought to:

- Identify the existing needs and priorities of the ECOWAS Commission in the area of immigration and border management, including an analysis of capacity building needs of the Free Movement of Persons Directorate (Migration and Cross-border Cooperation Divisions);
- Provide the Project's Implementing Partner with analyses of and recommendations towards improved implementation of ECOWAS agreements and tools in the regional coordination of immigration and border management and, importantly, inform the Implementing Partner's follow-on activities in supporting ECOWAS' capacity enhancement in this field.

The assessment methodically covered areas under these main fields: legal and policy framework; institutional framework and coordination mechanisms; operations; administration; and data sharing. The assessment looked at the most immediate and mid-term capacity-development needs and requirements in the field of immigration and border management.

Finally, this assessment concerns itself with the ECOWAS Commission's mandate, work and needs in immigration and border management, rather than specifically those of its member states governments. Thus, while various references are made to concrete analyses and examples referring to member states, the focus of this assessment is on ECOWAS Commission.

Background

Immigration and border management can be described as the regulatory, administrative, operational and information management framework which defines the way a country manages its borders (air, sea and land). The regulatory framework includes relevant policies, legislation, regulations and procedures, such as the national border management strategy, the immigration bill and standard operating procedures for border crossings; the administrative framework encompasses relevant institutions, their structure and human, financial and material resources, such as the relevant ministries (for example, interior, finance, labour, foreign affairs) and their budgets, border police and immigration staff force and their training, and border infrastructure; operational framework covers the day-to-day functioning of the various aspects of border management, such as the entry to, exit from and stay in the country, border patrols, intelligence and investigations of transnational organized crime; and finally, the information management framework relates to border management data, for example records collected through the country's border management information system, alert lists, passport and visa system.

Several aspects of immigration and border management need to be highlighted. First, immigration and border management is a fluid, constantly changing and developing, multi-lateral, multi-faceted system that necessitates close cooperation and collaboration at the national, as well as regional/international level. By definition, immigration and border management cuts across mandates of various national institutions and it always concerns at least two countries, which share a border. Therefore, working together at the national, as well as regional/international level is essential if immigration and border management internal and external challenges are to be overcome. Second, broadly speaking, borders delimit a country's national sovereignty, which the state needs to balance against its international human rights obligations; while every state has the right to decide whom it will allow to enter, this right is not absolute and must be exercised in full compliance with international law, such as the principle of non-refoulement. Third and perhaps most important in the context of the current assessment, immigration and border management must be seen as a binary complex which combines the facilitation of cross-border movement of persons and goods with control over who and what enters into the country. With these two approaches constantly balanced against each other, well-managed borders allow countries to promote their vital political, economic and socio-cultural interests while at the same time systematically counter the cross-border threats that are identified.

Immigration and Border Management in West Africa

Since 9/11, immigration and border management - especially the security aspect of it - has progressively grown on the countries' national and international agenda. The West African territory is no exception to this trend; issues ranging from contraband trade in licit goods to transnational criminal networks smuggling arms, drugs, precious materials and human beings to terrorism sponsored by extremist groups, either home-grown or foreign, have all prompted states to rethink their approach to immigration and border management. Given the key role that immigration, customs, border police/gendarmerie and intelligence have to play in controlling the boundaries of a state, it comes as no surprise that immigration and border management, often as a component of counter-terrorism, rose on the agenda of ECOWAS and its Member States, and is increasingly being considered in the wider, international security context.

The increased prominence, prioritization and transformation of border management from a customs- to an immigration-centred framework are encouraging. However, there are enormous challenges that countries face and need to overcome as they strengthen their border management capacities. First and foremost, borders in Africa are poorly delimited and demarcated, with countries often approximating where they actually lie. This provides ample opportunities for criminal cross-border activities, makes border patrolling difficult (logistically and from the point of view of national jurisdiction) but also

represents potential and actual cause of conflicts, especially if natural resources are found in the disputed border areas. Additionally, borders suffer from the lack of infrastructure; even at crossings with significant traffic flow, border posts are often basic structures without electricity, equipment and amenities for borders officers stationed there, thus affecting their morale and quality of their work. Equally, countries sometimes do not have a clear border management institutional structure, resulting in overlap and duplication of tasks and responsibilities or, on the contrary, causing a total absence of a dedicated immigration or border police force. Coupled with out-dated procedures and inadequate training, border management tasks are carried out in an ad hoc, inconsistent manner that is prone to abuse and corruption. And finally, since entry and exit information is largely recorded manually, rather than by a digitized system with the capacity to capture, store and share the data as needed, countries are missing crucial information that could be otherwise used as evidence for a vast array of policies, as well as for security analysis of external threats and risks.

Despite these challenges, important initiatives are being pursued across Africa to improve the situation. In the ECOWAS space, comprehensive border management assessments are taking place, backed by the top levels of the government, to determine immigration and border management priorities for the next decade (e.g. Cote d'Ivoire). National border management strategies are being drafted (e.g. Mauritania) and law-making bodies are proceeding with a complete overhaul of the national immigration framework (e.g. Nigeria). In order to prevent future conflicts, bi-lateral committees are being established to peacefully resolve border disputes (e.g. Burkina Faso and Mali and Nigeria and Niger, respectively). Customs systems are being standardized and automated, and IT-based border management information system with the capacity to collect and store data on cross-border movements are being gradually and systematically installed (e.g. Guinea). ECOWAS itself is pursuing efforts to standardize a regional training curriculum for ECOWAS border officials. Finally, significant funds are being invested to upgrade border infrastructure, in order to bolster trade, develop border areas and regulate cross border movements (e.g. One Stop Border Posts funded by EU and WAEMU at the borders between Togo and Ghana and Cote d'Ivoire and Burkina Faso, respectively).

Keeping in mind these complex and ambitious programs, this assessment report looks at various aspects of ECOWAS immigration and border management-related policies, regulations, coordination mechanisms, administrative structures and selected immigration and border management interventions, and aims to determine how best ECOWAS could support its Member States, and how best the Project could support the ECOWAS Commission, in implementing immigration and border management initiatives such as those mentioned above.

ECOWAS: Institutional and Regulatory Framework

Migration today is a commonplace phenomenon affecting every country and region in the world. West Africa is no exception; historically rooted in long-distance movements as a way of life, people have migrated across frontiers for social, economic as well as political reasons since pre-colonial times. By some estimates, there are 214 million migrants in the world today; of these, 19.3 million are in Africa and 8.4 million in West Africa, making it the African sub-region with the largest migrant population stock on the continent.

Over the past few decades, intra-regional migration has gone through several stages. In the early 1960s, countries aimed to consolidate their boundaries without hindering the cross-border movement much. At that time, over two and a half million West African nationals were residing in Burkina Faso, Cote d'Ivoire, Ghana, Mali, Liberia, Sierra Leone, The Gambia and Togo, with over fifty per cent of them in Cote d'Ivoire. Loosely demarcated borders and the absence of requirement for travel documents facilitated free cross-border movement of persons. However, by the end of the decade, in an effort to protect their economic and political interests, West African states started enacting stricter immigration laws to regulate entry and employment of non-nationals.

It was in this context that the Economic Community of West African States (ECOWAS) was formed in 1975. Convinced that harmonious economic development of the region can only take place through economic co-operation and integration, the Community was established to accelerate, foster and encourage the economic and social development of the Community's member states in order to improve the living standards of their peoples. One of the means to do so was to abolish obstacles to the free movement of persons, services and capital.

The 1975 Treaty established several institutions. First, Art. 5 defined the Authority of Heads of State and Government (referred to as "the Authority") as an organ responsible for providing the general direction for and having the control of the executive functions of the Community. Second, it created the Council of Ministers whose task was to oversee the functioning and development of the Community and make recommendations to the Authority (Art. 6). Third, it formed the Executive Secretariat (Art. 8), to be headed by the Executive Secretary whose main duty was to oversee the day-to-day administration of the Community and all its institutions. Fourth, it set up the Tribunal of the Community (Art. 11) to ensure observance of law and justice in the interpretation of the Treaty. Finally, it established four specialized Technical and Specialized Commissions (Art. 9) one of which was the Trade, Customs, Immigration, Monetary and Payments Commission.

In 1993, the ECOWAS Revised Treaty reaffirmed the aims of the Community to promote cooperation and integration, in order to achieve an economic union in West Africa. It encouraged Member States, amongst others, to remove obstacles to the free movement of persons, goods, services and capital, to the right of residence and establishment, and mandated cooperation in regional security and immigration. The Revised Treaty, later amended by a number of protocols and acts, also modified the 1975 ECOWAS structure and determines the institutional framework of ECOWAS today.

The highest political body is the Authority of Heads of State and Government, which, as in 1975, is to provide general direction to and is responsible for the control of the Community. It determines the general policy and major guidelines of the Community, gives directives and coordinates policies of Member States. The Council of Ministers, composed of Ministers in charge of ECOWAS Affairs and any other Minister of each Member State, is responsible for the functioning and development of the Community, for making recommendations to the Authority and issuing directives on matters concerning coordination and harmonization of economic integration policies. The ECOWAS Commission is the executive organ of ECOWAS. It is headed by a President, a Vice-President, and composed of seven distinct departments, each led by a Commissioner. Other institutions created by the Revised Treaty include the Community Parliament (Art. 13), now referred to as the ECOWAS Parliament, and the Community Court of Justice (Art. 15). ECOWAS also comprises a number of specialized agencies and associated private sector organizations.

In addition to changes in the institutional framework, the Revised Treaty of 1993, and subsequent supplementary protocols and acts, also modified the regulatory framework of ECOWAS. Rather than stating obligations of Member States in conventions and protocols, whose lengthy ratification delayed the entry into force of the legal instruments and thus considerably slowed down the integration process, the new framework affirmed the pre-eminence of the supranational decision- and law-making and de-emphasized conventions and protocols. Therefore, the Community Acts today include supplementary acts, adopted by the Authority and binding on Member States and the institutions of the Community; regulations, adopted by the Council, binding and directly applicable in Member States and on the institutions of the Community; directives, adopted by the Authority or the Council and binding on Member States in terms of objectives, with implementation modalities being left to the States; decisions, adopted by the Authority or the Council and binding on those who are concerned; enabling regulations, adopted by the Commission in order to implement certain acts of the Authority or the Council and which have the same binding force as the acts they refer to; declarations to state a position on a certain issue; and recommendations and opinions stated by the Authority, the Council or the Commission (not enforceable). In other words, the Authority adopts supplementary acts, directives and decisions and can also make declarations and recommendations; the Council enacts regulations and directives, adopts decisions and formulates recommendations and opinions; and the Commission adopts

regulations for acts of the Authority or the Council and can also formulate recommendations and opinions. As of January 2007, conventions and protocols are thus no longer in use as legal instruments, however, protocols adopted until 2006 are still in force and their ratification and implementation at the national level is still being pursued.

Analysis

The following section takes a closer look at five different areas of the ECOWAS immigration and border management sector. The first section on policy focuses on key strategy documents, which guide ECOWAS' border management interventions. The second part on legal framework analyses relevant ECOWAS regulations, with a specific emphasis on the Protocols on free movement of persons, services and goods. The third chapter dedicated to coordination and cooperation looks at mechanisms that exist to ensure immigration and border management synergies within ECOWAS, between ECOWAS and its Member States and between ECOWAS and development partners. The fourth section on administration focuses mainly on relevant ECOWAS units and their capacity building needs. The final chapter on selected immigration and border management interventions analyses current and future ECOWAS immigration and border management priority areas and the technical support the Commission may require in implementing them.

