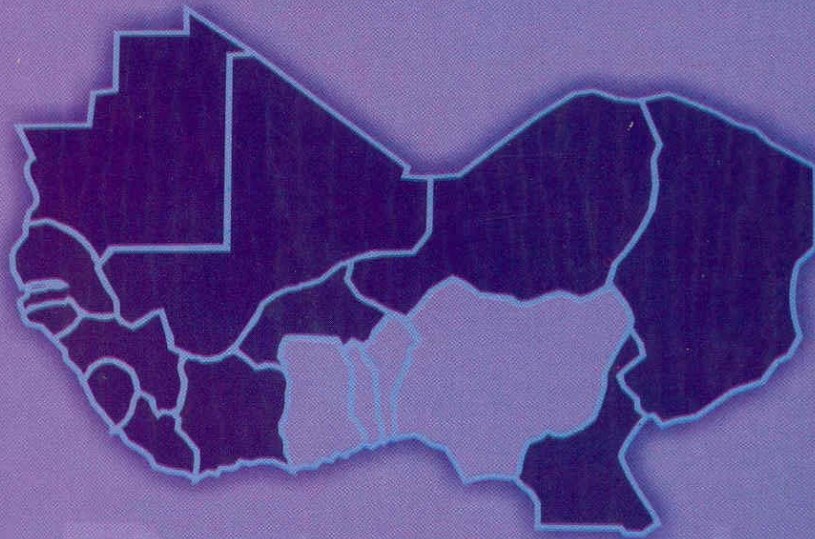


# Beyond Declarations

Law Enforcement Officials  
and ECOWAS Protocols on  
Free Movement of Persons and Goods in  
West Africa



Okechukwu Ibeanu



## **BEYOND DECLARATIONS:**

**A report on the activities of Law Enforcement Officials that  
impede the full realization of ECOWAS Protocols on Free  
Movement of Persons and Goods in West Africa**

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## Preface

The treaty establishing the Economic Community of West Africa (Treaty of ECOWAS<sup>1</sup>) guarantees every citizen of the sub-region the right to freedom of movement. Article 59 (1) of the Treaty stipulates:

1. *Citizens of the Community (ECOWAS) shall have the right of entry, residence and establishment and member States undertake these rights of Community Citizens in their territories in accordance with the provisions of the Protocol relating thereto.*
2. *Member States undertake to adopt all appropriate measures that Community Citizens enjoy fully the rights referred in paragraph 1 of the Article.*
3. *Member States undertake to adopt, at national level, all measures necessary for the effective implementation of the provisions of this Article.*

Despite the provisions of the Treaty and a Protocol on free movement of persons and goods, freedom of movement remains difficult across West Africa. The story of what West African citizens go through at the hands of border security officials is the same – harassment, extortion, brutality, threats of deportation, and traumatic delays in moving goods across borders, sometime lasting weeks due not countless number of security checkpoints along the border highways, many of them mounted by unauthorised officials.

A preliminary study carried out on the Nigerian side of the Nigeria-Benin border by the CLEEN Foundation on September 14, 2004, revealed that a total of 25 security agencies mounted checkpoints and roadblocks within 10 kilometres radius of the border crossing point. Only about 5 of these ‘security check points’ could be said to be legitimate and necessary for border security. These are the Customs, Immigration, Joint Nigeria-Benin Anti-Crime Border Patrol, National Drug Law Enforcement Agency and Veterinary Quarantine Service. The remaining 20 are duplications created by law enforcement officials essentially for extortion of motorists and other road users along the ever-busy border route.<sup>2</sup>

The social and economic consequences of this state of affairs in terms of regional integration and trade can only be imagined. According to Dr. Mohamed Ibn Chambers, Executive Secretary of ECOWAS:

Right now the estimates are that intra-regional trade among West African countries is lower than 10 percent of our trade. That should be much higher in a free-trade zone, in a regional grouping designed to bring all the countries under one umbrella, so to speak. So the problems at the borders need to be dealt with seriously to facilitate free trade (and free movement of persons) in the sub-region.<sup>3</sup>

This report is the result of a pilot study on monitoring the activities of law enforcement officials along West African borders that impede the full implementation of the provisions of the ECOWAS Protocol on Free Movement of Persons and Goods by member countries. The CLEEN Foundation

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<sup>1</sup> The treaty came into force on May 28, 1975

<sup>2</sup> 15 of the illegal checkpoints were mounted by officers of the Nigeria Police Force.

<sup>3</sup> Interview with IRINNews.org, March 12, 2002

carried out the study with support from the Department for International Development (DFID). It focused on the nine officially documented borders in four countries, namely: Benin Republic, Ghana, Nigeria and Togo. The objectives of the project were to:

- Highlight the experiences of ECOWAS citizens traveling across their national boundaries at the hands of law enforcement officials.
- Document the activities of border security officials that impede the full realization of ECOWAS Protocol on Free Movement of Persons and Goods within the region and the agencies that are the major culprits.
- Rank the countries in terms of their observance of the provisions of the Protocol of Free Movement of Person and Goods.
- Recommend practical measures that could be put in place by ECOWAS and its member countries to ensure better enforcement of the protocols.

The report is divided into five chapters. The first chapter, which introduces the report highlights the tendency of regional integration efforts to present a paradox of cohabitation of integrative and separatist dispositions among integrating States. This is often expressed in a contradiction between the provisions of legal instruments supporting increased integration and actual practices by State parties which are at best reticent about integration, and at worst counter-integrationist in nature. At the very centre of this contradiction between centripetal statutes and centrifugal practices, argues the chapter, are issues of trade and movement of goods and persons. The Economic Community of West African State (ECOWAS) was not an exception to the antinomy between legal provisions and the practices of State parties. Article 2 and 27 of the Treaty of ECOWAS call on Member States to ensure by stages the abolition of the obstacles to free movement of persons, services and capital and confers the status of Community citizenship on the citizens of Member States. In spite of these lofty provisions, the actions of members States have hardly gone beyond mere declarations and have in many States countered free trade and movement of persons through the activities of law enforcement officials operating at the border areas. The chapter also highlights the objectives of the study and the methodologies used in gathering the data and analysis.

Chapter two discusses the characteristics of West African Trans-border movements and argues that in determining the character of trans-border exchanges and future legal and policy reforms on the free movement of persons, goods and services in the West African sub-region, it is important to understand the socio-demographic characteristics of people who traverse the borders. This is particularly important for purposes of understanding their experiences with law enforcement agencies. Thus, socio-demographic characteristics such as sex, occupation, education and country of residence of our respondents were explored. Out of 758 valid respondents to our questionnaire 511 or 31.4% were male and 247 representing 15.6% were female. Although the number of males outstrips that of women, evidence from our field observation and focus group discussions suggests that the numbers of women who travel across the borders is on the increase. Previously, women were limited to food sellers and shop attendants in businesses at border crossings. This change confirms the literature that female migration as a family survival strategy has intensified in the sub-region. The

chapter also highlights the findings of the study that while the population of the sub-region is quite mobile, fewer and fewer citizens of ECOWAS are resident in countries other than their own, which suggests that citizens of member states do not seem to take seriously the right of entry, residence and establishment enshrined in the Protocol. However, it is encouraging that among our Nigerian respondents, the highest number resident outside Nigeria is in Togo. For Ghanaians, the highest number is in Nigeria, while for Togo and Benin it is Ghana and Togo respectively. This diversity suggests that mobility of peoples of the sub-region is increasingly shedding the fetter of colonial language divide.

Chapter three is on the experiences of ECOWAS citizens at the hands of law enforcement officials at the borders and shows how widespread harassment of travelers at the borders across ECOWAS is. On the whole, almost one in every two of our respondents (48%) said that they or their co-travelers were harassed during their trip. This compares with 47% who said they were not harassed. However, the claim of harassment appears to vary with countries of origin. For instance, while 35.5% of Nigerians said that they and their fellow travelers were harassed, 52.1% of Ghanaians said they suffered the same faith. On their part, 55% of respondents of Benin origin and their co-travelers were harassed, while 69% of Togolese experienced the same. The chapter also reveals the different forms of harassments. Although 85% of our respondents were asked by law enforcement officials to show their travel documents during their trip, more than half of them were not allowed to proceed notwithstanding that they had the correct documents. The law enforcement agents used different antics to delay the travelers. For instance, 43.7% of those who were delayed said that the law enforcement officials tried to pick unnecessary quarrels with them, 64.6% said that they claimed their travel papers were not genuine, while 77% said they gave them no reason at all. Of those whom money was extorted from, 89% were stopped at the entrance by a person and asked to pay a bribe, while 94% said that they were simply asked to pay and pass.

Chapter four provides a ranking of the four study countries according to the performance of their law enforcement agencies in implementing the provisions of the Protocol on Free Movement of Persons and Goods, with a caution that there is a dearth of official information on the implementation of the Protocol and indeed other ECOWAS instruments, and that the bulk of the data on which the study is based comes from interviews in the field with people who regularly cross the borders of ECOWAS.

Chapter five concludes the study and proffers some recommendations for improving the observance of the ECOWAS Protocols on Free Movement of Persons and Goods across by law enforcement officials across West African borders. The chapter draws attention to the exploratory nature of the study, which calls for further in-depth study before firm conclusions can be reached. However, the following inferences were made on the basis of preliminary evidence gathered and considered in the study:

- First, the level of knowledge among both travelers and law enforcement officials about the provisions of the Protocol needs to be raised. A very important area concerns the requirements relating to documentation of persons, goods and vehicles.

- Second, there is a general feeling among travelers that borders are unsafe and hostile, as a result of the activities of law enforcement officials and touts.
- Third, there is a high level of disharmony in the rules applied by law enforcement agencies across borders. It seems that the Protocol has done very little in harmonizing rules across jurisdictions.
- Fourth, there is a multiplicity of law enforcement agencies operating at the borders. The high numbers of unidentified law enforcement agencies, which our respondents reported, point to this situation. This serves as a fillip to violations of the Protocols.
- Fifth, infrastructure at the borders is very poor, notwithstanding that many travelers – especially those who cross with goods – have to spend days or months at the borders.
- Sixth, there are strong suggestions that female travelers are particularly in danger of maltreatment by law enforcement officials.
- Seventh, there is little monitoring of the activities of law enforcement agencies at the borders. Governments, ECOWAS and civil society organizations need to get more involved in monitoring their activities, particularly regarding human rights violations.
- Finally, it seems that all the law enforcement agencies in all the countries generally scored low among respondents to our questionnaire and focus group discussants in terms of treatment of travelers. Specifically, however, based on a checklist of indicators from the questionnaire that were used to measure their performance, the ranking of the countries in descending order is Nigeria, Ghana, Togo and Benin.

# 1

## Introduction

Regional integration has a tendency to present a paradox of a cohabitation of integrative and separatist dispositions among integrating States. This paradox is often expressed in a contradiction between the provisions of legal instruments – Treaties, Conventions and Protocols – and actual practices of States. While numerous provisions in legal instruments appear to support increased integration and union, actual practices by State parties are often at best reticent about integration, and at worst counter-integrationist in nature. At the very centre of this contradiction between centripetal statutes and centrifugal practices are issues of trade and movement of goods and persons. Thus, for instance, in spite of the image of a strong integrative European Union, member States of the Union were rankled by one another as they debated the question of harmonizing their immigration policies, which culminated in the Schenghen agreement. To date, not all members of the Union accept a common immigration policy and the question remains high on the agenda of the EU. In the North American Free Trade Area (NAFTA), the movement of goods and persons remains a major dividing issue, particularly their movement from Mexico into the United States and Canada. This has led many people in Mexico to describe relations with their more illustrious northern neighbors as servant-master relations, and to dismiss the prospects of NAFTA as a tool of economic integration.

The Economic Community of West African State (ECOWAS) has not been exempt from this antinomy between legal provisions and the practices of State parties. Sub-paragraph (d) of paragraph 2 of Article 2 of the Treaty of ECOWAS calls on Member States to ensure by stages the abolition of the obstacles to free movement of persons, services and capital. In addition, paragraph 1 of Article 27 of the Treaty confers the status of Community citizenship on the citizens of Member States and also enjoins Member States to abolish all obstacles to freedom of movement and residence within the Community. Further, paragraph 2 of Article 27 of the Treaty of the Economic Community of West African States provides for Member States to exempt Community citizens from holding visitor's visa and residence permits and allow them to work and undertake commercial and industrial activities within their territories.<sup>4</sup> These provisions were reiterated in the revised Treaty of ECOWAS. Article 3 (2) (d) states that an objective of the Community is the establishment of a common market through:

- i) *the liberalization of trade by the abolition, among Member States, of customs duties levied on imports and exports, and the abolition among Member States, of non-tariff barriers in order to establish a free trade area at the Community level;*
- ii) *the adoption of a common external tariff and a common trade policy vis-à-vis third countries;*
- iii) *the removal, between Member States, of obstacles to the free movement of persons, goods, service and capital, and to the right of residence and establishment.*

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<sup>4</sup> See ECOWAS Protocol A/P.1/5/79 Relating to Free Movement of Persons, Residence and Establishment

In spite of these lofty provisions, the actions of members States have hardly gone beyond mere declarations and photo events by leaders. In fact, the proclivity of States is to observe them in the breach. A commonly adduced reason for this predisposition is the rising level of trans-border criminal activities. Indeed, in both official and academic circles the problem of trans-border crimes remains a dominant theme. In 2003, the Nigerian government officially closed the border with Benin Republic over the activities of a criminal gang. In 1999 and 2001, the Nigerian Institute of International Affairs, Nigeria's foremost foreign policy think-tank, held two major seminars on cross-border banditry.<sup>5</sup> Expectedly, this emphasis on trans-border crimes has brought into bold relief the activities of law enforcement officials along West African borders vis-à-vis the free movement of persons, goods and services.

Despite the provisions of the various legal instruments of ECOWAS – the Treaty, revised Treaty and Protocol – freedom of movement remains difficult across West Africa. While a major reason for the difficulty is poor infrastructure, the negative role of law enforcement officials has become the most immediate fetter on freedom of movement. Even law enforcement officials themselves have come to acknowledge this. For instance in August 2006, the joint meeting of Nigeria-Benin security officials in Abuja, which was chaired by Mr. Sunday Ehindero, Nigeria's Inspector-General of Police, lamented that the proliferation of security agencies along the border of the two countries constitutes a barrier to the principle of free trade of the Economic Community of West African States (ECOWAS).<sup>6</sup> From Burkina Faso to Sao Tome and Principe, the story of what West African citizens go through at the hands of border security officials is the same – harassment, extortion, deportation, brutality and torture. A preliminary study carried out on the Nigerian side of the Nigeria-Benin border by the CLEEN Foundation on September 14, 2004, revealed that a total of 25 security agencies mounted checkpoints and roadblocks within a 10-kilometre radius of the border crossing point. Only about 5 of these 'security check points' could be said to be legitimate and necessary for border security. These are the Customs, Immigration, Joint Nigeria-Benin Anti-Crime Border Patrol, National Drug Law Enforcement Agency and Veterinary Quarantine Service. The remaining 20 appear to be duplications and many travellers accused them of creating serious bottlenecks at the border.<sup>7</sup>

The social and economic consequences of this state of affairs in terms of regional integration and trade can only be imagined. According to Dr. Mohamed Ibn Chambas, Executive Secretary of ECOWAS:

Right now the estimates are that intra-regional trade among West African countries is lower than 10 percent of our trade. That should be much higher in a free-trade zone, in a regional grouping designed to bring all the countries under one umbrella, so to speak. So the problems at the borders need to be dealt with seriously to facilitate free trade (and free movement of persons) in the sub-region.<sup>8</sup>

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<sup>5</sup> A.I. Asiwaju (nd) 'Border security and transborder crimes: the Nigerian experience in comparative historical perspective' (mimeo), p. 1.

<sup>6</sup> *Guardian* Newspaper online (<http://www.guardiannewsngr.com/news>) Friday, August 11, 2006.

<sup>7</sup> Ironically, officers of the Nigeria Police Force mounted fifteen of the illegal checkpoints.

<sup>8</sup> Interview granted to IRINNews.org, March 12, 2002

This project therefore sets out to document the experiences of West African citizens trying to cross the borders for trade or visits, with a view to recommending to ECOWAS measures that could be taken to enhance the implementation of the Protocol on Free Movement of Persons and Goods. It is a pilot project focusing on the borders in four countries namely, Nigeria, Benin, Togo and Ghana. Its specific objectives are to:

- Highlight the experiences of ECOWAS citizens traveling across their national boundaries at the hands of law enforcement officials.
- Documents the activities of border security officials that impede the full realization of ECOWAS Protocol on free Movement of Persons and Goods within the region and the agencies that are the major culprits.
- Rate the countries in terms of their observance of the provisions of the Protocol of Free Movement of Person and Goods.
- Recommend practical measures that could be put in place by ECOWAS and its member countries to ensure better enforcement of the protocols.

#### *Changing perceptions of Africa's boundaries*

Over the years, there have been fundamental transformations in dominant perceptions of Africa's boundaries, including West African boundaries, in both official and academic circles. These transformations may be classified as pan-Africanist, irredentist, nationalist, integrationist and protectionist. The present dominance of questions of trans-border crimes corresponds to the protectionist perception of African boundaries.

The pan-Africanist perspective portrays African boundaries as a colonial sham designed to divide Africa, and so must be challenged and transcended. For this perspective, the boundaries represent the African version of the *Enclosure* in which free movement is curtailed and Africa's peoples are grouped for colonial capitalist exploitation.<sup>9</sup> For a different reason, irredentists also share this opposition. Based on their view of African boundaries as imposed lines that separate kith and kin, they seek to redraw the boundaries to correspond more to the natural ethnic contours of the continent.

In the immediate post-independence period, many pan-Africanists who inherited the post-colonial African States changed from a pan-Africanist to a nationalist interpretation of the boundaries they inherited from the colonialist, which they had previously rejected. The nationalist interpretation recognizes the problems of these boundaries, but posits even more colossal problems if attempts were made to redraw them. A corollary of this interpretation is that these boundaries are lines of sovereignty and independence and therefore are to be protected.

By the 1970s, regional integration was becoming a widely accepted framework for African development. Accompanying this was an integrationist interpretation of Africa's boundaries as points of valuable and mutually beneficial economic transactions and social exchange. The integrationist position was in a way an amalgam of pan-Africanist and nationalist positions.

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<sup>9</sup> Reference to *Enclosure Movement* in the immediate post-feudal Europe which, among other things, curtailed the movement of free serfs and converted them into agricultural and industrial labour.

Like the pan-Africanists, they argued for more centripetal tendencies among African States, especially in the economic sphere. Unlike the pan-Africanists, however, they, like the nationalists, retained the existing nation-State framework, at least in the interim.

Currently, a major driving paradigm in the study of African boundaries is what may be called the protectionist perspective. It privileges issues of security and a major focus of analysis is trans-boundary crimes. Broadly, it interprets African boundaries as sources of trans-border crimes, insurgency, rebellion and economic destabilization, especially with increasing numbers of 'failed States' on the continent. Thus, borders are to be carefully protected and cooperation among States is necessary to counter the destabilizing forces that find refuge in the border areas. These include drug traffickers, warlords, arms smugglers and human traffickers. Thus, the United Nations Office on Drugs and Crimes insists that illicit activities are on the increase in the West African sub-region and that "there are clear deficiencies in the approach of the police and other law enforcement agencies towards organized crimes throughout West Africa".<sup>10</sup>

A series of papers that appeared in a special issue of the *Nigerian Forum*, a discussion forum published by the Nigerian Institute of International Affairs in 2003 privilege the question of cross-border crimes. For instance, in that volume, Peters pursues a failed state explanation to rising cross-border crimes. According to him, "criminal syndicates thrive best in countries where their activities can be carried out without much interference from authorities, such as failed or failing states". Peters goes further to attribute the proliferation of criminal cross-border gangs in West Africa partly to the establishment of ECOWAS and the ratification of its protocol on movement of persons.<sup>11</sup> On their part, Oche and Dokubo in the same volume identify regional integration and globalization as unquestionably facilitating the transnationalization of crimes in West Africa over the decades.<sup>12</sup> More seriously, Peters argues that transnational criminal syndicates make strategic alliances with government officials through either corruption or coercion to sustain their mutually beneficial activities.<sup>13</sup> This is almost a reincarnation of the criminalization of the state in Africa thesis argued earlier by Bayart, Ellis and Hibou in which there is a "growing implication of African economic and political entrepreneurs . . . in activities which may be considered illegal or criminal, according to Western criteria which have tended to be adopted by the international system as a whole".<sup>14</sup>

The general solution proffered by the protectionist perspective, expectedly, is more law enforcement built on trans-border cooperation. Asiwaju identifies a number of challenges facing law enforcement in borderlands and trans-border cooperation among law enforcement agencies. Among them are the conflict of laws, proneness of border areas to crime, multiplicity of law enforcement agencies and processes, infrastructural discontinuities,

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<sup>10</sup> United Nations Office on Drugs and Crime (2005) 'Trans-national organized crime in the West African Region', <http://www.unodc.org>, p. 19.

