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The ECOWAS Free Movement Protocol and Diversity of Experiences of Different Categories of Migrants: A Qualitative Study

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ABSTRACT

While studies have drawn attention to the operationalization, and implementation challenges associated with the ECOWAS free movement protocol, our understanding of how different categories of migrants experience the protocol is far more limited. Drawing on data from interviews conducted with 23 ECOWAS migrants living or travelling to Ghana, immigration officials and a trade union representative, this paper examines the diversity of experiences of ECOWAS migrants in relation to the free movement protocol. The findings suggest that the experiences of ECOWAS nationals in areas such as awareness and knowledge of provisions in the protocol, border crossing, processes of acquiring residence and work permits and renewing permits, and rights of establishment differ remarkably by dimensions of social difference. The gender, social class and nationality of migrants are fundamental and shape the experiences of ECOWAS migrants in divergent ways. These findings have important implication for policies seeking to promote free movement in West Africa.

INTRODUCTION

West Africa has historically served as an economic base within which trade in goods and services naturally takes place (Adepoju, 2015). Migration within the region is seen as an integral part of livelihoods and a way of life that dates to the pre-colonial era. Movement across generations in the region has been in response to political, cultural, demographic and socio-economic factors (Agyei and Clottey, 2007). Narratives within the media and popular discourses on contemporary mobility flows in the West African context tend to create the notion that there is mass exodus of people from West Africa to countries in the Global North, particularly Europe (Adepoju, 2015). However, reliable data show that a majority of the cross-border movements – encompassing farm labourers, traders and skilled workers, who are less in tune with what they see as arbitrary – has been essentially intra-regional (Adepoju, 2015). More recent data provided by UN DESA (2018) show that 71.8% of migrants from the West African region migrate to destinations within the region.

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Although all countries in the sub-region serve as origin and destination for migrants, the wealthier economies along the coast, including Ghana, Cote d'Ivoire and Nigeria, are the dominant migrant-receiving areas. In contrast, countries in the Sahel zone such as Niger, Mali and Burkina Faso, serve as migrant-originating regions. Movement within and to preferred destinations are shaped by factors such as common official language, proximity, ethnic ties and colonial legacy (Awumbila et al., 2018).

As a way of mitigating the disruptive effects of arbitrary boundary formation created by colonial administration and realizing the potential and actual contributions of intra-regional mobility, the Economic Community of West African States (ECOWAS) Protocol on Free Movement of Persons, Right of Residence and Establishment was established in 1979 (Protocol A/P.1/5/79). Following this, a number of supplementary protocols and regulations geared towards facilitating the flow of goods, services and labour within the ECOWAS region have been formulated (Teye et al., 2015; Awumbila et al., 2018). At its core, the protocol was projected as an overarching framework for institutionalizing a single regional socio-economic space that could allow ECOWAS citizens to benefit from opportunities in member countries, including access to coastal areas by landlocked member states, utilization of arable land by indigenous agriculturalists, employment of experts and unrestricted access to natural resources by member states (Adeniran, 2012; Awumbila et al., 2018; Okunade and Ogunnubi, 2018).

The protocol adopted the phased approach for the implementation of free movement in the region. The first phase commenced with the abolition of visas for all community citizens. This provides all community citizens with 90 days' visa-free access to another country within the community. The second and third phases, that is the right to residence and the right to establishment, are also guaranteed by the protocols. The protocols enjoin member states to grant the right of residence to community citizens stating the reference to compliance with established national procedures in carrying out these practices (Article 4 Protocol A/P/3/5/82 Relating to the Definition of Community Citizen). Member states are required to ensure that migrant workers enjoy the same treatment as nationals in terms of access to socio-cultural, health facilities and the security of employment (ECOWAS Commission, 1982).

Examining the level of progress by ECOWAS states in the implementation of the free movement protocols in ECOWAS based on the various phases reveals mixed results. Phase 1: visa-free entry – in the implementation of the free movement protocols, all member states have granted the visa-free access of 90 days to community citizens. The free movement of persons in the region has also yielded large economic benefits in terms of boosting intra-regional trade and supporting the livelihoods of community citizens (Awumbila et al., 2018). However, there are several challenges when it comes to the implementation of phases 2 and 3 by member states. Studies have drawn attention to the peculiar difficulties that ECOWAS citizens face when crossing borders, indicative of a disjuncture between the protocols' objectives and experiences on the ground (Adepoju, 2002; Okunade and Ogunnubi, 2018). Dick and Schraven (2018) note that phase 3 of the ECOWAS protocols is yet to be implemented by ECOWAS member states, because of lack of coherence between the member states' national laws and the ECOWAS protocols. Awumbila et al. (2014) found that while all ECOWAS member states have ratified the 1979 protocol, the supplementary protocols have been ratified by only 4 out of the 15 member states, and this leaves room for varied interpretation of the protocols by the national authorities. Certainly, the literature is replete with studies on the ECOWAS protocol, its operationalization and implementation challenges (see Adepoju et al., 2010; Clark, 2013; Adepoju, 2015; Teye et al., 2015; Okunade and Ogunnubi, 2018; Awumbila et al., 2018). However, in these studies, ECOWAS migrants have been treated as if they are a homogeneous group.