Policy

Policy determines the principle and course of action that a government or an organization intends to take on a particular issue. 'Borderless ECOWAS' is one of the foundational ideas of the organization; therefore, immigration and border management is deeply anchored in the overall *raison d'être* of the Community and as such, borders (or the removal thereof) are frequently mentioned in ECOWAS strategy and policy documents, themselves often based on policy documents of the African Union (AU). See below a selection of relevant strategies:

The (AU) Migration Policy Framework for Africa (2006)

- Rightly points out that approaches to border management have been and will continue to be strongly affected by security concerns and that strengthening of border management systems in terms of technology, infrastructure, business process for inspection of travellers, and training of staff has become a primary area of concerns
- Recommends to strengthen national laws regulating migration including through the creation of clear, transparent categories for admission/expulsion and eligibility criteria for protection; improve border management technologies (security of travel documents, computerization of data collection and communication systems); strengthen cooperation and coordination at the national level between law enforcement officials, immigration and customs; reinforce cooperation and coordination at the regional level and between regional agencies and the international community

ECOWAS Vision 2020 (2011)

Overarching statement confirms that ECOWAS aims to build a 'borderless and cohesive region, built on good governance'

ECOWAS Regional Strategic Plan (2011-2015)

Encourages Member States to 'implement cross-border initiatives, including migration'

ECOWAS Initial Plan of Action against Trafficking in Persons (2002 - 2003)

- Instructs Member States to establish procedures to verify whether a person who is the victim of trafficking is a national or has the right of permanent residence in the State of origin, and to provide such travel documents to enable a victim of trafficking who is without proper documentation to travel to and re-enter its territory
- Charges Member States with taking measures to ensure that the birth certificates, travel and identity documents are secure and of such quality that they cannot be readily falsified or unlawfully altered, replicated or issued;

- Demands the implementation of Decision C/DEC.1/5/2000 signed in Abuja in 2000 on the adoption of an ECOWAS Passport

ECOWAS Common Approach on Migration (2008)

- Anchored in Art. 59 of the ECOWAS Revised Treaty stating that '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.'
- Reaffirms commitment of ECOWAS Member States to remove obstacles to the free movement of persons by ensuring the issuance and security of ECOWAS travel documents; organizing technical and administrative training programs, as well as awareness building on the rights and obligations of the community's citizens among officials in charge of migration and populations; removing all forms of harassment along the road
- Proposes the establishment of a regional fund to finance cross-border cooperation to facilitate free movement through concrete actions (setting up joint border posts, border markets, joint health centres and schools); support border vulnerable populations through local development; foster immigration and border management cooperation among ECOWAS Member States and between the Community and neighbouring states
- Recommends strengthening migration management capacities by improving the training of ECOWAS Member States' immigration departments and providing modern travel documents checking equipment; setting up a shared digitized database of ECOWAS immigration departments to effectively combat irregular migration;

ECOWAS Conflict Prevention Framework (2008)

- Includes 'Cross-Border Initiatives' among fifteen action plans to support the implementation of the Framework
- Objective of these Initiatives is to reduce tension, fight cross-border crime and enhance communal welfare and harmony as espoused by various Community documents, including the Free Movement Protocols
- ECOWAS pledges to undertake several steps to support these Initiatives, including the setup of an inter-departmental committee to map out the challenges at sensitive borders and identify specific threats to peace, security and human security; support the West African Police Chiefs' Committee (WAPCCO) and other platforms to enhance cooperation between the police, the gendarmerie, the intelligence and other services working on security and fight against cross-border crime; facilitate the study of specific threats to island and landlocked Member States to counter criminality and facilitate free movement of persons, goods and services to and from landlocked States; assist Member States to take steps to protect their territorial integrity from external threats and security their borders against criminality and aggression; promote cross-border cooperation and intelligence sharing and joint operations between security forces (border guards, police, customs, gendarmerie) along common borders; enforce compliance with the Protocols on Free Movement and sanction extortion and erection of illegal checkpoints and at crossing points;
- Benchmarks to be used to assess progress in the implementation of Cross-Border Initiatives include increased security of the external borders of the Community; increased safety at crossing points and the elimination or reduction of roadblocks and extortion
- Capacity requirements for the attainment of the goals of the Initiatives include transfer of expertise and financial support to WAPCCO and other platforms for the coordination, cooperation and information sharing, cooperation and networking between the police, gendarmerie, the intelligence services and other security agencies; training and equipment (including X-ray technology, night vision equipment, detectors and transport) to facilitate joint cross-border cooperation by security agencies

ECOWAS Conflict Prevention Framework Implementation Matrix for Cross-Border Initiatives (2013-2015)

- Adopt the usage of national biometric identity cards for intra-regional mobility by 2015
- Adopt the standardized ECOWAS passport in all 15 Member States

- Establish information centres at designated borders to collate data on migration across the region
- Inaugurate ECOWAS monitoring units (operatives) in member States to ensure monitoring and enforcement of the Provisions of the Protocols)
- Harmonize immigration policies and procedures across Member States
- Strengthen the capacity of security operatives at the border posts on tenets of the Protocols on Free Movement (customs, immigration, police, gendarmerie)
- Entrench the provisions of the Protocols on Free Movement in the training institutions of operatives in Member States

Draft ECOWAS Counter-Terrorism Strategy and Implementation Plan

- Affirms in the introduction that the Community is “a diverse region of increasing openness and interdependence, allowing for free movement across borders of people, ideas, technology and resources. To this end, the internal and external aspects of security of the Community Members are inextricably linked”
- States that growing threat is intertwined with criminal acts, such as money laundering, illicit smuggling and proliferation of small arms, trafficking in drugs and human beings
- As a matter of prevention, encourages closer cooperation with intelligence services at the national and regional levels and tasks the West African Regional Police Chiefs Cooperation Organization (WAPCOO) to be the central body for the coordination of information and activities of police and law enforcement agencies
- Urges cooperation on border control and surveillance including aviation and maritime security through strengthening cooperation on border control and surveillance both at formal and informal ports of entry/exit, without prejudice to the ECOWAS Protocols and regulations on the free movement of persons, goods and services; establishment of common border patrol mechanisms which shall also conduct regular assessments of threats and vulnerabilities of borders; strengthening measures to detect forgery and falsified documents and to report and share such information with relevant Member States; and finally, reporting all suspicious passports and identification documents between ECOWAS Member States

Other Policy-Setting Documents

Final Report of the Ministerial Meeting of ECOWAS Ministers in Charge of Security (held on 25 June, 2012 in Abidjan, Ivory Coast)

- Noted the progress made towards the full implementation of the Protocols, such as the removal of entry permits by Member States; adoption and introduction of the ECOWAS Passport and recognition of rights of entry; residence and establishment by Member States; as well as the impediments, such as the proliferation of un-authorized road-blocks, lack of adequate training of security operatives, harassment and poor remuneration and living conditions of border officials
- Identified the Police, Gendarmerie, Customs and Port Health as agencies posing challenges currently experienced. Recommended the following:
 - Adoption and introduction of national biometric identity cards and passports
 - Establishment of biometric profiling of international passengers
 - Issuance of ECOWAS biometric passport
 - Installation of immigration booths specifically for ECOWAS citizens
 - Review of national legislation on rights of entry, residence and establishment for foreigners
 - Establishment of a national monitoring committee on free movement
 - Establishment of monitoring units/information centres at ECOWAS borders
 - Adoption of minimum action plan for 2013 on Free Movement
 - Sensitization of Member States and Community citizens on adopted recommendations and texts related to free movement of persons and goods
 - Entrenchment of the Protocols on Free Movement in the training curriculum of various training institutions of learning for operatives in Member States

Final Report of the 55th Meeting of the Committee on Trade, Customs and Free Movement of Persons (held on 7-10 October, 2013 in Abidjan, Ivory Coast)

- Recommends developing a roadmap, with the technical assistance of ICAO, for the introduction of the national biometric identity card in the ECOWAS region; modernization of the civil status of ECOWAS Member States; and of a regional technical platform for data exchange on electronic traveller identification
- Proposed that the ECOWAS biometric ID cards should be a 9303 TDI document made of polyester, fully compliant with ICAO standards (as proposed by the Working Group on the ECOWAS National Biometric ID Card)
- Recommended that IOM provides technical and financial assistance to ECOWAS Member States on border management

Final Report of the Ministerial Meeting of ECOWAS Ministers in Charge of Security (held on 25 February 2014, in Niamey, Niger)

- Most importantly, the Draft Supplementary Act on the ECOWAS National Biometric ID Card and the Abolition of Residence Card was presented and is now with the Council of Ministers for approval and further submission to the Summit of Heads of State and Government for their approval;
- Also, the ministers mandated ECOWAS Commission to produce specimens of the proposed ID Card;

As this brief overview of the relevant policies and policy-setting documents indicates, immigration and border management is integrated to a greater or lesser extent in all of them, whether they concern migration in general, or conflict prevention and counter-terrorism in particular. However, a number of observations are in order.

First of all, from the documents listed above, it is not immediately clear how border management is defined and understood by ECOWAS and its Member States; while all the policies mention immigration and border management in one way or another, each is pre-occupied with only a small component of immigration and border management. This is perhaps necessitated by the fact that each policy area has its own specific parameters and interests where border management comes into play; however, even when all combined, there does not seem to be a coherent, holistic vision on how ECOWAS approaches or intends to approach the administrative, regulatory, operational and information management aspect of immigration and border management.

Second, there seems to be a divide and thus a gap in presenting immigration and border management as a framework that can both facilitate cross-border movements, as well as protect a country or region against external threats. With the exception of the Common Approach on Migration and the Implementation Matrix for Cross-Border Initiatives of the ECOWAS Conflict Prevention Framework, none of the other documents present and argue for the interdependent relationship between security-related aspects of immigration and border management and development of/increased bi-lateral cooperation in border zones.

Third, when the policies are presented in a chronological order (as above), one notes the progression from general to more detailed, concrete immigration and border management interventions and themes, some of which reoccur more often than others. The recurrent topics include the adoption and implementation of standardized ECOWAS identity and travel documents; awareness raising on the rights of ECOWAS citizens among border officials; fight against transnational organized crime; cooperation and joint operations by different security actors of neighbouring ECOWAS Member States; border management trainings; equipment; establishment of monitoring units to supervise the enforcement of the Protocols at the border; harmonization of relevant laws with the legal framework of the Protocols; and finally, fight against corruption and harassment at the border. However, in the absence of a holistic vision and an action plan, it is difficult to determine which of these are ECOWAS priorities in the short-, medium- and long-term and how they are going to be attained (only a few of the documents above have an implementation matrix which specifies the roles and responsibilities of different actors involved, benchmarks for measuring achievements and a timeline).

Fourth, some of these initiatives appear to be formulated in isolation from the very foundations, which make them possible. For example, in order to produce secure, internationally recognized ECOWAS identity and travel documents, they must be based on a sound identity management system at the national level, a system that many States lack. Additionally, creating a centralized database of all immigration departments as a means of fighting cross-border crime or establishing a regional technical platform for data exchange on electronic traveller identification, as envisaged by some of the policies, is not feasible without having a border management information system at the national level in the first place.

And finally, even if a holistic ECOWAS immigration and border management strategy and action plan were to be formulated, it should not be done so in isolation from migration policy, which is yet to be fully articulated.

Prompted by on-going reflection inside ECOWAS, the drafting process of the regional migration policy has actually already started. As stated in the literature and by several interlocutors during the interviews, the Protocols have several shortcomings. Among these is the fact that they were conceived more as an 'immigration project', rather than an instrument for facilitating regional mobility, as well as the fact that they were never developed into a full-fledged regional policy on migration. Indeed, migration as such came into play much later; between 1975 and 2008, hardly any policy or legal texts refer to migration. It was only the 2008 Common Approach on Migration, which spelled out the direction ECOWAS wanted to take.

The shortcomings of the Common Approach were soon recognized too. It had an action plan but no focal points and no deadlines; it did not specify intervention modalities; and it omitted topics such as migration caused by climate change or terrorism. Therefore, an expert was seconded by the African-Caribbean-Pacific (ACP) Migration Facility to the Free Movement of Persons and Tourism (FMPD) to design the methodology for the drafting process and initiate the consultations. By January 2014, several workshops have taken place in different Member States, gathering representatives of the governments and the civil society, including the academia. Taking the Common Approach as reference, several drafts were subsequently produced and discussed. In the meantime, the FMPD has reached out to the African Development Bank for further assistance and intends to combine both the work that has already been done and any other follow up inputs and analyses that will come out of future consultations. It should be noted that other directorates within ECOWAS have not yet been officially approached to participate in the process, as the FMPD intends to do the necessary reflections and analyses internally first.