<sup>11</sup> Jimi Peters (2003) 'Transnational crimes and national security: an overview' *Nigerian Forum* (Special Issue on Transnational Crimes and National Security), Vol. 24, Nos. 11 & 12. pp. 320 – 324.

<sup>12</sup> Charles Dokubo and Ogaba Oche (2003) 'The ECOWAS framework and transnational crimes: implications for national security', in *ibid*, p. 368.

<sup>13</sup> *Ibid*, p. 333.

<sup>14</sup> J. Bayart, S. Ellis and B. Hibou (1999) *The Criminalization of the State in Africa*, Bloomington: Indiana University Press, p. 8.

abuse of human rights and inadequate awareness of existing legal and diplomatic instruments.

While the focus on trans-border crimes is important, it tends to undervalue great strides in legitimate trans-border transactions across West Africa, most of them outside the official framework and in spite of great challenges such as language barriers, poor physical infrastructure and border disputes. Secondly, privileging crime in the analysis of trans-border activities supports a mindset of the non-national as security risk. This has been at the heart of the criminalization of non-nationals and mass expulsions of African immigrants. Thirdly, this perspective does not address numerous fundamental challenges of ordinary peoples of the sub-region, especially poverty, and the importance of trans-border economic activities in addressing them. It is essentially a statist agenda built around state security rather than human security. Fourthly, it does not address the root causes of trans-border crimes, which is in fact linked to development. As such, the solution is not in less integration, which is the practical result of excessive emphasis on border security in the sub-region, but in more integration and removal of all fetters on free movement of persons, goods and services. Finally, crime-centric analyses of trans-border transactions in West Africa do not take adequate consideration of the abuses associated with border law enforcement, which could be a major source of insecurity in the border areas.

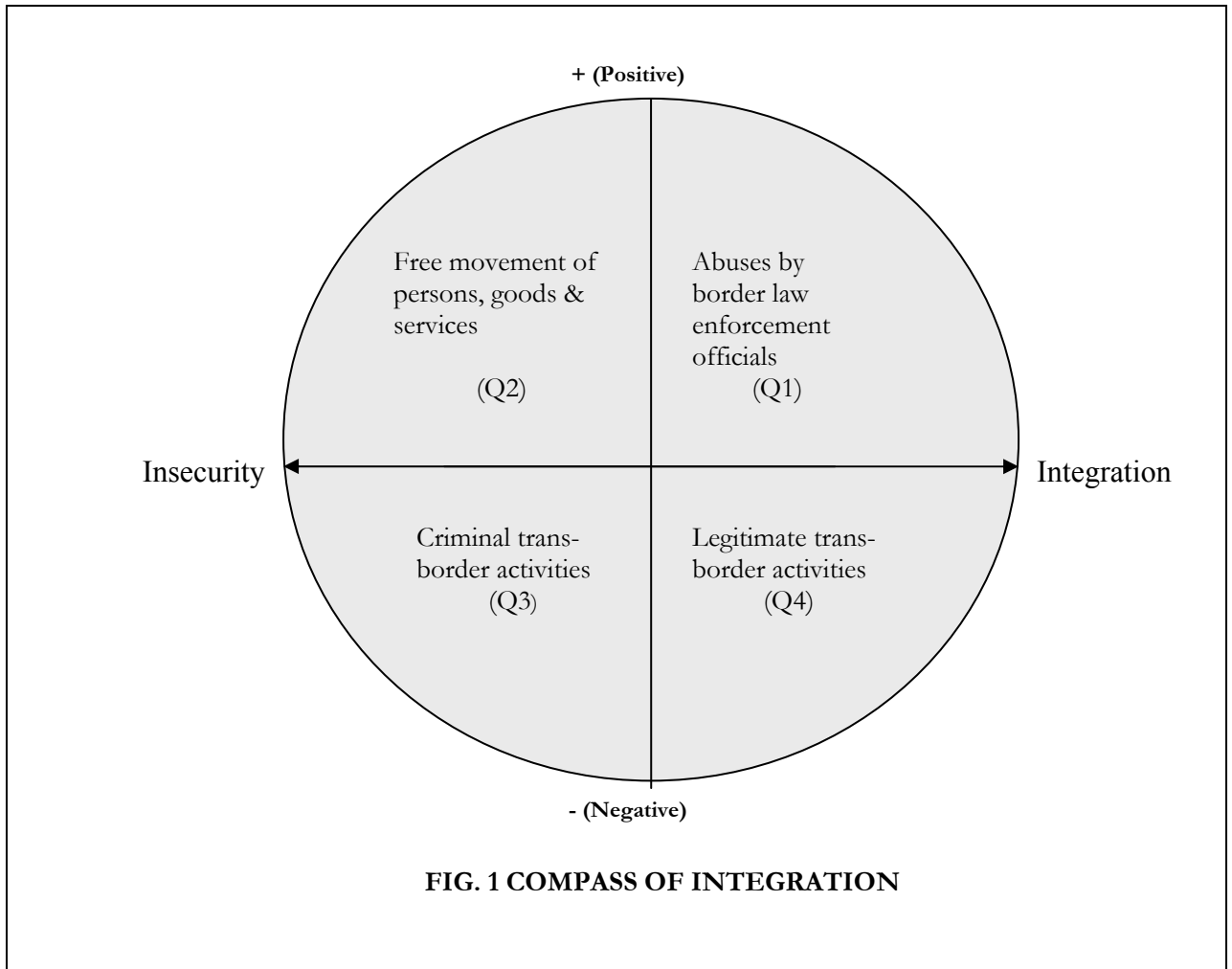
Contrary to the linear view that regional integration has conducted trans-border criminal activities and insecurity, this study proposes a more complex interaction among principal variables namely, abuses by law enforcement agents, trans-border criminal activities, free movement of persons, goods and services, and legitimate trans-border activities of citizens (Fig. 1). It conceptualizes the interaction of these variables as a bi-directional compass with four quadrants:

- Quadrant 1 (Q1) represents abuses by border law enforcement officials.
- Quadrant 2 (Q2) represents free movement of persons, goods and services.
- Quadrant 3 (Q3) represents trans-border criminal activities.
- Quadrant 4 (Q4) represents legitimate trans-border activities.

The bi-directional needle of the compass moves in the directions of positive and negative. As the Integration end of the needle moves in the positive (+) direction, that is increased integration, the Insecurity end moves in the negative (-) direction, that is less insecurity or more security, and vice-versa. Consequently, as integration increases, the space (Q1) representing abuses by law enforcement officials at the borders (Q1) contracts. At the same time, free movement of persons (Q2) expands, criminal trans-border activities (Q3) contract and legitimate trans-border activities (Q4) expand. The opposite interactions would also be true.<sup>15</sup>

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<sup>15</sup> This is only a rudimentary conceptual schema to show that insecurity at African borders cannot be over simplified as trans-border illegal activities versus law enforcement, but should depict the nuances and complexities of interactions. A more elaborate theory will be needed to fully explain the totality of the reality of African borderlands.



*A note on methodology*

This study was designed to employ multiple data gathering strategies, both primary and secondary. First, it is based on desk review entailing a review of important literature on the subject including the various legal instruments on ECOWAS that impinge on the free movement of persons and goods. Secondly, a comprehensive questionnaire (Appendix 1) was designed at a methodology workshop in Lagos hosted by the CLEEN Foundation, which brought together the field researchers, consultants, officials of ECOWAS, experts in statistics and academics working on ECOWAS and wider issues of integration. Third, focus group discussions were also used. The two-day methodology workshop also designed the composition of the focus group discussion (FGD). The FGDs were designed to lay enable discussants to freely express their opinions freely. Consequently, a major concern was to ensure a balanced power structure avoiding the preponderance of one group of participants. Law enforcement agencies were excluded from the FGD and female participation was particularly encouraged. Fourth, a purposive sample of law enforcement agencies at the borders were interviewed to get their opinions on the functioning of the Protocol and problems and incentives to free movement at the borders they work.

For the questionnaire, a sample of 900 respondents was projected for the study to be drawn from travelers across the borders of the four countries in the Southern axis, that is the highway between Lagos and Accra. The questionnaire was administered at two sides of the three borders namely, Nigeria-Benin, Benin-Togo and Togo-Ghana. On each side of the border, we waited for persons to cross the border and then requested them to complete the questionnaire. The selection of travelers was purposive. In terms of distribution, Table 1 shows that we projected that 20% of our respondents would be from Benin, 10% from Ghana, 20% from Nigeria and 20% from Togo. The remaining 30% were expected to come from other countries of the sub-region. Benin and Togo were each allotted 20% of the respondents because they each have two border crossings along the route namely Nigeria-Benin, Benin-Togo and Togo-Ghana. For Nigeria, 20% of respondents were projected because of the size and population of Nigeria, which is about two-thirds of the population of the ECOWAS sub-region. Table 1 also shows that at the conclusion of the fieldwork, we reached about 88% of our projected respondents.

Table 1: Distribution of questionnaire respondents

Country	Expected	Percent of Expected total	Actual	Percent of Actual total	Actual as % of expected
BENIN	180	20.0	156	19.8	86.7
GHANA	90	10.0	65	8.2	72.2
NIGERIA	180	20.0	173	21.9	96.1
TOGO	180	20.0	159	20.2	88.3
OTHERS	270	30.0	236	29.9	87.4
Total	900	100.0	789	100	87.7

For the FGDs, we conducted six in different locations as shown in Table 2. Responses to the questionnaire were coded and analyzed using the Statistical Package for the Social Sciences (SPSS). Descriptive analysis – frequencies, table of frequencies and crosstabs – was generated with SPSS for the write-up. Charts were drawn using Microsoft Excel.

Table 2: Border locations visited and time of focus group discussions

S/N	Border	Countries	Location of FGD	Date of FGD	Time of FGD
1.	Seme	Nigeria-Benin	Seme (Nigeria)	April 05, 2006	11.40 – 13.38
2.	Seme	Nigeria-Benin	Seme (Benin)	April 05, 2006	11.25 – 1.36
3.	Nikki/Chikanda	Nigeria-Benin	Chikanda (Nigeria)	April 12, 2006	8.10 – 8.55
4.	Nachamba/Tatale	Togo-Ghana	Tatale (Ghana)	April 10, 2006	8.45 – 1.05
5.	Hilla/Sanvee Kondji	Benin-Togo	Sanvee Kondji (Togo)	April 07, 2006	10.30 – 11.40
6.	Lome/Aflao	Togo-Ghana	Lome (Togo)	April 06, 2006	9.30 – 11.21

## 2

### Characteristics of West African Trans-border Movements

#### *a) Socio-demographic characteristics of travelers*

In determining the character of trans-border exchanges and future legal and policy reforms on the free movement of persons, goods and services in the West African sub-region, it is important to understand the socio-demographic characteristics of people who traverse the borders. This is particularly important for purposes of understanding their experiences with law enforcement agencies. Thus, socio-demographic characteristics such as sex, occupation, education and country of residence of our respondents were explored. Out of 758 valid respondents to our questionnaire 511 or 31.4% were male and 247 representing 15.6% were female. Although the number of males outstrips that of women, evidence from our field observation and focus group discussions suggests that the numbers of women who travel across the borders is on the increase. Previously, women were limited to food sellers and shop attendants in businesses at border crossings. This change confirms Adepoju's suggestion that female migration as a family survival strategy has intensified in the sub-region.<sup>16</sup>

In terms of age, Adepoju has also noted that sustained past high fertility (the demographic momentum) ensures rapid increases in the number of persons of working ages in Africa, making unemployment a major challenge. Not surprisingly, a vast majority of travelers across West African borders, based on our survey, are aged between 21 and 40 years. As Table 3 shows, more than 76% of our respondents are within that age bracket, with well over half of them in the 31 to 40 years bracket. This is certainly the most productive age group and their talents and energies require full harnessing for purposes of developing the sub-region through productive trans-border economic exchanges.

Table 3: Age next birthday

	Frequency	Percent
Below 21	23	2.9
21-30	249	31.9
31-40	347	44.5
41-50	136	17.4
51-60	21	2.7
Above 60	4	0.5
Total	780	100.0

It is also instructive that this age bracket is highly educated and mobile. Table 4 shows that among all our respondents, of the 413 who had either secondary or tertiary education, 322 representing 76% fall within the 21 to 40 years age bracket, while only about 20% of them are above 40 years. Certainly, this age group constitutes the engine of trade and integration in the sub-region.

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<sup>16</sup> Adranti Adepoju (2001) 'Regional organizations and intra-regional migration in sub-Saharan Africa: challenges and prospects', *International Migration*, 39 (6), p. 45.

Table 4: Age next birthday by Level of education [Crosstabulation]

		Level of education				Total
		No formal schooling	Primary education	Secondary education	Tertiary education	
under 21	Count	1	0	9	11	21
	% within Age	4.8%	0.0%	42.9%	52.4%	100.0%
	% of Total	0.1%	0.0%	1.2%	1.5%	2.8%
21-30	Count	33	67	90	47	237
	% within Age	13.9%	28.3%	38.0%	19.8%	100.0%
	% of Total	4.4%	8.9%	12.0%	6.3%	31.6%
31-40	Count	44	110	144	41	339
	% within Age	13.0%	32.4%	42.5%	12.1%	100.0%
	% of Total	5.9%	14.7%	19.2%	5.5%	45.2%
41-50	Count	28	40	43	18	129
	% within Age	21.7%	31.0%	33.3%	14.0%	100.0%
	% of Total	3.7%	5.3%	5.7%	2.4%	17.2%
51-60	Count	9	2	6	3	20
	% within Age	45.0%	10.0%	30.0%	15.0%	100.0%
	% of Total	1.2%	0.3%	0.8%	0.4%	2.7%
Above 60	Count	2	1	0	1	4
	% within Age	50.0%	25.0%	0.0%	25.0%	100.0%
	% of Total	0.3%	0.1%	0.0%	0.1%	.5%
Total	Count	117	220	292	121	750
	% within Age	15.6%	29.3%	38.9%	16.1%	100.0%
	% of Total	15.6%	29.3%	38.9%	16.1%	100.0%

There are variations in the occupations of travelers across the land borders of ECOWAS. However, Table 5 shows that among our respondents 5.4% are professionals, 4% civil/public servants, 2.4% missionaries, 2.2% clearing agents, 38.7% trader/market women, 13.1% drivers/conductors, 5.3% Artisan/mechanics, 7.6% students, and 6.8% unemployed. This would suggest that the majority of persons who move across the borders are traders. It also agrees with other observers who suggest that increasingly commercial migration is replacing labour migration in the sub-region. This is very important for policies on free movement of persons, goods and services and the right of establishment, which are important parts of the tenets of integration in ECOWAS.

Table 5: Occupation of respondents

Category	Frequency	Percent
Professional	42	5.4%
Missionary	19	2.4%
Civil/public servant	31	4.0%
Cleaning agent	17	2.2%
Trader/market woman	301	38.7%
Driver conductor	102	13.1%
Artisan/mechanic	41	5.3%
Student	59	7.6%
Unemployed	53	6.8%
Any other	113	14.5%
Total	778	100.00%

The General Principles on Movement of Persons, Residence and Establishment as enshrined in the Part II, Article 2 of ECOWAS Protocol on Free Movement of Persons and Goods states that, the Community citizens have the right to enter, reside and establish in the territory of Member States. Hence, the right of entry, residence and establishment shall be progressively established in the course of a maximum transitional period of 15 years. Evidence suggests, however, that member States of ECOWAS do not take these principles seriously. While the population of the sub-region is quite mobile, it seems that fewer and fewer citizens of ECOWAS are resident in countries other than their own. Table 6 shows that 73.6% of Togolese among our respondents are resident in Togo, 78.2% of Beninese are resident in Benin Republic, 75.4% of Ghanaians are resident in Ghana, while 56.1% of Nigerians are resident in Nigeria. However, it is encouraging that among our Nigerian respondents, the highest number resident outside Nigeria is in Togo. For Ghanaians, the highest number is in Nigeria, while for Togo and Benin it is Ghana and Togo respectively.

This diversity suggests that mobility of peoples of the sub-region is increasingly shedding the fetter of colonial language divide. It is interesting that the colonial language they speak does not principally determine the place of residence of respondents who are outside their country of nationality. To illustrate, as much as 28% of Nigerians in our sample are resident in either Togo or Benin Republic, which are French-speaking countries, as compared to 3.5% who are resident in English-speaking Ghana. Likewise, 18.9% of Togolese are resident in either Ghana or Nigeria, compared to 5% who are resident in Benin Republic. This trend is also reflected in the languages spoken by our respondents. As much as 18.1% of Nigerians in our sample speak French, 18.9% of Togolese speak English, while 10.8% of respondents who are nationals of Benin Republic speak English. This general balance is also shown in the fact that 43.3% of all our respondents speak French, while 49.6% of them speak English (Table 7).

Table 6: Country of origin by Place of residence [Crosstabulation]

Country of	Country of residence	Total
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Nationality		BENIN	GHANA	NIGERIA	TOGO	OTHERS	
BENIN	Count	122	3	8	13	10	156
	% within Country of origin	78.2%	1.9%	5.1%	8.3%	6.4%	100.0%
	% of Total	15.5%	.4%	1.0%	1.6%	1.3%	19.8%
GHANA	Count	3	49	8	4	1	65
	% within Country of origin	4.6%	75.4%	12.3%	6.2%	1.5%	100.0%
	% of Total	.4%	6.2%	1.0%	.5%	.1%	8.2%
NIGERIA	Count	24	6	97	25	21	173
	% within Country of origin	13.9%	3.5%	56.1%	14.5%	12.1%	100.0%
	% of Total	3.0%	.8%	12.3%	3.2%	2.7%	21.9%
TOGO	Count	8	26	4	117	4	159
	% within Country of origin	5.0%	16.4%	2.5%	73.6%	2.5%	100.0%
	% of Total	1.0%	3.3%	.5%	14.8%	.5%	20.2%
OTHERS	Count	20	21	127	13	55	236
	% within Country of origin	8.5%	8.9%	53.8%	5.5%	23.3%	100.0%
	% of Total	2.5%	2.7%	16.1%	1.6%	7.0%	29.9%
Total	Count	177	105	244	172	91	789
	% within Country of origin	22.4%	13.3%	30.9%	21.8%	11.5%	100.0%
	% of Total	22.4%	13.3%	30.9%	21.8%	11.5%	100.0%

Table 7: Country of origin by Foreign language spoken [Crosstabulation]

		Foreign language spoken					Total
		French	English	Portuguese	French & English	English & Portuguese	
BENIN	Count	118	16	0	14	0	148
	% within Country of origin	79.7%	10.8%	0.0%	9.5%	0.0%	100.0%
GHANA	Count	4	52	1	1	0	58
	% within Country of origin	6.9%	89.7%	1.7%	1.7%	0.0%	100.0%
NIGERIA	Count	28	103	0	24	0	155
	% within Country of origin	18.1%	66.5%	0.0%	15.5%	0.0%	100.0%
TOGO	Count	113	28	0	7	0	148
	% within Country of origin	76.4%	18.9%	0.0%	4.7%	0.0%	100.0%
Total	Count	309	354	1	49	1	714
	% within Country of origin	43.3%	49.6%	0.1%	6.9%	0.1%	100.0%

b) Features of inter ECOWAS travels

It is widely acknowledged that transportation infrastructure in the West African sub-region is highly underdeveloped. Water and rail transportation are totally nonexistent, yet the three main rivers of the sub-region and their tributaries namely, the Rivers Niger, Volta and Senegal pass through at least ten ECOWAS countries.<sup>17</sup> On its part, air transportation though gradually improving with more private airlines now flying, remains largely poor that sometimes air travelers from one West Africa find it convenient to first fly to Europe before connecting to another West African country. In such circumstances, road transportation remains the principal means of travel for a vast majority of people in the sub-region, despite its patently underdeveloped nature. In the four countries we studied, the Lagos-Accra road carries the bulk of the road transportation, with very low patronage of other less maintained routes further north.

Table 8 shows the means of land travel by our respondents during the period of the field study. While the vast majority of them, more than three-quarters, traveled by commercial or private vehicles (cars, buses and trucks), it is instructive that over 20% traveled by motor cycles, bicycles and on foot. It should be explained that the bulk of these other means of travel occur close to the actual border crossings. We found that people preferred to cross the borders on foot and by cycle because of the long delays experienced by motor vehicles at the border crossings. Consequently, light travelers prefer to take vehicles to motor parks that are located close to one side of the border, cross on foot and then board another vehicle on the other side of the border. At the Seme border post, for instance, a popular crossing is a foot path that goes through the Customs offices on the Nigerian side, bypassing all the official checkpoints.

