Analysing Narratives of Free Movement of People in West Africa
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Abstract
Free movement is a principle of migration governance and a foundation of regional labour market integration. It is argued that the current understanding and practice of free movement in West Africa is an imitation of the European Union (EU) model of integration and free movement. This article identifies and analyses six narratives on free movement in the region, assessing the contradictions and interconnectedness of each and finding that West African states adopt a blend of narratives to suit existing self-interests, either strengthening or weakening regional free movement. This analysis will help improve the understanding of free movement in international migration law and as a policy practice in West Africa.

1. Introduction

Free movement of people is one of the fundamentals of migration governance and a foundation of regional (labour market) integration. Some policy makers and academics in Africa and Europe have argued that the current understanding and practice of free movement in West Africa is an imitation of free movement within the European Union (EU) and based on its model of integration.[1] This is the premise for free movement discussions in the Economic Community of West African States (ECOWAS) and is contributing to shaping how the concept and practice of free movement is evolving in the region.[2] But, free movement in West Africa is rooted in several narratives including the pre-colonial histories of several West African societies. This paper examines the EU-driven and traditional narratives of free movement in West Africa by identifying, assessing and discussing how the concept has been shaped. This analysis will help improve the understanding of free movement in international migration law and as a policy practice in West Africa.

The paper reviews relevant policies, political practices and academic literature, and identifies six narratives: free movement before and as a response to colonialism; free movement as a fundamental right; free movement and economic development through regional integration; free movement in the context of continental integration and Pan-Africanism; nationalist views on free movement; and external (European) influences on free movement. The influence of these narratives varies. Some liberal (pro-mobility) narratives are rooted in the idea of authenticity of the African continent and West Africa in particular before colonialism, and the emergence of colonial boundaries. Other narratives adopt a more economic approach to mobility, through state-led regional integration, trade liberalisation, globalisation and growth. Lastly, illiberal (restrictive) migration narratives emphasise the need for African states to control their borders, resources and policies around securitisation of migrants. They reflect the focus on migration containment and externalisation of migration policies.

Narratives help clarify how migration policies emerge, are adopted, evolve or are discarded.[3] They can also explain why there are differences between policies and practice. In this paper, they are used to explain free movement in West Africa. These narratives are not conclusive. Because narratives are based on a particular perspective, they are selective and subjective.[4]

The study finds that West African states on the basis of their domestic contexts, regional commitments and relationship with third countries, adopt a mix of narratives that suit their interests regarding free movement at a given point in time. These narratives may to varying degrees promote mobility, and

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[1] Castillejo, C. (2019). The influence of EU migration policy on regional free movement in the IGAD and ECOWAS regions. Deutsches Institut Für Entwicklungspolitik (DIE). https://doi.org/http://dx.doi.org/10.23661/dp11.2019; Schöfberger, I. (2020). Free movement policies and border controls: regional migration governance systems in West and North Africa and Europe, and their interactions. In P. Fargues & M. Rango (Eds.), Migration in West and North Africa and across the Mediterranean: Trends, risks, development and governance (pp. 355–365). International Organization for Migration; Okunade, S. K. & Ogunnubi, O. (2021). A "Schengen" Agreement in Africa? African Agency and the ECOWAS Protocol on Free Movement. Journal of Borderlands Studies, 36:1, 119-137, DOI: 10.1080/08865655.2018.1530128;

[2] Economic Community for West African States – a regional organization in West Africa

[3] Dennison, J. (2021). Narratives: A review of concepts, determinants, effects, and uses in Migration Research. Comparative Migration Studies, 9(1). https://doi.org/10.1186/s40878-021-00259-9

[4] Shenhav, S. R. (2006). Political narratives and political reality. International Political Science Review, 27(3), 245–262. https://doi.org/10.1177/0192512106064474, p. 248;

range from liberal to illiberal.[5] The paper explains how contradictory approaches to migration governance have emerged through the adoption of certain narratives in policy design, practice and implementation. For example, while states may outwardly adopt an economic Pan-African narrative on the free movement protocols, their policies in practice may impede free movement.[6] Some countries, in pursing national interests, foster their own privileged relationships with Europe in terms of access, regularisation or other preferential treatment of their citizens and the emergence of dominant narratives around securitisation and criminalisation of mobility in ECOWAS states is due to EU influence. This undermines shared responsibility and mobility in the region.[7] These narratives are now adopted by political elites in these states and are shaping the implementation of free movement across the region. Thus, the supremacy of western interests over non-western norms is causing states to disregard important features of mobility in West Africa, and by extension features of African migration and mobility that predate contemporary European migration policies and practice.[8]

The paper is organised as follows: section 2 is an overview of the relevant theoretical setting based on existing literature. Section 3 discusses prevalent narratives in relation to free movement in West Africa. Section 4 analyses how the narratives shape free movement in the region. Section 5 reimagines free movement in ECOWAS, based on the narratives discussed. The conclusion highlights the emerging challenges and the potential for shaping future free movement.

2. Research methods and theoretical setting

Why discuss the narratives of free movement in West Africa?
To understand the complexities of mobility and migration in West Africa one must first comprehend the narratives underpinning free movement policies and practices. The ambiguous and often contradictory policies and practices frequently observed are a result of different narratives used by states and policymakers. According to Robert Cover, "No set of legal institutions or prescriptions exists apart from the narratives that locate it and give it meaning."[9] In migration, narratives are one of the most important bases for political and social responses. These narratives are reproduced through "discourse and cultural products of societies, including education, myth, and commemorative practices".[10] Contemporary international migration narratives often reflect the perspective of

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[5] See the explanation of the liberal paradox in Hollifield, J. F. (2004). Migration and international relations: The liberal paradox. Migration between markets and states, 3-18; and the expansion of this discussion by Natter in the context of Morocco in Natter, K. (2018). Autocratic immigration policymaking: the illiberal paradox hypothesis. IMI working paper 147.

[6] Arhin-Sam, K., Bisong, A., Jegen, L., Mounkaila, H., Zanker, F. (2022). The (in)formality of mobility in the ECOWAS region: The Paradoxes of Free Movement. South African Journal of International Affairs, 29(2), 187–205. https://doi.org/10.1080/10220461.2022.2084452; See the implementation of Loi 003 in Niger and its effect on limiting free movement of persons in West Africa discussed in Hamadou, A. (2018). La Gestion des Flux Migratoires au Niger entre engagements et contraintes. Revue Des Droits De l'Homme, (14). https://doi.org/10.4000/revdh.4378

[7] Panizzon, M. (2022). Adjudicating labor mobility under France's agreements on the joint management of Migration Flows: How Courts Politicize Bilateral Migration Diplomacy. Theoretical Inquiries in Law, 23(2), 326–373. https://doi.org/10.1515/til-2022-0021

[8] Anghie, A. (2005). "*Finding the peripheries: colonialism in nineteenth – century international law,*" Imperialism, Sovereignty and the Making of International Law (1st ed., pp 310–320). Cambridge University Press. See importantly pp.113, 216.

[9] Cover, R. M. (1983). Foreword: Nomos and narrative. Harv. L. Rev, 97, 4. p.4

[10] Hammack, P.L., Pilecki, A. (2014). Methodological Approaches in Political Psychology: Discourse and Narrative. In: Nesbitt-Larking, P., Kinnvall, C., Capelos, T., Dekker, H. (eds) The Palgrave Handbook of Global Political Psychology. Palgrave Studies in Political Psychology Series. Palgrave Macmillan, London. https://doi.org/10.1007/978-1-137-29118-9_5 p.76

developed (global north) countries and do not sufficiently acknowledge narratives emanating from the global south, thus reinforcing their interests in international migration law and governance.[11] This paper aims to show how migration narratives interweave in West Africa.

Data and research methods

This paper reflects an extensive analysis of historic, policy and political practice documents, and academic literature.[12] Research material includes publications on free movement in West Africa, the national migration policies of six ECOWAS countries,[13] reports on the implementation of the ECOWAS free movement protocol,[14] and reports on high-level policy discussions between the EU and ECOWAS. The reviewed reports were published between 2016 and 2022.[15] In addition, a historical analysis was conducted to understand precolonial mobility patterns in West Africa and trace the negotiation history of the ECOWAS free movement protocol. The six narratives discussed (see Figure 1 below) were identified by exploring academic and policymaker discussions and the practices of state institutions such as national immigration authorities, the police and the courts.

