Support to Free Movement of Persons and Migration in West Africa

Case study on a key EU migration governance programme

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The EU Trust Fund (EUTF) Sahel and Lake Chad (SLC) Monitoring and Learning System (MLS) was initiated in October 2018 and is being implemented by Altai Consulting. The overall objective of the MLS is to strengthen the EUTF interventions in the SLC region through the creation of a monitoring and learning system, which should provide an evidence-based approach for programming and implementing interventions.

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1. Executive summary

FMM overview

The programme, 'Support free movement of persons and migration in West Africa' (also known as 'FMM West Africa', hereafter 'FMM'), is a EUR 26 million programme funded by the European Union (EU) and the Commission of the Economic Community of West African States (ECOWAS). FMM was implemented between 2013 and 2021 by the International Organization for Migration (IOM) in partnership with the International Centre for Migration Policy Development (ICMPD) and the International Labour Organization (ILO). It aimed to strengthen capacities for migration management at three levels: regional (ECOWAS Commission); national (including through a 'demand driven facility' [DDF] to which technical assistance could be requested by states themselves); and local (with grants for non-governmental organisations [NGOs] to provide assistance and information to migrants and potential migrants).

Objective and methodology

The purpose of this case study is to provide actionable recommendations in a context in which the EU is considering funding a follow-up programme to FMM (hereafter 'FMM II'). Specifically, it seeks to identify features of FMM that could be maintained as well as those that could be designed differently in a similar regional programme in the future. The study relied on a literature review as well as several key informant interviews with programme managers, implementers, and beneficiaries, conducted both in Abuja and remotely due to the COVID-19 pandemic.

FMM outcomes

FMM's contributions to migration governance in the region include the support to dialogues and capacity-building within ECOWAS, states, and local NGOs, as well as the drafting of frameworks, research papers, and national migration profiles. Continued EU support will be required for many of these efforts to be sustainable. Although the programme supported the drafting of key ECOWAS frameworks, most of them are non-binding and will need to be formulated and implemented at the national and local levels. Similarly, while FMM helped draft multiple research papers on regional migration governance, their wide scope may limit their actionability; future research could focus on country-specific analyses and recommendations. The programme also supported the drafting of 'national migration profiles' in most ECOWAS countries, and future support could build on this first set of country profiles by training key staff within statistical agencies to update the profiles regularly.

FMM structure

To continue supporting migration governance in West Africa, a regional programme like FMM is critical given the predominantly regional nature of international migration flows (most international migrants from West Africa stay within the region). If a local component is included, however, a regionally managed programme would also require a strong country presence, with national capacity to support and monitor local partners. This could help alleviate some of the challenges encountered by the FMM 'non-state actors fund' which focused on local activities.[1]

The FMM's DDF allowed for flexibility and promoted ownership, thus fostering sustainability. It is recommended that future regional programming (not only FMM II) includes such a facility. The 'non-state actors fund' also guaranteed the alignment of project proposals (which local NGOs developed) with realities on the ground. However, for the reasons previously cited, the fund could be more adapted to country-specific programmes, or to a regional programme with established country focal points, as opposed to a programme managed solely at the regional level.

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[1] Half of the activities were cancelled or experienced significant delays and/or misuse of funds.

FMM thematic coverage

Despite the name of the project, relatively few FMM activities supported implementation of the ECOWAS protocols on free movement, residence, and establishment. It is suggested that future EU programming strengthen its focus on these thematic areas, building on the achievements of FMM.