Thus, our understanding of how different categories of migrants experience the protocol is limited. This has created the impression that the protocol on free movement has the same implications for all ECOWAS migrants. The ECOWAS protocol identifies diverse categories of migrants within

the sub-region including border residents, migrant workers and their family members, students, traders, border area workers, seasonal workers and itinerant workers (Article 10–12 Protocol A/SP.1/7/86). These migrants are differentiated by social class, ethnicity, nationality, educational attainment, gender, age and socio-economic status. These dimensions of social difference are likely to have diverse implications on experiences of migration, particularly on border crossing and who takes advantage of free movement and benefit from the opportunities in member countries (Bonjour and Chauvin, 2018).

The aim of this article is to contribute to the literature on free movement in the ECOWAS region, by examining the diverse ways in which different groups of ECOWAS citizens experience the free movement protocol. An analysis of how different categories of migrants in the sub-region experience the free movement protocol should provide valuable policy insights for the development of targeted initiatives to promote free mobility. We argue that ECOWAS migrants are not a homogeneous group and that different groups of ECOWAS citizens experience the protocol in dissimilar ways based on their gender, nationality and social class.

The remainder of the paper is organized as follows: The next part conceptualizes why and how experiences of different ECOWAS migrants vary even at the same borders and within the same countries. The focus then turns to the research design and data collection methods. Next, we draw on the field research to provide a more-nuanced analysis of diversity of experiences with free movement based on gender, social status and nationality. The last part concludes with some implications for policy.

CONCEPTUALIZING DIFFERENCES IN MOBILITY AND WORKING EXPERIENCES OF DIFFERENT ECOWAS MIGRANTS

The experiences of different ECOWAS migrants vary even at the same borders and within the same countries based on three observed factors, namely (1) selective migration policies of ECOWAS countries, (2) differential attitudes of nationals of host countries and border officials towards different categories of migrants and (3) differences in the socio-demographic characteristics and agency of migrants.

While earlier researchers have explained contradictions between the ECOWAS free movement protocol and domestic migration governance instruments in terms of the desire of ECOWAS governments to preserve certain employment opportunities for their nationals (see Awumbila et al., 2014; Teye et al., 2015), a careful analysis shows that most of the national migration governance instruments that contradict the free movement protocol seek to limit the flow of low-skilled migrants, in particular, to the various ECOWAS countries. For instance, in Ghana and Sierra Leone, the local laws are intended to restrict migration for certain categories of low-skilled labour (e.g. petty trading, hair dressing), which are usually undertaken by low-skilled, self-employed migrants (Awumbila et al., 2018). National migration policies also seek to limit the entry of migrants who may be incapable of providing for themselves and will be dependent on the resources of the state as a public charge (Article 18 Nigerian Immigration Act, 2015, Article 8 Ghana Immigration Act 2018, Section 19 the Non-citizens registration, immigration and expulsion Act Sierra Leone). It should be noted that restrictive national policies do not necessarily discriminate against all ECOWAS citizens of members states in general but seek to prevent the inflow of low-skilled migrants (see Koslowski, 2013; Borjas, 2014).

Selective migration policies have emerged as a result of the desire of migrant-receiving countries to control not only the number of migrants arriving in their countries, but also to ensure that they receive migrants who will contribute to socio-economic development (Aydemir, 2011). Consequently, a number of countries are moving towards immigration policies that screen potential

migrants on the basis of certain socio-demographic characteristics, such as level of education, wealth and language proficiency, and grant admission into the destination country to migrants whose characteristics are deemed desirable by the recipient countries (Borjas, 2014). Selective migration policies can be applied explicitly through visa and work permit regimes or implicitly through enforcement of laws (Bianchi, 2013). Koslowski (2013) has identified three models of selective migration policies. The first is the "human capital" model in which the state selects permanent immigrants using a points system. The Canadian selective migration policy, which has been in existence since 1967 and uses a points system for sorting applicants according to age, language proficiency, education and skills (Green and Green, 1999), is an example of this model. The second model is also based on state selection using a points system but with extensive business and labour participation. An example is the Australian "neo-corporatist" model, which differentiates admission of permanent immigrants into three categories: family, humanitarian and skill-stream applicants who, since 1973, have been selected by a points system. Australia's skilled migration system is opened to people who have skills occupations in demand within the country, meet English-language requirements and are under 50 years. The third is the market-oriented, demand-driven model, which is based primarily on employer selection of migrants, as practised by the United States of America. While some aspects of US immigration law have long encouraged both temporary and permanent high-skilled migration, potential immigrants are increasingly required to receive a job offer from an employer, who practically selects individual migrants based on their qualifications and other characteristics (Tichenor, 2012). While the early literature on selective migration policies tends to focus on developed countries (see Koslowski, 2013; Borjas, 2014), we argue that many of the ECOWAS countries have implicit state-controlled "human capital" selective migration instruments, which seek to promote the migration of highly skilled professionals and entrepreneurs under the free movement protocol while at the same time restricting the free movement of low-skilled ECOWAS citizens who are deemed to compete with nationals and or burden the recipient countries. Such selective models have contributed to contradictions between the ECOWAS protocol and legislative frameworks for governing migration in Ghana. However, this alone does not adequately reflect the micro-level experiences of ECOWAS migrants.

In addition to selective migration policies, we also argue that differential attitudes of nationals and policy implementers of ECOWAS countries towards different categories of migrants also contribute to differences in the experiences of immigrants from different backgrounds. Following insights from the literature (see Auer and Ruiden, 2019), we predict that most nationals and border officials will have positive attitudes towards migrants from high social backgrounds than those from poor social backgrounds. Consequently, in West African countries, discrimination against migrants from poor backgrounds will be higher than discrimination against immigrants from wealthy backgrounds. The attitudes of both nationals and immigration officials towards migrants will also be affected by several variables such as gender, religion and ethnicity of the migrants and country of origin.