Figure 1: Prevalent narratives on free movement of people in West Africa

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[11] Akanle, O. (2018). International migration narratives: Systemic global politics, irregular and return migrations. International Sociology, 33(2), 161–170. https://doi.org/10.1177/0268580918757105

[12] The paper also benefits from observer participation of the researcher and participation in ECOWAS meetings from 2014 – 2018.

[13] Nigeria, Ghana, Sierra Leone, Liberia, Niger, and the Gambia.

[14] by the ECOWAS commission and by international agencies working within the region to support the implementation of the protocol

[15] My work experience in the ECOWAS region and semi structured interviews conducted in the context of several research projects on the implementation of free movement protocols in the ECOWAS region have informed the analysis conducted in this paper. This covers a period of 8 years between 2014 – 2022.

Degree of mobility	Prevalent narratives on free movement of people in West Africa	Sources of narratives
liberal	Free movement before and as a response to colonialism in West Africa	Academic sources
	Free movement as a fundamental right	Academic sources, the practice of the regional courts and civil society organisations
	Free movement and economic development through regional integration in West Africa	Regional policymakers, regional policies, academic sources
	Free movement in the context of continental integration and Pan-Africanism	Writings of Founding fathers, academic sources, African Union policy documents
illiberal	Nationalist views on free movement (which may be restrictive often framed as): Free movement as a threat to national security; Free movement and identity politics and xenophobia	State policies, state practices observed by academics
	External (European) narratives on free movement in West Africa	Academic sources, European policies

Source: Author's compilation

3. Prevalent narratives on free movement in West Africa

The six narratives identified are discussed below.

i. Free movement before and as a response to colonialism in West Africa.

As established by academic sources, the idea of free movement in West Africa is not novel.[16] According to this narrative, free movement has existed since the precolonial era and may well have originated from the cultures and norms of several migratory societies.[17] In most cases, intracommunal movements were (and still are) perceived as movement within the same sociocultural space rather than between two nations.[18] Movements were motivated by trade between societies, nomadic and

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[16] Adepoju, A. (1979). Migration and Socio-Economic Change in Africa. International Social Science Journal, 31(2), 207-25. p. 208; Yaro, J. A. (2008). Migration in West Africa: Patterns, Issues and Challenges. Centre for Migration Studies, University of Ghana, Legon, Accra; Rossi, B. (2015). Kinetocracy: the government of mobility at the desert's edge. In Mobility Makes States (pp. 149-168). University of Pennsylvania Press.; Kabbanji, L. (2017). Regional management of migration in West Africa: the case of ECOWAS and UEMOA. Migration, Free Movement and Regional Integration, 95.; Konseiga, A. (2004). Regional Integration Beyond the Traditional Trade Benefits: Labor Mobility Contribution, the Case of Burkina Faso and Côte D'Ivoire (Doctoral dissertation, Clermont-Ferrand 1).; Akokpari, J. K. (1999). The Political Economy of Migration in Sub-Saharan Africa. African Sociological Review / Revue Africaine de Sociologie, 3(1), 75–93. http://www.jstor.org/stable/24487343; Cleveland D. A. (1991). Migration in West Africa: A Savanna Village Perspective. Africa: Journal of the International African Institute, 61(2), 222–246. https://doi.org/10.2307/1160616 discusses the tradition of local and long-distance migration in West Africa.

[17] Many West African societies had rituals to include foreigners. In Liberia the Mandingo "stranger-father" institution, defined a subordinate relationship but also allowed the distribution of land to these "adopted" foreigners. Kersting, N. (2009). New Nationalism and xenophobia in Africa – a new inclination? Africa Spectrum, 44(1), 7–18. https://doi.org/10.1177/000203970904400102; There are cultural practices around circular mobility mostly within the region: See Boyer, F., & Mounkaila, H. (2010). Partir pour aider ceux qui restent ou la dépendance face aux migrations: L'exemple des paysans sahéliens. Hommes & migrations, 1286(7), 212-220.;

[18] Adejumoke, A., Ikwuyatum, G., & Abejide, O. (2008). Dynamics of International Migration in Nigeria: A Review of Literature. Department of Geography, University of Ibadan.

pastoralist cultures, and the search for security and fertile land for settlement and farming.[19] Free movement emerged as a culture in certain communities based on long tradition and practice of mobility. Charrière and Frésia note that, "Trans-Sahara and trans-Atlantic trade contributed to the emergence of extremely mobile merchants (Diola, Soninke, Hausa, Fulani), organized in networks and according to ethnic and religious solidarity, mainly Muslim."[20]

The advent of colonialism in West Africa changed the rationale, pattern and structure of migration by establishing and enforcing diverse economic and political structures that delineated national boundaries.[21] The economic policies of colonial administrations were mainly export-oriented and demanded a large labour force for mines and plantations, which was mostly imported from rural areas to urban and coastal centres.[22] Further population movements followed, for the construction of infrastructure (e.g. rail, roads, ports). Stimulated migration from Sahelian areas (Togo, Mali and Burkina Faso) to the mines and plantations in the coastal areas (Ghana, Cote d'Ivoire, Nigeria) was made possible by compulsory recruitment, forced labour legislations that were characterised by poorly compensated work contracts. [23] The migration of agricultural seasonal workers from the Sahel to coastal states also increased.[24] Colonial powers moved people against their will to further their own economic and political goals, thus shaping migration patterns.

Mobility in colonies was determined by status, and, as educated elites emerged, differentiated mobility regimes were introduced.[25] Professional elites could move freely within their countries' colonies and territories. For example, civil servants could move from Sierra Leone and Ghana to work in Nigeria, and vice versa. Additionally, within French West Africa (AOF), there was considerable mobility of *fonctionnaires* from Benin (Dahomey) to the central administration in Dakar.[26] Visa requirements were introduced by colonial countries shortly before or after independence (mid 1950s to 1980s).[27] Mobility was highly gendered, as male family members moved to the cities and the females were left behind in the rural areas or moved with their families to the cities, but never alone.[28]

[19] Awumbila, M., Benneh, Y., Teye, J.K. and Atiim, G., (2014). Across artificial borders: An assessment of labour migration in the ECOWAS region. Brussels: ACP Observatory on Migration.

[20] Charrière, F. and Frésia, M., (2008). West Africa as a Migration and Protection area. New York, NY: United Nations High Commissioner for Refugees. Retrieved May, 3, 2016 p. 7.

[21] Awumbila, M., Y., Benneh, Teye, J.K., and Atiim, G., (2014). Across Artificial Borders: An Assessment of Labour Migration in the ECOWAS Region. Brussels: ACP Observatory on Migration. Research Report 2014 ACP/OBS/2014/PUB05; Akurang-Parry & Indome 2018; Wa Muiu, M. (2010). Colonial and postcolonial state and development in Africa. Social research: an international quarterly, 77(4), 1311-1338. p.1315

[22] Adepoju, A., (2005). Review of research and data on human trafficking in sub-Saharan Africa. International Migration, 43(1-2), pp.75-98.

[23] Awumbila et al (2014); Crowder, M. (1984). West Africa under Colonial Rule. Hutchinson University Library for Africa. pp. 2 & 356.; Boahen, A. (1987). African perspective on colonialism. Johns Hopkins.; Isichei (1977)

[24] Florianne Charrière and Marion Frésia. 2008. West Africa as a migration and protection area. New York, NY: United Nations High Commissioner for Refugees. Retrieved May, 3, 2016.; Bump M. 2006. Ghana: Searching for Opportunities at Home and Abroad. Migration Information Source

[25] Akurang-Parry & Indome 2018

[26] C. M. B. Brann, 'Old Style Mobility of ECOWAS Peoples', West Africa, 8 September 1980 p. 1711 in Onwuka R.I. The ECOWAS Protocol on the Free Movement of Persons: A Threat to Nigerian Security. African Affairs, April 1982, Vol. 81, No. 323 (Apr., 1982), pp. 193-206. Oxford University Press http://www.jstor.com/stable/721727
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[28] Abdul-Korah, G. B. (2011). 'Now if you have only sons you are dead': Migration, gender, and family economy in Twentieth Century North western Ghana. Journal of Asian and African Studies, 46(4), 390–403.