Conclusion

In a context in which the principle of subsidiarity is receiving renewed focus in EU programming, the large geographical coverage of the FMM programme has been a concern. This case study argues that a regional programme remains highly relevant especially for activities supporting the implementation of ECOWAS frameworks at the national level and the governance of intra-ECOWAS migratory flows.
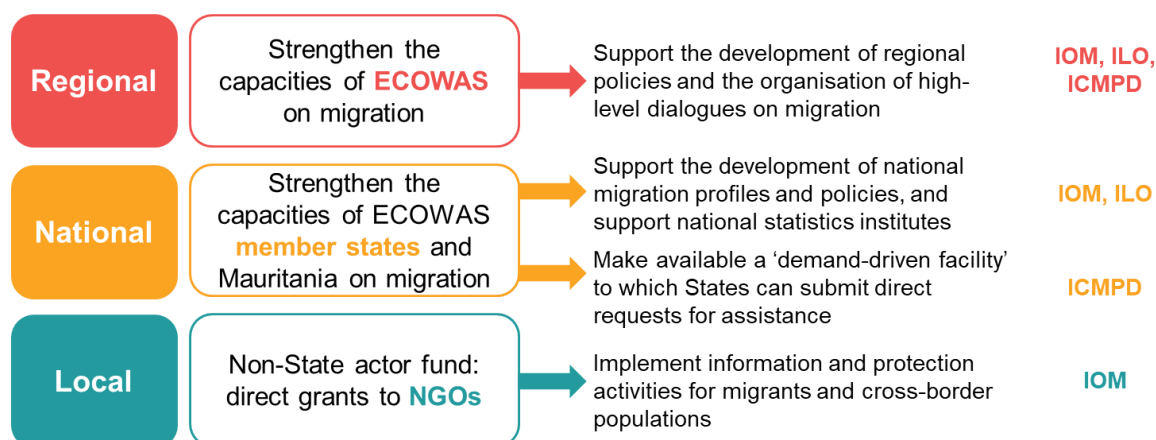
2. Programme overview and methodology of the case study

2.1. FMM overview

The 2013–2021 programme, '*Support free movement of persons and migration in West Africa*' (FMM), is a EUR 26 million programme funded by the European Union (EU) (under the 10th European Development Fund) and the Economic Community of West African States (ECOWAS) Commission.[2] Implemented by the International Organization for Migration (IOM) (~50% of the funds) in partnership with the International Centre for Migration Policy Development (ICMPD) (~30%) and the International Labour Organization (ILO) (~20%), FMM aimed to strengthen capacities for migration management at the following three levels (also illustrated in Figure 1):

- **Regional**: Several activities were implemented to build the capacities of ECOWAS in its role as a regional platform for migration policy development and harmonisation.

- **National**: FMM supported ECOWAS Member States and Mauritania to collect statistics on migration and develop national migration profiles and policies. States were also able to request technical assistance through a demand driven facility (DDF) on a range of topics (trafficking in persons, labour migration, border management).

- **Local**: FMM established a 'non-state actors fund' which provided grants to non-governmental organisations (NGOs) to implement activities that primarily sought to prevent trafficking in persons or support victims, raise awareness, and provide economic opportunities to returning migrants.

Figure 1: Overview of the FMM programme

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[2] The ECOWAS Commission made in-kind contributions to the programme.

2.2. Objective and methodology of the case study

A case study on the FMM programme is justified by its size, geographic scope and the thematic areas it covers. The monitoring and learning system (MLS) of the EU emergency Trust Fund for Africa (EUTF) has been publishing case studies on EUTF-funded projects in order to identify best practices and lessons learnt. The FMM programme is not funded by the EUTF: It was initiated in 2013 and funded under the 10th European Development Fund. However, its geographic coverage and thematic scope are closely aligned with many EUTF-funded activities: The EUTF 'Sahel and Lake Chad' window includes most countries covered by the FMM programme (except for Togo and Sierra Leone), and the thematic focus of FMM matches the third objective of the EUTF which is to improve migration management.

This case study on the lessons learnt from the FMM programme aims to provide actionable recommendations in a context in which the EU is designing its 'post-EUTF' phase of programming on migration and considering funding a follow-up programme to FMM (hereafter 'FMM II'). The case study seeks to answer the following questions: (1) Should a programme similar to FMM be funded under the next EU programming cycle? And, if yes, (2) what are the most promising aspects/approaches of FMM that could be scaled up, and (3) what are the aspects that could be approached differently?

The case study relied on a literature review and key informant interviews, most of which had to be conducted remotely due to the COVID-19 pandemic. These include:

- a literature review of programme documents, all research papers published as part of FMM, and key literature on regional migration governance in West Africa; and

- 11 key informant interviews conducted with staff from programme implementing partners, government officials and external experts over the course of more than one year – some of which were conducted remotely in the summer of 2020, others during a field visit in Abuja, Nigeria (where the programme management team and ECOWAS are based) in June 2021, and some remotely in August and September 2021.