Table 8: Mode of travel

	<b>Frequency</b>	<b>Percent</b>
Private vehicle	37	5%
Commercial vehicle	529	72%
Motor cycle	97	13.2%
Bicycle	15	2%
On foot	44	6%
Any other	13	1.8%
Total	735	100%

Most of the travelers we made contact with during the fieldwork originated their journeys from Benin Republic, while their final destination was mostly Nigeria. Table 9 shows that almost one in every five (18.9%) of the travelers originated their journeys from Benin Republic, while 14% of them were headed to Nigeria. While this may be a reflection of the predominance of Nigerians in our sample, there are other implications from these figures. First, it indicates the importance of Nigeria and Benin in trans-border trading in the sub-region. While Nigerians may be the main traders on that route, Benin has become a very important transit point for traders from all over the sub-region. For instance, the most vibrant informal foreign exchange market on the route is located on the Benin side of the Seme border. But perhaps most importantly, there is a booming car market in the outskirts

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<sup>17</sup> River Niger (Guinea, Mali, Niger, Benin & Nigeria), Volta River (Ghana, Cote d'Ivoire & Burkina Faso) and River Senegal (Gambia, Senegal & Guinea).

of Cotonou, which is largely patronized by Nigerians, though most of the importers are Lebanese.<sup>18</sup>

Table 9: Origin of Journey and Final Destination

	<b>Nigeria</b>	<b>Benin</b>	<b>Togo</b>	<b>Ghana</b>	<b>Other Countries</b>	<b>Total</b>
<b>Origin of Journey</b>	146 9.3%	298 18.9%	169 10.7%	76 4.8%	100 6.3%	789 50.0%
<b>Final Destination</b>	224 14.2%	179 11.3%	187 11.9%	71 4.5%	128 8.1%	789 50.0%
<b>Total</b>	370 23.4%	477 30.2%	356 22.6%	147 9.3%	228 14.4%	1578 100.0%

There are several ECOWAS legal instruments dealing with the liberalization of trade and free movement of persons, goods and services. These include the Treaty and Revised Treaty, Protocol A/P.1/5/79 Relating to Free Movement of Persons, Residence and Establishment (hereafter referred to as the Protocol), Protocol A/P.4/5/82 Relating to Inter-States Road Transit of Goods, Convention A/P2/5/82 Regulating Inter-State Road Transportation between ECOWAS Member States, 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 (hereafter referred to the Supplementary Protocol) and Supplementary Convention A/SP.1/5/90 Establishing a Community Guarantee Mechanism for Inter-State Road Transit of Goods. In spite of these instruments, the provisions of which require consolidation and harmonization, free movement of persons and goods continues to be hindered and volume of trade across the sub-region remains low.

Sub-paragraph (d) of paragraph 2 of Article 2 of the Treaty calls on member States to ensure by stages the abolition of obstacles to free movement of persons, services, and capital. The spirit of this call is that ECOWAS citizens with valid travel documents should move across the sub-region without let or hindrance. The Protocol relating to Free Movement of Persons, Residence, and Establishment provides that, “a valid travel document” means a passport or any other valid travel document establishing the identity of the holder with his/her photograph, issued by or on behalf of a Member State of which the traveler is a citizen and on which endorsement by immigration and emigration authorities may be made. A valid travel document also includes laissez-passer issued by the Community to its officials establishing the identity of the holder. The implementation of the first phase of the Protocol on the free movement of persons, which deals with abolition of visas and entry permits provides for citizens of ECOWAS who wish to enter the territory of a Member State to be required to possess valid travel documents and an international health certificate. In addition, Part IV, Article 5 of the Protocol provides that in order to facilitate the movement of

<sup>18</sup> The importance of Cotonou in the secondhand vehicle business is now legendary. The business benefited from more liberal customs regulations at the port of Cotonou than at Nigerian ports since the 1990s. In the 1990s, stringent importation requirements imposed by Nigeria’s military governments, especially customs duties and shipment inspection, led many Nigerians to shift their import business, especially in secondhand vehicles, to Cotonou and Lome ports. The present civilian government’s imposition of the rule that only cars that are 8 years or less may be brought to Nigerian ports further strengthened the Cotonou secondhand vehicle business. Most of the vehicles are crossed through ‘bush routes’ from Benin into Nigeria with the ‘cooperation’ of law enforcement agencies of both countries.

persons transported private or commercial vehicles across the borders, private and commercial vehicles registered in a Member State may enter another and remain for 90 days and 15 days respectively provided that the following documents are presented:

- a) Valid driving license
- b) Matriculation certificate (owners card) or log book
- c) Insurance policy recognized by Member States
- d) International customs documents recognized within the Community.

In reality, however, the vast majority of travelers across ECOWAS borders do not possess these documents. Less than 10% of our respondents reported having valid ECOWAS travel certificates, only 15% had valid ECOWAS passport and 60.9% did not have their national passports (Table 10). The Table also shows that almost two in every three travelers (64.7%) did not have vaccination cards. On the part of vehicle drivers and owners, more than half of those interviewed did not have international drivers license (53%), ownership card (56.3%) and vehicle insurance (53.8%). By allowing their nationals to travel to other Member States without valid documents, the law enforcement agencies concerned are violating Article 2 (2) of Chapter II of the Supplementary Protocol on the Code of Conduct for the Implementation of the Protocol on Free Movement of Persons, the Right of Residence and Establishment.<sup>19</sup>

**Table 10: Travelers with valid travel documents**

		Valid		Expired		Don't have	
		Frequency	%	Frequency	%	Frequency	%
All respondents	ECOWAS travel certificate	36	9.4	8	2.0	341	88.6
	ECOWAS passport	6	15.7	4	1.0	324	83.3
	Ordinary passport	154	36.9	9	2.2	254	60.9
	Diplomatic passport	2	0.6	4	1.2	324	98.2
	Refugee travel document	0	0.0	1	0.3	307	99.7
	Laissez passer	52	15.5	6	1.8	277	82.7
	Other travel documents	230	67.1	6	1.7	107	31.2
	Vaccination card	133	32.8	10	2.5	263	64.7
Drivers & vehicle owners only	International Drivers license	94	46.5	1	0.5	107	53.0
	Ownership card	84	43.8	0	0.0	108	56.3
	Vehicle insurance	87	44.6	3	1.5	105	53.8

The reasons given by travelers for not having these documents vary widely. While many are not aware of special ECOWAS travel documents or passport, others indicated that getting them is very cumbersome and they preferred to travel without them and 'settle' (bribe)

<sup>19</sup> Supplementary Protocol A/SP.1/7/85.

border officials. Other indicated that since they know that border officials will demand bribes irrespective of whether their travel documents were complete or not, they did not consider it necessary to go through the difficulty of obtaining the travel documents before leaving home. Yet others said they left their documents at home because their trips were very brief.

Finally, a substantial number of travelers in the West African sub-region travel with goods. Among our respondents, almost two in every five (38.1%) said they were crossing the borders with goods. This is quite interesting considering the conventional wisdom about very low trade among West African countries. A very likely explanation must be weaknesses in official recording of inter-West African trade. It seems clear that a substantial part of that trade does not appear in official records and there are little efforts to capture them.

Perhaps the reason official figures fail to capture the full compliment of trade and people across the borders is the paradox that the same government officials that are supposed to encourage and record the volume of trade and movement of people have become fetters on the free movement of persons and goods. At all the borders and all the sides we visited from Seme and Lome, through Tatale, Sanvee Kondji and Chikanda, we heard identical stories of law enforcement officials extorting money, harassing travelers and delaying their movement. On the average, crossing each border costs the average traveler between 200 and 1,000CFA. On the Benin side of the Nigeria-Benin border at Seme, a lorry driver told us that the protocol on free movement of persons and goods is not being implemented. He informed that he had stayed at the Seme border for weeks without being able to cross, even with all the necessary documents. According to him:

Law enforcement officials demand all sorts of money which the owners of goods find very difficult to pay, even though the protocol makes provision for free movement of goods produced in West African. It is because the owner of the goods I am carrying cannot pay the huge amount of money demanded by the officials that I am being kept from crossing into Nigeria. So it does not matter whether you have the necessary documents (passport, yellow card etc), one thing is clear – gratification before passage to the Nigerian side. If you do not pay they delay you for months or make you to abandon the goods there. The high level of extortion by these law enforcement officials has made both drivers of small and big vehicles to stop here and “transload” their passengers and goods to cross to the Nigerian side of the border.<sup>20</sup>

Given these conditions, there is a high level of insecurity, and travelers repeatedly told us that they feared that their goods and physical safety were under threat. Indeed, insecurity of travelers has become a general problem at and around most border crossings. This is caused principally by the activities of law enforcement agents at the border areas. Many travelers mentioned the risk they and their fellow travelers faced if the law enforcement agents discovered that they were carrying a lot of cash on them. At the Lome border, for instance, two cases were cited at our focus group discussion. In the first, a group of Nigerian traders trying to cross into Ghana were arrested by Togolese police and taken away to an

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<sup>20</sup> Comments during a Focus Group Discussion by a lorry driver delayed at Seme, April 05, 2006. See Boxes 1 to 3 for more stories of travelers.

undisclosed destination and three months later nothing had been heard from them. For more than three months, they have not been arraigned before a law court or returned here for crossing to Ghanaian side of the border. In another case, two Nigerian travelers were beaten Togolese police for not paying a stated bribe. Their money was also taken away and they subsequently detained. In addition to the activities of some law enforcement agents, touts, who freely roam the border areas, also constitute a major threat to the security of travelers. They harass and intimidate travelers in the presence of law enforcement officials, who in many cases are their patrons. With the tacit approval of law enforcement agents, these touts beat up travelers and take away their possessions in the full glare of police, customs and immigration officials. At the Seme border, for instance, we were told that '*no man's land*', a short distance of about 50 meters between the border posts of Nigeria and Benin has been taken over by gangs of touts and bandits who operate in the full glare of law enforcement officials of both countries.

The level of insecurity at border crossings, particularly along the Nigeria-Benin border has become almost legendary. In 2003 the Nigerian government closed down the border "to compel the neighbouring foreign jurisdiction to effectively cooperate in arresting the trend through the apprehension of culprits who have for so long taken advantage of the asylum provided by their own side of the inter-sovereignty boundary".<sup>21</sup> Ostensibly to respond to the security situation, Nigeria and Benin in 2005 launched a joint border security patrol at the instance of the Presidents of the two countries. However, the patrol has yielded little fruit and the security situation at the borders has remained poor, as many of those we spoke to suggested. Appraising the performance of the joint patrol at a joint meeting with his Beninese counterpart in August 2006, Nigeria's Inspector-General of Police, Sunday Ehindero notes that:

Since the launching of the joint patrol last year, our interaction has been epileptic. We have not met consistently to reappraise strategies to meet the demand of our people. A lot has happened. Vehicles have been purchased and there has been reorganisation of men and materials. There is need for new modalities. The essence of this meeting is to work out modalities for joint patrol with vigour.<sup>22</sup>

The standard response from law enforcement officials at the border is that travelers seldom possess the necessary papers when they arrive at border crossing. Still, they expect to cross without let or hindrance. They claim that as law enforcement officials, they have a duty to implement the law and that the ECOWAS Protocol does not preclude travelers possessing the correct documentation. As we have already seen, the evidence in Table 10 that suggests that many travelers either do not possess valid papers or do not have them at all corroborates this. Table 11 shows that almost 60% of our respondents either did not know whether the goods they were crossing with were permissible under ECOWAS regulations or are aware that they were not permissible. On the other hand, 56.8% were either ignorant of the permissibility of the goods they were carrying in the country of destination or were aware

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<sup>21</sup> Asiwaju, *op cit*, p. 1.

<sup>22</sup> Guardian Newspapers, *op cit*, August 11, 2006.

that they were not permissible. In addition, 80% of them were not aware of the existence of official transit registers and log books, only 9% filled such registers, while 9.8% traveled with interstate transit booklet.

This notwithstanding, it is important to note that many ECOWAS citizens are still able to go through the cordon of law enforcement agencies at the borders. It is interesting that in spite of the high numbers of our respondents who are not even aware of the existence of documentation requirements, all were still able to cross the borders. It seems that this is only possible if the travelers pay a fee in lieu of documentation. This has in part encouraged even more travelers who are unwilling to grind through the bureaucracy of getting the travel papers to travel without them. This is a clear violation of the relevant Protocols which require Member States to ensure that their nationals who travel to other Member States possess valid travel documents recognized within the Community.

Table 11: Knowledge of requirements for trans-border movement of goods

	Yes		No		No knowledge		Total	
	Frequency	%	Frequency	%	Frequency	%	Frequency	%
Crossing with goods on this occasion	283	38.1	460	61.9	Not applicable	-	743	100.0
Goods permitted under ECOWAS regulations	130	41.8	24	7.7	157	50.5	311	100.0
Goods permitted in country of origin	170	55.9	21	6.9	113	37.2	304	100.0
Goods permitted in destination country	134	44.2	44	14.5	125	41.3	303	100.0
Aware of official transit registers & log books	88	20.0	353	80.0	0	0.0	348	100.0
Filled registers & log books in transit offices	37	9.1	153	37.7	216	53.2	406	100.0
Travel with interstate transit booklet	38	9.8	123	31.8	226	58.4	387	100.0

This state of affairs provides law enforcement officials a cover to extort money from travelers. However, a great deal of the problem has to do with bureaucratic bottlenecks in issuing these documents on the one hand, and lack of awareness of the existence of ECOWAS travel documents on the other.

### 3

#### Experiences of ECOWAS Citizens at the hands of law enforcement officials and activities that impede the realization of the Protocol on free movement of persons

There is a very high level of consistency in the stories of travelers across the boundaries of ECOWAS countries regarding their experiences with law enforcement officials. At every border crossing, we heard stories of harassment, extortion of money and delays suffered by ECOWAS citizens in the hands of law enforcement officials, both at the borders and on the major roads leading to the borders. For instance, on the Lagos-Badagry road, which is the main route to the Nigeria-Benin border at Seme, starting from the Mile 2 area all the way to Seme, a distance of about 100 kilometers, there are countless checkpoints mounted by different security agencies including customs, police, National Drug Law Enforcement Agency (NAFDAC), health officials, Road Safety Corps and immigration officials. Closer to the border, there are many un-uniform agents operating, as well as groups of touts. Even with genuine traveling documents, travelers are rarely able to cross this border without paying a stated amount of money or being delayed for hours if they refuse to pay. The scene the border is always chaotic, hostile and unfriendly, suggestive of a high level of insecurity.

Table 12: Respondents harassed by law enforcement officials by country of origin

			Were you or your co-travelers harassed				Total
			Yourself	Your co-travelers	None of you	No response	
Country of origin	BENIN	Count	22	55	53	10	140
		% within Country of origin	15.7%	39.3%	37.9%	7.1%	100.0%
		% of Total	3.1%	7.7%	7.4%	1.4%	19.6%
	GHANA	Count	16	9	21	2	48
		% within Country of origin	33.3%	18.8%	43.8%	4.2%	100.0%
		% of Total	2.2%	1.3%	2.9%	.3%	6.7%
	NIGERIA	Count	24	36	98	11	169
		% within Country of origin	14.2%	21.3%	58.0%	6.5%	100.0%
		% of Total	3.4%	5.0%	13.7%	1.5%	23.6%
	TOGO	Count	28	60	45	7	140
		% within Country of origin	20.0%	42.9%	32.1%	5.0%	100.0%
		% of Total	3.9%	8.4%	6.3%	1.0%	19.6%
	OTHERS	Count	57	36	121	4	218
		% within Country of origin	26.1%	16.5%	55.5%	1.8%	100.0%
		% of Total	8.0%	5.0%	16.9%	.6%	30.5%
Total		Count	147	196	338	34	715
		% within Country of origin	20.6%	27.4%	47.3%	4.8%	100.0%
		% of Total	20.6%	27.4%	47.3%	4.8%	100.0%

Table 12 shows how widespread harassment of travelers at the borders across ECOWAS is. On the whole, almost one in every two of our respondents (48%) said that they or their co-travelers were harassed during their trip. This compares with 47% who said they were not harassed. However, the claim of harassment appears to vary with countries of origin. For

instance, while 35.5% of Nigerians said that they and their fellow travelers were harassed, 52.1% of Ghanaians said they suffered the same faith. On their part, 55% of respondents of Benin origin and their co-travelers were harassed, while 69% of Togolese were experienced the same.

Harassment of travelers by law enforcement officials took different forms. Table 13 indicates that although 85% of our respondents were asked by law enforcement officials to show their travel documents during their trip, more than half of them were not allowed to proceed notwithstanding that they had the correct documents. The law enforcement agents used different antics to delay the travelers. For instance, 43.7% of our respondents who were delayed said that the law enforcement officials tried to pick unnecessary quarrels with them, 64.6% said that they claimed their travel papers were not genuine, while 77% said they gave them no reason at all. Table 13 also shows how extortion of money was carried out by law enforcement agents at the borders. Of our respondents from whom money was extorted, 89% were stopped at the entrance by a person and asked to pay a bribe, while 94% said that they were simply asked to pay and pass.

Table 13: Forms of harassment of travelers

	Yes		No		Total count
Were you asked to show your travel documents	652	85.1	114	14.9	766
With complete document did you proceed	301	49.0	313	51.0	614
Claim that officers to see you were not on seat	4	6.0	63	94.0	67
Try to pick unnecessary quarrels with you	45	43.7	58	56.3	103
Claim that your papers were incomplete	84	64.6	46	35.4	130
Claim that your papers were not genuine	29	32.6	60	67.4	89
Claim that you were carrying contraband goods	27	35.5	49	64.5	76
Say that you may be a criminal	13	17.6	61	82.4	74
Give no reason at all	67	77.0	20	23.0	87
	Yes		No		Total
Stopped by a person at the entrance and ask to pay	352	89.1	43	10.9	395
Isolated from the other passengers and threatened so you paid	51	23.9	162	76.1	213
Searched and the money taken by force	26	13.1	173	86.9	199
Simply ask to pay and pass	360	94.5	21	5.5	381
Delayed and threatened to pay or be sent back	149	55.6	119	44.4	268
Beaten and forced to pay	12	6.4	175	93.6	187

It is not surprising that in these circumstances, travelers generally found the borders very hostile and unpleasant. At the Nigeria-Benin border, our respondents generally found law enforcement agents very difficult. Apart from the case of Benin Gendarmes, in no case did up to half of our respondents who rated law enforcement officials at the border find them to be pleasant (Table 14).