During the colonial period, mobility of persons equally emerged as a response to colonialism.[29] Mobility later became a form of resistance, with people moving to avoid oppressive measures imposed by colonial administrations, such as forced labour and conscription, oppressive tax regimes, the compulsory cultivation of specific cash crops and corporal punishment.[30] In Mali, young men sought work in the groundnut regions of Senegal and The Gambia to escape forced labour at home and to earn enough to pay taxes.[31] Yet, movement for economic and family reasons continued unhindered across borders by divided tribes, as part of their own internal movements.[32]

Postcolonial mobility patterns still reflect a preference for rural-to-urban migration.[33] This may be a direct outcome of the links between colonialism and capitalism.[34] New national borders also shaped migration. Some regard these borders as vestiges of colonialism that should be replaced by precolonial zones of exchange or to ensure outright decolonisation.[35] They are said to cause disputes over belonging and identity, especially along border areas,[36] and some argue that redesigned borders would reflect the true state of African communities today.[37] Many scholars believe that current border areas are contested and restrict mobility;[38] others say that recognising Africa's past could inspire "more radical visions of the continent's future".[39] The underlying argument in this narrative is that

https://doi.org/10.1177/0021909611400016; Sudarkasa, N. (1977). Women and migration in contemporary West Africa. Signs: Journal of Women in Culture and Society, 3(1), 178–189. https://doi.org/10.1086/493450

[29] Achiume (2017)

[30] Boahen 1987; Asiwaju, A. (1976). Migrations as Revolt: The Example of the Ivory Coast and Upper Volta Before 1945, Journal of African History 17: 582.; Pahimi, P. (2012). Taxation and the dynamics of cross-border migration between Cameroon, Chad and Nigeria in the colonial and postcolonial period. In Udelsmann Rodrigues, C., & Tomàs, J. (Eds.), Crossing African Borders: Migration and Mobility. Lisboa: Centro de Estudos Internacionais. Retrieved from http://books.openedition.org/cei/233

[31] Awumbila et al 2014

[32] Teye, J.K. (2022). Migration in West Africa: An Introduction. In: Teye, J.K. (eds) Migration in West Africa. IMISCOE Research Series. Springer, Cham. https://doi.org/10.1007/978-3-030-97322-3_1

[33] van Dijk, Foeken, and van Til. 2001.

[34] Sudarkasa (1977); Awumbila et al (2014); Plange, N. (1979). Underdevelopment in North Ghana: Natural causes or colonial capitalism? Review of African Political Economy, 6 :15-16, 4-14.

[35] Mbembe, A. (2018). The idea of a borderless world. The Chimurenga Chronic.; Michalopoulos, S., & Papaioannou, E. (2016). The long-run effects of the Scramble for Africa. American Economic Review, 106(7), 1802–1848. https://doi.org/10.1257/aer.20131311 refer to scholars who call for irredentist policies to be adopted by African states; Asiwaju (1985) calls for redrawing of the borders to reflect pre-colonial states; some scholars have argued for restoring the ethno-linguistic borders see also Makau w. Mutua. 1995. Why Redraw the Map of Africa: A Moral and Legal Inquiry, 16 MICH. J. INT'L L. 1113.

[36] Charrière & Frésia 2008; Asiwaju 1985; Michalopoulos & Papaioannou (2016); About 80% of African borders follow latitudinal and longitudinal lines more than in any of the other continents, thus showing that many of these borders were drawn without a knowledge of the landscape, as many of the regions were unexplored. Alesina, A., Easterly, W., & Matuszeski, J. (2011). Artificial states. Journal of the European Economic Association, 9(2), 246–277. https://doi.org/10.1111/j.1542-4774.2010.01009.x

[37] Mbembe 2002; T. Achiume. 2019. Mutua 1995

[38] The AU acknowledged the sanctity of colonial borders and as such, has made it difficult for states to redraw their borders or restore pre-colonial boundaries. See the principle of respect of borders existing on achievement of independence adopted by the Organization of African Unity (OAU) in its Resolution AHG/Res. 16 (I) in 1964 at the first session of the Conference of African Heads of State and Government held in Cairo, Egypt (hereinafter, the "Cairo Resolution"), and later enshrined as Article 4 (b) in the Constitutive Act of the African Union (AU). The objective of the Resolution was to discourage territorial annexation by force as well as irredentist, pan-nationalist and secessionist claims. See Separate Opinion of Judge Yusuf in Burkina Faso/Niger Boundary Dispute (https://www.legal-tools.org/doc/791385/pdf/)

[39] Mbembe (2018)

people in the West Africa experienced mobility prior to colonialism and restrictions to movement emerged as an outcome of colonialism in the region.

ii.   Free movement as a fundamental right

This narrative is shaped by academics, regional court practices and civil society organisations. Several authors regard free movement in West Africa as a fundamental right,[40] embedded in the re-creation of a borderless West Africa.[41] The notion of free movement as a right is thought to reflect the history of the region and be a response to the unjustified obstructions to movement experienced by Africans in colonial and postcolonial societies.[42] This right links precolonial West African mobility with migration driven by economic need. The right to free movement has helped shape regional economic integration initiatives through ECOWAS and the West African Economic Monetary Authority (UEMOA).[43] Free movement is considered a fundamental right in the region.[44] But exercising this right is constrained by states. ECOWAS citizens can exit, enter and stay in member states in line with their rights of entry, residence and establishment, as guaranteed by free movement protocols.[45]

Civil society organisations in the region have been instrumental in promoting this narrative. They note that "mobility/migration is a fundamental human right and that it has always been one of the most appropriate ways to build 'bridges' between peoples/communities".[46] States have often ignored this right to move, however, witnessed in their expulsion of migrants and in discriminatory action against non-nationals.[47] Thus, civil society organisations advocate for the protection of this right as enshrined in the ECOWAS protocols and as a reflection of culture and practice within the region.

Regional courts – the African Court of Justice and Human Rights (ACJHR), African Commission on Human and Peoples Rights (ACHPR) and ECOWAS Court of Justice – have also been key in promoting and protecting the right to move. The ACJHR and ACHPR base their analyses of migration and free movement-related cases on the premise that migrants are human and their rights must be protected, before considering whether or not the state was justified in carrying out its actions. This differs from the 'Strasbourg reversal' adopted by the European Court of Human Rights, whose analysis is founded

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[40] Hammadou (2018); Agyei, J., & Clottey, E. (2007). Operationalizing ECOWAS protocol on free movement of people among the member states: Issues of convergence, divergence and prospects for sub-regional integration. International Migration Institute, University of Oxford. http://www. imi. ox. ac. uk/publications/operationalizing-ecowas-protocol.:

[41] Agyei & Clottey (2007).

[42] According to Hendrickson, the African idea of human rights developed as a response to the collective injustices of war against slavery, racism, underdevelopment and colonialism and seeks to restrict the power of non—Africans over Africans. She notes that the emphasis in African human rights are on collective rather than individual human rights. Salve trade, the laws and institutions which supported its existence (mostly international law) rid Africans of their human rights, as their rights and liberties were constantly threatened (including the right to move) See Hendrickson, J. M. (1989). The Human Rights of Africans. Africa Development/Afrique et Développement, 43-62.

[43] Hammadou (2018); Ajulo, S. B. (2001). Sources of the law of the Economic Community of West African States (ECOWAS). Journal of African Law, 45(1), 73–96. https://doi.org/10.1017/s0221855301001614;

[44] Hammadou (2018) p.

[45] The ECOWAS free movement protocols will be discussed in the next section.

[46] PANiDMR, IRPAD Afrique, & MADE. (2018). Africa Civil Society Organizations Regional Consultation on the Global Compact on Safe, Orderly and Regular Migration. https://augustinians-un.org/wp-content/uploads/2018/04/Report-Africa-CSOs-consultations-Eng..pdf p.5

[47] This will be further discussed in the section on nationalist views on free movement of persons.

on a state's right to "control the entry of non-nationals into its territory".[48] This latter position has influenced the jurisprudence emerging from African courts.

The ACHPR views migration as "a manifestation of the freedom of movement recognized by international law of human rights".[49] It notes that no abuse of human rights while people exercise their right to move is justified by international law. The ACHPR in its rulings has affirmed the right to unrestricted trans-border human mobility and has limited attempts by states to block it.[50] The courts often interpret this and freedom of movement as being guaranteed by the African Charter on Human and Persons rights.[51] However, the jurisprudence emerging from African courts focuses on the obligation of states to recognise and protect the rights of non-nationals within their territories. Thus, African courts emphasise the role of the state in protecting the human rights of migrants and the right to move. Migration and human rights have developed concurrently and have often been coupled by the courts when interpreting protocols and protecting the rights of people on the move.[52] This has strengthened the rights-based approach to free movement within ECOWAS and other regions.