Given the pressing issues at hand, such as the threat of terrorism and the extent of transnational organized criminality in the region on the one hand but also the urge to speed up the economic integration through free movement of persons and goods, trade and development, immigration and border management should be given a more prominent place in the ECOWAS hierarchy of priorities. At the policy level, a migration policy and an immigration and border management strategy should be drafted and adopted to guide further migration- and immigration and border management -related interventions in the region.

Legal Framework

The rationale behind the concept of a borderless West Africa was the conviction that economic cooperation within the region would lead to more extensive cooperation on other issues. This would allow West African states to face together various political, economic and social challenges affecting the region, as well as pool in existing resources for the benefit of regional development.

Firmly anchored in the ECOWAS Treaty of 1975 which aimed at progressively strengthening cooperation among states through freer movement of goods, capital and people, and thus helping to consolidate peace, stability and security of the region, the young organization adopted the Protocol relating to

Free Movement of Persons, Residence and Establishment (1979), which was later expanded by four supplementary protocols. Together with the ECOWAS Revised Treaty of 1993 and the Protocol relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security (1999), they form the bedrock of the ECOWAS immigration and border management legal framework. The overview of key features is:

ECOWAS Revised Treaty (1993)

- Establishes that the ‘‘removal as between the Member States, of obstacles to the free movement of persons, goods, services and capital, and to the right of residence and establishment’ is one of the aims of the Community (Art. 3)
- Orders states to maintain periodic and regular consultations between national border administration authorities (Art. 58)
- Grants Community citizens the right of entry, residence and establishment and obliges Member States to recognize these rights in their territories in accordance with the provisions of the Protocols relating thereto (Art. 59)
- Compels Member States to adopt all appropriate measures to ensure that Community citizens enjoy fully the rights referred to above (Art. 59)
- Requires Member States to adopt, at national level, all measures necessary for the effective implementation of the provisions above (Art. 59)

Protocol relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security (1999)

- Establishes that the highest decision-making body of the Mechanism is the ECOWAS Authority (heads of state and government) which has the powers to act on all matters concerning security and cross-border crime, amongst others (Art. 6)
- Orders the establishment of a Defence and Security Commission to be composed of, amongst others, the immigration, customs and border guards (Art. 18)
- In an effort to prevent cross-border crime, ECOWAS pledges to promote close cooperation among and ensure proper coordination for the apprehension of criminals (Art. 46)
- Specifies that the Executive Secretariat (transformed into the Commission in 2007) shall be responsible for the coordination and implementation of all decisions relating to sub-regional security (Art. 47)
- Commands ECOWAS Member States to eradicate corruption and promote transparency, accountability and good governance (Art. 48)

Protocol A/P.1/5/79 relating to Free Movement of Persons, Residence and Establishment (1979)

- Sets out right of Community citizens to enter, reside and establish in territory of Member States (Art. 2(1))
- Establishes three-phased approach over 15 years to implementation of (I) right of entry and abolition of visas, (II) residence and (III) establishment (Art. 2).
- Conditions entitlement to enter territory of member state on possession of valid travel document and international health certificate (Art. 3(1))
- Reserves right of member states to refuse admission into territory of Community citizens deemed inadmissible under domestic law (Art. 4)
- Establishes some requirements for expulsion (Art. 11)
- Confirms that Protocol does not operate to detriment of more favourable provisions in other agreements concluded by member states (Art. 12)

Supplementary Protocol A/SP.1/7/85 on the Code of Conduct for the implementation of the Protocol on Free Movement of Persons, the Right of Residence and Establishment (1985)

- Obliges member states to provide valid travel documents to their citizens (Art. 2(1))
- Establishes additional (to Art. 11 of the 1979 Protocol) requirements for treatment of persons being expelled (Art. 4)
- Enumerates protections for illegal immigrants (Art.s 5 and 7)

Supplementary Protocol A/SP.1/7/86 on the Second Phase (Right of Residence) (1986)

- Requires states to grant to Community citizens who are nationals of other member states “the right of residence in its territory for the purpose of seeking and carrying out income earning employment” (Art. 2)
- Conditions entitlement to residence (and thus seeking and carrying out of income earning employment) on possession of an ECOWAS
- Residence Card or Permit (Art. 5) and harmonization by member states of rules appertaining to the issuance of such cards/permits (Art. 9)
- Prohibits expulsion en masse (Art. 13) and limits grounds for individual expulsion to national security, public order or morality, public health, non-fulfilment of essential condition of residence (Art. 14)
- Stipulates equal treatment with nationals for migrant workers complying with the rules and regulations governing their residence in areas such as security of employment, participation in social and cultural activities, re-employment in certain cases of job loss and training (Art. 23)

Supplementary Protocol A/SP.1/6/89 amending and complementing the provisions of Art. 7 of the Protocol on Free Movement, Right of Residence and Establishment (1989)

- Amends provisions of Art. 7 of Protocol to confirm obligation on signatories to resolve amicably disputes regarding the interpretation and application of the Protocol (Art. 2)
- Supplementary Protocol A/SP.2/5/90 on the Implementation of the Third Phase (Right to Establishment) (1990)
- Defines the right of establishment emphasizing non-discriminatory treatment of nationals and companies of other member states except as justified by exigencies of public order, security or health (Art.s 2-4)
- Forbids the confiscation or expropriation of assets or capital on a discriminatory basis and requires fair and equitable compensation where such confiscation or expropriation (Art. 7)

The Revised Treaty is the departure point for all ECOWAS policy and legal texts, including those related to immigration and border management. Art. 59, explicitly dedicated to immigration, is the justification of all free movement interventions pursued by the relevant ECOWAS directorates, as well as individual Member States. The Mechanism, for its part, is the foundational document for all security-related interventions, including border management and border security. And finally, the Protocols on Free Movement of Persons are the basis for a vast array of immigration matters, including entry to and stay in ECOWAS Member States. Given the extensiveness of the texts and their vital importance to ECOWAS as a whole, it is worth considering them in greater detail.

As the 1979 Protocol specifies, the first phase of five years was to progressively eliminate the visa requirement for ECOWAS citizens who intended to stay for up to 90 days in another ECOWAS Member State, provided they were in possession of a valid travel document and a health certificate. The second phase, also meant to last five years, foresaw the provision of residency to Community citizens in another ECOWAS Member State, if they had already obtained an ECOWAS residence card or permit. The third and final five-year phase was conceptualized to encourage business by allowing Community citizens to establish enterprises in other Member States.

There has definitely been progress in the implementation of the Protocols. This includes abolition of the entry visa; adoption and use of a standardized ECOWAS Travel Certificate (1985); agreement on and gradual introduction of the ECOWAS passport (since 2000); and implementation of the Brown Card Motor Vehicle Insurance Scheme (since 1982). Statistics of the Ghanaian Immigration Service show that between 1999 - 2000, at least one third of all arrivals were from ECOWAS Member States, thus indicating that citizens of the sub-region constitute a large portion of travellers. Overall, however, only the first phase of the Protocols - visa-free entry for 90 days - has been fully implemented.

Extensive research has been conducted to date to identify reasons behind the delayed implementation of the Protocols. These include:

- Economic crises which have occasionally resulted in closed borders and/or the expulsion of ECOWAS citizens

- Low awareness among the citizens, as well as officials about the rights of ECOWAS citizens
- Harassment and corruption, particularly in the form of extortion of money from the travellers by the border officials
- Lack of access to ECOWAS travel documents (travel certificate and passport), prompting many ECOWAS citizens to enter the Member States through unofficial border crossings, with or without the help of smugglers
- Delays at the border and major trade routes due to numerous, unnecessary security checkpoints
- Inadequate border infrastructure, including IT-based border management information system linked to international alert lists
- Poor remuneration, training and working conditions of border officials

There are, however, considerable lacunae in the legal framework of the Protocols itself.

First of all, one of the biggest obstacles to the full operationalization of the Protocols has been the tendency to adopt restrictive national policies and laws, thus contradicting the spirit of the Protocols, but also the incomplete alignment of national legislations with the provisions of the Protocols and thus their uneven implementation in practice. The following table shows the status of implementation of selected ECOWAS initiatives:

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

¹ Decision C/DEC.3/12/92 on the Introduction of a Harmonized Immigration and Emigration Form in ECOWAS Member States, adopted in 1992, indeed proposed standardization of the forms. However, since then, the idea has been completely abandoned and it is no longer pursued by the Member States

Mali 5 June 1980	X	o	o	X	X	X
Niger 11 Jan 1980	X	X	o	X	X	X
Nigeria 12 Sept 1979	X	X	o	X	X	X
Senegal 24 May 1980	X	o	o	o	X	X
Sierra Leone 15 Sept 1982	X	X	o	o	X	X
Togo 9 Dec 1979	X	o	o	X	X	X

More specifically and as an example, the incomplete transition from pre- to post-Protocol legal norms has affected the provisions for granting residence permits. As the table below demonstrates, the eligibility for and the cost of residence permits (although not prescribed by the Protocols) vary widely between Member States:

Fees charged for residence entitlement by ECOWAS member states ²	
Country	Annual fees for ECOWAS residence permit
Benin	20,000 FCFA (USD \$40)
Burkina Faso	Proof of payment of applicable residence tax plus 500 FCFA (USD \$1) stamp
Cape Verde	30,000 Capeverdean Escudos (USD \$374)
Côte d'Ivoire	Although a 5-year ECOWAS residence permit could technically be obtained until recently at the cost of CFA 35,000 (USD \$73), such permits were not issued in practice and will be abolished officially in the near future. Instead, renewable Temporary Stay documents allow all foreigners to remain in Cote d'Ivoire for 6 months and cost FCFA 2000 (USD \$4).
The Gambia	A residence permit B, granting the right of employment, costs 1300 Gambian Dalasi (USD \$532) for ECOWAS citizens. The residence permit is valid from the date of issue until January 31 of the following year.
Ghana	1,850,000 cedis (USD \$200). The fee is waived for refugees (referred by UNHCR).
Guinea	FCFA 5,000 (USD \$10)
Guinea Bissau	FCFA 5,500 (USD \$11)
Liberia	5500 Liberian Dollars (USD \$95). The ECOWAS Residence Card is no longer in use. Instead, all non-nationals must obtain a Liberian residence permit booklet (USD \$75) and registration form (USD \$20).
Mali	No legislation or regulations governing the acquisition of residence permits in Mali has been put in place. In the interim, citizens of ECOWAS countries need only ID to enter and stay in Mali. There is no charge. Other foreigners require long or short-stay visas.
Niger	No legislation or regulations governing the acquisition of residence permits in Mali has been put in place. In the interim, citizens of ECOWAS countries need only ID to enter and stay in Niger. There is no charge. Other foreigners require long or short-stay visas.
Nigeria	25,000 Naira (USD \$197) for Togolese citizens. 6,580 Naira (USD \$52) for Ivorian citizens. 5,500 Naira (USD \$43) for other ECOWAS citizens.
Senegal	The National Identity Card for Foreigners entitles residence and is valid for one year, renewable. Its cost varies according to the nationality and financial capacity of the applicant.

² Adopted from Adepoju, A. et al (p. 7). As mentioned above, it is based on a study carried out in 2007, and as such it may not fully reflect the current state of affairs.