Lastly, we also argue that social differentiation along class or gender influences experiences with work, migrancy and space (Ye et al., 2018). Class position and gender will make the experience of a free movement regime markedly different from one person to the other. The form of transportation and social standing – both products and exemplars of social differentiation – enable some to easily access the right to movement and make it difficult or impossible for others to access the said right.

DATA AND METHODS

The research employed a qualitative approach to understand the diverse ways in which different categories of migrants experience the free movement protocol. The research reported is part of an

Interdisciplinary Fellowship Group on Forced Migration and Displacement in Africa, supported by the Merian Institute for Advanced Studies in Africa (MIASA), University of Ghana. Data were collected during the fellowship period from February to May 2019. Field observations were initially carried out along the Ghana–Togo border in April 2019, to observe the practices, procedures and daily experiences of ECOWAS migrants with regard to crossing the border.

In addition to field observations, different categories of migrants were identified and interviewed as part of the research. In-depth interviews were conducted with 23 ECOWAS migrants living in or travelling to Ghana, who were purposively selected to reflect the diversity present in the migrant population. Of the 23 ECOWAS migrants selected, 15 were interviewed at the Aflao border, whereas the remaining 8, made of up of mainly highly skilled migrants working in the formal sector, were interviewed in their respective offices in Accra and Takoradi, Ghana. The key markers of social difference used in this study were gender, social class and nationality. The migrants we interviewed comprised of 11 professionals, 6 traders, 5 university students and a driver. Their nationalities include Nigeria, Benin, Cote D'Ivoire, Niger, Ghana and Sierra Leone. The interviews were used to map the perspective of the respondents concerning the ways they experienced the free movement protocol in practice. The data collected covered the basic socio-demographic characteristics of the respondents, awareness and knowledge of the free movement protocol including the entry requirements and length of stay, and experiences with crossing borders. We also collected data on processes of acquiring work/resident permits, rights of establishment with option to extend and take up residence and access employment opportunities or establish business interest and experiences with discrimination while living in another ECOWAS country. In addition, in-depth interviews were conducted with Ghanaian immigration officials at the Ghana–Togo (Aflao) border and a trade union representative. The strength of our methodological approach lies in the combined use of purposeful selection sampling, field observations and detailed discussions with interviewees, which allowed for in-depth and enriched data that demonstrate the unique experiences and perceptions of migrants.

The key challenge encountered during data collection relates to the researchers' identity and its influence on the decision of potential participants to grant interviews. There are several agencies operating at the Togo–Aflao border, and travellers are more cautious with whom they choose to discuss any issues. We revealed our identity and the purpose of the research to all interviewees prior to any discussions. This helped minimize any fears of participants and ensured confidentiality. We explained to the interviewees that whatever information was communicated will be used solely for the purpose of the research and nothing else. We also encountered an initial challenge with getting immigration officials to participate in the study. After revealing our identity and the purpose for which we had come to them, the immigration officials we met at the border indicated that they could only talk to us with permission from their Commander. However, the Commander was not available at the border when we arrived. After a while, the immigration officials informed us that they had managed to reach the Commander over the phone to secure approval to participate in the study.

Permission was sought to record the interviews with a digital audio recorder. The audio files were transcribed, and the transcripts were compared with the audio recordings to ensure accuracy. QDA Miner Lite software was used to code the interview transcripts for analysis. Fictitious names have been used in reporting the data. No real names of the study participants are associated with any part of the findings reported herein.

LIVED REALITIES OF ECOWAS MIGRANTS IN RELATION TO THE FREE MOVEMENT PROTOCOL

This section of the paper provides the findings on the lived realities of ECOWAS nationals in relation to the ECOWAS protocol on free movement, residence and establishment. The analysis is

structured to show how different ECOWAS citizens experience free movement protocols differently. We highlight the diversity of experiences based on the dimensions of social class, gender and nationality.

Knowledge of the protocol and migrants' rights

The extant literature identifies poor knowledge or awareness of the ECOWAS protocol as a major challenge to its successful implementation (Adeniran, 2012; Clark, 2013; Opanike et al., 2015). However, and as noted earlier, such studies tend to assume and characterize ECOWAS nationals as though they were a homogeneous group. To re-emphasize, our research elicited participants' knowledge, awareness and experiences of the protocol in areas such as entry requirements and length of stay, processes of acquiring work/resident permits and rights of establishment with option to extend and take up residence and access employment opportunities or establish business interest. Our study finds marked differences in the extent of knowledge of the protocol among different social groups and even within similar social classes. For instance, the first phase of the ECOWAS protocol grants rights to nationals of member states to move on visa-free for 90 days. The enjoyment of this right is, however, dependent on the targeted beneficiaries being aware of their rights as they traverse national borders within the sub-region. Awareness or lack thereof could be framed through the lens of the characteristics of the migrant. Our data suggest that knowledge of the protocol is generally weak in all the countries: highly educated people are more likely to have knowledge about the protocol and their rights. Among all participants in our in-depth interviews, a little over half claimed to be aware of the existence of the protocol. Nonetheless, the better-educated professionals tend to be more aware of the existence and privileges inherent in the protocol compared with less educated traders and persons seeking to work in the informal sector. However, even among the knowledgeable segment of participants, the degree of knowledge is variable. The majority had basic knowledge without an in-depth appreciation for the rights and obligations embedded in the three phases of the protocol. A female Nigerian student studying at a university in Ghana says:

> No. I basically read about them [protocol] in books and I read what I relatively know about them when I had tests in school. But I never knew what they were about. I just knew West African States had the community or something. (A Nigerian female student in Ghana, 4 April 2019)

Like the superficial knowledge by the female student, some highly educated professionals did not have any knowledge of the protocol. A Nigerian medical doctor who travelled to Ghana for the first time stated that he had no knowledge of the fact that he did not need a visa to travel to Ghana. He was pleasantly surprised when he learnt about this right during his maiden trip and now considers exploring employment opportunities in Ghana. He notes:

> Yeah, I think the awareness is not all that there. To be honest with you I didn't know I wouldn't need a visa to come to Ghana. I didn't know. We were having back and forth conversation about when I will come to Ghana and I was talking to one of my colleagues who was in Nigeria, he is a Ghanaian, he was now telling me that you don't need a visa to go to Ghana. He said it is when you stay in the country for a particular number of days that's when you will be ask to apply. That is when I quickly decided to come down to Ghana. So, I came in November and left in December and I came back in January. (A Nigerian medical doctor, 4 April 2019)

What is clear is the fact that highly educated people who did not know much about the workings of the protocol are at least aware of their rights and could challenge border officials trying to harass them. A 32-year-old Ibitu, a Ghana-based businessman, who had experienced harassment at the Togo border reported that he does not know much about the details of the protocol but he knows

that immigration officials cannot ask him to pay money to them when crossing the border. He noted that they were once stopped at the Aflao border and asked to pay but he refused and argued with officials on his rights.

> They stopped all of us and demanded that we make payment. I asked them why we have to make payment and before they would answer some people began to pay. I told them as ECOWAS citizens we don't need to pay and one of the officers asked me which of the ECOWAS laws say that. You know I don't know much about these laws because I am not a lawyer. So, I told him I don't know but I know my rights that I am not supposed to pay. They let everyone go and kept me. I argued with them for some minutes and when they realized I knew my rights they allowed me to go. (A 32-year-old Nigerian businessman, 4 April 2019)

In contrast to the situation of Ibitu, Arama, a-29-year-old Ghanaian woman who crosses "borders" since there is no direct border between Ghana and Nigeria to visit her husband, does not know much about the protocol neither does she know her rights. She recounted several instances where she was asked to make unofficial payments at a border between Ghana and Nigeria. When asked why she keeps giving officials money, she said she taught such payments are required once you enter another person's country:

> The border people do not listen to anything. . .. . . it is only the money they want and if you don't give them enough money they will worry you. . .. . . If I am in Ghana, nobody can ask me to pay money for going to another town, but once I leave Ghana I know they [border officials] can ask for money because it is their land and they can ask you to pay. So as for me I don't argue with them and my husband tells me to always pay or beg them if they ask for more money. (A 29-year-old Ghanaian woman, 4 April 2019)

Arama's low level of knowledge of both the protocol and her rights may be a product of her low level of education. Indeed, her highest qualification is junior high school and she can barely speak good English. Apart from not knowing her rights, she also noted that border officials do not respect her because they know she is not educated. In contrast to the low level of knowledge by many persons, especially low social class persons, some highly educated people tend to know more about the protocol. A senior manager with a company in the oil sector was very knowledgeable not only about the existence of the protocol, but also the provisions in it. Uche is between the age of 45 and 50 years and has a postgraduate degree. He works for a Nigerian-based oil company that has subsidiaries in Ghana. The Ghana-based company relies on both local and foreign staff who tend to be more experienced than the local counterparts. As a senior manager, Uche is expected to train a Ghanaian worker well enough to be able to replace him within two years. He works in a high-profile company, which, he notes, is very compliant with the national laws, especially in the hiring processes. As such, workers are equally recruited based on their compliance with all local laws. Uche recounts in detail what the ECOWAS protocol entails:

> Sure, I'm quite aware of that protocol. We have it among the ECOWAS member states. I think particularly it talks about free movement, visa . . . that particular protocol talks about the entry, free movement, the establishment and residency. These are the three big areas that article talked about. If you . . . you will see that if you are a citizen of the member state, you are entitled to come into any of the member state to reside, to establish yourself possibly get a permanent job in which you really want to work for a maximum period of 90 days. If it is beyond 90 days, you would have to write to the authorities like the immigration of that country and get those things validated. That article does not exclude you from having important document for traveling like your international passport. That doesn't support you jumping into each member state the way you like, there must be a valid document. . . Yes, the article clearly states that if you are a citizen of a member state and you want to work or reside then you have to apply for a resident permit in that particular country.