Free movement as a human right in West Africa and laws on refugee protection safeguard the mobility of people escaping conflict and fleeing humanitarian crises.[53] Free movement as a right also aids those forced to move because of climate change;[54] ECOWAS acknowledges that free movement can be an adaptation strategy for climate-induced displacement.[55]

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[48] For more details on the Strasbourg reversal see Marie Dembour (2015). When Humans Become Migrants.

[49] ACHPR (2019). Etude Pilote Sur La Migration Et Le Respect Des Droits De L'homme: Focus Sur Les Reponses Apportees Par Le Niger. .https://www.achpr.org/public/Document/file/French/Pilot%20Study%20on%20Migration_FRE.pdf. p.7 rough translation by the author

[50] Magliveras & Naldi 2022

[51] See ACHPR decisions on article 12 including: Communication 71/92 Rencontre Africaine pour la defense des droits de l'Homme v Zambia para 31; Communication 159/96 - African Commission Union Inter Africaine des Droits de l'Homme and Others v Angola (1997) paras 16 &20. Communication 313/05 Kenneth Good v Republic of Botswana para 205; African Court of Justice and Human Rights Joint law journal 2019

[52] In Falana v. Republic of Benin, ECW/CCJ/APP/10/07, Judgment, para. 3 (Jan. 24, 2012) and Baldeh ECW/CCJ/APP/22/12, Judgment (Feb. 22, 2013), the ECOWAS court of justice interpreted the free movement protocols to determine whether the rights to free movement of ECOWAS citizens were breached. In contrast Gammeltoft-Hansen & Madsen trace the evolution of migration and human rights in European law see Gammeltoft-Hansen, T., & Madsen, M. R. (2021). Regime entanglement in the emergence of interstitial legal fields: Denmark and the uneasy marriage of Human Rights and Migration Law. Nordiques, (40). https://doi.org/10.4000/nordiques.1518.

[53] Charrière & Frésia 2008; Kandilige, L., Ampah, G.A. (2022). Gaps in Protection for West African Migrants in Times of Crisis: The Role of a Multi-Stakeholder Platform Within a Partnership in Preparedness Model?. In: Teye, J.K. (eds) Migration in West Africa. IMISCOE Research Series. Springer, Cham. https://doi.org/10.1007/978-3-030-97322-3_7

[54] Human Rights Council. (2018). The slow onset effects of climate change and human rights protection for cross border. Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General, March 22, 2018, https://www.ohchr.org/Documents/Issues/ClimateChange/SlowOnset/A_HRC_37_CRP_4.pdf. See also Wood T. (2022). https://www.fmreview.org/sites/fmr/files/FMRdownloads/en/climate-crisis/wood.pdf

[55] See also ECOWAS regional climate strategy April 2022 http://www.climatestrategy.ecowas.int/images/documentation/ECOWAS%20Regional%20Climate%20Strategy_adopted%20june%202022.pdf which acknowledges the importance of free movement of persons as central in adaptation strategies.

Scholars acknowledge the right to move but pay little attention to infringements of this right by forced-return deals between European countries and receiving West African states.[56] This is a potential area of contention between ECOWAS and the EU and within ECOWAS, especially relating to third-country nationals.

iii. Free movement and economic development through regional integration in West Africa

According to this narrative free movement is motivated by economic development brought about by the regional integration of West Africa. It overlaps with narratives i and ii.

ECOWAS was formed in May 1975 to harmonise economic growth and development, and encourage peace, security and the overall wellbeing of citizens in the region. Precolonial migration patterns were the foundation of ECOWAS protocols on free movement.[57] Gowon, then Nigeria's head of state, said of ECOWAS's formation, "It was our intention in creating ECOWAS that free movement of labour, like trade liberalisation, would proceed gradually being accompanied by other measures to secure promotion of trade, the replacement of competitive by complementary economies, an increase in industrial specialisation and agricultural differentiation, and a programme of industrial location specially designed to prevent excessive movement across frontiers."[58]

ECOWAS leaders believed that a West African economic community was needed as a bargaining tool in negotiations with the industrialised world.[59] The underlying interest was the need to integrate to enhance African countries' leverage vis-à-vis former colonial powers. Thus, regional integration was merged with Pan-Africanism and economic development. ECOWAS encompassed several regional projects aimed at promoting self-determination and development.[60]

Free movement was enshrined in the 1979 protocols and was envisaged as a phased integration process that covered the right of entry and residence, and the right to establish a business or to accept employment in another ECOWAS state.[61] The objectives were to establish more open relations between states and enhance their independence, and to remove colonial borders that split countries and communities incoherently. This promoted a sense of regionalism and limited the expulsion of ECOWAS citizens from other states due to economic hardship.[62] Some governments have not

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[56]Zanker, F., Altrogge, J., Arhin-Sam, K., & Jegen, L. (2019, December). Challenges in EU-African Migration Cooperation: West African Perspectives on Forced Return. Arnold-Bergstraesser-Institut. Retrieved February 27, 2023, from https://www.arnold-bergstraesser.de/sites/default/files/medam_policy_brief_return.pdf

[57] Article 3 ECOWAS Treaty of 1975

[58] Gowon 1984. p. 537-8

[59] Brown 1989; Teye, Awumbila, and Benneh 2015;

[60] There's a French literature reference (in older versions)

[61] Protocol on Free Movement of Persons, Right of Residence and Establishment was established in 1979 (Protocol A/P.1/5/79). subsequent protocols were adopted in 1989 etc. The Protocol Relating to the Free entry, Right of Residence and Establishment was adopted in 1979 and the supplementary protocols afterwards in 1985, 1986, 1989 and 1990.

[62] Before the establishment of ECOWAS, several expulsions of other nationals have occurred in the region in Ghana, Cote d'Ivoire and Mali.

supported full implementation, however,[63] and ECOWAS citizens still face difficulties when crossing borders, indicating a disjuncture between the protocols' objectives and experience on the ground.[64]

The free movement protocols were negotiated within the broader context of regional economic integration and emphasised the need for states to promote the movement of goods, capital and people in order to attain economic independence.[65] They guaranteed free movement for all ECOWAS citizens and included additional provisions for traders, seasonal workers, cross-border workers, students and itinerant migrants.[66] Subsequent policies protect the rights of workers and cover their social welfare, for example through allowing the portability of social benefits within the region.[67]

Promoting economic integration and development through the mobility of labour and other factors of production was central to the establishment of ECOWAS. Economic integration was, in turn, expected to stimulate regional development and promote community welfare by allowing citizens to benefit from opportunities available across member states.[68] The importance of mobility in the region's economic development and in poverty reduction was encapsulated in a joint ECOWAS/L'Union Economique et Monétaire Ouest Africane paper in 2006,[69] and reiterated in the ECOWAS vison 2050, which acknowledges regional integration as the basis for free movement.[70]

However, newly independent states needed to balance mobility with economic development and protecting national interests, within the framework of their new independence, while also wanting to return to precolonial movement patterns.[71] To achieve this the protocols aimed to ensure that the sovereignty of West African states was respected and protected. Consequently, the rights (of entry, residence and establishment) created under the free movement protocols were subject to conditions stipulated in national laws.[72]

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[63] Adepoju, A., Boulton, A., & Levin, M. (2010). Promoting integration through mobility: Free movement under ECOWAS. Refugee Survey Quarterly, 29(3), 120-144.; Okunade & Ogunnubi (2021); Awumbila, M., J.K. Teye and E. Nikoi 2018 " Assessment of the Implementation of the ECOWAS free Movement Protocol in Ghana and Sierra Leone" MADE West Africa.; Clark, E.V. 2013 " The Economic Community of West African States (ECOWAS): The challenges to the implementation of the protocol on the free movement of goods, persons and establishment", Pakistan Journal of Social Sciences, 10(1): 41– 48.; Adepoju, 2015.