Sierra Leone	50,000 Leone (USD \$17)
Togo	FCFA 50,000 (USD \$100)

Third, free movement of persons is often hampered by the abuse of the Art. 4 of the Protocol. This provision grants States the right to refuse admission to persons 'who come within the category of inadmissible immigrant under [their] laws.' As the following table shows, inadmissibility laws of the ECOWAS countries, often crafted in discriminatory language, predate the Protocols, tend to be ambiguous and differ widely from one country to another:

Inadmissibility provisions in ECOWAS countries ³	
Country	Law(s) and provisions
Benin	Law n° 86-012 related to Foreigners in the Republic of Benin, 31 January 1986 15. Foreigners must present a passport, medical certificate, entry visa (or other travel documents). 16. People younger than 15 must be accompanied by a guardian. Order n° 218 instituting a residence card in Benin and specifying the conditions of its issuance, 3 November 1992 16. Individuals can be refused residence permits if their presence constitutes a threat to public order.
Burkina Faso	Ordonnance n° 84-049/CNR/PRES establishing the conditions of entry, stay and exit for foreigners in Burkina Faso, 4 August 1984 3. Foreigners must have recognized and valid travel documents and visas, up-to-date international health certification, return ticket (or other proof of ability to leave) and have completed appropriate application procedures. 13. The minister of Public Health and Rural Development may impose special preventative conditions on travelers of all nationalities and origins.
Cape Verde	No information presently available
Côte d'Ivoire	Decision n° 2005-05/PR relating to the identification of persons and the stay of foreigners in Côte d'Ivoire 8. ECOWAS citizens have the right to freely circulate within the country for up to 3 months with a passport. Stays of longer than 3 months require a residence card.
The Gambia	Immigration Act 1965 12. It is unlawful for prohibited immigrants to enter or reside in The Gambia. 13. (1) Prohibited immigrants include: (a) persons without visible means of support (or who in the opinion of the Principal Immigration Officer are likely to become a pauper or public charge); (b) idiots and insane persons and those suffering from communicable diseases (as may be prescribed); (c) undesirable persons; (d) persons who on arrival lack a valid passport (or if underage, corresponding details in the accompanying adult's valid passport); (e) prostitutes or other persons who (in the opinion of the Principal Immigration Officer) derive their livelihood in whole or part from prostitution or other immoral occupations (whether such prostitute or person is male or female); (f) persons subject to deportation order (from The Gambia)
Ghana	Immigration Act, 202 February 2000 (Act 573) 4.1. Foreigners must have a valid passport or other valid travel document, or be exempt from needing a visa; 8.1. Individuals prohibited entry include those: facing a deportation order; destitute; refusing to have a medical exam; sentenced with an extraditable crime in a foreign country; medically unfit; not conducive to the public good; procuring or attempting to procure persons into Ghana for immoral purposes; carrying out activities that contradict the laws of Ghana; dependent on a prohibited person.

Fourth, there is no effective oversight of the implementation of the Protocols at the national level; although explicitly requested by ECOWAS, only about half of the ECOWAS Member States has established national committees to monitor the enforcement of the Protocols, their work often being viewed as opaque and ineffective.

And finally, there is no mechanism of sanctions in the Protocols themselves, thus preventing ECOWAS to impose penalties on Member States for non-compliance. The truth is that Member States have often gone ahead and accepted selected provisions in practice without ever incorporating them into their

³ Adopted from Adepoju, A. (pp. 9-10)

national legal framework; for example, if an ECOWAS citizen overstays the 90-day period, as part of a “gentlemen’s political agreement”, the traveller is often allowed to leave the country without any restrictions or penalties. However, proper adoption of the provisions into the legal code of the country would standardize practices and would set uniform criteria for all travellers.

During the interviews, ECOWAS officials indicated that the Protocols have recently undergone a thorough legal review. The changes to be proposed to Heads of State and Government in 2014 include the abolition of the travel certificate and of the ECOWAS passport as travel documents required for ECOWAS citizens to move across borders in the ECOWAS space and to replace them with an ECOWAS biometric ID card (to be developed); removal of the residence card requirement for citizens of the Community; abolition of the 90-day residence limit; revision of the concept of ECOWAS citizenship; and finally, removal of the health card requirement. Further ideas, which are yet to be fully explored include procedures for arbitration and resolution of disputes that may arise between Member States or between Member States and ECOWAS.

While the legal review is highly needed, ECOWAS could and perhaps should go much further. The Protocols are by far the most advanced visa-free regime in Africa. If re-conceptualized, the free movement regime can become even more important and effective in facilitating regional economic integration. However, this should not happen to the detriment of human rights protection or by negatively affecting the regional security. Therefore, from an immigration and border management perspective, the Protocols should be revised in such a way that they would contain minimum immigration standards for Member States to comply with in order to make the ECOWAS space welcoming but also safe for everyone.

Institutional and Coordination Mechanisms

The ECOWAS Commission is composed of seven distinct departments (to be increased to fifteen based on the decision of the Heads of State and Government in July 2013 and the reorganization of ECOWAS on-going since then). Each department has a clearly defined mandate, which is designed to complement the roles and responsibilities of others. Every department also has several directorates, which, in turn, is composed of a number of divisions, themselves divided into several units. Directorates carry out the operational-level activities and as such are the main partner in and subject of capacity building activities carried out within the Project. Matters related to immigration and border management fall under the purview of predominantly two departments and their respective directorates:

- 1) **Trade, Customs, Industry and Free Movement Department** whose mandate is to oversee the development of regional trade, harmonization of customs procedures and tariffs and promotion of economic development and integration through free movement of persons, goods and services. It is composed of four different directorates, one of which is the Free Movement of Persons and Tourism Directorate (FMPD). Further divided into three divisions (Cross-Border Cooperation, Migration and Free Movement), the main task of FMPD is to oversee the implementation of the Free Movement Protocols.
- 2) **Political Affairs, Peace and Security Department**, which is charged with the implementation of the Protocol on the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security and other relevant protocols on peace, security, good governance and rule of law. It is further divided into three directorates. Immigration and border management matters are the area of responsibility of the Peacekeeping and Security Directorate, and more specifically, of its Regional Security Division.

The third department whose mandate importantly relates to immigration and border management is the Human Development and Gender Department, which is charged with implementation of protocols related to gender equality, youth employment, education, culture and humanitarian and social affairs. Particularly relevant is the Humanitarian and Social Affairs Directorate whose Labour Programmes Unit

and the Trafficking in Persons Units have a key role to play in ECOWAS' immigration and border management sector. For example, the right to residence and establishment, which ECOWAS grants to migrant workers coming from fellow Member States, fall under the purview of this Directorate.

Other departments and directorates whose mandate relates to immigration and border management and/or with which the FMPD regularly collaborates include the Trade and Customs and Tourism Directorates (under the same department as the FMPD); Gender, Youth, CSO, Employment and Drug Control Directorate (under the Human Development and Gender Department), particularly its Gender Unit; the Transport and Telecommunications Directorate (under the Infrastructure Department); the Strategic Planning Unit (under the Vice-President's office); and the Computer and Communications Centre (also under the Vice-President's office).

The immigration and border management aspect of free movement of persons falls predominantly under the Terms of Reference of the FMPD. The border security and border control side of the visa-free regime rather falls under the authority of the Regional Security Division. As such, this report is concerned predominantly these two organizational units of the ECOWAS Commission.

Coordination and cooperation within ECOWAS, and between ECOWAS and other stakeholders necessarily implies several levels. The following section explains coordination and cooperation mechanisms, as far as immigration and border management matters are concerned within ECOWAS, between ECOWAS and its Member States, and between ECOWAS and other entities. Where appropriate, examples of on-going programmes, which are of relevance to the Project, are provided.

Coordination and Cooperation Mechanisms within ECOWAS

At the time of the assessment, while numerous coordination platforms at most levels (including Department and Directorate-level) exist where the Commission's work areas are dealt with - including immigration and border management, there seems at the moment not to be any structured coordination mechanism targeting specifically immigration and border management. Based on interviews conducted with ECOWAS staff, cooperation and coordination between directorates tends to be informal, rather than formally institutionalized. Besides the Cross-Border Initiatives Action Plan of the ECOWAS Conflict Prevention Framework, whereby FMPD actively participated in an inter-directorate working group to draft the Plan, cooperation between directorates on immigration and border management is mostly conducted through presentations on topics that fall under their mandate, rather than through systematic information exchange and collaboration carried out under an officially sanctioned coordination structure.

As samples of the Commission's coordinated efforts in the field of immigration and border management, the following are noteworthy:

The ECOWAS Monitoring Unit Task Force has, for example, successfully raised awareness on the impediments to free movement along the Lagos-Seme border. Furthermore, they have been able to secure the commitment and support of relevant high-level stakeholders, while the funding of the Unit has currently been suspended owing to insufficient funding support. **The ECOWAS Information/Monitoring Centre** is a project approved to be funded through the ECOWAS-Spanish fund and envisaged to complement the activities of the monitoring mechanism either in the form of the proposed monitoring unit or the national monitoring committees. The pilot project is envisaged to install three information/monitoring centres in Togo, Ghana and Burkina Faso. The project is expected to be replicated in other Member States, beyond those aforementioned to ensure that it attains the desired results. The project is envisaged to take off in 2014.

Development of the modalities and strengthening the implementation support to the **ECOWAS Joint Patrols Unit in ECOWAS Member States**, established in 2000, are currently underway and would be complemented and supported through the activities of the afore-mentioned Monitoring/Information Unit.

Without exception, all interviewees confirmed that they would be interested in improving and intensifying coordination and collaboration with other directorates and specifically with FMPD. It is widely recognized that free movement of persons, goods and services is one of the key areas of ECOWAS but it is also a framework, which cuts across mandates of a number of directorates. Given the will that exists among the heads of directorates to strengthen the partnership with others, joint activities in the form of trainings, workshops, consultations on relevant initiative and, where appropriate, institutionalized coordination mechanisms in the form of inter-directorate committees, could significantly strengthen the teamwork of ECOWAS Commission on immigration and border management efforts. Carrying out immigration and border management projects single-handedly and in isolation from others negatively affects the sense of ownership a directorate may feel over a subject that is closely related to its mandate but led by another directorate. Therefore, if FMPD decided to officially sanction and spearhead cross-directorate initiatives under the umbrella of free movement of persons, not only would it further solidify the concept's pivotal role in other ECOWAS areas, such as trade, forced migration or security but it would also further strengthen FMPD's visibility, prominence and status as an undisputed leader on free movement of persons within the Commission.

Coordination and Cooperation Between ECOWAS and Member States

At the level of ECOWAS and its Member States, several coordination bodies exist to facilitate exchange of information, evaluate past and present activities and determine the way forward. Existing mechanisms include:

- Meetings of Heads of State and Government (“the Authority”): according to the new legal framework set by the ECOWAS Revised Treaty, it may be recalled, the Authority adopts supplementary acts, directives and decisions, all of which are binding on Member States (entirely or in terms of objectives, with implementation modalities being left to the States). An example of an immigration and border management -related instruction adopted by the Heads of State and Government include the decision taken in 2000 on the implementation of the ECOWAS passport
- Meetings of the Council of Ministers: since the ratification of the Revised Treaty, the Council enacts regulations and directives which are binding on and immediately applicable in Member States; adopts decisions, compulsory for those who are concerned; and formulates recommendations. An example of advice pertinent to immigration and border management includes a recommendation to proceed with constructing joint border posts to ensure the free flow of cross-border traffic, adopted at the meeting held in Ouagadougou on 20 November 2008
- Meeting of the Ministers in Charge of Security: ECOWAS convenes Ministers responsible for specific sectors. The Meeting of the Ministers of Security convenes once or twice a year, which is fairly often compared to other sectors. Ministers agree on a set of recommendations for further follow up in the Member States. The recommendations of the ministerial meeting held on 25 June 2012 in Abidjan included adoption and introduction of national biometric identity cards and passports; review of national legislation on rights of entry, residence and establishment; establishment of national monitoring committees on free movement and others
- Meetings of the Heads of Police: overseen by Interpol, ECOWAS and the West African Police Chiefs Committee (WAPCCO), annual meetings unite heads of police to exchange of information and experience
- Meeting of the Heads of Immigration: taking place annually, the meeting brings together heads of immigration departments of ministries of interior of ECOWAS Member States. As a principal coordination body for the implementation of the Protocols, heads of immigration formulate recommendations for Member States. During a meeting held in April 2010 in Abuja, the chiefs of immigration recommended removal of unnecessary security checkpoints; standardized training curriculum on free movement of persons for security operatives; and deployment of harmonized e-ECOWAS passports in the region
- Meetings of the Committee on Trade, Customs and Free Movement of Persons: uniting technical experts on the subject matter from the Community, the Committee reviews free movement of persons and immigration and border management-related matters. A meeting of the Committee

held in October 2013 in Abidjan discussed the technical standards and specifications of ECOWAS travel documents, and deliberated on suggested revisions of the Protocols. Proposals endorsed by the Committee are often submitted to the Heads of State and Government; envisaged changes to the Protocols, discussed during the Abidjan meeting, will be submitted in the form of a draft supplementary act to the Authority in 2014

- National committees on free movement of persons: although encouraged by ECOWAS, only about half of the Member States have a functional national committee, with varying degrees of activity and engagement
- ECOWAS National Units: the Units are offices, at times manned with only a few staff, established in each Member State, usually in the Ministry of Foreign Affairs. Nominally, all communication between ECOWAS and Member States should go through the National Units. However, due to the sheer volume of information exchange and the variety of topics dealt with, ECOWAS departments and directorates tend to contact the Units in the beginning with the request to identify a focal point within the national government and then communicate with the contact person directly, or identify a national associate themselves and correspond with him/her without involving the National Unit at all

As can be seen from above, coordination mechanisms with Member States exist on many different levels and cover a wide range of immigration and border management -related issues, from trade and customs, to transnational crime and regional security, to subjects specific to immigration. However, this extensive structure could be further strengthened by having an operational-level support cell in every Member State, as well as by uniting all actors working in the security sector in one group.