Table 14: Hostility at the Nigeria-Benin border

BORDER	COUNTRY	AGENCY	Hostile	Difficult	Care free	Pleasant but firm	Total
Nigeria-Benin	Nigeria	Customs	39(14.4)	66 (24.4)	82 (30.3)	84 (31.0)	271 (100.0)
		Immigration	39 (14.5)	80 (29.7)	45 (16.7)	105 (39.0)	269 (100.0)
		Police	38 (14.8)	81 (31.5)	85 (33.1)	53 (20.6)	257 (100.0)
		Health	45 (18.4)	48 (19.6)	85 34.7)	67 (27.3)	245 (100.0)
		Military	6 (5.5)	25 (22.7)	26 (23.6)	53 (48.2)	110 (100.0)
		Other	55 (40.7)	23 (17.0)	16 (11.9)	41 (30.4)	135 (100.0)
	Benin	Customs	38 (10.2)	60 (16.1)	103 (27.6)	172 (46.1)	373 (100.0)
		Immigration	25 (9.1)	46 (16.8)	68 (24.8)	135 (49.3)	274 (100.0)
		Police	50 (14.0)	76 (21.3)	82 (23.0)	149 (41.7)	357 (100.0)
		Health	15 (7.3)	20 (9.8)	79 (38.5)	91 (44.4)	205 (100.0)
		Gendarme	29 (10.9)	36 (13.5)	61 (22.8)	141 (52.8)	267 (100.0)
		Military	42 (33.9)	23 (18.5)	11 (8.9)	48 (38.7)	124 (100.0)
	Other	2 (28.6)	4 (57.1)	1 (14.3)	0 (0.0)	7 (100.0)	

**Box 1**

*One day I was carrying a fairly used tyre in my vehicle from Togo. At the Nachamba side of the border I was stopped and asked to pay for the tyre or I will not be allowed to cross to Tatale with it. I was very angry and finally paid and demanded a receipt. The Togolese customs official gave me one paper written in French, which he said was a receipt, knowing that I could not understand French.*

----- *Male on the Ghanaian side of the Ghana-Togo border at Nachamba/Tatale,*

*People on both sides of this border are the same. We speak the same language and have common festivals. But Togolese officials always charge us a fee to cross the border into Togo to see our relations, otherwise they deny us entry. Even crossing during festivals that we have in common attracts heavy fines and payments in money, goats or chickens. I was surprised that when I went for my wife's marriage in Togo, the cloths I bought for my new wife as part of the marriage ceremony were charged a duty before the Togolese officials allowed them to pass. Even cooking pots for the marriage attracted a duty. I still cannot understand the actions of the Togolese officials.*

-----*Male on the Ghanaian side of the Ghana-Togo border at Nachamba/Tatale*

*It is not just that they charge illegal fees for crossing the border at Nachamba, but they charge different prices for different people crossing the border. Plegat or Fulanis crossing the border pay as high as 500CFA, while other people pay 200CFA when crossing. Nigerians also have their own prices when crossing the border and at checkpoints mounted by Customs, Agriculture Department, Health and others. On one occasion, one Fulani man had to pay with a goat in order to cross into Togo. Even grass used for making roofs of thatch buildings is charged a duty, ordinary grass! Duty is charged for dried okra, water melon and other food stuff belonging to market women. We are suffering too much in the hands of Togolese law enforcement officials. They even close the border post at 6 p.m. or whenever they like, only to open for some selected persons any time they come to cross.*

-----*Male on the Ghanaian side of the Ghana-Togo border at Nachamba/Tatale*

Table 15: Illegal demand for money by law enforcement officials at borders

	Frequency of 'Yes' Hits	% of 'Yes' Hits	Frequency of 'No' Hits	% of 'No' Hits	% of Grand Total 'Yes' Hits
<b>NIGERIA: NIGERIA-BENIN BORDER</b>					
Customs: Demanded money	80	30.1	26	13.1	22.6
Immigration: Demanded money	44	16.5	49	24.7	
Police: Demanded money	68	25.6	29	14.6	
Health officials: Demanded money	30	11.3	50	25.3	
Military: Demanded money	15	5.6	27	13.6	
Others: Demanded money	29	10.9	17	8.6	
Total Hits	266	100.0	198	100.0	
<b>BENIN: NIGERIA-BENIN BORDER</b>					
	Frequency of 'Yes' Hits	% of 'Yes' Hits	Frequency of 'No' Hits	% of 'No' Hits	% of Grand Total 'Yes' Hits
Customs: Demanded money	89	27.2	58	15.0	27.8
Immigration: Demanded money	55	16.8	53	13.7	
Police: Demanded money	72	22.0	65	16.8	
Health officials: Demanded money	33	10.1	56	14.5	
Gendarme: Demanded money	37	11.3	78	20.2	
Military: Demanded money	15	4.6	55	14.2	
Others: Demanded money	26	8.0	21	5.4	
Total Hits	327	100.0	386	100.0	
<b>BENIN: BENIN-TOGO BORDER</b>					
	Frequency of 'Yes' Hits	% of 'Yes' Hits	Frequency of 'No' Hits	% of 'No' Hits	% of Grand Total 'Yes' Hits
Customs: Demanded money	58	35.8	52	24.3	13.8
Immigration: Demanded money	23	14.2	49	22.9	
Police: Demanded money	63	38.9	47	22.0	
Health officials: Demanded money	2	1.2	14	6.5	
Gendarme: Demanded money	9	5.6	32	15.0	
Military: Demanded money	5	3.1	10	4.7	
Others: Demanded money	2	1.2	10	4.7	
Total Hits	162	100.0	214	100.0	
<b>TOGO: BENIN-TOGO BORDER</b>					
	Frequency of 'Yes' Hits	% of 'Yes' Hits	Frequency of 'No' Hits	% of 'No' Hits	% of Grand Total 'Yes' Hits
Customs: Demanded money	59	35.8	57	25.6	14.0
Immigration: Demanded money	25	15.2	47	21.1	
Police: Demanded money	65	39.4	44	19.7	
Health officials: Demanded money	3	1.8	14	6.3	
Gendarme: Demanded money	9	5.5	47	21.1	
Military: Demanded money	1	0.6	9	4.0	
Others: Demanded money	3	1.8	5	2.2	
Total Hits	165	100.0	223	100.0	
<b>TOGO: TOGO-GHANA BORDER</b>					
	Frequency of 'Yes' Hits	% of 'Yes' Hits	Frequency of 'No' Hits	% of 'No' Hits	% of Grand Total 'Yes' Hits
Customs: Demanded money	58	44.3	18	22.5	11.1
Immigration: Demanded money	29	22.1	18	22.5	
Police: Demanded money	36	27.5	14	17.5	

Health officials: Demanded money	4	3.1	9	11.3	
Gendarme: Demanded money	1	0.8	8	10.0	
Military: Demanded money	0	0.0	8	10.0	
Others: Demanded money	3	2.3	5	6.3	
Total Hits	131	100.0	80	100.0	
	Frequency of 'Yes' Hits	% of 'Yes' Hits	Frequency of 'No' Hits	% of 'No' Hits	% of Grand Total 'Yes' Hits
GHANA: TOGO-GHANA BORDER					
Customs: Demanded money	55	43.3	16	20.5	10.8
Immigration: Demanded money	46	36.2	15	19.2	
Police: Demanded money	10	7.9	14	17.9	
Health officials: Demanded money	10	7.9	16	20.5	
Military: Demanded money	1	0.8	10	12.8	
Others: Demanded money	5	3.9	7	9.0	
Total Hits	127	100.0	78	100.0	
GRAND TOTAL 'YES' HITS	1178				

Extortion of money by law enforcement agents is clearly the most widely encountered problem among travelers across the borders of ECOWAS States. Evidence from our study (Table 15) clearly shows how widespread the problem is. It also shows that some sides of the borders tend to be more infamous for illegal demand for money than others, while some law enforcement agents also appear to be more notorious than others in extorting money from travelers. For instance, Customs officials and Police jointly scored over 55% of all the yes hits for demanding illegal payments on the Nigerian side of the Nigeria-Benin border. On the Benin side of that border, they scored 49% of the yes hits, while on the Benin side of the Benin-Togo border they scored a staggering 74.7% of all yes hits.<sup>23</sup> At all the borders, three law enforcement agencies namely, Customs, Immigrations and Police scored generally scored between 70 and 80% of all the yes hits for demanding illegal payments. From another angle, the Benin side of the Nigeria-Benin border appears to be the most infamous of all the borders in demanding illegal money, with nearly 28% of all the 1,178 yes hits. It is followed by the Nigerian side of the border (22.6%), Togo side of the Benin-Togo border (14%), Benin side of the Benin-Togo border (13.8%), Togo side of the Togo-Ghana border (11.1%) and Ghana side of the Togo-Ghana border (10.8%) in that order.

<sup>23</sup> 'Yes Hits' refers to the number of times respondents in our sample identified the law enforcement agency as demanding illegal payments.

## Box 2

*Crossing the Lome/ Aflao border is like going to hell. It means that you must be ready to meet the demands of the police, Forestry Department, Agriculture Department, Immigration, Customs, touts and many other unidentified groups at many checkpoints and money collection points. Before, the checkpoints were few in number, but now I cannot even count them, and this means that the money one now has to spend to cross the Lome/ Aflao border is unbearable for commuters. I pay between 200 and 300CFA per basket of tomatoes at each checkpoint when crossing from Ghana into Togo and this is affecting my business. This leads to high price of goods when you add all the money paid to officials. So how is the ECOWAS Protocol serving us?*

-----*Female market woman on the Togo side of the Ghana-Togo border at Lome/ Aflao*

*Whenever I cross this border, I pay between 50 and 100 Naira to immigration officials because I do not have an international passport. If I am carrying goods to Nikki, I have to pay to customs officials, depending on the type and quantity of goods. Many times when going to or coming from Nigeria with a lot of goods, I avoid the payments by using the bush paths with the help of crossers at Chikanda. However, if one is caught crossing through such illegal routes, the customs officials will impound the goods and it will cost much more to get them back than if you paid a bribe at the normal crossing point.*

-----*Male on the Nigerian side of the Nigeria-Benin border at Nikki/ Chikanda*

*Goods going into Nikki from Nigeria through Chikanda border attract payment from law enforcement agents on both Nigeria and Benin sides of the border, particularly motorcycle parts. Customs officials at Nikki used to disturb Nigerian traders a lot, but now they are being 'settled' every month by the executive members of the Nigerian Residents Association in Nikki. . . . black people crossing the Nikki/ Chikanda border are allowed to pass without necessary documents, though with a little charge. May be this is because of the ECOWAS Protocol on free movement. However, white people are never allowed to pass through the border for some reasons known to the officials.*

-----*Male on the Nigerian side of the Nigeria-Benin border at Nikki/ Chikanda*

Even more disturbing is that female travelers may be widely targeted at the borders. We asked respondents to our questionnaire three questions to assess their experience with law enforcement agents. First, we asked them if law enforcement agents harassed them or their co-travelers. Second, we asked them if law enforcement agents allowed them to proceed with their journey after confirming that they had the correct travel papers. Third, we asked them the impact on their businesses of the activities of law enforcement agents. Tables 15, 16 and 17 indicate that on all three questions, female respondents from all three countries consistently indicated that they had more negative experience in the hands of law enforcement agents. Table 16 shows that while 58% of female respondents as against 55% of male respondents from Benin said that law enforcement officers harassed them or their co-travelers during their trip. On the other hand, Ghana, 60% of female as against 46% of male respondents and their co-travelers were harassed by law enforcement agents, while 47% of female and 31% of male respondents from Nigeria had the same experience.

From Table 16, we infer that while 51% of female respondents to our questionnaire from Benin Republic were stopped from proceeding on their journey by law enforcement officials found that they had the correct travel papers, 44% of male respondents from Benin were so treated. The Table also shows that 66% of female as against 42% of male respondents from Ghana were stopped from proceeding on their trips after law enforcement agents found their papers to be complete. The comparative figures for Nigeria are 47% female and 31% male, while for Togo 62% females and 50% males were stopped from proceeding on their journey.

Table 16: Harassment of travelers by sex and country of origin

Country of origin				Sex		Total	
				male	female		
BENIN	Were you or your co-travelers harassed	yourself	Count	14	7	21	
			% within Sex	14.9%	17.1%	15.6%	
		your co-travelers	Count	38	17	55	
			% within Sex	40.4%	41.5%	40.7%	
		non of you	Count	34	15	49	
			% within Sex	36.2%	36.6%	36.3%	
		No response	Count	8	2	10	
			% within Sex	8.5%	4.9%	7.4%	
	Total			Count	94	41	135
				% within Sex	100.0%	100.0%	100.0%
GHANA	Were you or your co-travelers harassed	yourself	Count	7	9	16	
			% within Sex	26.9%	45.0%	34.8%	
		your co-travelers	Count	5	3	8	
			% within Sex	19.2%	15.0%	17.4%	
		non of you	Count	13	7	20	
			% within Sex	50.0%	35.0%	43.5%	
		No response	Count	1	1	2	
			% within Sex	3.8%	5.0%	4.3%	
	Total			Count	26	20	46
				% within Sex	100.0%	100.0%	100.0%
NIGERIA	Were you or your co-travelers harassed	yourself	Count	16	6	22	
			% within Sex	12.2%	17.6%	13.3%	
		your co-travelers	Count	25	10	35	
			% within Sex	19.1%	29.4%	21.2%	
		non of you	Count	80	17	97	
			% within Sex	61.1%	50.0%	58.8%	
		No response	Count	10	1	11	
			% within Sex	7.6%	2.9%	6.7%	
	Total			Count	131	34	165

			% within Sex	100.0%	100.0%	100.0%
TOGO	Were you or your co-travelers harassed	yourself	Count	14	14	28
			% within Sex	17.9%	23.3%	20.3%
		your co-travelers	Count	35	24	59
			% within Sex	44.9%	40.0%	42.8%
		non of you	Count	25	19	44
			% within Sex	32.1%	31.7%	31.9%
		No response	Count	4	3	7
			% within Sex	5.1%	5.0%	5.1%
	Total			Count	78	60
			% within Sex	100.0%	100.0%	100.0%
OTHERS	Were you or your co-travelers harassed	yourself	Count	39	14	53
			% within Sex	27.7%	21.9%	25.9%
		your co-travelers	Count	24	11	35
			% within Sex	17.0%	17.2%	17.1%
		non of you	Count	74	39	113
			% within Sex	52.5%	60.9%	55.1%
		No response	Count	4	0	4
			% within Sex	2.8%	.0%	2.0%
	Total			Count	141	64
			% within Sex	100.0%	100.0%	100.0%

Finally, the negative activities of law enforcement agents appear to have adversely affected the businesses of women in the sub-region more than those of men. Asked how their businesses have been affected by the activities of law enforcement agents, 39% of females from Benin, 37% of female Ghanaians, 67% of female Nigerians and 43% of female Togolese said that their businesses have either been negatively or very negatively been affected by the activities of law enforcement agents. Comparatively, the male figures are 32% for Benin, 16% for Ghana, 50% for Nigeria and 37% for Togo. These numbers suggest that on the average while 46.5% of female respondents said that they businesses have been negatively or very negatively affected by the activities of law enforcement officials, 33.8% of male respondents thought that the same thing has happened to their businesses. This represents a difference of more than 12% (Table 17). It is also noteworthy that with 54%, more Nigerians (male and female) said that their businesses have been either negatively or very negatively affected by the activities of law enforcement officials than respondents from other countries.

Table 17: Impact of activities of law enforcement agencies on business by sex and country of origin

Country of origin				Sex		Total
				male	female	
BENIN	How the activities of LEA affected your business	Very positively	Count	2	1	3
			% within Sex	2.1%	2.2%	2.1%
		Positively	Count	15	2	17
			% within Sex	15.8%	4.3%	12.1%
		Neither positively nor negatively	Count	47	25	72
			% within Sex	49.5%	54.3%	51.1%
		Negatively	Count	20	16	36
			% within Sex	21.1%	34.8%	25.5%
		Very negatively	Count	11	2	13
			% within Sex	11.6%	4.3%	9.2%
Total			Count	95	46	141
			% within Sex	100.0%	100.0%	100.0%
GHANA	How the activities of LEA affected your business	Very positively	Count	3	0	3
			% within Sex	10.0%	.0%	5.6%
		Positively	Count	7	3	10
			% within Sex	23.3%	12.5%	18.5%
		Neither positively nor negatively	Count	15	12	27
			% within Sex	50.0%	50.0%	50.0%
		Negatively	Count	2	6	8
			% within Sex	6.7%	25.0%	14.8%
		Very negatively	Count	3	3	6
			% within Sex	10.0%	12.5%	11.1%
Total			Count	30	24	54
			% within Sex	100.0%	100.0%	100.0%
NIGERIA	How the activities of LEA affected your business	Very positively	Count	1	0	1
			% within Sex	.8%	.0%	.6%
		Positively	Count	18	2	20
			% within Sex	14.2%	5.9%	12.4%
		Neither positively nor negatively	Count	44	9	53
			% within Sex	34.6%	26.5%	32.9%
		Negatively	Count	43	12	55
			% within Sex	33.9%	35.3%	34.2%
		Very negatively	Count	21	11	32
			% within Sex	16.5%	32.4%	19.9%
Total			Count	127	34	161
			% within Sex	100.0%	100.0%	100.0%

TOGO	How the activities of LEA affected your business	Positively	Count	2	6	8	
			% within Sex	2.4%	9.4%	5.4%	
		Neither positively nor negatively	Count	51	30	81	
			% within Sex	60.0%	46.9%	54.4%	
		Negatively	Count	18	13	31	
			% within Sex	21.2%	20.3%	20.8%	
		Very negatively	Count	14	15	29	
			% within Sex	16.5%	23.4%	19.5%	
	Total			Count	85	64	149
				% within Sex	100.0%	100.0%	100.0%
OTHERS	How the activities of LEA affected your business	Very positively	Count	4	0	4	
			% within Sex	2.9%	.0%	1.9%	
		Positively	Count	15	8	23	
			% within Sex	10.7%	11.8%	11.1%	
		Neither positively nor negatively	Count	48	30	78	
			% within Sex	34.3%	44.1%	37.5%	
		Negatively	Count	48	22	70	
			% within Sex	34.3%	32.4%	33.7%	
		Very negatively	Count	25	8	33	
			% within Sex	17.9%	11.8%	15.9%	
Total			Count	140	68	208	
			% within Sex	100.0%	100.0%	100.0%	

The general treatment received by ECOWAS citizens in the hands of law enforcement officials violates Article 2 of the ECOWAS Protocol on the Free Movement of Persons, Residence and Establishment (1979) provides for the Community citizens have the right to enter, reside and establish in the territory of Member States. The Protocol proceeds to provide a time line for attainment of this right:

The right of entry, residence and establishment referred to in paragraph 1 above shall be progressively established in the course of a maximum transitional period of fifteen (15) years from the definitive entry into force of this Protocol by abolishing all other obstacles to free movement persons and the right of residence and establishment<sup>24</sup>

Further, Chapter II, Article 2 (2) of the Supplementary Protocol on the Code of Conduct for the Implementation of the Protocol on Free Movement of Persons, the Right of Residence and Establishment<sup>25</sup> provides that “member States shall establish or strengthen appropriate administrative services in order to furnish migrants with all necessary information likely to permit legal entry into their territories”. Contrary to this and other provisions designed to ensure that citizens of ECOWAS can enter the territories of Member States with minimal let or hindrance, law enforcement officials at and around the borders of Members States

<sup>24</sup> ECOWAS Protocol A/P.1/5/79 Relating to Free Movement of Persons, Residence and Establishment.

<sup>25</sup> ECOWAS Supplementary Protocol A/SP.1/7/85

constitute major obstacles to free movement. Not only are official checkpoints too many, but also unofficial/illegal checkpoints, some mounted by law enforcement officials and others by touts with the connivance of these officials, are growing in geometric proportions.

### Box 3

*There is a lot confusion surrounding the use of ECOWAS traveling certificate and the international passport of various countries of ECOWAS. Since ECOWAS traveling certificate was introduced, travelers have experienced more problems especially those using the traveling certificate. It is safer not to present the certificate to these law enforcement officials. It seems that the certificate irritates them and increases their anger. Is even better not to travel with necessary document than worrying yourself to secure one because the law enforcement officials have stated amounts of money you must pay with or without traveling documents. These range from 300 to 1000CFA. You pay between to 300 to 500CFA to pass and another 300 to 1000CFA for stamping your documents.*

----- *Male on the Benin side of the Nigeria-Benin border at Seme*

*The problems concerning travelers are numerous because of the activities of law enforcement officials which negate the ECOWAS protocol on free movement of persons across borders in West Africa. It is even worse at this border if you are a Nigerian. Usually passports of Nigerians crossing the border here are sorted out separately and bearers are asked to pay higher then other nationals or go back to Nigeria. The reason usually given is that Nigeria is a rich country and her citizens should not come to worry or trouble them in their own country and that they don't care about the ECOWAS protocol on free movement of persons. At the border proper, immigration officials will require you to pay twice before you cross the barricade, one for crossing and another for stamping your travel documents. This process is repeated by other law enforcement officials along the border routes as you go further into Togo. Travelers could pay up to 1000CFA at each checkpoint which are mounted every 50 to 500 meters as you approach this Togo-Ghana border. The only language these law enforcement officials understand about ECOWAS protocol is free flow of money from travelers into their pockets.*

----- *Male on the Togo side of the Ghana-Togo border at Lome/ Aflao*

Table 18: Law enforcement agents demand money

AGENCY	YES			NO			Total Agency count	Gave receipt for money demanded
	Frequency	As % of all 'yes hits'	As % of Total Agency count	Frequency	As % of all 'no hits'	As % of Total Agency count		
Customs	283	34.8	64.3	157	19.7	35.7	440	40
Immigration	170	20.9	50.9	164	20.6	49.1	334	2
Police	215	26.4	58.6	152	19.1	41.4	367	4
Health	76	9.3	35.8	136	17.1	64.2	212	0
Military (incl. Gendarme)	69	8.5	27.1	186	23.4	72.9	255	6
Total	813	100		795	100			52

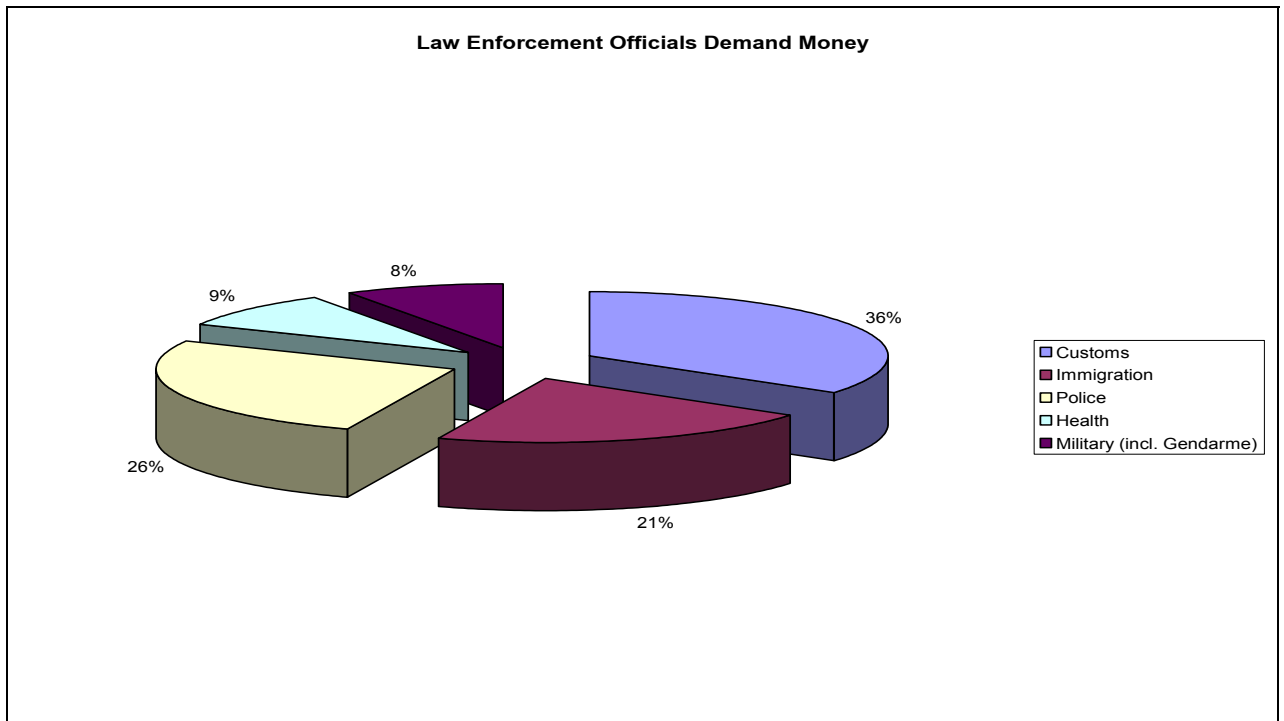
In many cases, these checkpoints official and unofficial only exist as 'toll collection centres' at which money is extorted from travelers. Table 18 shows that 813 times, respondents to

our questionnaire indicated that money was illegally collected from them by different law enforcement agencies. Yet, only 54 times or 6.6% of the times did the agencies give receipts for the money collected. At the Nigeria-Benin border, law enforcement agencies on the Nigerian side demanded money 266 times from our respondents and issued receipts for money collected only seven times, while on the Benin side, they demanded 327 times and issued receipts only in 26 cases (Table 19). The same scenario prevailed at all the other border crossings. Table 18 also suggests that the main culprits in this rash of demanding money are the Customs. They were indicated 440 times by respondents as demanding money unnecessarily from them. Police (367 times) and Immigration (334 times) follow the Customs services closely.