[64] Adepoju, A. (2002). Fostering Free Movement of Persons in West Africa: Achievements, Constraints, and Prospects for Intraregional Migration. International Migration, 40: 3-28. https://doi-org.vu-nl.idm.oclc.org/10.1111/1468-2435.00188; Yeboah, T., Kandilige, L., Bisong, A., Garba, F., & Kofi Teye, J. (2020). The ECOWAS Free Movement Protocol and Diversity of Experiences of Different Categories of Migrants: A Qualitative Study. International Migration; Okunade, & Ogunnubi, 2021;

[65] See Article 3 of the Revised ECOWAS treaty (Article 2 of the 1975 treaty)

[66] This is different from EAC where the right to residence and establishment are conditional in certain sectors. And different from the EU where free movement of workers was first established and later opened for other categories of people.

[67] ECOWAS General Convention on Social Security 1993 and the Supplementary Act A/SA.5/07/13 relating to the convention on social security of member states of ECOWAS 2013.

[68] Gowon 1984; Adeniran 2012

[69] Adepoju, A. (2015). Operationalizing the ECOWAS protocol on free movement of persons: prospects for sub-regional trade and development. In The Palgrave Handbook of International Labour Migration (pp. 441-462). Palgrave Macmillan, London.

[70] ECOWAS migration policy 2021

[71] Gowon 1984

[72] Example of one of such provisions.

According to this narrative regional economic integration in West Africa is aimed at removing the barriers to free movement of goods, services, people and capital, and at promoting regional unity, cross-border mobility the citizens' welfare.[73] Free movement is linked to economic welfare, development and growth in West African societies.

iv.   Free movement in the context of continental integration and Pan-Africanism

This narrative argues that regional integration in Africa was the reaction of newly independent African states to the hegemony of neocolonialism.[74] Its aim was a stronger postcolonial continent as part of the new world economic order and the struggle against neocolonialism.[75] Free movement was an important aspect of decolonising mobility within the continent. It was linked to the desire to revert to precolonial mobility and was seen as a response to arbitrary borders imposed by colonialism. Both are linked to narrative i (section 3 (i)). It was also a key to promoting Pan-Africanism.[76]

Several founding fathers of African integration acknowledged that postcolonial African states would still be vassals of European states given economic and political imbalances.[77] To address this and to cement their independence they proposed a stronger and more united Africa. Views differed on how to achieve this, even before African states gained independence.[78] Nkrumah argued for a superstate to properly compete with western countries and better harness the continent's potential,[79] with free movement within the continent a key pillar.[80] For Senghor, inter-African relations were key to promoting regional integration, which would boost economic and technical cooperation. However, relations with colonial countries such as France were necessary to ensure the survival of postcolonial

[73] Lavergne, R., & Lavergne, R. P. (1997). Regional Integration and cooperation in West Africa: A multidimensional perspective. Africa World Press.

[74] Oloruntoba, S. O. (2016). Regionalism and integration in Africa: EU-ACP Economic Partnership Agreements and Euro-Nigeria relations. Palgrave Macmillan. pp.164 - 178

[75] The New International Economic Order adopted by the United Nations in 1974 was aimed at ending economic colonialism and dependency of newly independent states. See the critique in Chimni, B. S. (2006). Third world approaches to international law: A Manifesto. International Community Law Review, 8(1), 3–27. https://doi.org/10.1163/187197306779173220; Bedjaoui M. (1979) Towards a new international economic order. UNESCO. pp 1-10.

[76] See the Pan African manifesto in C. Legum, Pan Africanism: A Short Political Guide, London, Pall Mall Press, 1962, pp. 229-232.) which demanded for the abolition or adjustment of "the artificial frontiers drawn by imperialist powers to divide the peoples of Africa, particularly those which cut across ethnic groups and divide people of the same stock". Milej notes that "Pan-Africanism emerged as an idea of 'common struggle' for liberation from white oppression; it was carved by African intellectuals in the diaspora and born out of a common traumatic experience of slavery and subjugation by whites and the yearning for freedom and dignity by Africans". See Milej, T. (2019). Legal framework for free movement of people within Africa–a view from the East African Community (EAC). Heidelberg Journal of International Law, 79(4), 935-70. p.940

[77] Ndlovu-Gatsheni, Sabelo J. (2013). "Pan-Africanism and the international system", in Handbook of Africa's International Relations ed. Tim Murithi (Abingdon: Routledge, 06 Aug 2013), Routledge Handbooks Online. Doi: 10.4324/9780203803929-3

[78] Uzoigwe, G. N. (2013). Pan-Africanism in World Politics: The Geopolitics of the Pan-African Movement, 1900-2000. In Pan-Africanism, and the Politics of African Citizenship and Identity (pp. 215-245). Routledge.

[79] Nkrumah., K. (1964). Africa must unite (pp. 141–156). Heinemann.

[80] Paradoxically, the formation of sub-regional organizations such as the Economic Community of West African States (ECOWAS) was seen by Nkrumah as a potential distraction and stumbling block to the urgent task of realizing a federal union of African states. These conflicting views on the shape and content of regional integration in Africa led to the emergence of several regional organisations in West Africa prior to the emergence of ECOWAS. See Gowon 1984; Yassane 1977. The Ghana – Guniea Union, the s. agreement, the CEAO and UAM

states.[81] Thus, Senghor envisaged a commonwealth of French-speaking African countries with France as the metropole.[82]

Negotiations led to the formation of the Organisation of African Unity (OAU) in 1963, which was premised on economic integration and a future vision of political integration.[83] Free movement remained key to promoting continental integration and Pan-Africanism.[84] But positions on freedom of movement differed among the new states,[85] and action to facilitate mobility was slow in coming because colonial boundaries still held sway[86] and because political elites did not want to discuss integration so soon after gaining independence.[87] This had significant implications for the implementation of free movement.[88]

The African Union (AU), which succeeded the OAU in 2000, recognised that freedom of movement, goods and services would have many benefits, including improved integration, trade and labour mobility, increased job opportunities and higher standards of living.[89] The AU's Agenda 2063 – which aims to ensure inclusive and sustainable development – is evidence of the drive for unity, self-determination, freedom, progress and collective prosperity pursued under Pan-Africanism and African Renaissance.[90] In the context of migration and mobility, the 2018 Free Movement Protocol is a significant milestone on the road to continental union.

The Abuja treaty of 1991, which established the African Economic Community,[91] envisaged eight regional economic communities (RECs) as building blocks for continental integration.[92] Under the

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[81] Senghor, L. S. (1945). Défense de l'Afrique noire. Esprit (1940-), 112 (8), 237–248. http://www.jstor.org/stable/24248911

[82] "Now while the Africa of despotism is dying – it is the agony of a pitiable princess,
Just like Europe to whom she is connected through the naval.
Now turn your immobile eyes towards your children who have been called
And who sacrifice their lives like the poor man his last garment
So that hereafter we may cry 'here' at the rebirth of the world
being the leaven that the white flour needs." Senghor Léopold Sédar. (1945). Prière aux masques. Chants d'ombre. Éditions du Seuil. Retrieved February 27 2023 from https://dds.crl.edu/crldelivery/8839.

[83] The Organisation of African Unity was based on the Sanniquellie Agreement of July 1959 between Guinea-Ghana and Liberia promoted by William Tubman, the president of Liberia. This agreement emphasized cultural and economic cooperation between African states as a first step towards further integration. In Gowon 1984 p70; Brown 1989. The OAU was to promote gradual economic integration guided by the principle of non-interference.

[84] Maru, M. T. (2021). Migration policy-making in Africa: Determinants and implications for cooperation with Europe. Migration Policy Centre EUI RSC. Retrieved May 2021, from https://cadmus.eui.eu/handle/1814/71355

[85] Fagbayibo, B. (2015). Policy discourse on the possibility of a Pan-African framework on the free movement of persons. Politeia, 34(1), 4–21. https://doi.org/10.25159/0256-8845/651

[86] Mortimer, Robert A. "From Federalism to Francophonia: Senghor's African Policy." *African Studies Review*, vol. 15, no. 2, 1972, pp. 283–306. JSTOR, https://doi.org/10.2307/523924. Accessed 21 Oct. 2022.

[87] Yao Gebe, B. (2008). The quest for a union government of africa: Reflections on the Vision and the realities of political integration. South African Journal of International Affairs, 15(1), 41–53. https://doi.org/10.1080/10220460802217959

[88] Fagbayibo, B. (2015); Hirsch, A. (2021)

[89] AU 2018 p. 4

[90] AU 2021

[91] Later integrated into the African Union.