First of all, a system of immigration and border management focal points could be established in every Member State as a dedicated team of officers to deal with ECOWAS immigration and border management matters at the administrative and operational level (currently, it is the heads of immigration who are contacted directly by a representative of the FMPD in case of need). It is true that, given the strict hierarchy that exists in law enforcement agencies, the immigration and border management focal points would need to pass through the head of immigration anyway prior to reporting back to ECOWAS; however, mid-level, technically sound officers, with operational experience and trained on ECOWAS-related subjects, could readily follow up on matters related to, for example, reporting, fact-finding, follow up with national institutions and others, thus strengthening the collection and sharing of information between ECOWAS and its Member States. A similar network of focal points already exists for trafficking in persons, which has proven very helpful in national and regional cooperation, as well as for the follow up and reporting on the Ouagadougou Initial Plan of Action against Trafficking in Persons.

Second, the annual meetings of heads of immigration could be further reinforced by having a short-, medium- and long-term action plan focused on ECOWAS immigration and border management priorities. This action plan could then be annually reviewed, readjusted and reported on by the immigration and border management focal points. An annual prize given to a Member State which best complies with ECOWAS immigration and border management targets would be a further motivation to systematically follow up on the objectives that the heads of immigration collectively decided on. A system of such prizes already exists in trade and other sectors, and thus could be adapted to immigration and border management or free movement of persons specially.

Third, the follow up on the implementation of the Protocols would be easier if a dedicated body existed at the national level to conduct periodic review of the progress made by the Member State concerned. Given the mixed results delivered by the committees so far, ECOWAS could review the functioning of the committees, and either develop concrete standard operational procedures for these committees, or simply replace them with a new structure, such as the system of national immigration and border management (or free movement of persons) focal points.

Finally, security-related aspects of immigration and border management appear to be discussed in multiple but separate coordination bodies. The police, immigration, customs and other law

enforcement and security stakeholders gather in different fora. In order to ensure that ECOWAS travel documents, gradual removal of borders, transnational organized crime and counter-terrorism are all understood as parts of the same whole, whose objective is to create borderless but safe ECOWAS, ECOWAS should be dotted of one unified vision and discuss it in an assembly dedicated specifically to this subject. The FMPD, as well as the PSD both appear to support such idea.

Cooperation and Coordination Mechanisms Between ECOWAS and Development Partners

In August 2012, the ECOWAS Department of External Relations developed a comprehensive guide, which outlines the coordination mechanisms between ECOWAS and external (development) partners. Areas of cooperation have been organized into six different Thematic Groups that unite both relevant ECOWAS departments, as well as external stakeholders active in the various sectors. Each Group has a dedicated ECOWAS, as well as development partner focal point. The table below outlines all groups, as well as their composition:

Thematic Group	Departments involved	ECOWAS Leader
Capacity Building	All Departments	Office of the Vice President ⁴
Peace and Security	Political Affairs, Peacekeeping and Security & Gender and Human Development	Political Affairs, Peacekeeping and Security ⁵
Infrastructure, Industry and Private Sector	Infrastructure and Macro-Economic Policy	Infrastructure
Economic Integration and Regional Trade	Macro-Economic Policy	Macro-Economic Policy
Gender and Human Development	Gender and Human Development	Gender and Human Development
Agriculture, Environment and Natural Resources	Agriculture and Rural Development	Agriculture

The Thematic Group on Peace and Security reportedly meets more often than others. It is important that immigration and border management activities within the Project, as well as all other Project components, are duly coordinated with other partners within the coordination frameworks already established.

There is a number of migration, immigration and border management and security-related initiatives being implemented in close cooperation between ECOWAS and development partners. Most of the projects are funded externally or co-funded by ECOWAS. An overview of on-going programs is provided below:

Cross-Border Initiatives Programme

Spearheaded by the Cross-Border Division of the FMPD, the objective of the Initiatives is to accelerate regional integration in West Africa, de-marginalize border areas, promote socio-economic development in border zones, and thus consolidate peace, security and stability. Although vast majority of the interventions focus on socio-economic and cultural activities, such as setting up cross-border markets, community radio stations and sharing of health and educational facilities, security and efficient border

⁴ From amongst the development partners, this Group is led by the Government of Germany / GIZ

⁵ Led by the Embassy of Switzerland

management are seen as important vehicles of regional development too; construction of joint border posts, fighting harassment at the border and on major trade routes, and combatting transnational organized crime are all among the priorities.

Particularly interesting are the so-called four pilot border zones created between Mali, Burkina Faso and Ivory Coast (the Sikaso-Korhogo-Bobo Dioulasso zone); the Gambia, Senegal and Guinea Bissau (the Southern Sene-Gambia zone); between Mali and Mauritania (the Karakoro basin); and between Nigeria and Niger (the Kano-Katsina-Maradi zone), respectively. Their purpose is to not only harness the tremendous trade potential of these regions but also lead the way in promoting local area development, relationship-building between border communities and facilitate close cooperation between states for the benefit of the greater region.

Apart from ECOWAS Member States, the Cross-Border Division works closely with AU Border Program, UNDP, GIZ, UNOWA, SIDA and others.

African Union

The organization has a dedicated African Union Border Programme (AUBP) which focuses on three interdependent areas, namely the delimitation and demarcation of borders where this has not been done and re-affirmation of borders where existing demarcation so requires; promotion of cross-border cooperation, particularly through joint planning and development of shared cross-border areas and building of infrastructure which would facilitate regional integration (transportation and communication networks); and capacity building, such as through training and research.

AUBP maintains close cooperation with Africa's Regional Economic Committees (RECs), including ECOWAS. The last meeting took place in October 2013 in ECOWAS Headquarters; the Commission was represented by the FMPD. Ahead of the donor conference in 2014, AUBP aims to compile a comprehensive database of border management regional programs and elaborate regional action plans to support the AUBP framework.

European Union

The EU cooperation spans across many sectors. This includes a capacity building program supporting the ECOWAS peacekeeping and security mandate (with UNDP as the main partner); a program focusing on regional integration through trade facilitation in the form of three joint border posts being built on the border between Burkina Faso and Mali, Togo and Ghana, and Nigeria and Benin, respectively; as well as the current Project. It is also worth mentioning the engagement of Frontex, the EU border agency, in the region. Some of the ECOWAS countries are partner states in the Frontex-led Africa Intelligence Community (AFIC). Additionally, Frontex recently signed a Working Arrangement with Nigeria, the objective of which is to counter irregular migration and cross-border crime by means of border control and develop good relations between authorities of the EU Member States and Nigeria involved in border security and management. Cooperation may take the form of capacity building activities in integrated border management. Frontex hopes to replicate this arrangement with other countries in the region.

Western African Economic Monetary Union (WAEMU)

WAEMU looks at immigration and border management from the point of view of trade facilitation. Considerable investments are being made in building the necessary infrastructure (One Stop Border Posts and roads), as well as monitoring road governance. Funded by USAID and implemented in close cooperation with BORDERLESS, a USAID-funded project focusing on reducing transport costs, creating a free trade area and publishing credible data on transport and trade, WAEMU regularly analyses the level of harassment that truck drivers experience on the main corridors and at border crossings; number of (unnecessary) checkpoints and the delays they cause; and the level of bribes. Since 2011, Togo has been consistently named the lead in the region on free movement.

Government of Spain

Commonly known as the “Spanish Fund”, the Government of Spain runs a comprehensive program focusing on a number of sectors, including capacity building in migration management and support to civil society. Funding of the Spanish government is entirely channelled through the ECOWAS Commission and consists of projects submitted by ECOWAS Member States and civil society organizations. A few of the projects in the past have focused on capacity building in border management, such as establishment of a passport examination centre at the main international airport in Liberia. A component particularly relevant to the Project is the aim to establish national migration platforms composed of representatives of the national government, the ECOWAS National Unit and the Government of Spain.

Government of Switzerland

The Government of Switzerland also implements a vast range of programs. Those focused on migration and border management have included secondment of a migration expert to the ECOWAS Commission, technical assistance in counter-trafficking and capacity building of the Nigeria Immigration Service. One of its main objectives is to revive the Migration Dialogue for West Africa (MIDWA). In the security sector, it focuses on assisting ECOWAS in operationalizing its peacekeeping and security mandate within the ECOWAS Conflict Prevention Framework. The Swiss government leads the Thematic Group on Peace and Security.

Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ)

GIZ is a major actor in capacity building in immigration and border management. The organization supports the AUBP, as well as ECOWAS in building its capacities in border management, peace and security. GIZ oversaw the development of thirteen (out of fifteen) Action Plans of the ECOWAS Conflict Prevention Framework, one of which is specifically dedicated to cross-border cooperation. Initially, it also supported ECOWAS in drafting its Security Sector Reform strategy, but this has since then been taken over by the Geneva Centre for Democratic Control of Armed Forces (DCAF). GIZ leads the coordination of the Capacity Building Thematic Group.

Interpol

As an international police association, Interpol has been actively engaged in the West Africa region. In January 2014, Interpol, in close cooperation with ECOWAS, launched the West African Police Information System (WAPIS, based in ECOWAS headquarters). Funded by the EU, WAPIS aims to create national and regional infrastructure to facilitate police information exchange on crime affecting the West Africa region and enhance cooperation on security matters between ECOWAS and Interpol. Pilot countries include Benin, Ghana, Mali, Niger and Mauritania.

Geneva Centre for Democratic Control of Armed Forces (DCAF)

Globally, DCAF is one of the leading agencies in shaping the policies of and providing technical assistance in Security Sector Reform (SSR). Building on work previously done by GIZ, DCAF is supporting the ECOWAS Commission in reviewing their draft regional framework on security sector reform and governance in line with the African Union SSR policy framework. The document is to be finalized in 2014 and adopted by the relevant ministers. Immigration and border management agencies are inherently part of the security structure targeted by DCAF’s SSR technical assistance. DCAF’s counterpart in the Commission is the Regional Security Division.