> One primary thing that will not make anybody to harass you is the fact that you are a citizen of an ECOWAS member state and that if you are still within that 90 days window, the immigration does not have any right to challenge you; however, the receiving country has the right to deny entry based on their own local laws. (A 46-year-old Nigerian male, 25 April 2019)

Experiences with border crossing

The experiences of ECOWAS nationals with respect to border crossing are not homogeneous. Our study unearthed marked differences across gender, social class and mode of transportation. Many female ECOWAS nationals who cross national borders tend to engage in itinerant trading activities and travel mainly by land (Bello-Bravo, 2015). While a significant proportion of male migrants may equally participate in trading activities, their representation in professional non-trading activities tends to be higher than females. Generally, ECOWAS nationals who cross land borders (both male and female) are subjected to harassment and exploitation by border officials. This fact is well documented by previous studies (see Adeniran, 2012; Yusuff, 2014; Awumbila et al., 2018). However, the extant literature generalizes on harassment and exploitation experiences as though they are uniform across gender. Similar to the findings reported by Yusuff (2014) along the Nigeria–Benin border, where 35 per cent of female cross-border traders reported being harassed sexually by border officials, our research establishes that some itinerant female traders are compelled to offer sexual favours to some border officials to secure safe passage for their trading wares. Jatara, a 34-year-old trader, noted that the border officials keep harassing her all the time. She noted that the situation is bad but there is nothing she or other female traders can do:

> Hmm... It is something [harassment] that many women go through at the borders. You know some of the immigration officers [they refer to both custom and immigration the same] are young men and I think because they leave their wives at home, they become aggressive when they see us. So, when you have a problem and they are talking to you some of them will be touching your breasts anyhow and you may not like it but you can't challenge them as at that time you are only interested in your goods. (A 34-year-old Ghanaian female trader, 4 April 2019)

Jatara also noted that she knows some women who have sexual relations with border officials just to facilitate mobility through the borders. However, she explained that most of those women are unmarried and that only a few married women may do that. Using herself as example, she explained that the border officials harass them but do not rape them and that sexual relations between them is a kind of coping strategy for some women:

> The way people talk about it, things are not like that. When I first married, my husband nearly stopped me from this job (cross border trading) because his sisters told him that we sleep with border people before they allow us to pass..., but this is not true. When I was not married, I had only one boyfriend at the border. We became friends because one day they seized my goods and I was crying. They demanded money and I didn't have and he helped me to get the things.... We stopped the relationship when I told him I was going to marry...So I will say some young girls befriend some border people but that may be our love... Sometimes they help them always and that is how friendships start. (A 34-year-old Ghanaian female trader, 4 April 2019)

The statement above shows that some young women befriend border officials willingly to be able to get assistance from them. A customs official interviewed at the same Aflao border seems to support this argument. He noted, however, on the contrary that most of the time, they are rather chased and harassed by young women who want to befriend them so as not to pay required duties:

> What many people hear of is the harassment by border officials. … If you come to the borders you will see that most of the time, it is women who give their bodies to us so that they will not pay the right duties. Sometimes they will take your number and be calling you and once you befriend them they don't want to pay duties again.… Yes, they can get you in trouble. (A Customs Official at Aflao, 4 April, 2019)

Although the statements above suggest that women also befriend border officials as a coping strategy, the relationship between border officials and cross-border traders is often shaped by unequal power relations and the desire for women to protect their goods rather than true love. Both females and males are forced to make unofficial payments. A 42-year-old Nigerian female trader who crosses the Aflao border regularly notes that she is consistently compelled to make illegal payments to border officials despite her rights under the protocol.

> Any time I cross money is extorted from me. When I refuse to pay, I am delayed by border officials from both Ghana and Togo. Sometimes they will take me to the custody by Togolese and Ghanaian officials while the car I am travelling with leaves me behind. Crossing the border into Ghana is not easy, it is a big herculean task. (A 42-year-old Nigerian female trader, 5 April 2019)

However, there are also some commonalities in experiences of extortion. The female traders' experiences are not dissimilar from those of male traders. Kwaku, a 37-year-old Ghanaian businessman, says that he crosses the Ghana–Togo border "hundreds of times" in a year because he imports cars from Germany and clears them through the Lomé port in Togo. He prefers that port to the Tema port in Ghana because he considers the costs to be lower in Togo. Kwaku reports that illegal charges by border officials have increased his business costs over time.

Our study also finds that differential experiences of harassment and extortion at borders are also informed by the mode of transportation. We did not specifically collect data at the national airport. However, interviews with the highly skilled migrants living in Ghana who have experienced travelling by air revealed that ECOWAS nationals who travel by air are less likely to be subjected to harassment and exploitation at the airport in the same way as at land crossings. This disparity is explained by the structure of airports versus that of land borders and also the immediate presence of a hierarchy of officials and security operatives, complemented by surveillance equipment such as closed-circuit television (CCTV) cameras at airports. The risk of being recorded of taking bribes serves as a disincentive to airport staff who would otherwise be tempted to demand unapproved payments. Conversely, land borders tend to have little or no oversight by senior officials nor any technology that could serve as a deterrent to corrupt officers. Even though land borders in Ghana are equally manned by officers from several branches of the security apparatus (e.g. Ghana Revenue Authority, National Security Services, Bureau of National Investigations, Narcotics Control Board, Ghana Immigration Services), the oversight regime is less stringent compared with that at airports. As a result, the wealthy, highly educated, and mostly professional ECOWAS nationals who tend to travel by air have a significantly different experience of crossing borders compared with those of the poor, less literate, migrant traders who cross land borders. The case of a Nigerian Information Technology Service Manager who works in Ghana typifies the differences in experiences at the border. The manager who only travels to Ghana by air is concerned about having to fill arrival and departure forms but not any form of exploitation or direct harassment:

> I haven't had any problem so far. Only that there is a separate queue for nationals but I cannot remember if there's any for ECOWAS nationals so it makes one wonder why the separation. My actual experience is sometimes getting jokes from jovial officials by the fact that you're a Nigerian. And I think naturally as Nigerians anywhere we go, there seem to be an aura of suspicion so anytime you present your paper they look at you in that manner. Although, it's not conscious from the official you get that feeling of being suspected sometimes. So, after the officer examining your