[92] The African Union recognizes eight RECs: the Arab Maghreb Union (UMA), the Common Market for Eastern and Southern Africa (COMESA), the Community of Sahel–Saharan States (CEN–SAD), the East African Community (EAC), the

treaty, states would "agree to adopt, individually, at bilateral or regional levels, the necessary measures, in order to achieve progressively the free movement of persons, and to ensure the enjoyment of the right to residence and the right to establishment by their nationals within the Community".[93] ECOWAS is one of these RECs and is the most advanced in its implementation of free movement. RECs such as ECOWAS form the building blocks of continental integration and of the African Continental Free Trade Area (AfCFTA).[94] Of existing RECs, ECOWAS offers lessons for the future implementation of free movement for the rest of the continent.[95]

African political elites use Pan-Africanism to further their interests, ignoring its guarantee of mobility and instead stressing aspects that promote political and economic independence.[96] They identify with Pan-Africanism but still agree bilateral migration agreements with third countries that promote circular mobility and so mirror intra-African mobility. This is discussed in section 3(vi).

However, while states acknowledge the importance of free movement in bringing about economic benefits, the trade-off is often between implementing free movement protocols to enable economic expansion and national interests such as addressing security threats, notably the rise of fundamentalist and terrorist groups.[97]

Free movement is an important part of the Pan-African integration agenda. This narrative is now merged with the economic integration narrative. RECs have established free movement regimes and the AU's free movement protocol is in line with the objective to further integration. But Pan-Africanism and continental integration do not have the same meaning across countries. Domestic interests still supersede these concepts in continent and regional agreements.

v. Nationalist views on free movement

This narrative is based predominantly on state policies and practices documented in policy and academic literature.

West Africa has never been a geographically homogeneous region and mixed populations are common.[98] Regional integration and free movement has implications for identities, the distribution of scarce resources and relations between state and non-state actors.[99] The negotiation of these dynamics has frequently resulted in restrictive policies aimed at 'othering' migrants from other

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Economic Community of Central African States (ECCAS), the Economic Community of West African States (ECOWAS), the Intergovernmental Authority on Development (IGAD), and the Southern African Development Community (SADC).

[93] See Article 4 (2)(i) of the Abuja treaty 1991. In 2018 the African Union Free Movement of Persons Protocol was adopted by Heads of State and Government of the African Union.

[94] Apiko et al 2021

[95] Teye and Bisong

[96] Milej, T. (2019)

[97] Ahrin-Sam et al 2022

[98] Robin, N. (2007). Migrations en Afrique de l'Ouest, une longue histoire. Panorama des migrations en Afrique de l'Ouest. Le dossier. Grain de sel nº 40 — septembre – novembre 2007 pp. 12 – 15. https://www.inter-reseaux.org/wp-content/uploads/12_dossierGDS40.pdf

[99] Adepoju 2015

ECOWAS countries.[100] Post-independence nationalist narratives perceive free movement as a threat to national security[101] and ascribe the discussions on free movement to xenophobia and identity politics.[102] Consequently, discussions of identity politics are misused by political elites during elections.[103]

Free movement as a threat to national security
In most countries in the region tensions over migration arise from discrimination, the marginalisation of certain ethnic groups, and competition for resources including land, employment opportunities and new infrastructure.[104] Recent conflicts between pastoralists and farmers and the growing threat of radicalisation in the Sahel have led countries in the region to adopt a cautious and increasingly negative attitude towards free movement. In countries including Nigeria, Burkina Faso and Ghana, clashes are becoming more frequent and more violent, sparking security concerns.[105] These conflicts are exacerbated by desertification and the scarcity of resources, ethnic, political and religious tensions, and terrorism.[106]

Free movement, identity politics and xenophobia in West Africa
As postcolonial development ideologies emerged, so did identity politics and the exclusion of minorities and migrants.[107] The initial wave of nationalism, focused on decolonisation and gave way to a 'new nationalism' targeted at 'non-citizens'.[108] This affected domestic politics and alienated or victimised minorities and migrants. During elections, politicians have made migrants scapegoats to divert attention from domestic economic and political challenges. This has led to the expulsion of migrants from ECOWAS countries[109] – from Ghana (1954 and 1969), Cote d'Ivoire (1958) and Nigeria (more than two million aliens in 1983).[110] Diplomatic ties between Ghana and Nigeria are often

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[100] Darkwah, A. K. (2020). Fluid mobilities? Encountering and responding to othering in a borderless West Africa. Contemporary Journal of African Studies, 6(2), 54–72.

[101] Onwuka, R. I. (1982). The ECOWAS protocol on the Free Movement of Persons: A threat to Nigerian security? African Affairs, 81(323), 193–206. https://doi.org/10.1093/oxfordjournals.afraf.a097408; Agbebaku E.P.& Osimen, U. (2022). Border Security Management and ECOWAS Protocol on Free Movement in West Africa. Canadian Social Science, Vol.18, No.1, February 28, 2022.

[102] Akinola, A. O. (2018). The political economy of xenophobia in Africa. In Xenophobia and the paradox of regionalism in Africa: the west African experience (pp. 169–180). essay, Cham: Springer International Publishing: Springer. https://doi.org/10.1007/978-3-319-64897-2_13

[103] Misago, J. P. (2019). Migration, identity and belonging in contemporary Africa. Good Governance Africa. October 2019. https://gga.org/migration-identity-and-belonging-in-contemporary-africa-2/

[104] Marc, A., Verjee, N., & Mogaka, S. (2015). The challenge of stability and security in West Africa. World Bank Publications. p60; Onwuka (1982); Teye (2022)

[105] De Haan and others 2014; IDMC/ ACLED tracking for West Africa; Aning and Atta Asamoah 2011

[106] UNOWAS. (2018). Pastoralism and Security in West Africa and the Sahel: Towards Peaceful Coexistence https://unowas.unmissions.org/sites/default/files/rapport_pastoralisme_eng-april_2019_-_online.pdf; Darkwah (2020).

[107] Misago (2019)

[108] Ake 1996

[109] Tonah, Steve, Mary B. Setrana, and John A. Arthur. 2017. Migration and Development in Africa: Trends, Challenges and Policy Implications. Lanham: Lexington Books; Maneri identifies three 'cycles of vindication and criminalisation' of political narratives of migrants in Italy: vindication, catchup, crisis, conquest and solution in Maneri, Marcello. (2019). "'Vengono Qui per Delinquere': Logiche e Cicli Di Criminalizzazione Dell'immigrazione." Rivista delle Politiche Sociali / Italian Journal of Social Policy 2: 63–84.

[110] Gravil, R. (1985). The Nigerian aliens' expulsion order of 1983. African Affairs, 84(337), pp.523-537. http://www.jstor.com/stable/722326

strained over the alleged mistreatment of Nigerians in Ghana,[111] and countries with smaller populations and economies suspect the influence of economic and demographic power houses such as Nigeria and Cote d'Ivoire.[112] Additionally, inter-state border disputes have limited full integration[113] by creating a negative perception of migrants and prompting xenophobic policies and practices.

Anti-immigration policies and practices are prevalent, and documented and undocumented migrants face increasing discrimination at borders and when living in other ECOWAS countries. Some practices including xenophobic mistreatment is sponsored or condoned by states.[114] In addition, anti-migrant sentiments are usually evoked by political leaders at certain phases during the political cycle, close to (re) elections of government officials. Migrants are blamed for a country's poor economic performance, for the lack of jobs, for using limited social welfare and for rising crime.[115] The media is often complicit in peddling anti-migrant feeling and inciting xenophobia;[116] migrants are regarded as overstaying their residency and are criminalised and vilified.[117] This has impeded the implementation of the ECOWAS protocols[118] and is threatening regional peace and stability,[119] and causing a rise in ethno-nationalism.[120]

National narratives on free movement closely align with the EU's narratives on free movement in the region which emphasises a containment approach aimed restricting mobility outside the region, while promoting internal mobility. Combined, both narratives often restrictive and give prominence to the self-driven interests of states over regional cooperation. These interests are driven by the views of political elites and increasingly development partners.[121]

Nationalist views on free movement are also prevalent in the pursuit of bilateral agreements that create labour opportunities into Europe and elsewhere. These narratives equally stress the freedom of states to choose external partners, engage in migration diplomacy and pursue national interests

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[111] D. Kyereko. (2018). Regional Migration in West Africa: Attitudes and Perceptions Toward Migrants In Ghana. Background paper prepared for the 2019 Global Education Monitoring Report. Migration, displacement and education: Building bridges, not walls. UNESCO

[112] Teye, Joseph Kofi, Marima Awumbila, and Yaw Benneh. 2015. 'Intraregional Migration in the ECOWAS Region: Trends and Emerging Challenges'. WAI ZEI Paper Series 23. West Africa Institute and Center for Europen Studies. Teye's paper with quotes from SL and NG on migration attitudes in West Africa (confirm citation).