**Table 19: Demand for money and issuance of receipts by law enforcement agencies**

Nigeria side: NIGERIA-BENIN BORDER	Demanded money	Gave Receipt	Gave receipt as % of demand for money
Customs	80	4	5.0
Immigration	44	1	2.3
Police	68	1	1.5
Health Officials	30	0	0.0
Military	15	0	0.0
Others	29	1	3.4
Total	266	7	3.1
Benin side: NIGERIA-BENIN BORDER	Demanded money	Gave Receipt	Gave receipt as % of demand for money
Customs	89	13	14.6
Immigration	55	3	5.5
Police	72	3	4.2
Health Officials	33	1	3.0
Gendarme	37	4	10.8
Military	15	1	6.7
Others	26	1	3.8
Total	327	26	8.0
Benin side: BENIN-TOGO BORDER	Demanded money	Gave Receipt	Gave receipt as % of demand for money
Customs	58	14	24.1
Immigration	23	0	0.0
Police	63	1	1.6
Health Officials	2	0	0.0
Gendarme	9	1	11.1
Military	5	0	0.0
Others	2	0	0.0
Total	162	16	9.9
Togo side: BENIN-TOGO BORDER	Demanded money	Gave Receipt	Gave receipt as % of demand for money
Customs	59	10	16.9
Immigration	25	1	4.0
Police	65	1	1.5
Health Officials	3	0	0.0

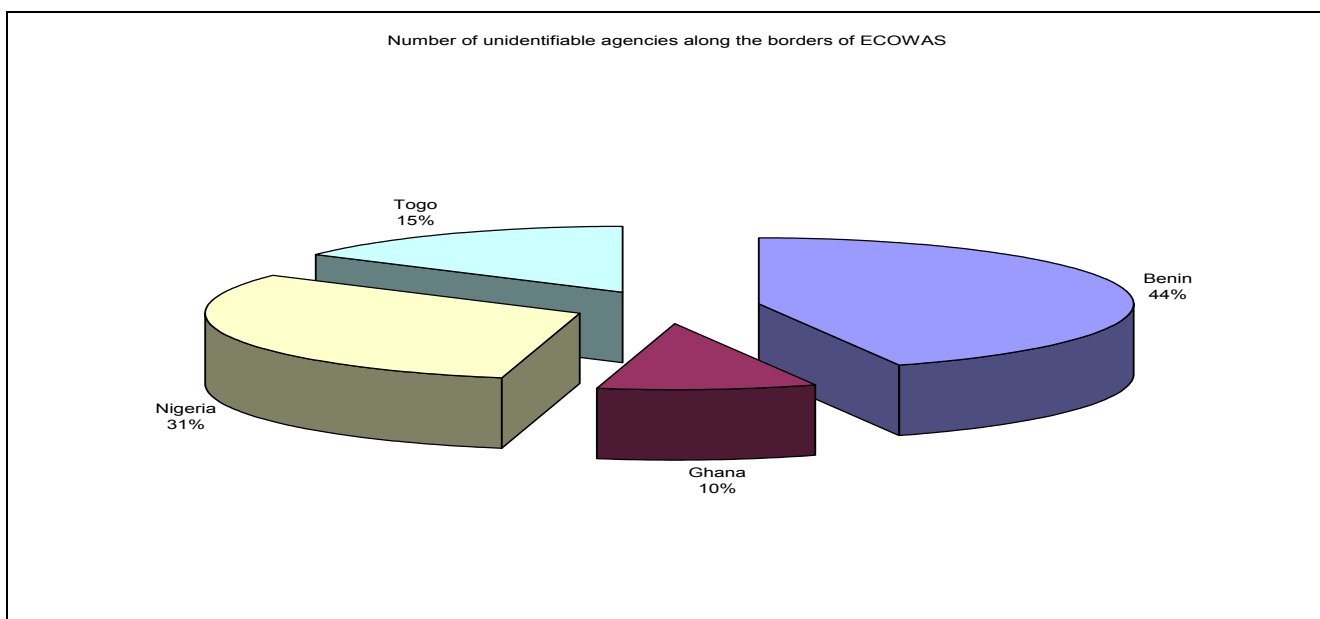
Gendarme	9	0	0.0
Military	5	1	20.0
Others	3	3	100.0
Total	169	16	9.5
<b>Togo side: GHANA-TOGO BORDER</b>	<b>Demanded money</b>	<b>Gave Receipt</b>	<b>Gave receipt as % of demand for money</b>
Customs	58	7	12.1
Immigration	29	0	0.0
Police	36	1	2.8
Health Officials	4	0	0.0
Gendarme	1	0	0.0
Military	0	0	0.0
Others	3	0	0.0
Total	131	8	6.1
<b>Ghana side: GHANA-TOGO BORDER</b>	<b>Demanded money</b>	<b>Gave Receipt</b>	<b>Gave receipt as % of demand for money</b>
Customs	55	5	9.1
Immigration	46	0	0.0
Police	10	0	0.0
Health Officials	10	0	0.0
Military	1	0	0.0
Others	5	1	20.0
Total	127	6	4.7



A major obstacle to the free movement of persons and goods is the multiplicity of checkpoints along the routes to the borders of ECOWAS countries. Table 20 shows 424 respondents or 53.7% encountered one customs checkpoint in Benin Republic, while 160 of them encountered more than one customs checkpoint. On the same journey, 547 respondents encountered at least one police checkpoint, while 97 of them encountered more than one police checkpoint in Benin Republic alone. s, of our respondents encountered at le the number of checkpoints encountered by our respondents in the vicinities of the borders of Benin Republic. 72.6% of the persons interviewed encountered 1 custom checkpoint, 18.0 % encountered 2 custom checkpoints, 8.7% encountered 3 custom checkpoints, 0.3% encountered 4 custom checkpoints, and 0.2% encountered 5 custom checkpoints.

Table 20: Checkpoints encountered by respondents

Country	Agency	Encountered One checkpoint	As % of all respondents	Encountered More than one checkpoint	As % of all respondents
Benin	Customs	424	53.7	160	20.3
	Immigration	233	29.5	97	12.3
	Police	547	69.3	37	4.7
	Health	120	15.2	3	0.4
	Military	37	4.7	2	0.3
	Unidentified	178	22.6	43	5.4
	Others	232	29.4	14	1.8
Ghana	Customs	155	19.6	28	3.5
	Immigration	163	20.7	17	2.2
	Police	62	7.9	11	1.4
	Health	86	10.9	4	0.5
	Military	7	0.9	1	0.1
	Unidentified	7	0.9	5	0.6
	Others	8	1.0	0	0.0
Nigeria	Customs	174	22.1	74	9.4
	Immigration	227	28.8	20	2.5
	Police	232	29.4	16	2.0
	Health	216	27.4	3	0.4
	Military	46	5.8	0	0.0
	Unidentified	129	16.3	3	0.4
	Others	100	12.7	0	0.0
Togo	Customs	419	53.1	15	1.9
	Immigration	308	39.0	19	2.4
	Police	362	45.9	3	0.4
	Health	44	5.6	1	0.1
	Military	39	4.9	2	0.3
	Unidentified	27	3.4	4	0.5
	Others	0	0.0	0	0.0



It is however interesting that in spite of the difficulties encountered by our respondents, both on their way to and at the borders, they did not feel that crossing the borders was significantly difficult. Table 21 shows that while 48.4% of respondents felt that the time it took to cross the Nigerian side of the Nigeria-Benin border was too long, 51.6% of them considered the time to be normal. On the Benin side of that border, 35.7% of respondents felt crossing took too long, while on the Togo side of the Togo-Benin border only 24.6% felt that it took longer than normal.

**Table 21: Feeling of duration of crossing the borders**

		Normal	Too long	Total
Nigeria side: Nigeria-Benin border	Count	147	138	285
	%	(51.6%)	(48.4%)	(100.0%)
Benin side: Nigeria-Benin border	Count	216	120	336
	%	(64.3%)	(35.7%)	(100.0%)
Benin side: Benin-Togo border	Count	204	73	277
	%	(73.6%)	(26.4%)	(100.0%)
Togo side: Benin-Togo border	Count	205	67	272
	%	(75.4%)	(24.6%)	(100.0%)
Togo side: Togo-Ghana border	Count	105	85	190
	%	(55.3%)	(44.7%)	(100.0%)
Ghana side: Togo-Ghana border	Count	99	85	184
	%	(53.8%)	(46.2%)	(100.0%)

We *cross-tabulated* the feeling of our respondents about the duration it took to cross the border and whether they were crossing with goods or not. Our reasoning was that perhaps those who crossed with goods felt that the duration was too long. Again, there was no significant

association between the two based on contingency coefficient.<sup>26</sup> A contingency coefficient of 1 signifies high association between feeling of crossing the borders and crossing the borders with goods.

Table 22: Contingency coefficients for crosstabs of *feeling of crossing border* by *crossing with goods*

	Contingency coefficient	Approx. significance
Nigeria side: Nigeria-Benin border	0.034	0.573
Benin side: Nigeria-Benin border	0.008	0.890
Benin side: Benin-Togo border	0.249	0.000
Togo side: Benin-Togo border	0.221	0.000
Togo side: Togo-Ghana border	0.001	0.991
Ghana side: Togo-Ghana border	0.042	0.581

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<sup>26</sup> The contingency coefficient is a measure of association based on chi-square. The value ranges between zero and 1, with zero indicating no association between the row and column variables and values close to 1 indicating a high degree of association between the variables.

# 4

## **Ranking of the countries on the implementation of provisions of the Protocol**

In this section, we shall attempt to rank the four countries in this study according to the performance of their law enforcement agencies in implementing the provisions of the Protocol on Free Movement. This is however a very hazardous venture considering that the study may in fact not have adequate information to attempt a robust ranking. For one thing, there is a dearth of official information on the implementation of the Protocol and indeed other ECOWAS instruments. For another thing, the bulk of the data on which the study is based comes from interviews in the field with people who regularly cross the borders of ECOWAS. Consequently, there is need for caution in the use of self-reporting techniques as objective instruments for making such an evaluation. Nevertheless, the fact that these are regular travelers may in fact put them in a position to provide assessments of the performance of the countries that are more dependable than usually defensive official statistics.

This study focuses principally on Phase I of the implementation of the Protocol, which deals principally with free movement of persons and goods. The central concern in evaluating the performance of law enforcement officials of the four countries is to assess how they treat non-nationals seeking to enter and do business in their territories. We asked respondents 13 questions to tap these issues and then cross-tabulated their responses with the four countries. The composite of the 13 cross-tabs are presented in Table 23. The results of the cross-tabs were then used to rank the countries on each question. For instance, we asked respondents if law enforcement agents allowed them to proceed on their journeys when they had correct and complete documentation. Countries were then ranked in terms of whether they allowed persons with correct documentation to proceed (percentage of 'Yes' answers) or refused to let them proceed (percentage of 'No' answers). From Table 23, we see that 53% of respondents who we interviewed in Benin Republic indicated that they were not allowed to proceed, even with complete documentation. The figures for Ghana, Nigeria and Togo are 73.4%, 38.6% and 51.7% respectively. Consequently, Nigeria was ranked first, Togo second, Benin third and Ghana fourth on that question (Table 25). We derived the ranking on extortion of money by cumulating the result of the question we asked respondents about which law enforcement agencies demanded money from them illegally. We cumulated the responses for each country and derived a cumulative weighting based on the ratio of the cumulated 'Yes' responses for each country to the entire 'Yes' answers to the question. This is presented in Table 24.

Based on the rankings of the four countries on each of the 14 questions, we converted the ordinal ranks to an interval measure by scoring each rank of first 4 points, second, 3 points, third, 2 points and fourth, 1 point. That provided the cumulative scores in Table 25.<sup>27</sup>

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<sup>27</sup> We should sound a note of caution here. We discussed this measure with other social researchers and they pointed out the fact that there could be a bias arising from the distribution of respondents from the four countries in our sample. For instance, the high ranking of Nigeria may result from a situation in which there is a preponderance of Nigerians in our sample and they are supportive of their country. There is also the question of the validity of converting an ordinal measure into an equal interval one. On the first issue, the distribution of the countries in our sample is as follows: Benin (19.8%), Ghana (8.2%), Nigeria (21.9%), Togo (20.2%) and others (29.9%). It would have been difficult therefore for such a bias to

Table 23: Cross-tabulations measuring the treatment of travelers by law enforcement agencies by country

<b>Allowing persons with complete documentation to proceed with their journeys</b>				
		With complete document were you allowed to proceed		
		Yes	No	Total
BENIN	Count	93	108	201
	% within side	46.3%	53.7%	100.0%
GHANA	Count	17	47	64
	% within side	26.6%	73.4%	100.0%
NIGERIA	Count	108	68	176
	% within side	61.4%	38.6%	100.0%
TOGO	Count	83	89	172
	% within side	48.3%	51.7%	100.0%
Total	Count	301	313	614
	% within side	49.0%	51.0%	100.0%

<b>Picking unnecessary quarrels with travelers</b>				
		Try to pick unnecessary quarrels with you		
		Yes	No	Total
BENIN	Count	11	2	13
	% within side	84.6%	15.4%	100.0%
GHANA	Count	17	4	21
	% within side	81.0%	19.0%	100.0%
NIGERIA	Count	6	43	49
	% within side	12.2%	87.8%	100.0%
TOGO	Count	11	8	19
	% within side	57.9%	42.1%	100.0%
Total	Count	45	58	103
	% within side	43.7%	56.3%	100.0%

<b>Claims that travelers did not have complete papers</b>				
		Claim that your papers were incomplete		
		Yes	No	Total
BENIN	Count	39	2	41
	% within side	95.1%	4.9%	100.0%
GHANA	Count	3	2	5
	% within side	60.0%	40.0%	100.0%
NIGERIA	Count	15	35	50
	% within side	30.0%	70.0%	100.0%
TOGO	Count	26	7	33
	% within side	78.8%	21.2%	100.0%

make much difference to the overall outcome of the ranking. On converting from ordinal to interval measure, while accepting the weakness of that technique, we note that it is a widely applied technique based on the Likert scale.

Total	Count	84	46	130
	% within side	64.6%	35.4%	100.0%

**Claims that travelers' papers were not genuine**

		Claim that your papers were not genuine		
		Yes	No	Total
BENIN	Count	23	1	24
	% within side	95.8%	4.2%	100.0%
GHANA	Count	2	3	5
	% within side	40.0%	60.0%	100.0%
NIGERIA	Count	1	46	47
	% within side	2.1%	97.9%	100.0%
TOGO	Count	3	9	12
	% within side	25.0%	75.0%	100.0%
Total	Count	29	60	89
	% within side	32.6%	67.4%	100.0%

**Claims that travelers were carrying contraband goods**

		Claim that you were carrying contraband goods		
		Yes	No	Total
BENIN	Count	9	2	11
	% within side	81.8%	18.2%	100.0%
GHANA	Count	2	3	5
	% within side	40.0%	60.0%	100.0%
NIGERIA	Count	15	33	48
	% within side	31.3%	68.8%	100.0%
TOGO	Count	1	10	11
	% within side	9.1%	90.9%	100.0%
Total	Count	27	49	76
	% within side	35.5%	64.5%	100.0%

**Claims that travelers are criminals**

		Say that you may be a criminal		
		Yes	No	Total
BENIN	Count	10	2	12
	% within side	83.3%	16.7%	100.0%
GHANA	Count	0	3	3
	% within side	.0%	100.0%	100.0%
NIGERIA	Count	1	45	46
	% within side	2.2%	97.8%	100.0%
TOGO	Count	2	10	12
	% within side	16.7%	83.3%	100.0%
Total	Count	13	61	74
	% within side	17.6%	82.4%	100.0%

**Travelers are afraid of being sent back**

		Afraid of being sent back?		
		Yes	No	Total
BENIN	Count	42	2	44
	% within side	95.5%	4.5%	100.0%
GHANA	Count	52	5	57
	% within side	91.2%	8.8%	100.0%
NIGERIA	Count	47	68	115
	% within side	40.9%	59.1%	100.0%
TOGO	Count	90	20	110
	% within side	81.8%	18.2%	100.0%
Total	Count	232	95	327
	% within side	70.9%	29.1%	100.0%

**Isolating travelers and taking their money by force**

		Isolated from the other passengers and threatened so you paid		
		Yes	No	Total
BENIN	Count	12	3	15
	% within side	80.0%	20.0%	100.0%
GHANA	Count	9	20	29
	% within side	31.0%	69.0%	100.0%
NIGERIA	Count	17	96	113
	% within side	15.0%	85.0%	100.0%
TOGO	Count	13	42	55
	% within side	23.6%	76.4%	100.0%
Total	Count	51	162	213
	% within side	23.9%	76.1%	100.0%

**Searching travelers and taking their money by force**

		Searched and the money taken by force		
		Yes	No	Total
BENIN	Count	11	3	14
	% within side	78.6%	21.4%	100.0%
GHANA	Count	2	20	22
	% within side	9.1%	90.9%	100.0%
NIGERIA	Count	8	103	111
	% within side	7.2%	92.8%	100.0%
TOGO	Count	5	46	51
	% within side	9.8%	90.2%	100.0%
Total	Count	26	173	199
	% within side	13.1%	86.9%	100.0%

<b>Delaying and threatening travelers with being sent back</b>				
		Delayed and threatened to pay or be sent back		
		Yes	No	Total
BENIN	Count	25	3	28
	% within side	89.3%	10.7%	100.0%
GHANA	Count	33	14	47
	% within side	70.2%	29.8%	100.0%
NIGERIA	Count	46	70	116
	% within side	39.7%	60.3%	100.0%
TOGO	Count	45	31	76
	% within side	59.2%	40.8%	100.0%
Total	Count	149	119	268
	% within side	55.6%	44.4%	100.0%

<b>Beating travelers and taking their money by force</b>				
		Beaten and forced to pay		
		Yes	No	Total
BENIN	Count	6	3	9
	% within side	66.7%	33.3%	100.0%
GHANA	Count	1	20	21
	% within side	4.8%	95.2%	100.0%
NIGERIA	Count	2	104	106
	% within side	1.9%	98.1%	100.0%
TOGO	Count	3	47	50
	% within side	6.0%	94.0%	100.0%
Total	Count	12	175	187
	% within side	6.4%	93.6%	100.0%

Based on the rankings of the four countries on each of the 14 questions, we converted the ordinal ranks to an interval measure by scoring each rank of first 4 points, second, 3 points, third, 2 points and fourth, 1 point. That provided the cumulative scores in Table 25.<sup>28</sup> The rankings show that Nigeria with a cumulative score of 52 ranked highest in terms of treating ECOWAS citizens in line with the provisions of the Protocol. Nigeria is followed by Togo (36), Ghana (35) and Benin (17) in that order. However, we need to nuance the conclusions we reach from these figures. First, it is important to point out that looking closely at the

<sup>28</sup> We should sound a note of caution here. We discussed this measure with other social researchers and they pointed out the fact that there could be a bias arising from the distribution of respondents from the four countries in our sample. For instance, the high ranking of Nigeria may result from a situation in which there is a preponderance of Nigerians in our sample and they are supportive of their country. There is also the question of the validity of converting an ordinal measure into an equal interval one. On the first issue, the distribution of the countries in our sample is as follows: Benin (19.8%), Ghana (8.2%), Nigeria (21.9%), Togo (20.2%) and others (29.9%). It would have been difficult therefore for such a bias to make much difference to the overall outcome of the ranking. On converting from ordinal to interval measure, while accepting the weakness of that technique, we note that it is a widely applied technique based on the Likert scale.

figures there is not a lot between these countries. For instance, on whether law enforcement officials beat travelers and force them to pay a bribe, apart from Benin for which 66.7% answered in the affirmative, the difference between Nigeria, Ghana and Togo is minimal. Even in the cumulative scores, the difference between Ghana and Togo, for instance, is only one. Second, it seems that travelers viewed law enforcement officials of Benin Republic as particularly difficult to deal with. Third, these figures derive only from the Southern axis of the borders between the four countries, where the questionnaire was administered. It may not be a reflection of the situation in all the other borders.