A number of observations can be made about the partnerships already in place. First of all, the sheer number and diversity of immigration and border management -related activities that are already being implemented by various development partners in close cooperation with ECOWAS make the Project an

important addition to the existing ECOWAS immigration and border management portfolio. For example, EU and WAEMU's investments in One Stop Border Posts could be complemented by the relevant trainings and standard operational procedures foreseen by the Project. Equally, many of the cross-border initiatives included in the ECOWAS Conflict Prevention Framework, such as institutionalization of the biometric ID card, technical assistance with the full implementation of the ECOWAS passport in all 15 Member States, harmonization of immigration policies, and training of border management personnel on the Free Movement Protocols, could all be supported by the Project. Second, credible data about the situation at the main border crossings on major ECOWAS trade routes (in terms of bribes, harassment, delays, unnecessary security checkpoints) already seem to exist through the WAEMU border governance monitoring project; as such, many of the awareness campaigns that are planned in the course of the Project could importantly ECOWAS and WAEMU's watchdog efforts, if implemented at these strategic locations. Third, considering the size, duration and extensiveness of the immigration and border management component of the Project, ECOWAS partner directorates and the Consortium of Partners are in a favourable position to actually steer and influence the content and implementation modalities of some of the planned ECOWAS immigration and border management initiatives. Overall, the Project's immigration and border management activities fit exceptionally well with the ECOWAS diverse immigration and border management portfolio, and by complementing on-going initiatives in this field, they can contribute to shaping a focused, sub-regional immigration and border management program.

Administration

This section provides an overview of the administrative structure of the two key immigration and border management organizational units, namely the FMPD and the Regional Security Division, including the challenges they face in day-to-day work.

In both cases, the most urgent issue is staffing. Due to the employment freeze since the ECOWAS restructuring started in 2007, there has been no increase in staffing despite the ever-increasing portfolio and expectations from both within ECOWAS and the Member States. There are currently four professional staff in the FMPD and two professional (and two administrative) staff in the Regional Security Division. This is one reason why virtually all projects funded by development partners hire and fund full-time staff to be based in the Commission and assist with project implementation. If additional staff were to be recruited, either at the level of program officers, research fellows or interns (self-funded from external scholarships), this could significantly ease the burden on the current staff and enable the directorates to fully pursue their objectives and priorities.

Staffing shortages have negatively affected the division of tasks within the ECOWAS Commission as well. Knowing that the various specialized directorates do not have the capacity to follow up on new projects that partially or wholly fall under their mandate, the directorate requesting expert advice may simply proceed with doing the activity itself.

The second burning issue is training. Both the FMPD, as well as the Regional Security Division confessed that they were asked to carry out specific, technically sophisticated tasks without having ever been trained on it. As an example, FMPD mentioned that it did not have the data to prove to the Member States that the free movement of persons, goods and services has been beneficial to their services. Provided that relevant data were made available to the Commission by the Member States, according to FMPD, internal training on data collection, storage and analysis would significantly boost the directorate's ability to propose evidence-based policies. Other requests for technical assistance included modalities and implementation of awareness raising campaigns; design of training curricula; trainings on migration issues, such as labour migration and immigration and border management, as well as cross-cutting issues, such as human rights; monitoring techniques to reduce harassment and corruption at the border; technical assistance with drafting of the regional migration policy; technical assistance with legal review of the Protocols and sections that are to be added, such as the system of sanctions for non-compliance and arbitration of disputes; structured approach to and

institutionalization of MIDWA; and last but not least, implementation of the ECOWAS biometric ID card. A specific emphasis was placed on the production of training manuals for border officials in all three official ECOWAS languages that would include not only best practices in border management but also a section on the Protocols. All these topics are further explored in the next chapter, which is dedicated to selected immigration and border management initiatives.

The Regional Security Division faces similar challenges. Responsibilities ranging from peacekeeping to cross-border crime to counter-terrorism to Security Sector Reform are handled by two professional staff that have hardly ever been trained on any of these subjects. Seeing itself as the 'security arm of the free movement of persons concept', the staff are very keen on and in need of specialized trainings related to immigration, border management and border security, and receiving technical support in formulating border management and border security policies. The Division has already drafted a work plan for 2014 that can serve as an excellent basis for concrete technical support interventions.

Overall, staff in all directorates that were interviewed for this assessment displayed an impressive and admirable dedication to work, despite the overwhelming tasks at hand and limited support available. At the same time, all directors, without exception, supported the idea of joint trainings on cross-cutting themes. This alone represents a unique opportunity to increase awareness on topics that are of common interest to all but also strengthen inter-departmental coordination and cooperation. Joint workshops could be organized and facilitated by external trainers (including IOM, ICMPD and ILO staff) but also drawing on the remarkable expertise that already exists in the FMPD, Regional Security Division and Humanitarian and Social Affairs Directorates.

Selected Immigration and Border Management Interventions

The following chapter analyses selected immigration and border management interventions that are or should be recognized as immigration and border management priorities for ECOWAS. They by no means represent a holistic approach to an overhaul of the national and regional immigration and border management frameworks; rather, they reflect ECOWAS' main immigration and border management concerns, as judged by the available policy documents, analyses of impediments to free movement of persons, and interviews with ECOWAS representatives. The most urgent interventions appear to be the introduction of the biometric ID card; collection of data on cross-border movements; fighting the harassment and corruption; increasing awareness on the rights of ECOWAS citizens among the travellers and border officers alike; standardization and institutionalization of immigration and border management trainings; and border infrastructure.

Biometric ID Card

ECOWAS travel documents have traditionally been one of the pillars of the ECOWAS regional identity. First, the ECOWAS Travel Certificate was created in 1985 (Decision A/DEC.2/7/85). In the form of a 32-page booklet, it was relatively inexpensive to produce and easy to issue, provided the applicant could furnish a birth certificate or a valid national identity card. Dotted with the owner's photograph, the Certificate was valid for two years during which all cross-border movements were manually recorded at both sides of the border. However, the Travel Certificate had low security features and, given the quality of the document, a short life span, and thus it was never fully accepted and implemented in all Member States. It is still in circulation but its use is being discouraged and some Member States no longer accept it as a travel document.

In 2000, the Heads of State and Government decided that within five years, the ECOWAS Travel Certificate would be fully replaced by the ECOWAS Passport. As of December 2013, fourteen out of fifteen Member States were using the ECOWAS Passports (an ICAO-compliant travel document with the ECOWAS emblem on the front and the national emblem on the back cover, coming in three different colours depending on the applicant's status) - all but Cape Verde. Complete rollout of the ECOWAS passport in the Community is a priority but no changes to the document, such as enhanced security features, are foreseen in the near future.

Several other immigration-related documents were contemplated by the Member States in the past as part of the regional integration process. In line with the Protocols, the ECOWAS Residence Card was defined in 1990 (Decision A/DEC.2/5/90). It was to be issued by the immigration service of the host country based on the applicant's passport, a medical certificate, a repatriation guarantee letter and an employment contract (or, alternatively, a university offer or registration of an enterprise). Additionally, harmonized ECOWAS immigration and emigration forms were designed in 1992 (Decision C/DEC.3/12/92), in order to standardize the information Member States would collect about travellers passing through ECOWAS borders, such as their name, date of birth, nationality, passport number, occupation, permanent address and purpose of travel. Finally, ECOWAS was keen on designing a unified ECOWAS visa for non-ECOWAS citizens, modelled on EU's Schengen visa.

None of these initiatives have been fully pursued. The ECOWAS Residence Card is available in only about half of ECOWAS countries; the idea of unifying the immigration and emigration forms has been completely abandoned; and a single ECOWAS visa for the region while still a priority, remains to be developed. The main objective of ECOWAS' identity and travel document policies has become the launch of the ECOWAS regional biometric ID card. Already heralded at numerous high-level meetings and action plans in recent years, a Biometric ID Card Working Group comprised of selected ECOWAS experts was established to explore the technical aspects of the initiative. Once implemented, the ID card would serve not only as an identity document at the Member State level, thus replacing national IDs whose security features are often deemed inadequate, but also as a travel document at the regional level. The Working Group has already put forward several recommendations:

- the size of the ID card should be the same as a credit card and should be made of polyester;
- the front side of the card should bear the name of the issuing country and its code, title of the document ("ECOWAS Identity Card"), ECOWAS logo (hologram), photo of the card holder and his/her name, surname, sex, date and place of birth, his/her national identification number and number of the ID card, as well as the date of card's issuance and expiration
- the back side of the card should bear the emblem and flag of the issuing country, logo and inscription 'ECOWAS' in all three official languages, three lines of the machine-readable zone (MRZ) and title of the document ("ECOWAS Identity Card")
- there should be three different levels of security features
- the card should contain a chip with several data groups (DGs), each storing information contained on the card: for example, DG1 should contain numbers of the MRZ, DG2 the photo of the card holder, DG3 his/her fingerprints, DG4 could potentially store the scan of the card holder's iris (not compulsory) and so on. Several other DGs should be reserved on the chip to specify, for example, the full name of the person, place and date of birth, home address, other valid travel and identity documents, the issuing authority and other information
- in order to ensure that the card can be read in any country within and beyond ECOWAS, the Working Group recommended purchasing standard ICAO-compliant passport readers which can compare the data contained on the chip with those contained in the MRZ and on the biographical page of the document

The ambitions are commendable. A technically sound identity document that would have region-wide recognition and validity is certainly a major step towards solidifying regional integration, as well as regional ECOWAS identity. However, a thorough situation analysis and consultations should take place before ECOWAS moves ahead with the ID card.

Identity management denotes the way a state organizes and governs the identity chain of its citizens. Usually handled by the country's civil registry, it comprises various documents that can testify a person's identity. First and foremost, it is the birth certificate but also marriage, divorce and death certificates. These so-called breeder documents serve as a basis for identity and travel documents, such as national ID, driving license and passport. Sound identity management system, where the state can confidently trace back and verify a person's origins, is a condition sine qua non for issuing identity documents that can be trusted as truly representing the person that he or she claims to be. Therefore,

an expensive, state-of-the-art passport is of little value, if it was issued based on a birth certificate that could have been easily falsified or reproduced and is not officially registered anywhere.

The issue becomes even more problematic and serious once biometrics comes into play. Biometric attributes can be either physical (fingerprint, eye iris, voice) or behavioural (walking, typing on a computer, handwriting). These features are unique to every person. After 9/11, states started using physical biometrics in the identity and travel documents to securely tie them to concrete persons, in order to have a better control over who crosses their borders and resides on their territory. On the one hand, biometrics-based documents have made travel faster and easier; on the other hand, breaches of data privacy, mistakes in the system and identify fraud, when a biometric passport is issued to a person based on fraudulent breeder documents, have raised the stakes to unprecedented levels.

Therefore, the starting point must be identity management at the national level. States must first be sure that births are properly registered and adequate documents are issued to certify it; that the system of production and issuance of national identity and travel documents is tightly secured and protected, as much as possible, against corruption, abuse and fraud. Only when the identity chain is sound should the countries move to introducing biometrics. Otherwise, biometrics attributed to the wrong person will be difficult to undo, may pose serious risks if the person is not a bona fide traveller, and may also diminish the acceptance of the document on the international plane, if it is not built on solid foundations.

Some information on the national identity management systems of selected ECOWAS countries is already available. The studies carried out so far show that countries face considerable challenges in ensuring that their identity and travel documents are based on an effective and efficient civil registry, thus weakening the overall identity chain. Before ECOWAS moves ahead with the biometric ID card initiative, more detailed surveys focused on the production, issuance and verification of national identity documents should be carried before the Community moves to biometrics at the regional level.

Border Data Collection

Although the importance of and the need for migration data are often mentioned in ECOWAS policies, surprisingly little attention is paid to one of the major sources of this data - border management information systems (BMIS). BMIS are IT-based systems, which automatically extract and store data on cross-border passenger movements from the passengers' travel documents. In an ideal situation, the country's BMIS is installed at every border crossing and, through secure internet connection, regularly sends encrypted traveller data to the immigration headquarters, thus allowing the state to have a real-time overview of entries to and exits from the country. The use of BMIS is maximized if machine-readable travel documents, such as passports with a MRZ and/or a chip, are in place. This way, when a traveller presents herself/himself at the border, the passport reader - which forms part of the BMIS - extracts all biographical and/or biometric information from the travel document, analyses it (by cross-checking the person against international alert lists), stores it and thus makes it readily available for further purposes.

The interdependence between machine-readable documents and BMIS is clear: a machine-readable document cannot be processed in a paperless, automated manner if BMIS is not available. Similarly, BMIS is of little use if the travel documents do not have the necessary features, such as MRZ or a chip that could be read by a passport reader and automatically inserted in the system. Therefore, an ECOWAS biometric ID card without border information systems installed at border crossings in ECOWAS Member States will not yield the desired migration statistics; cross-border movements will continue being recorded manually and, furthermore, border officials will neither be able to verify the electronic security features of the document, nor check the ID card holders against international alert lists.