[113] Adepoju 2015

[114] Akinola, A.O. (2020). Xenophobia, the Media and the West African Integration Agenda. In: Moyo, D., Mpofu, S. (eds) Mediating Xenophobia in Africa. Palgrave Macmillan, Cham. https://doi.org/10.1007/978-3-030-61236-8_7

[115] See elections in Ghana and the discussions on ECOWAS migrants.

[116] ibid

[117] van Bemmel, S. (2020). The perception of risk among unauthorized migrants in Ghana. Journal of Risk Research, 23:1, 47-61, DOI: 10.1080/13669877.2018.1517376

[118] Aniche, E. T. (2022). Borders, Migration and Xenophobic Policies in West Africa, Africa Review, 14(1), 24-47. doi: https://doi.org/10.1163/09744061-20220121

[119] Ibid; Adibe, J. & Onwughalu, V. C. (2021). Xenophobia in Nigeria and Ghana: Implications for Inter-Ethnic and International Relations. In M. Mafukata (Ed.), Impact of Immigration and Xenophobia on Development in Africa (pp. 90-110). IGI Global. https://doi.org/10.4018/978-1-7998-7099-9.ch006

[120] Kersting 2009; Close to the national elections, there are several tense discussions in Ghana, Cote d'Ivoire and Nigeria about cleaning the voters register to remove the names of foreigners. See P. Nugent. 2019. Border Politics in Africa. Oxford Research Encyclopedia of Politics. February 25. ; Bjarnesen & van Baalen 2020

[121] Teye, J. K. (2022). Critical migration policy narratives from West Africa. International Migration, 60(4), 73–84. https://doi.org/10.1111/imig.13012

without recourse to the ECOWAS agreements. Consequently, ECOWAS states pursue privileged complementary labour and regular pathways to Europe and other destinations via bilateral agreements. Senegal, for example, has bilateral labour agreements with Spain and France. The latter regularises the stay of Senegalese migrants in France, a sensitive issue.[122]

This narrative holds that free movement has implications for identity and belonging, especially in view of scarce economic resources. Increasingly, many states regard mobility negatively, given other challenges such as conflict, terrorism and climate change-related displacement.[123]

vi.   External narratives on free movement in West Africa

This predominantly European narrative is being adopted by national and regional policymakers in West Africa.

Several scholars have observed that the external narratives of third countries have contributed to shaping free movement in the region. Migration in post-colonial West African states continued with reduced but still available mobility options for West Africans to European countries to study, for work or family reunification reasons. However, in the 1970's colonial countries like the United Kingdom and France began implementing stricter immigration policies which led to return of several migrants to Senegal.[124] Consequently, bilateral migration cooperation between West African and European states has evolved to reflect these changes in the society and policies.

Strengthening the EU's external borders was fundamental to removing national borders within the Union[125] but as the Schengen area was consolidated between in the 1990s and early 2000s, ECOWAS free movement was threatened.[126] European states have since engaged in bilateral and regional cooperation measures with West African states aimed at securing their borders and reducing migration into Europe. This has resulted in externalising migration policies of European states in West African countries.[127] More recently European states through varied forms of migration cooperation (bilaterally with ECOWAS member states and regionally) have also undermined the ECOWAS free movement protocols, including, most significantly, the right to entry.[128] Thus, the focus of African states has shifted from economic and Pan-Africanist regional integration and the establishment of free movement, to policies aimed at limiting mobility.[129] Most West African states are unwilling to defy

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[122] Panizzon 2021

[123]

[124] Beauchemin et al 2020. In the 1970s, France was the first country to adopt measures to promote return, either through expulsion or through assisted voluntary-return programmes; El-Enany, N. (2020). Subjects and citizens: cordoning off colonial spoils. In Bordering Britain: Law, race and empire (1st ed., pp. 73–132). Manchester University Press. http://www.jstor.org/stable/j.ctvwh8fgs.7 on the United Kingdom restricting movements.

[125] Beauchemin et al 2020.

[126] N. Robin. 2009. La CEDEAO, un espace de libre circulation, poste forntière avancé de l'espace Schengen. Trémolières, M. (ed)., Les enjeux régionaux des migrations ouest-africaines. Perspectives africaines et europèenes. Paris, OECD, pp. 149-165

[127] Bisong 2020 ; Zanker et al 2020; Castielljo et al 2019; Andersson 2016; R. Idrissa 2019; Uzelac 2019.

[128] Bisong 2020; Zanker et al 2020; Castielljo et al 2019; Casarino

[129] Kabbanji 2017 notes that the inclusion of 'irregular migration' in the 2008 ECOWAS Common Approach is an indication of the gradual shift in ECOWAS policies to reflect the desires of donor agencies and European countries.

European influence on their migration policies; even ECOWAS is subject to EU pressure.[130] Consequently, free movement has been replaced by Eurocentric migration and migration policies and practices have become more restrictive, leaving few opportunities for West African migration. These new approaches seek to impose European migration norms on West Africa and, in the last decade, reforms to immigration laws in the region have been supported by European countries.[131] West African countries thus face the contradictory demands of ECOWAS and the EU.[132]

In 2008, the ECOWAS Common Approach on Migration was adopted by ECOWAS member states. This political framework extended the field of action for the ECOWAS Commission to encompass all the major aspects of migration, including those not covered by the Free Movement Protocols. Notably, the inclusion of irregular migration, cooperation on return from third countries and trafficking in persons in policy framework on mobility within the region.[133] This reflects newer challenges to free movement, such as conflict-related displacement and the influence of the EU,[134] and a shift from precolonial and Pan-African economic narratives to the absorption of the external narrative on free movement.

ECOWAS states have agreed to liberalise mobility between themselves but there is no common policy on external migration, making it easy for EU countries to negotiate bilateral migration agreements such as that between Senegal and France.[135] The ECOWAS Common Approach does not address cooperation on return and readmissions. States still resist pressure from colonial countries, especially over aspects of migration policy that have direct domestic consequences either politically (resulting in protests) or economically (relating to remittances).

Some ECOWAS states prefer to tow the EU line and are restricting the movement of people from their countries of origin or within the ECOWAS region as a whole.[136] External narratives on free movement are being reinforced to control migration.[137] For example, the European border agency FRONTEX has agreements with several West African states that include joint patrol missions. The aim is to reduce the number of irregular migrants heading for Europe but in practice they restrict movement within the ECOWAS area. Capacity building through development assistance programmes reinforces these narratives.[138]

   4. **How the identified narratives influence free movement in the ECOWAS region**

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[130] Bisong 2019; Bisong 2020

[131] Mouthaan, M. (2019). Unpacking domestic preferences in the policy-'receiving'state: the EU's migration cooperation with Senegal and Ghana. Comparative Migration Studies, 7(1), 1-20.; Arhin-Sam, K. (2019). The Political Economy of Migration Governance in Nigeria. Arnold Bergstraesser Institute, Freiburg. 2019; National migration policies of Niger, Sierra Leone and Liberia were supported by IOM (written by consultants funded by IOM)

[132] Robin 2009; K. Idrissa 2019; Jegen 2019; Molenaar and El Kamouni-Janssen 2017

[133]

[134]

[135] Panizzon 2021

[136] Moulthaan, Bisong (2020)

[137] Reference on FRONTEX joint missions in Senegal and Niger

[138] Reference to how training on migration by the EU through the EUTF is shaping migration in West Africa.

The narratives identified above have shaped the free movement policies of various West African governments, sometimes resulting in ambiguity and conflict. This section examines how contradictory approaches to migration governance in West Africa have emerged through the adoption of some narratives in policy design and other narratives in practice.