Table 24: Extortion of money by country and law enforcement agency

<b>NIGERIA</b>	Hits (Count of 'Yes' answers)	As % of cumulative hits for each country	Cumulative as % of all Yes answers
Customs: Demanded money	80	30.1	22.6
Immigration: Demanded money	44	16.5	
Police: Demanded money	68	25.6	
Health officials: Demanded money	30	11.3	
Military: Demanded money	15	5.6	
Others: Demanded money	29	10.9	
Cumulative (Total) hits for Nigeria	266	100.0	
<b>BENIN</b>			
Customs: Demanded money	147	30.1	41.5
Immigration: Demanded money	78	16.0	
Police: Demanded money	135	27.6	
Health officials: Demanded money	35	7.2	
Gendarme: Demanded money	46	9.4	
Military: Demanded money	20	4.1	
Others: Demanded money	28	5.7	
Cumulative (Total) hits for Benin	489	100.0	
<b>TOGO</b>			
Customs: Demanded money	117	39.5	25.1
Immigration: Demanded money	54	18.2	
Police: Demanded money	101	34.1	
Health officials: Demanded money	7	2.4	
Gendarme: Demanded money	10	3.4	
Military: Demanded money	1	0.3	
Others: Demanded money	6	2.0	
Cumulative (Total) hits for Togo	296	100.0	
<b>GHANA</b>			
Customs: Demanded money	55	43.3	10.8
Immigration: Demanded money	46	36.2	
Police: Demanded money	10	7.9	
Health officials: Demanded money	10	7.9	
Military: Demanded money	1	0.8	
Others: Demanded money	5	3.9	
Cumulative (Total) hits for Ghana	127	100.0	

Table 25: Ranking of the four countries

		Benin	Ghana	Nigeria	Togo
1	Law enforcement officials allowed persons with complete documentation to proceed with their journeys	3 <sup>rd</sup>	4 <sup>th</sup>	1 <sup>st</sup>	2 <sup>nd</sup>
2	Law enforcement officials did not pick unnecessary quarrels with travelers	4 <sup>th</sup>	3 <sup>rd</sup>	1 <sup>st</sup>	2 <sup>nd</sup>
3	Law enforcement officials did not claim that travelers did not have complete papers	4 <sup>th</sup>	2 <sup>nd</sup>	1 <sup>st</sup>	3 <sup>rd</sup>
4	Law enforcement officials did not claim that travelers' papers were not genuine	4 <sup>th</sup>	3 <sup>rd</sup>	1 <sup>st</sup>	2 <sup>nd</sup>
5	Law enforcement officials did not claim that travelers were carrying contraband goods	4 <sup>th</sup>	3 <sup>rd</sup>	2 <sup>nd</sup>	1 <sup>st</sup>
6	Law enforcement officials did not claim that travelers are criminals	4 <sup>th</sup>	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup>
7	Travelers were not afraid of being sent back at the border	4 <sup>th</sup>	3 <sup>rd</sup>	1 <sup>st</sup>	2 <sup>nd</sup>
8	Necessity and adequacy of checkpoints encountered	4 <sup>th</sup>	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup>
9	Law enforcement officials were not engaged in isolating travelers and taking their money by force	4 <sup>th</sup>	3 <sup>rd</sup>	1 <sup>st</sup>	2 <sup>nd</sup>
10	Law enforcement officials were not engaged in searching travelers and taking their money by force	4 <sup>th</sup>	2 <sup>nd</sup>	1 <sup>st</sup>	3 <sup>rd</sup>
11	Law enforcement officials were not engaged in delaying and threatening travelers with being sent back	4 <sup>th</sup>	3 <sup>rd</sup>	1 <sup>st</sup>	2 <sup>nd</sup>
12	Law enforcement officials were not engaged in beating travelers and taking their money by force	4 <sup>th</sup>	2 <sup>nd</sup>	1 <sup>st</sup>	3 <sup>rd</sup>
13	Law enforcement officials were not engaged in harassment of travelers	2 <sup>nd</sup>	4 <sup>th</sup>	1 <sup>st</sup>	3 <sup>rd</sup>
14.	Law enforcement officials were not engaged in extortion of money	4 <sup>th</sup>	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup>
	Cumulative scores	17	35	52	36

# 5

## **Monitoring the activities of law enforcement officials along West African borders: Conclusions and recommendations**

Essentially, this study is an exploratory one aimed principally at evaluating the experiences travelers across ECOWAS boundaries in the hands of law enforcement agencies on the backdrop of the Protocol relating to free movement of persons. While it may point to the general direction of activities at the borders, further in-depth studies are required before firm conclusions may be reached. However, based on the preliminary evidence considered, it is safe to make a number of inferences. First, the level of knowledge among both travelers and law enforcement officials about the provisions of the Protocol needs to be raised. A very important area concerns the requirements relating to documentation of persons, goods and vehicles. Second, there is a general feeling among travelers that borders are unsafe and hostile, as a result of the activities of law enforcement officials and touts. Third, there is a high level of disharmony in the rules applied by law enforcement agencies across borders. It seems that the Protocol has done very little in harmonizing rules across jurisdictions. Fourth, there is a multiplicity of law enforcement agencies operating at the borders. The high numbers of unidentified law enforcement agencies, which our respondents reported, point to this situation. This serves as a fillip to violations of the Protocols. Fifth, infrastructure at the borders is very poor, notwithstanding that many travelers – especially those who cross with goods – have to spend days or months at the borders. Sixth, there are strong suggestions that female travelers are particularly in danger of maltreatment by law enforcement officials. Seventh, there is little monitoring of the activities of law enforcement agencies at the borders. Governments, ECOWAS and civil society organizations need to get more involved in monitoring their activities, particularly regarding human rights violations. Finally, with the probable exception of law enforcement officials from Benin, who had a particularly low rating among travelers, it seems that all the law enforcement agencies in all the countries scored low among respondents to our questionnaire and focus group discussants.

Based on these findings, the study makes a number of recommendations addressed to various agencies, which are summarized in Table 26. Among them are:

- Harmonization of security at the borders, particularly through joint patrols. It is necessary to carefully study existing models like the Nigeria-Benin case in fashioning best practices.
- Improved record keeping and information sharing between governments of Member States, ECOWAS secretariat and civil society organizations concerning expulsion of ECOWAS citizens or denying them entry. The case of Nigerian traders who were beaten and detained at the Lome border, as well as other cases, should be investigated.
- Joint training of law enforcement agencies of different countries on the Protocol and related matters. There is need also for regular Public Forums involving citizens, civil society organizations, ECOWAS officials and law enforcement agencies on the Protocol.

- It is now very necessary for the ECOWAS secretariat to consider posting officials to border crossings, at least on a pilot basis, to help monitor the implementation of the provisions of the Protocol.
- Liberalization of the issuance of ECOWAS travel documents and implementation of other regulations necessary to improve the free movement of persons and goods in the sub-regions, including the ECOWAS currency.

**Table 26: Summary of recommendations**

	<b>Summary of recommendation</b>	<b>To</b>	<b>Term</b>
1	Joint patrol of border areas by integrated teams of law enforcement agencies with the approval of Authority of Heads of State & Government and full involvement of the Secretariat of ECOWAS. Explore the Nigeria-Benin joint patrol model	<ul style="list-style-type: none"> <li>•Governments</li> <li>•ECOWAS Secretariat</li> </ul>	Medium term
2.	Notification of Executive Secretariat and country of origin of detention of ECOWAS citizen within 48 hours	<ul style="list-style-type: none"> <li>•Governments</li> <li>•Law enforcement agencies</li> <li>•ECOWAS Secretariat</li> </ul>	Short term to medium term
3.	Build adequate reception, processing and detention facilities at border crossings. Special attention to be paid to the treatment of women.	<ul style="list-style-type: none"> <li>•Governments</li> <li>•Law enforcement agencies</li> </ul>	Medium to long term
4.	Keep a log of expulsions and denial of entry by all border law enforcement agencies, to be communicated regularly to the Executive Secretariat.	<ul style="list-style-type: none"> <li>•Governments</li> <li>•Law enforcement agencies</li> <li>•ECOWAS Secretariat</li> </ul>	Short term
5.	Training of border law enforcement officials on the Protocol and other instruments of ECOWAS	<ul style="list-style-type: none"> <li>•Governments</li> <li>•ECOWAS Secretariat</li> <li>•Civil society organizations</li> </ul>	Short term
6.	Regular interactive public forums at or close to border areas by ECOWAS officials, civil society organizations and law enforcement agencies on the Protocol on free movement of persons.	<ul style="list-style-type: none"> <li>•Civil society organizations</li> <li>•ECOWAS Secretariat</li> <li>•Law enforcement agencies</li> <li>•Public</li> </ul>	Short term
7.	Posting of ECOWAS officials at major border posts, especially to monitor activities of Police, immigration and customs officials at the borders	<ul style="list-style-type: none"> <li>•ECOWAS Secretariat</li> </ul>	Short term
8.	Streamline law enforcement agencies that operate at the borders and harmonize their activities	<ul style="list-style-type: none"> <li>•Governments</li> <li>•Law enforcement agencies</li> <li>•ECOWAS Secretariat</li> </ul>	Medium term
9.	Facilitate the full operation of ECOWAS passport and other travel documents. Make the issuance of such documents possible at border crossings and other major public facilities. Speedy implementation of the ECOWAS currency.	<ul style="list-style-type: none"> <li>•Governments</li> <li>•ECOWAS Secretariat</li> </ul>	Medium to long term
10.	Regular and full access to records on ECOWAS citizens detained, expelled or denied entry should be given to human rights and justice sector reform civil society organizations.	<ul style="list-style-type: none"> <li>•Governments</li> <li>•ECOWAS Secretariat</li> <li>•Civil society organizations</li> <li>•Law enforcement agencies</li> </ul>	Short term
11.	Annual publication by ECOWAS Secretariat of performance indicators and ranking of Member States on the implementation of the Protocol on free movement of persons and other related instruments.	<ul style="list-style-type: none"> <li>•ECOWAS Secretariat</li> <li>•Civil society organizations</li> </ul>	Short term
12	Provide adequate avenues at the ECOWAS Secretariat for aggrieved citizens of ECOWAS to lodge complaints on the activities of law enforcement	<ul style="list-style-type: none"> <li>•ECOWAS Secretariat</li> <li>•Civil society organizations</li> </ul>	Short to medium term

	agencies at the borders. Complaints should be independently investigated (possibly by civil society organizations and the Secretariat) and referred to national agencies for further action where necessary		
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## Appendix 1

### **Report of the Validation Workshops of the Report on the Activities of Law Enforcement Officials that Impede the Full Realization of the ECOWAS Protocol on Free Movement of Persons**

#### **Introduction**

In April 2006, the CLEEN Foundation carried out a survey on the activities of law enforcement officials that impede the full realization of ECOWAS Protocol on Free Movement of Persons and Goods. The study focused on the nine officially documented borders in Benin Republic, Ghana, Nigeria and Togo. The objectives of the study were to:

- Highlight the experiences of ECOWAS citizens traveling across national boundaries at the hands of law enforcement officials.
- Document the activities of border security officials that impede the full realization of ECOWAS Protocol on free Movement of Persons and Goods within the region and the agencies that are the major culprits.
- Rank the countries in terms of their observance of the provisions of the Protocol of Free Movement of Person and Goods.
- Recommend practical measures that could be put in place by ECOWAS and its member countries to ensure better enforcement of the Protocol

The outcome of the study was presented for validation at three forums. The first was at the 4<sup>th</sup> Annual Conference of the West Africa Civil Society Forum (WASCOF), which preceded the ECOWAS meeting of Heads of State. This took place from 15<sup>th</sup> – 17<sup>th</sup> of December 2006 in Ouagadougou, Burkina Faso. The second was at a meeting of academics working on related issues at the University of Nigeria, Nsukka and Nnamdi Azikiwe University, Awka. This took place on the 7<sup>th</sup> of February 2007 in Enugu. Finally, the report was presented to the Executive Committee meeting of the West Africa Civil Society Coalition Forum (WACSOFF) which took place on the 17<sup>th</sup> of March 2007 at the ECOWAS Secretariat, Abuja. The Objectives of the validation workshops were to:

1. Verify the findings of the study through feedback from (1) participants who are knowledgeable regarding the ECOWAS Protocol and its implementation (2) participants from academia who work in this area and who also have experience with law enforcement at the border.
2. Make recommendations that would aid with programmatic interventions and implementation strategy/structures.
3. Identify how to get the informal (practices at the border) to converge with the formal (legal instruments) and the role of the CSO's.
4. Recommend areas for further study in the second phase of the study.

## **Format of the validation workshops**

Each of the three validation workshops was organized in four parts:

- a) Opening remarks and summary of study objectives and the work of CLEEN Foundation by Ms. Isioma Kemakolam, Project Officer of CLEEN Foundation.
- b) Presentation of the study by Okechukwu Ibeanu, Lead Project Consultant.
- c) Exhaustive discussions
- d) Summary and recommendations on the way forward

## **Summary of Participant's Observations and Suggestions on Ways of Improving the Present Report and Future Studies**

1. Participants suggested the need to establish a benchmark on the number of persons and quantity of goods that cross West African borders before and after the implementation of the Protocol. In addition, future studies should explore:

- Motivation for migrating/cross border movement.
- Major trends in cross border movement in West Africa.
- Autonomous female migration
- The level of cross-border movement before and after the ECOWAS Treaty/protocol on free movement of persons and goods.
- The level of cross border movement after the implementation of the treaty 27 years ago.

2. It was also suggested that socio-economic status (SES) should be included in the demographic data. Participants felt that persons of high SES are likely to be treated better by law enforcement agents at the borders.

3. Need to balanced views of the travelers and those of law enforcement agencies. This is useful not only for a more objective assessment, but also to check if law enforcement officials are conscious of the experiences of travelers.

4. Need to establish what the volume of trade across the sub-region was before the implementation of the Protocol, taking into consideration the underground trade, particularly smuggling and the role of communities around borders that may be benefiting from such trade. It was argued that this type of trade is very important and that many West African countries depend on it. For instance, this type of trade thrives along the border between Nigeria and Republic of Benin. In many cases, the volume of underground trade far exceeds officially documented trade. They cited an example with the number of cars and used clothes that are smuggled through the Lagos/Benin border. Also the issue of currency was widely mentioned upon, specifically changes in exchange rates. The participants noted that the move for a unified West African currency, if fully implemented as proposed, may have a negative effect on the Nigeria economy that is regarded as the life line of West Africa trade. In recognition of the importance of the underground economy, it was suggested that it be included in future studies.

5. Need for State parties to have a unified law in order to avoid the conflict of laws that is also an impediment (especially customs and immigration law) to the full realization of the protocol.

6. Need for a comparative study of countries implementing the ECOWAS protocol during the era of military rule and the present democratisation within the sub-region. Doing this, it was argued, would enhance our understanding and appreciation of the levels of implementation by different ECOWAS countries.

7. Participants emphasized the importance of gender as a socio-demographic category and called for more emphasis on the treatment of women by law enforcement agencies at border crossings. It was however noted that women are not mere victims of law enforcement officials since some female traders are known to smuggle small arms in their wares.

8. It was also suggested that future studies should bring out the voices of law enforcement officials more strongly. Particularly, some law enforcement agents may be critical of the actions of their colleagues.

9. Participants also noted the importance of institutions in implementing the Protocols. Where national institutions are weak, there is a tendency for regulations to be undermined. It was suggested that in pursuing the role of institution building in implementing the Protocol, it may be useful to conduct a comparative study of the EU, NAFTA, SADC and ECOWAS on free movement of persons.

10. Need to capture the level of informal trade and other non-formalized economic transactions across West African borders. Participants severally noted the importance of the informal economic sector in trans-West African movements. They observed that a substantial proportion of travellers across West African borders are engaged in trading activities that are not captured by official statistics and regulations. It is necessary to focus more on such activities, which may in fact become a fillip to more formal economic transactions in West Africa. This area is also important because citizens of ECOWAS who operate in the informal sector are often regular targets for victimization by security officials at the borders. Some participants also noted the importance of formalization and official recognition of the informal sector for integration in the ECOWAS sub-region. This will also reduce the level of harassment of informal sector operators by border security officials. Participants suggested that one way of accorded the necessary recognition of non-formal trade and economic transactions is for officials and researchers to consciously seek to identify them, record them and harmonize them with formal economic activities. To achieve these the following were suggested:

- More research into such economic activities.
- Reduction of local tariff in the Nigeria Ports e.g. cars and imported goods this according to them will reduce trans-border movement of cars.
- Harmonisation of tariff across countries
- Qualitative control of the process of clearing goods e.g. delays in clearing.

11. Participants agreed with the study's conclusion that civil society organizations have a central role to play in sensitising travellers and law enforcement officials about the Protocol and in policing the security agencies. Other roles suggested for civil society organizations are:

- Advocacy
- Monitoring using human rights desk/office and joint patrol.
- Documentation and reporting of abuses to higher authority
- Collaboration with government institution likes customs, immigration to train and work together.
- Campaign on the rights of the citizen in other to curb the ignorance of ECOWAS citizens `especially travellers on the protocol
- Publishing of the ECOWAS treaty
- Regular study and documentation of the activities of law enforcement agents and publishing of report findings.

### **Follow-up activities and way forward**

(1) Setting up of a working group to develop strategy for the implementation of all or some of the recommendations especially the advocacy and sensitisation component by WASCOF and CLEEN Foundation.

(2) Development of a proposal on a pilot project to implement the recommendations of the study along selected corridors across West Africa. The Lagos-Accra corridor and the Abidjan-Bamako corridor were mentioned.

(3) CLEEN Foundation and WASCOF should discuss the possibility of a joint project on implementation of the Protocol with ECOWAS Executive Secretariat.

## Appendix 2

### LA FONDATION CLEEN, NIGERIA

Projet de suivie sur la circulation des personnes et des biens à travers les frontières des pays de l'Afrique de l'Ouest.

Surveillance des frontières internationales dans les pays membres de la Communauté Économique des États de l'Afrique de l'Ouest (CEDEAO).

Numéro de série		Lieu de l'interview		Date de l'interview		Débutée à		Terminée à	
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### *QUESTIONNAIRE*

Bonjour Madame/Mademoiselle/Monsieur, j'espère que votre voyage se passe bien. Je m'appelle....., je travaille pour la fondation CLÉEN, une organisation non-gouvernementale intervenant dans le domaine de la sécurité publique. La fondation est entrain d'évaluer les problèmes que rencontrent les voyageurs qui franchissent les frontières des pays de l'Afrique de l'Ouest, dans le but de sensibiliser et d'éveiller les consciences sur le protocole d'accord de la CEDEAO relatif à la libre circulation des personnes et des biens. Nous espérons que les résultats de cette évaluation vont contribuer à améliorer le traitement des voyageurs et en même temps assurer une profonde intégration de la sous-region.