Every ECOWAS Member State uses some kind of BMIS. None of the countries in the region, however, can bolster full automation of data collection at all its borders; even Nigeria, the largest, richest and most populous ECOWAS Member State, only has BMIS installed at major land, air and maritime border crossings. The Commission has recognized this gap, and has begun taking steps to rectify the situation.

The Computer and Communications Centre (CCC), the office under the Commission's Vice-President, which has overseen the implementation of ECOWAS' customs system, ASYCUDA, is also exploring options for a region-wide BMIS. Internally, this initiative is called 'AKWABA', a term that can be freely translated as 'welcome.' Unlike in the case of ASYCUDA, the CCC is not aiming at having of a uniform IT structure that would be installed in all ECOWAS Member States; rather, the Centre plans to conduct a survey of the existing BMIS in place and, if and when human and financial resources become available, proceed with the development of interfaces between national BMIS and the central server to be established in Abuja. When fully implemented, AKWABA would enable the ECOWAS Commission to collect and centralize cross-border migration data collected by the Member States but also use it for other purposes, such as risk analysis.

Border information systems are one of the most essential components of the migration and border management structure. Without automated intake of border data, it is not possible to complete a country's migration profile, and it is difficult, if not impossible, to effectively combat transnational organized crime. This link is not always fully appreciated by the political leadership, and thus investments often lack to appropriately equip the borders. If ECOWAS is to roll out a biometric ID card, it should do so in phases and together with border information systems, either grouped under the AKWABA initiative or national projects. An initial survey of existing BMIS should be done to have an overview of which systems are already in place and where. Simultaneously, political will, as well as significant financial resources will need to be mobilized at the regional level to back this initiative.

Harassment and Corruption

Harassment and corruption are closely linked. When organized and accepted, as they appear to be at the border crossings and along the main trade routes in the ECOWAS space, they represent one of the major impediments to free movement of persons, goods and services. According to BORDERLESS, an alliance of partners dedicated to remove trade barriers in West Africa, the bribes a traveller needs to pay per 100 km range from 1 USD in Ghana to 1.35 USD in Togo, 3.38 USD in Senegal, 4.48 USD in Burkina Faso, 5.57 USD in Cote d'Ivoire to a staggering 7.64 USD in Mali. In terms of the number of checkpoints, Togo leads the way with just 1.1 checkpoint per 100 km, followed by Burkina Faso and Senegal (each 1.6), Ghana (1.8), Cote d'Ivoire (1.8) and Mali (2.7). Bribes, as well as the checkpoints - not all fully justified and officially sanctioned - cause delays along the routes. A traveller in Togo can expect a delay of 7 minutes per 100 km on average, which slightly increases to 9 minutes when traveling in Cote d'Ivoire. In Burkina Faso and Ghana, travellers can be held up for 17 and 19 minutes respectively. Travelling on Senegalese roads can be delayed by 21 minutes every 100 km, with Mali being most cumbersome to get through: a delay of 28 minutes for every 100 km.

Statistics and trends - both positive and negative - abound. According to the latest available WAEMU border governance report, which summarizes survey results for the first quarter of 2013, Benin has some of the lowest number of checkpoints and lengths of delay but the level of bribery there is about double of that in Togo and Ghana. Encouraging trends are registered in Senegal, where the police and gendarmerie in particular have begun to systematically clamp down on harassment and bribery. No improvements have been detected in Cote d'Ivoire since 2011, and the situation remains mediocre. Mali has systematically remained the most difficult country to move through, while Togo has been the leader in the region on free movement. All uniformed services - police, gendarmerie and customs - are implicated in the bribery and harassment, although the number of checkpoints set up by each agency and the share of bribes every service takes varies significantly from country to country.

As remarked by an ECOWAS interlocutor during one of the interviews, professional honesty is a matter of personal ethics. However, in the absence thereof, or in an effort to reinforce it, organizations can put in place measures that will ensure that the code of conduct of the governmental agencies involved in border management is properly followed. This includes, first of all, training relevant staff on what actually constitutes corruption. In some regions, certain practices may be accepted as part of business transactions while, in fact, they comprise bribes. Second, monitoring mechanisms in the form of ad hoc checks can be put in place; for example, Nigeria has established joint immigration-customs teams, which act as watchdogs and perform random checks on selected border crossings to inspect compliance

with rules. Third, as suggested by an ECOWAS interlocutor, dedicated portals, some of which come readily available and free of charge, such as Facebook, could be created and maintained by the Commission to “name and shame” but also “name and praise” border crossings who have violated or, on the contrary, exemplarily enforced the laws and protected the rights of ECOWAS citizens to free movement in a visa-free space. Finally, hotlines could be launched where travellers facing harassment or demands for bribes could report the difficulties they face, so that a dedicated team can immediately intervene. Similar hotlines already exist in Benin, Burkina Faso, Ghana, Nigeria and Togo. And, WAEMU has already established the Office on Mal-Practices (“Office des Pratiques Anormales” in French)⁶, which deals precisely with such cases – this offers opportunities for shared experiences and potentially building synergies.

Awareness-Raising

The importance of awareness of the rights and obligations contained in the Free Movement Protocols cannot be emphasized enough. One of the major impediments to the full implementation of the free movement regime is the lack of knowledge on the part of the citizens, as well as border officials, on the Protocols’ provisions, many of which have already been incorporated into domestic law. Due to these gaps, border officials still demand visa of citizens of sister ECOWAS countries, although these travellers are eligible to enter solely on the basis of a valid travel document, such as the ECOWAS Travel Certificate. At the same time, migrants who are citizens of ECOWAS countries often resort to smuggling networks to enter another ECOWAS Member State, not knowing that with the Certificate, a document that is relatively non-expensive and easy to obtain, they could enter formally through an official border crossing.

These gaps need to be closed at both ends. In order to raise awareness among the citizens, campaigns need to be conducted to instil the rights of the citizens among those who travel or intend to travel in the ECOWAS space. Educational and social background, language abilities, computer and phone literacy and other factors vary among the travellers; therefore, the message may need to be passed in different forms and through different media to ensure that it effectively reaches the target audience. As conveyed by the ECOWAS interlocutors interviewed on the subject, local dialects may need to be used to effectively cater to local border area travellers. Depending on the situation, television and radio spots, billboards and newspaper advertisements, websites and social media, such as Facebook and twitter, may be appropriate means of communication. Traditional authorities, exerting considerable influence in the communities, as well as famous personalities enjoying wide popularity and respect, could be designated as ambassadors promoting the free movement of persons among their populace.

Awareness must be raised among the border officials as well. Immigration and border management institutional structures vary from country to country, and the same agencies may not have the same roles and responsibilities everywhere. However, uniform training modules on the Protocols, tailored to the country based on the provisions that the Member State accepted into the domestic immigration legal framework, could be developed and trained through the network of national immigration and police academies as part of the routine professional education.

Standardized ECOWAS Immigration and Border Management Curriculum

Law enforcement agencies tend to strictly standardize professional training to ensure uniform service and performance. Frontex, for example, has developed a standardized curriculum for European border guards to serve as a reference document and a minimum norm for EU Member State border agencies. Regional African organizations have also moved to design training curricula for immigration and border management personnel of their members. The AU Border Programme, for instance, has produced a five-day course on minimum border management skills and practices (it awaits to be piloted, finalized and endorsed by AU Member States). ECOWAS, supported by ICMPSD, has also drafted a five-day training program, which has already been piloted and, once turned into a training manual, can be rolled out at the national level. Finally, IOM has designed the Essentials of Migration Practice, a course book to

⁶ www.ueoma.int

support introductory level immigration training, which has already been translated into several languages and is being actively used in numerous countries.

While every state has its own specificities - its own immigration and border management regulatory, institutional, administrative and operational structure - certain minimum capacities must be in place to ensure that risks can be eliminated or averted, and borders are managed in line with best international practices and standards. In addition to these requirements, border management in the ECOWAS space has one more particularity that considerably differentiates it from all other African regions; it is connected and 'united' under the framework of free movement of persons, goods and services, which all the more demands a minimum standard of knowledge and skills among the border management personnel.

As noted in the previous section, it is precisely the gap in knowledge on the part of the border officers that has, as one of several factors, slowed down the operationalization of the Free Movement Protocols. Given the determination that exists at the Community level to improve this situation, revising the existing draft ECOWAS curriculum and enlarging it by a chapter dedicated specifically to the legal framework of the Protocols presents a unique opportunity to design a standardized training course that combines general border management with the specificity of the ECOWAS region.

However, a standardized curriculum serves to no purpose if it is not institutionalized and systematically rolled out. If ECOWAS were to have a Frontex-like standardized training course for ECOWAS Member State border services, it would also need to ensure that there are ways and means to enforce its adoption at the national level, and that it can be systematically taught to entry-, mid-, as well as strategic-level immigration and border management personnel.

ECOWAS Heads of Immigration, who meet regularly to discuss matters of common interest, are best placed to endorse the ECOWAS immigration and border management training curriculum for their respective services. As for the methodical rollout of the course, national teams would need to be created, trained and work at assigned training facilities to deliver the course to immigration and border management staff. Regional trainings that would gather officers from different Member States could further enforce the status and sense of ownership of the course as a regional one, and would also ensure that it is continuously updated. The East African Community has established an academy - the Tanzania Regional Immigration Training Academy based in Moshi, Tanzania - to serve as the Community's immigration educational facility. ECOWAS does not have a dedicated immigration training school, and given the size and language diversity of the region, it would be difficult to establish one. However, many, if not all, Member States have national immigration and/or police schools (Nigeria, for example, has four such facilities, each dedicated to officers of different seniority). As suggested by one ECOWAS interlocutor interviewed during the assessment, selected colleges in different parts of the region could be designated as 'ECOWAS Immigration Academies' to host regional trainings and workshops, should that be ECOWAS' intention.

Border Infrastructure

Much of the ills of inadequate border management and border control stem from poor infrastructure. Lack of basic structures (border post buildings and living quarters for officers posted there), adequate utilities (electricity, water), patrolling and communications equipment (cars, motorbikes, boats, radios, phones and internet) and equipment to properly track cross-border movements (computers, servers, passport readers, fingerprint scanners, document verification equipment) all mean that often some of the very basic conditions for border officers to do their work are not met. When combined with irregular, inadequate remuneration, poor or no professional training, and little regard for their work from their superiors, officers feel demotivated, demoralized, and are thus prone to resort to corrupt practices.

As with all immigration and border management initiatives that ECOWAS aims to pursue, the will to improve border infrastructure, the working conditions of the officers and thus their morale, necessarily starts at the national level. The Project does not have explicit budget provisions to work on border

infrastructure, however, much is already being done at the national and regional level through other programs. Apart from the extensive EU- and WAEMU-funded projects described above, IOM too runs immigration and border management interventions in a number of ECOWAS Member States with extensive border infrastructure components. All of these should be properly mapped to ensure that the Project builds on and/or complements assistance already being delivered. At the same time, with a proper ECOWAS immigration and border management coordination structure in place, immigration and border management focal points and/or Heads of Immigration could steer national programs in a way that would feed into and directly support a greater ECOWAS immigration and border management vision.

Recommendations

The following section summarizes recommendations for follow up actions that could be carried out to further strengthen the ECOWAS' immigration and border management framework. Recommendations pertain mostly to the overall area of immigration and border management, but where applicable they are preceded by a specification "border management" or "immigration management", if their contents is pertinent specifically to the respective field.

Policy Framework

Migration policy should be drafted to serve as an overarching framework for other strategic documents dedicated to specific aspects of migration management. Full use should be made of the analysis, research and regional consultations that have already taken place, but also of the knowledge and expertise that already exists within FMPD and other ECOWAS directorates. These should be included in the consultation and drafting process as soon as possible to ensure the sense of ownership over the document across ECOWAS departments.