> passport, you also fill a Disembarkation and Embarkation Form and regardless of the number of times you travel you have to fill it and it's a great bother to me. It's almost useless as some data required is already in my passport. Besides, the information I put on it cannot be validated so what value asking about all that info when one can lie? (A Nigerian Information Technology Service Manager, 25 April 2019)

Similarly, a Sierra Leonean female student studying at a university in Ghana who travels mainly via the airport narrated how her travels have always been smooth although the outbreak of Ebola in her country in 2014 meant that she had to be properly screened always before being allowed entry into Ghana. Though the screening might be an inconvenience, it is not at the level of wilful extortion as experienced at the land borders. Also, the health checks are formally stipulated precautionary measures that are sanctioned by the health ministry of the country. In addition, being charged a penalty for being resident in an ECOWAS country beyond the ninety-day threshold without a valid residence permit is standard. In this sense, the female student's experiences are justified, which is not the same for traders who use land borders.

> I think it has been very smooth but because our country has been affected with Ebola for some time so whenever you come from Sierra Leone you have been thoroughly screened when you enter Ghana. But it has always been smooth. No problems but because I'm a foreigner then they have to check, you should have a residence permit, so they will go through that. So, at one point I was traveling with my mum and she didn't have residence permit, so they had to halt us at the queue and we had to pay for her for the days she was in Ghana without a permit before we could process our documents. (A Sierra Leonean female student studying in Ghana, 25 April 2019)

In contrast, migrants, including both low-skilled and highly skilled professionals, who travel by road reported various forms of extortions by immigration officials at border check points. Travelling by land and the type of transportation system used define one's experience of crossing a national border within ECOWAS and the likelihood of being harassed/extorted. Interviewees noted that payment of unapproved fees at land borders has become more of the norm. We use the experiences of a lecturer, trader and student to demonstrate how mode of transportation shapes migrant experiences. Firstly, a national of Benin, who lives and works in Ghana as a lecturer recounted his experience of crossing the Aflao border:

> I have had no challenges so far except that at the Aflao side of the Ghana border you pay Gh15 or Gh20 to Immigration as you leave or enter Ghana. At the Togo to Benin border it's free. If you are travelling by State Transport Company (STC) or a big transport firm, you don't pay anything at the border in person. It may be that the fees are already included in the ticket price. What happens there is that, when you get to the border, the driver collects all the ID cards and passports of travellers. He visits the Immigration officials give all to them, and he soon returns with all and when we cross the border they are given back to us. After Aflao, there are other checkpoints where they collect Gh5.00 from everyone with an ID card but I don't know if same is taken from those holding passports. (A male Beninois lecturer, 4 April 2019)

The lecturer's account suggests that those who can afford the cost of travelling on more expensive buses experience extortion in a different way to those who travel by the cheaper means. Here, social class again is a defining feature of migrant experiences. This nuanced perspective contradicts the predominant portrayal of harassment in the existing literature as uniform. Additionally, a male Nigerian trader who uses the Aflao border frequently highlights how "easy" crossing the land borders is, provided one apparently understands the corrupt regime at the border and obliges without challenging the system.

> Crossing the border at Aflao is not difficult when you have a familiar face with the border officials. All you need is to drop some few CFA or Cedi and the door is opened to you. Once you pay the money and you are not seen to be a security threat or do not carry any illegal goods the border is opened to you 24/7. (A male Nigerian trader, 4 April 2019)

Overall, our analysis demonstrates clearly that academic literature that accounts for a myriad of challenges facing the successful implementation of the ECOWAS protocol by listing a litany of institutional and systemic failures is overly simplistic if the nuanced differences along social class and gender are not interrogated in any detail. While both men and women are harassed and made to make unofficial payments, women face more sexual exploitation. This resonates with our conceptual framework, which suggests that gender could account for variations in the experiences of West African migrants.

Variations in experiences with permit acquisition and renewal processes

The free movement protocol mandates all ECOWAS nationals who intend to reside or establish themselves in another ECOWAS country beyond the grace period of ninety days to apply and be granted a permit in order to reside and work/operate a business. Whereas other assessments of the efficacy of the implementation of this provision merely lament the low level of awareness, they fail to interrogate differences in level of awareness according to one's social class. Our study finds that knowledge about this requirement is not uniform. There are sharp differences across social classes. In addition, there are differential experiences in the application for and renewal of permits. Individuals who work in professional positions tend to be more aware of the need to apply for and obtain residential and work permits, while those who engage in the informal sector either genuinely are unaware or do not appreciate the need to obtain such documentations.

A 43-year-old male Ghanaian Operations Manager of an International Oil Company (IOC), for instance, is very knowledgeable about the legal requirements on corporate bodies. He points to the likely reputational damage to companies as a driving force behind their keenness to ensure that all their staff satisfy the statutory requirement to obtain the necessary permits. Awareness is created among potential migrant workers throughout the recruitment process. Also, because well-established companies all have dedicated human resources departments, newly recruited workers are guided through the application process. The requisite documentation is requested for from new recruits, but the actual application is completed by corporate representatives in charge of recruitment.