Dans le cadre de ce projet, je vous prie de bien vouloir m'accorder quelques minutes de votre temps si précieux afin de répondre aux questions que je voudrais vous poser. Je vous prie aussi de bien vouloir répondre le plus franchement possible sans aucune crainte. Votre identité n'est requise afin de garder un anonymat parfait et vous assurer que vos réponses seront gardées avec la plus grande discrétion possible.

Merci d'avance de votre patience.

### Section A : Données Biologiques

1. Sexe : Masculin Féminin.....
2. Age au prochain anniversaire :
  - Moins de 21 ans.....
  - 21 ans a 30 ans.....
  - 31 ans a 40ans.....
  - 41 ans a 50 ans.....
  - 51 ans a 60ans.....
  - Plus de 60 ans.....
3. Nationalité.....
4. Pays de résidence.....
5. Veuillez mentionner les langues étrangères (ex français, anglais, etc) que vous parlez :.....
6. Veuillez mentionner les langues vernaculaires Ouest Africaines que vous parlez :.....
7. Occupation/Profession :
  - Petit commerçant/tablier ambulant.....
  - Fonctionnaire de l'état.....
  - Chauffeur/apprenti chauffeur.....
  - Agent de transit.....
  - Artisan.....
  - Etudiant.....
  - Sans emploi.....
  - Clergé.....
  - Autre.....
8. Niveau académique :
  - Aucune scolarisation .....
  - Niveau primaire.....
  - Niveau secondaire .....
  - Niveau universitaire.....
9. Comment voyagez-vous aujourd'hui ?
  - Vehicule personnel.....
  - Vehicule de transport publique.....
  - A moto/bicyclette.....
  - A pieds.....
  - A dos d'animal.....
  - Autre.....

### Section B : Circulation de personnes

10. quel est le point de départ de votre voyage ?.....
11. quelle est votre destination finale ?
12. Pourriez-vous me dire le nombre des postes de contrôle que vous avez rencontrés avant d'arriver à cet endroit ?

Pays	Douanes	Service d'immigration	Police	Agents de la santé	Armée	Non identifié	Autres (préciser) .....
Ghana							
Togo							
Bénin							
Nigéria							

13. Combien de fois franchissez-vous les frontières ci-après ? Où et quand les avez-vous franchies la dernière fois ?

frontière	Où	Quand	Chaque jour	Au moins une fois par semaine	Au moins une fois par mois	Au moins une fois par trimestre	Au moins une fois par an	Une fois pendant les deux dernières années
Nigéria-Bénin								
Bénin-Togo								
Togo-Ghana								

14. Avec quels papiers avec lesquels voyagez-vous présentement et quel est l'état de leur validité ?

Pour tous ceux qui ont été interviewés

Papiers	En règle	Expiré	Non disponible
Carnet de voyage CEDEAO			
Passeport CEDEAO			
Passeport ordinaire			
Carnet de vaccinations			
Passeport diplomatique			
Certificat de voyage pour réfugié			
Autre (préciser)			

Pour conducteurs et propriétaires de véhicule seulement

Papiers	En règle	Expiré	Non disponible
Permis de conduire international			
Attestation de possession du véhicule			
Police d'assurance du véhicule			

15. Que pouvez dire sur le comportement et l'attitude des agents chargés de faire respecter la loi et l'ordre que vous avez rencontré lors de votre voyage ? (Cochez selon le cas)

Frontières	Pays des agents	Corps des agents	Hostiles	Difficiles	Nonchalants	Aimables mais Fermes
Nigéria-Bénin	Nigéria	Douanes				
		Immigration				
		Police				
		Santé				
		Armée				
	Bénin	Douanes				
		Immigration				
		Police				
		Santé				
		Armée				
Bénin – Togo	Bénin	Douanes				
		Immigration				
		Police				
		Santé				
		Armée				
	Togo	Douanes				
		Immigration				
		Police				
		Santé				
		Armée				
Togo – Ghana	Togo	Douanes				
		Immigration				
		Police				
		Santé				
		Armée				
	Ghana	Douanes				
		Immigration				
		Police				
		Santé				
		Armée				

**Section C : Circulation des biens**

16. Vous traversez la frontière avec des marchandises aujourd'hui ?

Oui..... Non.....

17. Si oui, savez-vous si les marchandises sont acceptées selon

(a) Les règlements et lois en vigueur de la CEDEAO ?

Oui..... Non.....

(b) Les règlements et lois en vigueur du pays d'où vous venez ?

Oui..... Non.....

(c) Les règlements et lois en vigueur du pays où vous allez ?

Oui.....Non.....

18. Veuillez donner des détails sur les articles avec lesquels vous traversez aujourd'hui.

Type d'article	Description de l'article	Dimension	Pays d'achat	Pays de fabrication	Avez-vous payé des frais de douanes ?
Articles pour usage personnel					
Articles de commerce et marchandises					

19. Avez-vous conscience d'un registre/formulaire officiel de transit permettant de passer les marchandises à travers les frontières ?

Oui..... Non.....

20. Avez-vous rempli un formulaire ou registre au niveau d'un poste de transit ou à la frontière ?

Oui..... Non.....

21. Quand vous transportez des marchandises au delà des frontières, voyagez-vous avec un carnet de transit ?

Oui..... Non.....

22. Est-ce qu'un agent de ces corps vous a demandé de payer pour passer vos marchandises ? Quel montant ? Vous a-t-on donné un reçu ?

Frontières	Pays de l'agent	Corps des agents	Demande		Combien ?	Avec reçu ?	
			Oui	Non		Oui	Non
Nigéria-Béniny	Nigéria	Douanes	1	2		1	2
		Immigration	1	2		1	2
		Police	1	2		1	2
		Santé	1	2		1	2
		Armée	1	2		1	2
		Autre	1	2		1	2
	Bénin	Douanes	1	2		1	2
		Immigration	1	2		1	2
		Police	1	2		1	2
		Santé	1	2		1	2
		Gendarmerie	1	2		1	2
		Armée	1	2		1	2
Bénin - Togo	Bénin	Douanes	1	2		1	2
		Immigration	1	2		1	2
		Police	1	2		1	2
		Santé	1	2		1	2
		Gendarmerie	1	2		1	2
		Armée	1	2		1	2
	Togo	Douanes	1	2		1	2
		Immigration	1	2		1	2
		Police	1	2		1	2
		Santé	1	2		1	2
		Gendarmerie	1	2		1	2
		Armée	1	2		1	2
Togo - Ghana	Togo	Douanes	1	2		1	2
		Immigration	1	2		1	2
		Police	1	2		1	2
		Santé	1	2		1	2
		Gendarmerie	1	2		1	2
		Armée	1	2		1	2
	Ghana	Douanes	1	2		1	2
		Immigration	1	2		1	2
		Police	1	2		1	2
		Santé	1	2		1	2
		Armée	1	2		1	2
		Autre	1	2		1	2

23. Est-ce qu'un agent de ces corps a saisi vos marchandises ? Si oui, quelles raisons avait-il avancées pour cela?

Frontières	Pays de l'agent	Corps des agents	Oui	Non	Si oui, quelles étaient les raisons avancées ?
Nigéria-Bénin	Nigéria	Douanes	1	2	
		Immigration	1	2	
		Police	1	2	
		Santé	1	2	
		Armée	1	2	
		Autre	1	2	
	Bénin	Douanes	1	2	
		Immigration	1	2	
		Police	1	2	
		Santé	1	2	
		Gendarmerie	1	2	
		Armée	1	2	
		Autre	1	2	
	Bénin - Togo	Bénin	Douanes	1	2
Immigration			1	2	
Police			1	2	
Santé			1	2	
Gendarmerie			1	2	
Armée			1	2	
Autre			1	2	
Togo		Douanes	1	2	
		Immigration	1	2	
		Police	1	2	
		Santé	1	2	
		Gendarmerie	1	2	
		Armée	1	2	
		Autre	1	2	
Togo - Ghana	Togo	Douanes	1	2	
		Immigration	1	2	
		Police	1	2	
		Santé	1	2	
		Gendarmerie	1	2	
		Armée	1	2	
		Autre	1	2	
	Ghana	Douanes	1	2	
		Immigration	1	2	
		Police	1	2	
		Santé	1	2	
		Armée	1	2	
		Autre	1	2	

**Section D : attitude et comportement des agents envers les voyageurs**

24. Est-ce que les agents de la loi et de l'ordre ont demandé à voir vos papiers durant votre voyage ?

Oui..... Non.....

25. Si vos papiers sont complets et en règle, vous permettent-ils de passer sans gêne ?

Oui..... Non.....

26. Si non, quelles raisons ont-ils avancées pour vous retarder ?

a) Ils ont prétendu que l'agent qui devrait s'occuper de nous n'est pas présent      Oui.....      Non.....

b) Ils nous ont provoqués  
Oui.....      Non.....

c) Ils ont dit que nos papiers ne sont pas en règle  
Oui...      Non.....

d) Ils nous ont accusés de porter de faux papiers  
Oui.....      Non.....

e) Ils nous traités de contrebandiers  
Oui.....      Non.....

f) Ils nous ont traités de criminels  
Oui.....      Non.....

g) Il n'y avait aucune raison avancée  
Oui.....      Non...

h) autre raisons avancées  
Oui.....      Non.....

27. Pensez-vous que les agents vous ont harassé ou harassé d'autres voyageurs avec lesquels vous voyagez ensemble?

Oui..... Non.....

28. Si oui, quelles sont, selon vous les raisons ?

a) Certains n'avaient pas de papiers en règle.....

b) Certains avaient des marchandises illégales.....

c) Parce que nous ne sommes pas du pays.....

d) Parce que nous ne pouvons pas parler leur langue.....

e) Nous n'avons pas versé de pot de vin.....

f) Il n'y avait aucune raison claire.....

g) D'autre raison.....

29. Est-ce qu'un agent vous a demandé de payer avant de passer ? Quel montant ? Vous a-t-il donné de reçu ?

Frontières	Pays de l'agent	Corps des agents	Demande		Combien ?	Avec reçu ?	
			Oui	Non		Oui	Non
Nigéria-Bénin	Nigéria	Douanes	1	2		1	2
		Immigration	1	2		1	2
		Police	1	2		1	2
		Santé	1	2		1	2
		Armée	1	2		1	2
		Autre	1	2		1	2
	Bénin	Douanes	1	2		1	2
		Immigration	1	2		1	2
		Police	1	2		1	2
		Santé	1	2		1	2
		Gendarmerie	1	2		1	2
		Armée	1	2		1	2
Bénin - Togo	Bénin	Douanes	1	2		1	2
		Immigration	1	2		1	2
		Police	1	2		1	2
		Santé	1	2		1	2
		Gendarmerie	1	2		1	2
		Armée	1	2		1	2
	Togo	Douanes	1	2		1	2
		Immigration	1	2		1	2
		Police	1	2		1	2
		Santé	1	2		1	2
		Gendarmerie	1	2		1	2
		Armée	1	2		1	2
Togo - Ghana	Togo	Douanes	1	2		1	2
		Immigration	1	2		1	2
		Police	1	2		1	2
		Santé	1	2		1	2
		Gendarmerie	1	2		1	2
		Armée	1	2		1	2
	Ghana	Douanes	1	2		1	2
		Immigration	1	2		1	2
		Police	1	2		1	2
		Santé	1	2		1	2
		Armée	1	2		1	2
		Autre	1	2		1	2

30. si vous avez payé de l'argent pourquoi l'aviez vous fait ?
- a) J'avais peur d'être renvoyé.....
  - b) J'ignore les règles .....
  - c) Les autres voyageurs payaient .....
  - d) J'avais peur d'être battu.....
  - e) Je n'avais pas les papiers requis.....
  - f) J'avais peur que mes marchandises soient saisies.....
  - g) D'autres raisons.....
31. Si vous avez payé de l'argent, comment l'avez-vous fait ?
- a) J'étais bloqué à l'entrée puis on m'a demandé de payer.....
  - b) On m'a isolé des autres voyageurs puis menacé.....
  - c) On m'a fouillé puis l'argent était pris de force.....
  - d) On m'a simplement demandé de payer et passer.....
  - e) On m'a retenu pendant longtemps puis menacé d'être renvoyé
  - f) On m'a battu puis obligé à payer
  - g) Autres raisons.....

32. Est-ce que les agents d'un ou plusieurs de ces corps vous ont affiché une certaine discrimination ou vous ont maltraité sur la base de votre nationalité ?

Frontières	Pays de l'agent	Corps des agents	Oui	Non	Si oui, décrivez en bref l'incident	Vous rappelez vous du jour	
Nigéria-Bénin	Nigéria	Douanes	1	2			
		Immigration	1	2			
		Police	1	2			
		Santé	1	2			
		Armée	1	2			
		Autre	1	2			
	Bénin	Douanes	1	2			
		Immigration	1	2			
		Police	1	2			
		Santé	1	2			
		Gendarmerie	1	2			
		Armée	1	2			
	Bénin – Togo	Bénin	Douanes	1	2		
			Immigration	1	2		
Police			1	2			
Santé			1	2			
Gendarmerie			1	2			
Armée			1	2			
Togo		Douanes	1	2			
		Immigration	1	2			
		Police	1	2			
		Santé	1	2			
		Gendarmerie	1	2			
		Armée	1	2			
Togo – Ghana		Togo	Douanes	1	2		
			Immigration	1	2		
	Police		1	2			
	Santé		1	2			
	Gendarmerie		1	2			
	Armée		1	2			
	Ghana	Douanes	1	2			
		Immigration	1	2			
		Police	1	2			
		Santé	1	2			
		Armée	1	2			
		Autre	1	2			

33. Pourriez-vous estimer en minutes le temps qu'il vous a pris pour traverser d'un coté à l'autre ? Croyez-vous que ce temps est normal ou trop long ?

Frontière	Pays	Estimation de la durée de la traversée	Normale	Trop longue
Nigéria- Bénin	Nigéria		1	2
	Bénin		1	2
Bénin – Togo	Bénin		1	2
	Togo		1	2
Togo – Ghana	Togo		1	2
	Ghana		1	2

34. Avez-vous déjà porté plainte contre un ou plusieurs de ces corps ? Si oui, que s'est-il passé après ?

Frontières	Pays de l'agent	Corps des agents	Oui	Non	Si oui, décrivez en bref l'incident	Vous rappelez vous du jour
Nigéria-Bénin	Nigéria	Douanes	1	2		
		Immigration	1	2		
		Police	1	2		
		Santé	1	2		
		Armée	1	2		
		Autre	1	2		
	Bénin	Douanes	1	2		
		Immigration	1	2		
		Police	1	2		
		Santé	1	2		
		Gendarmerie	1	2		
		Armée	1	2		
Bénin - Togo	Bénin	Douanes	1	2		
		Immigration	1	2		
		Police	1	2		
		Santé	1	2		
		Gendarmerie	1	2		
		Armée	1	2		
	Togo	Douanes	1	2		
		Immigration	1	2		
		Police	1	2		
		Santé	1	2		
		Gendarmerie	1	2		
		Armée	1	2		
Togo - Ghana	Togo	Douanes	1	2		
		Immigration	1	2		
		Police	1	2		
		Santé	1	2		
		Gendarmerie	1	2		
		Armée	1	2		
	Ghana	Douanes	1	2		
		Immigration	1	2		
		Police	1	2		
		Santé	1	2		
		Armée	1	2		
		Autre	1	2		

35. Si vous aviez refusé de porter plainte contre ces agents, c'est parce que :
- Vous aviez peur de représailles des agents à la frontière ? Oui..... Non....
  - Vous ne savez pas où et comment porter plainte ? Oui.....Non.....
  - Vous n'aviez ni le temps ni les moyens pour suivre l'affaire ? Oui...Non...
  - Vous êtes convaincu que rien ne se passerait ? Oui..... Non.....
  - Vos papiers ne sont pas en règle et vous ne pas attirer l'attention sur vous ?  
Oui..... Non.....
  - D'autre raison ? .....
36. En général, que diriez-vous du nombre de poste de contrôle que vous avez rencontré ?
- a) Adéquat et nécessaire ?.....1.....
  - b) Trop nombreux ? .....2.....
  - c) Insuffisant ?.....3.....
  - d) Je n'en sais ? .....4.....
37. En général, diriez-vous que les activités des agents de la loi et de l'ordre ont affecté vos affaires de manière :
- |                           |   |
|---------------------------|---|
| Très positive ?           | 1 |
| Positive ?                | 2 |
| Ni positive ni négative ? | 3 |
| Négative ?                | 4 |
| Très négative ?           | 5 |

Merci Beaucoup de votre patience.

**CLEEN FOUNDATION, NIGERIA  
PROJECT ON MONITORING THE MOVEMENT OF PERSONS AND GOODS  
ALONG WEST AFRICAN BORDERS - -**

Serial Number		Border		Date of Interview		Time Started		Time ended	
---------------	--	--------	--	-------------------	--	--------------	--	------------	--

**INTERVIEW SCHEDULE**

Good [morning/afternoon/evening) sir/madam, I hope your'trip so far has been good. My name is ..... I work for the CLEEN Foundation, a non-governmental organization that Promotes public safety and security. The Foundation is currently assessing the experiences of travellers across West African borders as part of raising awareness about the functioning of ECOWAS Protocols relating to the free movement of people and goods. We hope that the result of this assessment will contribute to improved treatment of travellers, while furthering integration of the sub-Region.

As part of this project, I would like to ask you a few questions that will not take much of your time. Kindly answer them as best as you can. Your name is not required in order to ensure that your answers are treated with the utmost confidence.

Thank you.

**Section A : Bio Data**

- 13. Sex : Male..... Female.....
- 14. Age next birthday :
  - Under 21 .....
  - 21 - 30.....
  - 31 - 40.....
  - 41 - 50 .....
  - 51 - 60.....
  - Above 60.....
- 15. Nationality.....
- 16. Country of residence.....
- 17. Please list the foreign languages you speak (eg French, English and Portuguese etc) :.....
- 18. Please list the local West African languages you speak :.....
- 19. Occupation/Profession :
  - Civil/Public servant.....
  - Missionary.....
  - Clearing Agent.....
  - Agent de transit.....
  - Trader/market woman.....
  - Artisan eg. Vulcanizer, mechanic.....
  - Student.....
  - Unemployed.....
  - Any other.....
- 20. Highest level of education attained :
  - No formal schooling .....
  - Primary education.....
  - Secondary education .....
  - Tertiary education.....
- 21. By what means are you travelling today ?
- 9. By what means are you traveling today?
  - Private Vehicle.....
  - Commercial vehicle.....
  - Motor cycle.....
  - Bicycle.....
  - On foot.....
  - On animal.....
  - Any Other.....

**Section B : Movement of people**

- 22. where is the origin of your journey ?.....
- 23. Where is your final destination ?

24. Kindly tell me the number of law enforcement checkpoints you encountered as you approached this border crossing.

Country	Customs	Immigration	Police	Health : eg. Drug Veterinary, etc	Military	Unidentifiable	Other (specify) :
BENIN							
GHANA							
NIGERIA							
TOGO							

13. Where and when did you last cross the following borders ? How often do you cross them ?

BORDER	Where	When last	Everyday	At Least once a week	At least once a month	At least onces in 3 months	At least once a year	Once in the last two years
Nigerina - Benin								
Benin-Togo								
Togo-Ghana								

14. Which of the following travel documents are you presently travelling with ?

Everybody Interviewed

Papers	Valid	Expired	Don't have
ECOWAS travel certificate			
ECOWAS Passport			
Ordinary International Passport			
Vercination ard or Health Certificate			
Diplomatic Passport			
Refugee travel document			
Laissez passer			
Other (specify).....			

Drivers & vehicle owners only

Papers	Valid	Expired	Don't have
International driving license			
Ownership card of the vehicle			
Vehicle insurance			

15. How would you describe your encounter with these law enforcement agencies during your trip ? (Tick as applicable)

Border	Country	Agency	Hostile	Difficult	Care free	Pleasant but firm
		Customs				
	Nigeria	Immigration				
		Police				
		Health				

Nigeria-Benin		Military				
		Other				
	Benin	Customs				
		Immigration				
		Police				
		Health				
Gendarme						
Benin- Togo	Benin	Customs				
		Immigration				
		Police				
		Health				
	Military					
	Togo	Customs				
		Immigration				
		Police				
Health						
Military						
Togo- Ghana	Togo	Customs				
		Immigration				
		Police				
		Health				
		Military				
	Ghana	Customs				
		Immigration				
		Police				
		Health				
Military						

**Section C : Movement of goods**

**16. Are you crossing the border with goods today ?**

Yes..... No.....

**17. If yes, are the goods you are carrying permitted under:**

(c) ECOWAS regulations?

Yes..... No.....

(d) The regulations of the country you are coming from ?

Yes..... No.....

(c) The regulations of your country?

Yes..... No.....