Immigration and border management should be given greater prominence and attention at the Community level. It should be recognized as a vehicle of regional development but also as a key component of the regional security structure that fights transnational organized crime, including terrorism.

Based on the migration policy, a holistic border management strategy and an action plan that reflect both the facilitating, as well as safeguarding role that border play, should be drafted to define and affirm ECOWAS' approach to immigration and border management; clearly outline its short-, medium- and long-term vision; prioritize the objectives; and specify timelines and responsibilities for their implementation. Special attention must be paid to the key role that immigration and border management foundations at the Member State level play in complex regional initiatives. The drafting process should be led by the Regional Security Division, supported by a working group composed of other relevant directorates, the FMPD in particular.

Regulatory Framework

The legal framework of ECOWAS Protocols could be further expanded (i.e. through supplementary legislation) to fully reflect key aspects of immigration and border management at the regional level. Given the importance that ECOWAS places on two issues - trade and security - new provisions may be easier to promulgate if argued from these two perspectives.

- As firmly stated in numerous ECOWAS declarations, national legislative frameworks should be brought in line with the provisions of the Protocols. Given the simplified law-making procedure that was established by the ECOWAS Revised Treaty in 1993, essential, most urgent changes should be made possible through decisions of the Heads of State and Government and the Council of Ministers. All intended immigration and border management initiatives, such as the ECOWAS biometric ID card, should have a legal base prior to implementation
- **IMMIGRATION MANAGEMENT:** The Protocols should be expanded to serve as a reference point and define minimum standards for immigration acts of ECOWAS Member States. Particularly important is the definition and standardization of contentious immigration issues, such as categories of undesirable migrants who now fall under Art. 4 of the 1979 Protocol and who frequently face arbitrary treatment and discrimination as ECOWAS citizens, to ensure uniform application and enforcement of the rules
- **BORDER MANAGEMENT:** The Protocol on the Mechanism of Conflict Prevention, Management, Resolution, Peacekeeping and Security is currently the only ECOWAS legal text that deals with aspects of border security, and it does so in a limited way. Given the need balance the security

considerations with those of greater mobility, trade and greater regional integration as well as the ever-increasing prominence of counter-terrorism, intelligence-sharing, and other related issues, legal framework related specifically to border security issues should be expanded and adjusted to the political developments.

- The revised Protocols should contain a regime of sanctions and arbitration of disputes. It could be modelled on the EU example.

Institutional Framework and Coordination Mechanisms

Immigration and border management predominantly falls under the auspices of two directorates - FMPD, which oversees the 'immigration' side of immigration and border management, and Regional Security Division whose mandate covers 'border management' in the context of border security. Greater coordination should exist between these two organizational units, as well as other directorates, to close a coordination gap there currently is on immigration and border management matters. Joint workshops and trainings on migration-related but also cross-cutting themes of common interest could be one way of increasing general awareness of ECOWAS staff working on migration-related matters, while at the same time strengthening internal coordination and cooperation.

Heads of Immigration meeting, as well as the Committee on Trade, Customs and Free Movement of Persons should be technically supported to ensure action-oriented outcome of the gatherings. This could be done by combining these meetings with short workshops/trainings on matters of technical interest, so that a common understanding exists among the leadership prior to taking decisions

A network of immigration and border management focal points should be established in the Member States, mid-level, technically sound, operational officers who would be trained in ECOWAS-related matters. They could track ongoing immigration and border management projects in the Member State and ensure their complementarity with the greater ECOWAS immigration and border management strategy; compile country status reports on immigration and border management and/or free movement persons in general; act as an administrative conduit between ECOWAS and the immigration and border management leadership in the Member State and other tasks.

The national Free Movement National Committees should be revived or, better, replaced with a more effective system of monitoring compliance with the Protocols. If supported by immigration and border management focal points, the regular periodic appraisal of the Member State's performance could fall directly under the Heads of Immigration.

A coordination forum dedicated specifically to border management and border security should be convened on a regular basis. In addition to immigration, other services, such as the gendarmerie, customs and intelligence, should be invited to ensure that issues such as fight against transnational organized crime (including trafficking in human beings and migrant smuggling) is done in a concerted manner, with full respect to ECOWAS and international obligations.

Where appropriate, ECOWAS partner directorates and the Consortium of Partners should join the existing coordination mechanisms, particularly the relevant thematic groups (Capacity Building and Peace and Security), to make sure that the Project's activities complement existing plans and/or build upon past similar activities. Given the size, breadth and duration of the Project, the ECOWAS partner directorates and the Consortium of Partners are in a strong position to actually shape and steer ECOWAS immigration and border management policies and activities

A detailed mapping of ongoing immigration and border management initiatives in the region: this could be done through IOM offices before other focal points are identified. A detailed overview is needed to ensure that the Projects complements and/or builds on current and/or past immigration and border management technical assistance provided at the national or regional level. For example, some of the Project's awareness campaigns, trainings and Demand Driven Facility grants could be implemented in

the pilot border zones and at One Stop Border Posts being currently constructed by EU and WAEMU on major ECOWAS trade routes, in order to ensure complementarity and greater impact.

Administrative Framework

The FMPD should be provided with technical assistance to fulfil its ever-increasing tasks and responsibilities:

- An internal multi-year strategy and an action plan, based on the prevalent ECOWAS' immigration and border management priorities, should be drafted to define FMPD's priorities, and the timeline and responsibilities for their implementation. Given the focus of the Project and the resources available, many of the activities can likely be supported through the Project
- FMPD's visibility and prominence could be further strengthened by, for example, taking an official lead on migration and/or immigration and border management initiatives
- It should be provided with technical trainings on migration management but also cross-cutting themes. These trainings should be organized at a cross-departmental level to increase internal communication and cooperation within ECOWAS
- FMPD should be assisted by the Consortium of Partners to increase its externally funded staffing. This includes advertising positions, such as research fellowships or internships, that could be financed by foundations, universities and other such institutions

The Regional Security Division should be provided with technical assistance to strengthen its immigration and border management capacities:

- The Division's draft work plan for 2014, already containing immigration and border management - focused events, should be reviewed and, where applicable, supported through the Project
- The Division should be included in all cross-departmental trainings that focus on immigration and border management or have border security implications
- As in the case of FMPD, the Division should be assisted with advertising and filling externally funded positions to support the Division's daily work, as well as longer term projects

Selected Immigration and Border Management Interventions

Given the technical complexity and far reaching consequences of introducing a regional biometric ID card, thorough technical preparation should take place before this initiative moves forward. This includes conducting a regional identity management assessment to take stock of where individual Member States are in terms of their capacities and standards, and conducting a technical workshop for ECOWAS and Member State experts to agree on the best way forward

Border information systems should be given greater prominence among ECOWAS immigration and border management priorities, both as a tool for collecting migration-related data, as well as a tool for fighting transnational organized crime. A survey should be undertaken to gain an overview of the BMIS currently in place. Furthermore, and based on the initial BMIS assessment, a technical study should be carried out to assess the feasibility of developing AKWABA. Finally, pilot BMIS projects, preferably focusing on bigger border crossings, such as the One Stop Border Posts being constructed by the EU and WAEMU, could be implemented through the Project's Demand Driven Facility.

In addition to widespread condemnation by ECOWAS leadership, harassment and corruption at the border and on the roads should be combatted in a concrete, systematic and practical manner.

- As is already done in several Member States, joint monitoring committees composed of several border agencies (immigration, gendarmerie, customs) should be set up to carry out random but systematic checks at border crossings, with a system of penalties for those who break the law and a system of prizes who exemplarily enforce it.
- Given the increasing use of internet, especially among the young, would-be-migrant population, internet portals (including social media sites) should be established and dedicated to not only

increase awareness on regular, intra-ECOWAS migration under the auspices of the Protocols but also on dangers associated with and lessons learned from migrating irregularly. Similar portals could be established to 'name and shame' but also 'name and praise' concrete border crossings where the Protocols were abused or, on the contrary, exemplarily upheld

- Following the examples set by several ECOWAS Member States, hotlines should be established where ECOWAS citizens facing harassment and demands for bribery could call for assistance. The existence and use of these hotlines could be further promoted by the Project's awareness raising activities

ECOWAS should develop a comprehensive, standardized immigration and border management training course and manual for Member States' border agencies:

- Modelled on the existing and draft immigration and border management training curricula already developed in other regions, the ECOWAS curriculum and course book should cover immigration and border management practices, cross-cutting issues (such as human rights and gender), as well as the legal framework of the Protocols. It should exist in all three official ECOWAS languages
- The curriculum should be reviewed and endorsed by Heads of Immigration and/or Ministers in Charge of Security
- Several officers, already experienced in teaching law enforcement staff, should be trained as trainers on the standardized curriculum per each Member State. By rolling out the training at the national level, national training teams could be established to continue rolling out the training to other officers
- Follow up regional workshops and trainings should be convened at academies designated ECOWAS training facilities to ensure regular updates of the curriculum but also increase exchange and experience among national training leadership

BORDER MANAGEMENT: A survey on current border infrastructure projects should be carried out as part of the comprehensive immigration and border management mapping exercise to highlight the immigration and border management national and regional programs already in place, and to ensure that the Project directly contributes to, and thus increases impact of these initiatives

References

- Adedeji, E. Towards a Common ECOWAS Agenda on Security Sector Reform. DCAF, Policy Paper No. 23 (2007)
- Adepoju, A. et al. Promoting integration through mobility: Free movement under ECOWAS (2007)
- Agvei, J. & Clotey, E. Operationalizing ECOWAS protocol on free Movement of people among the member states: issues of convergence, divergence and prospects for sub-regional integration (2007)
- Emelu, L.A. An Appraisal of ECOWAS Free Movement and Regional Borderless Migration. Doctoral thesis (forthcoming)
- Erasmus, E. et al. MME on the move: Stocktaking of migration, mobility, employment and higher education in six African Regional Economic Communities. International Centre for Migration Policy and Development (2012)
- WAEMU. 23rd Road Governance Report (March 2013)

Regulatory Documents

- ECOWAS Treaty (1975)
- ECOWAS Revised Treaty (1993)
- Protocol relating to Free Movement of Persons, Residence and Establishment (1979)
- Protocol relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security (1999)
- Protocol A/P.3/5/82 relating to the Definition of Community Citizen
- Supplementary Protocol A/SP.1/7/85 on the Code of Conduct for the implementation of the Protocol on Free Movement of Persons, the Right of Residence and Establishment (1985)
- Supplementary Protocol A/SP.1/7/86 on the Second Phase (Right of Residence) (1986)
- Supplementary Protocol A/SP.1/6/89 amending and complementing the provisions of Art. 7 of the Protocol on Free Movement, Right of Residence and Establishment (1989)
- Supplementary Protocol A/SP.2/5/90 on the Implementation of the Third Phase (Right to Establishment) (1990)
- Working Arrangement between Frontex and Nigeria (January 2012)

Policy Documents

- The (African Union) Migration Policy Framework for Africa (2006)
- ECOWAS Common Approach on Migration (2008)
- ECOWAS Conflict Prevention Framework (2008)
- ECOWAS Counter-Terrorism Strategy and Implementation Plan (Draft)
- ECOWAS Initial Plan of Action against Trafficking in Persons (2002 - 2003)
- ECOWAS Strategic Plan: 2011-2015
- ECOWAS Vision 2020 (2011)
- Final Report of the Ministerial Meeting of ECOWAS Ministers in Charge of Security (held on 25 June, 2012 in Abidjan)
- Final Report of the 55th Meeting of the Committee on Trade, Customs and Free Movement of Persons (held on 7-10 October, 2013 in Abidjan)
- ECOWAS Commission & Development Partners. Operational Guide for Coordination (August 2012)
- The European Union Global Approach to Migration and Mobility

Annexes

Annex 1: Organizational chart of the ECOWAS Commission

Annex 2: List of interview interlocutors

FMM West Africa

Support Free Movement of Persons & Migration in West Africa



Funded by the EU



IOM • OIM



ICMPD

International Centre for
Migration Policy Development