> I know the process for a foreigner to apply for a permit in Ghana. Because I deal with my work permit departments for a lot of expatriates so I know the processes involved in getting a work permit for someone who wants to come and work in Ghana. . .I am familiar with the processes but I might not know all the details. I am familiar to a level because I know before the person comes, you need to have the CV of the person. But before the person is brought in you have to make be sure you advertise the vacancy in the newspapers, make sure you have Ghanaians interviewed and if they do not have any Ghanaian who qualifies that is where you have to submit proof that you have really conducted or advertised it in the newspapers to the petroleum commission and the authorities involved. You now bring the CV of the person you are bringing in. The recent law indicates that you need to have a Ghanaian under study as well. That means that you bring the person or Ghanaian under study and if you do not have one already you bring the person and train the person. You need to have a work permit for the person before he comes into the country and it requires a lot of things because you need to fill a couple of forms and have proof to defend it. (A 43-year-old male Ghanaian, 25 April 2019)

Apart from differentials in terms of knowledge, highly skilled migrants are assisted to apply for permits by their companies in Ghana. A male Nigerian oil and gas professional who works for a renowned multinational oil firm in Ghana corroborated the fact that highly skilled migrant workers from the ECOWAS region are supported by their companies to apply for both work and residential permits. While the turnaround time might vary from worker to worker, professionals abide by the obligation to acquire permits, as stipulated in the protocol:

> Yeah. I think they [permit requirements] are the same for any other country. There are a couple of forms that you need to fill. In the form, you put your details, what you're coming here for, how long you want to stay and also the succession plan. In Ghana if you're coming, definitely it means there is a loophole that you're coming to fill so they want to see what the plan is to a Ghanaian to learn, how is it going to benefit the government? For you to train some Ghanaians so that at the end of your stay, someone in Ghana here should be able to fill your position. So, you fill in the form, you'll be assigned someone from the company assisting you in all of that to see if the form has been filled in correctly and we equally have an agent who follows up on the government and gives us feedback on our applications. I don't think it has been like this in the past, probably there might have been hit backs that made the form take longer in the past, but me I'm a bit lucky that even me that came last, I got my permit out but there are some of my colleagues that are still in the queue now. I got mine in less than 3 weeks or one month and that is very rare for anybody. (A male Nigerian Oil and Gas professional, 25 April 2019)

Beyond the oil and gas sector, the same is true for migrants in the formal sector including banking and academia. A female banker recounts both her awareness and the ease of applying for permits among the professional class:

> Yes, I am aware of the need for permits. My office did it for me. Except when I needed to get a residence permit for my new son, I had to go to the Ghana Immigration Service (GIS) myself to go through a process called Validation of Passport. Thereafter, I gave the passport and a few other documents to the office and they applied for the Residence Permit for me. In terms of fees, it depends on the number of years and it's about $1,500 or so which I need to confirm. (A male Nigerian Oil and Gas professional, 25 April 2019)

The level of awareness and the motivation to apply for work and residence permits is, however, remarkably low or even absent in many cases among low-level traders and ECOWAS nationals who work in the broader informal sectors. This phenomenon could be attributed to the fact that such forms of establishment and residential arrangements are unregistered and largely untraceable. Whereas corporate entities are registered and licensed by host governments, informal activities are not. Lack of registration suggests that such economic set ups or engagements can afford to be impervious of the legal requirements, with minimal punitive sanctions. Additionally, informal economic activities are predominantly carried out by people who are less educated, less skilled and probably less well off. This points to a dyadic scenario in our examination of awareness and uptake of residence and work permits within the ECOWAS region. Narratives of some interviewees engaged in the informal sector help illustrate this dichotomy. A male Nigerian dealer in auto and bicycle parts notes that:

> In all my life and seeing to my business operations in Ghana, I have never been asked to produce work or residence permit by anyone. Rather, it is my business operation license that have been asked of me by some market leaders and business operation inspectors. (A male Nigerian, 4 April 2019)

When asked about his possession of and knowledge about work permits, a male trader, from Niger, who sells textiles and electronic products simply says:

> No, I haven't got any permit. No, I'm not aware of permits. No one has demanded a permit from me in the course of going about my business in Ghana. (A male Nigerien trader, 4 April 2019)

It is instructive to note that all non-nationals including ECOWAS citizens living in Ghana are required to obtain work and residence permits. This is in line with the provisions of the Protocols; however, there are no specific exemptions for ECOWAS nationals. In Ghana, ECOWAS nationals are only expected to be issued work permits in situations where there is no national available for the same job (Awumbila et al., 2018). This provision is another case of implicitly selective migration policy, which is intended to ensure that low-skilled migrants, such as those we interviewed and presumably several others, do not get residence and work permits to enable them to compete with nationals. Indeed, research has indicated that low-skilled ECOWAS migrants in Ghana who are largely found in the informal sector do not have formal residence and work permits because their applications would be denied due in part to the difficulty in proving that there are no nationals available to do the work they are applying for (Teye and Asima, 2017). Thus, while the protocol grants the same rights to all ECOWAS citizens, low-skilled migrants are unable to benefit from these rights because of selective state policies. In contrast, top-tier professionals such as engineers, doctors, academics and students can get work permits as indicated by an Immigration Official interviewed:

> There are different classes of residence permits. For students, you need to show evidence of schooling. An admission letter from the school, letter of introduction from the school, evidence of fees paid, fill out the requisite forms and a valid passport. You will be required to pay GHC 200 processing fee subject to a yearly renewal. Residence permits are granted if one is married to a Ghanaian national. Need to show evidence of marriage, processing fee is also required. Renewal is the same process. Other permits are dependent permit, work permit, quota permit. (Ghana Immigration Service Official – Aflao Border, 4 April, 2019)