ECOWAS legal and policy framework on free movement of people

The legal and policy frameworks governing free movement of ECOWAS reflect some of the narratives discussed. The ECOWAS treaty and free movement protocols are the basis for the legal and policy framework of free movement in West Africa.[139] The recently adopted 2021 ECOWAS migration policy[140] emphasises the importance of economic integration as a driver of mobility. It provides a coherent policy framework for migration, with regional migration policy aiming to enhance "the regional integration and development process in West Africa as well as the achievement of the ECOWAS vision 2020".[141] The policy comprises nine pillars. Pillar 1 promotes free movement and regional economic integration and acknowledges the need to respect the human rights of migrants within the framework of ECOWAS policies. It brings together ECOWAS policies on displacement, trafficking and free movement. Its aim is a more coherent and comprehensive approach to governing migration and mobility.

The ECOWAS free movement protocols aim to ease mobility, but have been poorly implemented for many reasons. These include: lack of political will and of up-to-date migration data; incompatibilities in immigration and customs policies, and monetary zones; the securitisation of migration and migrants; contradictions between national laws on employment and ECOWAS free movement protocols; the low level of knowledge about ECOWAS protocols among migrants and immigration officials; fears of competition with successful immigrants; civil conflict and political instability in some ECOWAS countries; inter-state border disputes and war; and the multiplicity of economic groupings and different languages. [142] This has contributed to ECOWAS to date relying mainly on soft power to respond to its member's non-implementation or breaking of the protocols. Although free movement protocols exist, both diverging state interests and the institutional weakness of ECOWAS limit the potential for full implementation of the protocols.

Contestations, contradictions and ambiguity in implementing the ECOWAS free movement protocols

The narratives prompting states to adopt certain policy measures are interlinked, and evolve in tandem with migration and non-migration-related interests within and outside the region. This has resulted in conflict between various interests: several national policies and laws are now contrary to the free movement protocols – they are more restrictive and supersede regional commitments. Since 2005, there has been a focus on irregular migration and the readmission of nationals including third-

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[139] See Article 3 (d) (iii) ECOWAS revised treaty 1993 (similar provision contained in Articles 2 (d) & 27of the 1975 treaty)

[140] This migration policy was drafted with the support of ICMPD and after several inputs by other donors such as IOM.

[141] ECOWAS regional migration policy p. 13

[142] Article by Ibeanu, Yeboah at al 2020; Teye 2021

country nationals as a result of EU influence. These external narratives contribute to regional disputes over free movement.

At the regional level, states signal their implementation of the protocols but the practice – at national borders, within territories and in national laws – differs. In the 1980s, following the adoption of the ECOWAS free movement protocols, Nigeria expelled a large number of ECOWAS citizens, blaming the economic downturn and criminality among migrants.[143] Nigeria had signed the free movement protocols yet still stirred nationalist and anti-migrant sentiments, so garnering support for the expulsions.[144] Other large-scale expulsions have followed despite the protocols barring such removals.[145] Security, economy and social welfare are reasons given. While ECOWAS provisions do not outrightly prohibit the expulsion of migrants, they do stipulate conditions. None of these have been met by the expelling countries. The existence of contradictory national regulations are interpreted by some as implicit approval of migrant expulsion or as a basis for xenophobic attacks against migrants.

ECOWAS countries are concluding non-formal agreements with European countries on migration, thus reneging on their regional commitments. These agreements – MOUs or part of wider development cooperation – are restricting the implementation of the protocols or causing states to suspend parts of the protocols entirely. Niger has increased impediments to free movement,[146] while Cape Verde is suspending free movement in a bid to collaborate with the EU on migration governance and readmissions.[147] This shift to more nationalist approaches and cooperation with the EU (and individual EU member states) comes at the expense of collective intra-ECOWAS integration, leaving migrants' rights unprotected and regional commitments shelved.[148] These deals are breeding suspicion between ECOWAS nations themselves.

This has been possible because of ambiguity in the protocols, incompatible national migration policies and discriminatory labour codes.[149] In Ghana, all foreign nationals (including ECOWAS nationals) must acquire identity cards,[150] while laws in Ghana and Togo stop nationals of other ECOWAS states working in certain sectors.[151] Mostly there is no leeway for migrants on visa extensions or work permit processing requirements, and some member states have established cumbersome residency procedures.[152] These measures protect national interests and weaken regional protocols.

National interests of states play an important role determine the predominant narratives adopted. In practice and from observing the narrative and political discourse, what is evident across the region is a mix and interconnectedness of narratives. Thus, while states are committed to promoting free movement for economic liberalisation, they also commit to promoting the rights of migrants, but have

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[143] Gavil 1985

[144] Onwuka

[145] Include dates of expulsions in Mali, Burkina Faso and Ghana

[146] Hammadou

[147]

[148] Hammadou

[149] Adaween, 2017

[150]

[151] Yeboah et al

[152] Yeboah et al 2021

to do this within the constraints of increasing security pressures. Other states commit to promoting free movement but their external commitments to regulating irregular migration with European countries, may impact their implementation of the free movement protocols – thus in effect, limiting the actual free movement of persons. In the discourse and narratives, restrictive policies are usually self-reinforcing – thus arguments around securitisation of migration and politicising migration – especially viewing migrants as a security or economic threat are usually reinforced by the activities of states to implement externalisation measures within their borders.

Mobility in West Africa is becoming more restricted, as less liberal narratives on mobility gain traction.[153] This has implications for mobile populations, which either circumvent formal procedures of mobility[154] or are stuck between the narratives.

5. Reimagining the free movement in West Africa

The study observes that nationalist narratives aided by the EU's narratives on free movement have contributed to a more restrictive understanding and implementation of free movement in West Africa. These narratives, while not inherently harmful, need to be balanced against the realities of mobility for ECOWAS citizens.

Mobility will be key to Africa's development[155] and non-state actors (ECOWAS citizens, migrants' groups, civil society, the private sector) will need to be more vocal in shaping the narratives; policies on migration and mobility should be designed around the culture of mobility in West African societies. It is unclear how a borderless Africa or a redrawing of borders according to linguistic divides, as argued by some authors would enhance African development and help resist external pressure and influence. Mobility (and immobility) in ECOWAS is part of the colonial legacy and is reinforced by international law and development cooperation. Western intervention is reminiscent of neocolonialism and discrimination. Consequently, measures aimed at containing mobility within West Africa should be discarded because they ignore the interests of citizens and the state.

Regional and continental integration spurred by a revived Pan-Africanism aims to promote mobility, and the AfCFTA offers a moderate, intra-African approach to it. Other regions could learn from the experience of ECOWAS in implementing free movement.

The narrative of free movement as a right should be more pronounced in the discussions on free movement. Regional migration policy also acknowledges the rights of ECOWAS citizens and migrants by strengthening migrant protections and prioritising ECOWAS migrants' rights of residency.[156] The protection of ECOWAS citizens' human rights is reinforced by regional courts but their rights are often contravened when states implement securitisation measures or criminalise migration. Enforcing regional court rulings at national level is usually difficult because it can mean diverting limited resources from nationals to migrants in need of protection. But states must promote the protection of the right to move and human rights of migrants as enforced by the courts.

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[154] Ahrin-Sam et al 2022

[155] Mo Ibrahim foundation report

[156] Regional migration policy action plan 5.1

Increasing insecurity, climate-induced or conflict-related displacement, and increased exploitation of the current regimes to enable people trafficking form the backdrop that regional mobility needs to acknowledge. In addition, increased regional and continental labour mobility, protection of migrant workers' rights and better development opportunities as a result of migration will all influence the future of regional mobility.

6. Conclusion

The understanding and implementation of free movement in West Africa is evolving. The underlying motivations for movement among migrants and border communities remain unchanged, however. The porous nature of many borders in West Africa and interconnectedness of border communities means that mobility is part of everyday life in the region.[157] Six identified narratives highlight the complexities and interconnectedness of free movement and the related actions of governments. The study observes, based on the analysis of the narratives, that national narratives combined with external European narratives are contributing to restrictive and illiberal interpretations of free movement and diverting the focus from human rights. Interactions between state agencies, migrants, non-state actors, border communities and, increasingly, international donor agencies are shaping how free movement in the region evolves. Thus, focusing on the protection of migrants' rights and the culture of mobility in certain West African societies will contribute to an enriched understanding of how free movement will evolve.

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[157] See Kleist and Bjarnesen 2019; Okyerefo and Setrana 2018.