**18. Kindly give details of some of the goods you are crossing with today ?**

Type	Item (description)	Size	Country of purchase	Country of manufacture	Did you pay custom duty ?
Goods for personal use (including personal luggage)					
Goods for sale (Merchandise or commercial items)					

**19. Are you aware of the existence of official transit registers/log books for conveying goods across**

Yes..... No.....

**20. Did you fill any official transit register/log book in any of the transit offices or borders ?**

Yes..... No.....

**21. When you convey goods across the borders, do you travel with interstate transit booklet ?**

Yes..... No.....

**22. Did any of these agencies demand payment for your goods and how much ? did they give you a receipt ?**

Border	Country	Agency	Demand		How much ?	Did they give you a receipt?	
			Yes	No		Yes	No
Nigeria-Benin	Nigeria	Customs	1	2		1	2
		Immigration	1	2		1	2
		Police	1	2		1	2
		Health	1	2		1	2
		Military	1	2		1	2
		Other	1	2		1	2
	Benin	Customs	1	2		1	2
		Immigration	1	2		1	2
		Police	1	2		1	2
		Health	1	2		1	2
		Gendame	1	2		1	2
		Military	1	2		1	2
		Other	1	2		1	2
		Benin- Togo	Benin	Customs	1	2	
Immigration	1			2		1	2
Police	1			2		1	2
Health	1			2		1	2
Gendame	1			2		1	2
Military	1			2		1	2
Togo	Customs		1	2		1	2
	Immigration		1	2		1	2
	Police		1	2		1	2
	Health		1	2		1	2
	Gendarme		1	2		1	2
	Military		1	2		1	2
	Other		1	2		1	2
	Togo-Ghana		Togo	Customs	1	2	
Immigration		1		2		1	2
Police		1		2		1	2
Health		1		2		1	2
Gendarme		1		2		1	2
Military		1		2		1	2
Ghana		Customs	1	2		1	2
		Immigration	1	2		1	2
		Police	1	2		1	2
		Health	1	2		1	2
		Military	1	2		1	2
		Other	1	2		1	2

**23. Did any of these agencies seize your goods ? If yes, what reasons did they give for doing so ?**

Borders	Country	Agency	Yes	No	If yes, What Reasons did they give for doing so?
		Customs	1	2	
		Immigration	1	2	

Nigeria- Benin	Nigeria	Police	1	2	
		Health	1	2	
		Military	1	2	
		Other	1	2	
	Benin	Customs	1	2	
		Immigration	1	2	
		Police	1	2	
		Health	1	2	
		Gendarme	1	2	
		Military	1	2	
Benin- Togo	Benin	Customs	1	2	
		Immigration	1	2	
		Police	1	2	
		Health	1	2	
		Gendarme	1	2	
		Military	1	2	
		Other	1	2	
	Togo	Customs	1	2	
		Immigration	1	2	
		Police	1	2	
		Health	1	2	
		Gendarme	1	2	
		Military	1	2	
		Other	1	2	
Togo-Ghana	Togo	Customs	1	2	
		Immigration	1	2	
		Police	1	2	
		Health	1	2	
		Gendarme	1	2	
		Military	1	2	
		Other	1	2	
	Ghana	Customs	1	2	
		Immigration	1	2	
		Police	1	2	
		Health	1	2	
		Military	1	2	
		Other	1	2	

**Section D : Treatment of people by law enforcement agencies**

**24. Did security agents at this border ask to see your travel documents during this trip?**

Yes..... No.....

**25. When your documents were complete did they allow you to proceed without hindrance ?**

Yes..... No.....

**26. If they did not allow you to proceed, did they:**

i) Claim that officers to see you were not on seat ?

Yes..... No.....

j) Try to pick unnecessary quarrels with you ?

Yes..... No.....

- k) Claim that your papers were incomplete?  
Yes..... No.....
- l) Claim that your papers were genuine?  
Yes..... No.....
- m) Claim that you were carrying contraband goods?  
Yes..... No.....
- n) Say that you may be a criminal ?  
Yes..... No.....
- o) Give no reason at all ?  
Yes..... No.....
- p) Give any other reason ?  
Yes..... No.....

**27. Would you say that law enforcement agents harassed you or your co-travellers during this trip ?**

Yourself Yes..... Your co-travellers..... None of you .....

**28. If you or your co-travellers were harassed, is it because :**

- h) Some you did not have valid document?  
Yes..... No.....
- i) Some of you had illegal goods ?  
Yes..... No.....
- j) You are not from their country ?  
Yes..... No.....
- k) You could not speak their language ?  
Yes..... No.....
- l) You did not pay a bribe ?  
Yes..... No.....
- m) There was no clear reason at all ?  
Yes..... No.....
- n) Any other reason ?.....  
Yes..... No.....

**29. Did any of these agencies demand money to allow you cross the border and how much ? Did they give you a receipt ?**

Border	Country	Agency	Demand		How Much ?	Did they give you a receipt?	
			Yes	No		Yes	No
Nigeriaa-Benin	Nigeria	Douanes	1	2		1	2
		Immigration	1	2		1	2
		Police	1	2		1	2
		Health	1	2		1	2
		Military	1	2		1	2
		Other	1	2		1	2
	Benin	Douanes	1	2		1	2
		Immigration	1	2		1	2
		Police	1	2		1	2
		Health	1	2		1	2
		Gendarme	1	2		1	2
		Military	1	2		1	2
		Other	1	2		1	2
		Benin- Togo	Bénin	Customs	1	2	
Immigration	1			2		1	2
Police	1			2		1	2
Health	1			2		1	2
Gendarme	1			2		1	2
Military	1			2		1	2
Togo	Customs		1	2		1	2
	Immigration		1	2		1	2
	Police		1	2		1	2
	Health		1	2		1	2
	Gendarme		1	2		1	2
	Military		1	2		1	2
	Other		1	2		1	2
	Togo-Ghana		Togo	Customs	1	2	
Immigration		1		2		1	2
Police		1		2		1	2
Health		1		2		1	2
Gendarme		1		2		1	2
Military		1		2		1	2
Other		1		2		1	2
Ghana		Customs	1	2		1	2
		Immigration	1	2		1	2
		Police	1	2		1	2
		Health	1	2		1	2
		Military	1	2		1	2
		Other	1	2		1	2

**30. If you gave the money, was it because ?**

- h) You were afraid of being back ?  
Yes..... No.....
- i) You don't know what the rules are ?  
Yes..... No.....
- j) Other travellers were paying ?

- Yes..... No.....
- k) You were afraid of being beaten ?  
Yes..... No.....
- l) You didn't have the right travel documents ?  
Yes..... No.....
- m) You were afraid that your goods will be seized ?  
Yes..... No.....
- n) Any other reason?  
Yes..... No.....

**31. If you paid the money, were you:**

- h) Stopped by a person at the entrance and asked to pay ?  
Yes..... No.....
- i) Isolated from the other passengers and threatened so you paid ?  
Yes..... No.....
- j) Searched and the money taken by force ?  
Yes..... No.....
- k) Simply asked to pay and pass ?  
Yes..... No.....
- l) Delayed and threatened to pay or be sent back ?  
Yes..... No.....
- m) Beaten and forced to pay ?  
Yes..... No.....
- n) Any other.....  
Yes..... No.....

**32. Did any of these agencies discriminate against you or maltreat you during your trip or in the past because of your nationality?**

Border	Country	Agency	Yes	No	If yes, Please Describe Happened ?	Briefly What	Can you recall the date
Nigeria	Nigeria	Customs	1	2			
		Immigration	1	2			
		Police	1	2			
		Health	1	2			
		Military	1	2			
		Other	1	2			
	Benin	Customs	1	2			
		Immigration	1	2			
		Police	1	2			
		Health	1	2			
		Gendarme	1	2			
		Military	1	2			
		Other	1	2			
		Benin - Togo	Benin	Customs	1	2	
Immigration	1			2			
Police	1			2			
Health	1			2			
Gendarme	1			2			
Military	1			2			
Togo	Customs		1	2			
	Immigration		1	2			
	Police		1	2			
	Health		1	2			
	Gendarme		1	2			
	Military		1	2			
	Other		1	2			
	Togo-Ghana		Togo	Customs	1	2	
Immigration		1		2			
Police		1		2			
Health		1		2			
Gendarme		1		2			
Military		1		2			
Ghana		Customs	1	2			
		Immigration	1	2			
		Police	1	2			
		Health	1	2			
		Military	1	2			
		Other	1	2			

33. Could you estimate in minutes the time it took you to cross the following borders and do you think the time was too long or normal ?

Border	Country	Estimated duration of crossing	Normal	Too long
Nigeria-Benin	Nigeria		1	2
	Benin		1	2
Benin - Togo	Benin		1	2
	Togo		1	2
Togo – Ghana	Togo		1	2
	Ghana		1	2

34. Have you ever reported a case against any of these agencies ? If yes what happened after your report ?

Border	Country	Agency	Yes	No	If yes, please briefly describe what happened ?	Kindly recall the date if you can
Nigeria - Benin	Nigeria	Customs	1	2		
		Immigration	1	2		
		Police	1	2		
		Health	1	2		
		Military	1	2		
		Other	1	2		
	Benin	Customs	1	2		
		Immigration	1	2		
		Police	1	2		
		Health	1	2		
		Gendarme	1	2		
		Military	1	2		
		Other	1	2		
		Benin - Togo	Benin	Customs	1	2
Immigration	1			2		
Police	1			2		
Health	1			2		
Gendarme	1			2		
Military	1			2		
Other	1			2		
Togo	Customs		1	2		
	Immigration		1	2		
	Police		1	2		
	Health		1	2		
	Gendarme		1	2		
	Military		1	2		
	Other		1	2		
Togo - Ghana	Togo	Customs	1	2		
		Immigration	1	2		
		Police	1	2		
		Health	1	2		
		Gendarme	1	2		
		Military	1	2		
		Other	1	2		
	Ghana	Customs	1	2		
		Immigration	1	2		
		Police	1	2		
		Health	1	2		
		Military	1	2		
		Autre	1	2		

35. If you have not reported a case against any of the agencies, is it because:

Your fear reprisals by law enforcement agents at the borders ? Yes.....No.....

You do not know how and where to lodge your report ? Yes..... No.....

You do not have the money and time to pursue a report ? Yes..... No.....

You know that nothing will happen after your report ? Yes..... No.....

Your papers are incomplete and you don't want to attract attention  
Yes..... No.....

**36. On the whole, would you say that the number of checkpoint you encountered on this trip is:**

- a) Adequate and necessary.....1.....
- b) Too many and unnecessary.....2.....
- c) Not enough .....3.....
- d) I don't know .....4.....

**37. On the whole, how would you say that the activities of law enforcement agencies along the borders have affected your business ? :**

- Very Positively.....1.....
- Positively.....2.....
- Neither positively nor negatively.....3.....
- Negatively.....4.....
- Very Negatively.....5.....

Thank you very much for your patience.

## Appendix 3

### ECOWAS Protocol A/P.1/5/79 Relating to Free Movement of Persons, Residence and Establishment

#### THE HIGH CONTRACTING PARTIES

**RECALLING** that sub-paragraph (d) of paragraph 2 of Article 2 of the Treaty of the Economic Community of West African States calls on Member States to ensure by stages the abolition of the obstacles to free movement of persons, services and capital ;

**RECALLING** also that paragraph 1 of Article 27 of the Treaty of the Economic Community of West African States confers the status of Community citizenship on the citizens of Member States, and also enjoins Member States to abolish all obstacles to freedom of movement and residence within the Community ;

**RECALLING** further that paragraph 2 of Article 27 of the Treaty of the Economic Community of West African States further calls on Member States to exempt Community citizens from holding visitor's visa and residence permits and allow them to work and undertake commercial and industrial activities within their territories ;

**CONVINCED** of the need to spell out in this protocol the various stages to be undergone to accomplish complete freedom of movement as envisaged by sub-paragraph (d) of paragraph 2 of Article 27 of the Treaty of the Economic Community of West African States ;

**HAVE AGREED AS FOLLOWS :**

#### PART 1

#### DEFINITIONS

##### Articles I

##### In this Protocol :

**"Treaty"** means the Treaty of the Economic Community of West African States ;

**"Council of Ministers"** means the Council of Ministers established by Article 6 of the Treaty of the Economic Community of West African States ;

**"Executive Secretary"** means the Executive Secretary of the Economic Community of West African States ;

**"Community"** means the Economic Community of West African States ;

**"Member State" or "Member States"** means a Member State or Member States of the Economic Community of West African States ;

**"A citizen of the Community"** means a citizen of any Member State ;

**"A valid travel document"** means a passport or any other valid travel document establishing the identity of the holder with his photograph, issued by or on behalf of the Member State of which he is a citizen and on which endorsement by immigration and emigration authorities may be made. A valid travel document shall also include a laissez-passer issued by the Community to its officials establishing the identity of the holder.

#### PART II

#### GENERAL PRINCIPLES ON MOVEMENT OF PERSONS, RESIDENCE AND ESTABLISHMENT

##### Article 2

The Community citizens have the right to enter, reside and establish in the territory of Member States.

The right of entry, residence and establishment referred to in paragraph 1 above shall be progressively established in the course of a maximum transitional period of fifteen (15) years from the definitive entry into force of this Protocol by abolishing all other obstacles to free movement of persons

and the right of residence and establishment.

The right of entry, residence and establishment which shall be established in the course of a transitional period shall be accomplished in three phases, namely:

Phase I - Right of Entry and Abolition of Visa

Phase II - Right of Residence

Phase II - Right of Establishment

Upon the expiration of a maximum period of five (5) years from the definitive entry into force of this Protocol, the Commission, based upon the experience gained from the implementation of the first phase as set out in Article 3 below, shall make proposals to the Council of Ministers for further liberalisation towards the subsequent phases of freedom of residence and establishment of persons within the Community and phases shall be dealt with in subsequent Annexes to this Protocol.

### **PART III**

## **IMPLEMENTATION OF THE FIRST PHASE : ABOLITION OF VISAS AND ENTRY PERMIT**

### **Article 3**

Any citizen of the Community who wishes to enter the territory of any other Member State shall be required to possess a valid travel document and an international health certificate.

A citizen of the Community visiting any Member State for a period not exceeding ninety (90) days shall enter the territory of that Member State through the official entry point free of visa requirements. Such citizen shall, however, be required to obtain permission for an extension of stay from the appropriate authority if after such entry that citizen has cause to stay for more than ninety (90) days.

### **Article 4**

Notwithstanding the provisions of Article 3 above, Member States shall reserve the right to refuse admission into their territory to any Community citizen who comes within the category of inadmissible immigrant under its laws.

### **PART IV**

## **MOVEMENT OF VEHICLES FOR THE TRANSPORTATION OF PERSONS**

### **Article 5**

In order to facilitate the movement of persons transported in private or commercial vehicles the following shall apply :

#### **Private Vehicles**

A private vehicle registered in the territory of a Member State may enter the territory of another Member State and remain there for a period not exceeding ninety (90) days upon presentation of the documents listed hereunder to the competent authority of that Member State:

Valid driving licence

Matriculation Certificate (Ownership Card) or Log Book.

Insurance Policy recognised by Member States

International customs documents recognised within the Community.

#### **Commercial Vehicles**

A commercial vehicle registered in the territory of a Member State and carrying passengers may enter the territory of another Member State and remain there for a period not exceeding fifteen (15) days upon presentation of the documents listed hereunder to the competent authority of that Member State :

Valid driving licence

Matriculation Certificate (Ownership Card) or Log Book.

Insurance Policy recognised by Member States

International customs documents recognised within the Community.

During the period of fifteen (15) days the commercial motor vehicle shall however not engage in any commercial activities within the territory of the Member State entered.

**PART V**  
**MISCELLANEOUS PROVISIONS**

**Article 6**

Each Member State shall deposit at the Executive Secretariat specimen of travel documents defined in Article 1 in the present Protocol with a view to communicating them to all Member States.

**Article 7**

Any dispute that may arise among Member States regarding the interpretation or application of this Protocol shall be amicably settled by direct agreement. In the event of failure to settle such disputes, the matter may be referred to the Tribunal of the Community by a party to such disputes and the decision of the Tribunal shall be final.

**Article 8**

Any Member State may submit proposals for the amendment or revision of this Protocol.

Any such proposals shall be submitted to the Executive Secretary who shall communicate them to other Member States not later than thirty (30) days after the receipt of such proposal. Amendments or revisions shall be considered by the Council of Ministers after Member States have been given one month's notice thereof.

**Article 9**

Member States undertake to co-operate among themselves by exchanging information on such matters that are likely to affect the effective implementation of this Protocol. Such information shall also be sent to the Executive Secretary for necessary action in accordance with the provisions of the Treaty.

**Article 10**

The provisions of this Protocol shall not operate to the prejudice of citizens of the Community who are already in residence and established in a Member State provided they comply with the laws in general and in particular the immigration laws of that Member State.

**Article 11**

A decision to expel any citizen of the Community from the territory of a Member State shall be notified to the citizen concerned as well as the government of which he is a citizen and the Executive Secretary of ECOWAS.

The expenses incurred in the expulsion of a citizen shall be borne by the Member State which expels him.

In case of expulsion, the security of the citizen concerned as well as that of his family shall be guaranteed and his property protected and returned to him without prejudice to his obligations to third party.

In case of repatriation of a citizen of the Community from the territory of a Member State, that Member State shall notify the government of the State of origin of the citizen and the Executive Secretary.

The cost of repatriation of a citizen of the Community from the territory of a Member State shall be borne by the citizen himself or in the event that he is unable to do so by the country of which he is a citizen.

**Article 12**

The provisions of the present Protocol shall not affect more favourable provisions contained in agreements that have already been concluded between two or among several Member States.

**PART VI**

**FINAL PROVISIONS : DEPOSIT AND ENTRY INTO FORCE**

**Article 13**

This Protocol shall enter into force provisionally upon signature by Heads of State and Government of Member States and definitively upon ratification by at least seven signatory States in accordance with the constitutional procedures applicable for each signatory State.

The Protocol and all the instruments of ratification shall be deposited with the Executive Secretariat which shall transmit certified true copies of this Protocol to all Member States and notify them of the dates of deposit of the instruments of ratification and shall register this Protocol with the Organisation of African Unity, the United Nations and such Organisations as the Council shall determine.

This Protocol shall be annexed to and shall form an integral part of the Treaty.

**IN FAITH WHEREOF, WE, THE HEADS OF STATE AND GOVERNMENT OF THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES, HAVE SIGNED THIS PROTOCOL**

**DONE AT DAKAR, THIS 29<sup>TH</sup> DAY OF MAY, 1979 IN A SINGLE ORIGINAL IN THE ENGLISH AND FRENCH LANGUAGES, BOTH TEXTS BEING EQUALLY AUTHENTIC**

Despite the provisions of ECOWAS Treaty and the protocol on free movement of persons and goods, freedom of movement remains difficult across West Africa. The story of what West African citizens go through at the hands of border security officials is the same - harassment, extortion, brutality, deportation, and traumatic delays in moving goods across borders, sometime lasting weeks due to countless number of security checkpoints along the border highways, many of them mounted by unauthorized officials.

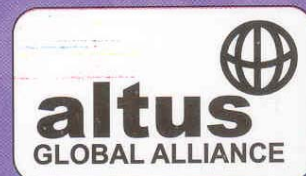
The social and economic consequences of this state of affairs in terms of regional integration and trade can only be imagined.

This publication is the result of an exploratory study on monitoring the activities of law enforcement officials along West African borders that impede the full implementation of the ECOWAS Protocol on Free Movement of Persons and Goods by member countries. The highlights of the findings include: low level of knowledge of travellers and law enforcement officials about the provisions of the protocol; general feeling among travellers that borders are unsafe and hostile as a result of the activities of law enforcement officials and touts; high level of disharmony in the rules applied by law enforcement agencies across borders, which reveals that the Protocol has done very little in harmonizing rules across jurisdictions; multiplicity of law enforcement agencies operating at the borders and generally low perception of cross border travellers about the level of professionalism and effectiveness of border security officials.

The study recommends the harmonization of security at the borders, particularly through joint patrols; improved record keeping and information sharing between governments of Member States, ECOWAS secretariat and civil society organizations concerning expulsion of ECOWAS citizens or denying them entry; joint training of law enforcement agencies of different countries on the Protocol and related matters; posting of ECOWAS officials to border crossings, at least on a pilot basis, to help monitor the implementation of the provisions of the Protocol; liberalization of the issuance of ECOWAS travel documents and implementation of other regulations necessary to improve the free movement of persons and goods in the sub-regions, including the ECOWAS currency and institution of processes and mechanisms that would require member states to file periodic reports to the Secretariat on their level of observation of the provisions of treaties signed and ratified by them. This would encourage civil society groups in the sub-region to file alternative or shadow reports to those of state parties and provide further information on how member states fare in the implementation of their treaty obligations.



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