Attitudes towards ECOWAS migrants

Our data also show that attitudes of nationals towards ECOWAS immigrants vary based on their characteristics and the selective nature of migration policies. As predicted by our framework, one factor that influences perceptions and attitudes towards immigrants is nationality. In Ghana, for instance, most of the public concerns raised over immigrants were over Nigerians and Chinese. There are very few concerns over migrants from other ECOWAS countries. Some studies indicate that, in Sierra Leone and Ghana, most of the concerns raised over immigrants had to do with Nigerians (Awumbila et al., 2018). While there are no data to suggest that Nigerians are disproportionally involved in crimes, local people in Ghana tend to associate Nigerians with crime:

> If you ask me about the situation here, I would say most of us have problems with Nigerians in this country because they have been involved in robberies... so people question why the government continue to allow them to come here. (A Ghanaian male trader, 4 April 2019)

We also find that the selective nature of migration policies allowed state officials to discriminate against nationals of some ECOWAS member state who should be allowed entry under the free movement protocol. The Ghana Immigration Service officials at Aflao border confirmed that between January and April 2019, several hundreds of low-skilled and uneducated Nigerian nationals were denied entry into Ghana.

> So far in terms of Nigerians there have been over 400-500 refusals this year. The reinforcement unit (an arm of the Ghana immigration service) in Accra also catches them and sends them back.

> When you look at the figures, Nigerians are the highest. Aflao is where the Nigerians are mostly repatriated. (Ghana Immigration Service Official – Aflao Border, 4 April, 2019)

According to the officials, this was done because the victims could not provide evidence of how they would sustain themselves while in Ghana. The officials confirmed that Ghanaian law gives them the right to decide who to grant entry in order to protect and safeguard the country. This contradicts the spirit of the free movement protocol, which frowns on discrimination against ECOWAS nationals. Indeed, the selective migration policies of ECOWAS countries prioritize the entry of migrants who may have the wherewithal to contribute to socio-economic development of the country. This deserves careful further analysis recognizing that such acts greatly contradict the provisions in the ECOWAS free movement protocol.

Apart from nationality, social class also affects the way migrants are perceived. In Ghana, many of the immigrants with higher level of education and working as managers in reputable financial institutions reported that they feel welcome and that they are highly respected, although a few of them recounted instances where people insulted them as fraudsters. Ayuta who is a Nigerian banker in one of the Nigerian banks reported:

> I would say the Ghanaians that I mainly come into contact with respect me and see me as a brother... At work you will not know any difference except may be the way I talk is different. The place where I live too I don't have any problem with my Ghanaian neighbours...[but] I remember one incident when I parked a car at a restaurant and some parked to cross me and I asked him to move his car and he insulted me that I am a fraudster. (A Nigerian banker, 4 April 2019)

The high-profile wealthy Nigerian and Ghanaian migrants working in formal Nigerian businesses in Sierra Leone also supported similar feelings that they feel more welcome although there were few instances where people insulted them out of hatred. In Sierra Leone, many migrants praised Ghanaians and electrical engineers and top business executives for promoting development in that country. Many of these people were recruited by the Sierra Leonean government (see Awumbila et al., 2018). In contrast, nationals tend to discriminate against poorer migrants who are competing with them for jobs in the informal sector. In the same context, local traders have also raised complaints against traders from Nigeria and other ECOWAS countries. Another example is Ghana where there have been several demonstrations against Nigerian traders in the informal sector (Awumbila et al., 2018). This observation is consistent with our argument that different migrants are perceived differently.

SUMMARY AND RECOMMENDATIONS

This study contributes substantially to the academic and policy literature, providing important insight into how different ECOWAS citizens experience free movement protocols. The findings suggest that the experiences of highly skilled professionals (e.g. engineers, academics) in relation to the free movement protocol differ remarkably from those of low-skilled workers such as itinerant traders. Similarly, men's experiences with land border crossing also differ from those of women. Overall, the picture that emerges is that socio-economic status, class differentials and gender play a key mediating role in explaining how different ECOWAS citizens experience aspects of the free movement protocol. Important legal aspects of free movement from access to travel documents, assertion of rights to cross borders and familiarity with the routes to obtain residential permits are highly influenced by one's access to resources (material and symbolic) and gender identity.

Our research findings suggest that implementing the protocol on free movement will require states to take conscious measures to simplify and decentralize the process of acquiring travel

documents to enable less-privileged citizens of the sub-region to have access to passports and other acceptable travel documents. This must be followed by continuous public education at the grass-roots level to inform all persons, irrespective of gender, class and social status, of their rights to move within the sub-region, free of harassment and extortion. An onsite oversight mechanism at border posts comprising personnel from countries sharing a border could be a possible way to tackle the class and gendered forms of impediments that travellers face when crossing borders. If travellers have recourse to lay complaints at the site where they face harassment, chances are that culprits might be dissuaded from extortion.

Finally, the process of granting residence permits to migrants in member states should be made accessible in terms of both location and requirements to encourage the acquisition of such permits. Siting permit issuing centres in local government offices across member countries and making the process less cumbersome and predictable could go a long way to empower ordinary migrants to assert their rights and take up permits to regularize their stay. Policies that seek to promote free movement must take into consideration issues of class, gender, socio-economic status that differentiate ECOWAS citizens, if they are to be available to many ECOWAS citizens. These important social markers are central to people's experience of the free movement protocol in the sub-region.

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