3. FMM outcomes

3.1. Key capacities built

FMM made significant contributions to migration governance across the region in terms of the dialogues it created and the capacities it built within ECOWAS, states, and local NGOs. Continued EU support could enable these efforts to be sustainable.

- **Key platforms were developed to foster dialogue between ECOWAS countries. However, some of these platforms may not be able to meet again** due to the end of the programme and the limited ECOWAS budget.

    - The **Migration Dialogue for West Africa (MIDWA**) is the high-level dialogue on migration between ECOWAS countries. The MIDWA existed before FMM but rarely met; FMM has supported MIDWA to meet annually since 2015. However, MIDWA did not meet in 2021 due to a lack of capacity from ECOWAS to provide funding for it.

    - A meeting of the **heads of immigration** has also taken place annually as a result of FMM. ECOWAS independently funded the meeting held in 2020.

    - The **social dialogue forum**,[3] which aims to help harmonise labour and social policies across ECOWAS Member States, was also supported by the FMM programme. Since

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[3] The forum consists of representatives from the government and employers' and workers' organisations. The General Assembly is immediately followed by the Meeting of the Ministers of Labour, where the forum's decisions are formally approved.

it is co-funded by ECOWAS (50%) and ILO funding is also available, it is expected to continue meeting in the future.

- - The meetings of ECOWAS **trafficking in persons focal points**, which provide an annual review of progress made and obstacles met towards improving the fight against trafficking in persons across the region, have been held annually since 2018, also with FMM support.

- **The migration-related human resources capacities of ECOWAS, states and NGOs were strengthened**. Several trainings were conducted on a range of topics related to migration governance and management, as well as on grant management for the NGOs. ECOWAS and state beneficiaries expressed satisfaction with the support they received from FMM. The training of NGOs also appears to have been impactful, at least in some cases: As a result of the training provided by FMM, one NGO was reportedly able to apply to, and received, a separate, much larger grant from GIZ (the German development cooperation agency). However, many of these state and non-state institutions face significant turnover; thus, the trainings will need to be renewed for the impact to be sustainable. For example, FMM supported the hiring by ECOWAS of four staff specialised in migration. However, two of these staff had left for other projects before the end of FMM.

3.2. Important documents produced

FMM supported the production of key legal frameworks, document, and research papers, and further support will be needed to make these documents fully actionable.

FMM supported the development of several (mostly non-binding) ECOWAS frameworks. Significant follow-up support will be needed to ensure these frameworks are adapted and implemented at the national and local levels. Policies and guidelines were drafted on general migration issues (e.g. the regional migration policy), trafficking in persons, labour migration, border management and the collection of migration-related data. The challenge is for states to 'domesticate' these frameworks within their respective laws and policies, as many ECOWAS frameworks drafted years ago were never implemented by states. Such a risk may be particularly significant for FMM-supported documents, since most are non-binding (i.e. documents that serve as guiding principles).
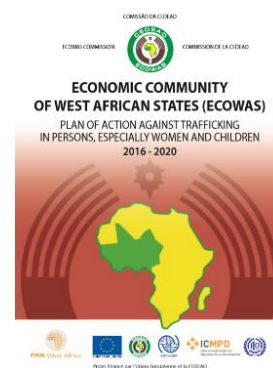
FMM also funded the drafting of several research pieces. However, their scope may have been too broad to be fully actionable. Nonetheless, they represent an important first layer of assessment upon which future programming could be built. Most research reports funded by FMM were baseline assessments (on border management, trafficking in persons, migration data, pastoralism policies, etc.), but relatively few of their recommendations seem to have been addressed. This could be due, in part, to the fact that most of the assessments covered ECOWAS as a whole and did not assess gaps by country. Therefore, recommendations may not have been precise/actionable enough and, if they were, they were referred to ECOWAS (where capacities may have been too weak to take them up).

More problematically, a key piece of research, on free movement was downgraded at inception from an in-depth assessments to simple 'guidelines'. For example, FMM initially planned to conduct an assessment on the state of implementation of the ECOWAS protocols on free movement, the right

of residence and establishment. Such an assessment could have enabled the identification of the primary gaps and led to country-specific recommendations. Instead of conducting this assessment, however, FMM published draft guidelines which lay out the methodology for a monitoring mechanism to be implemented in the future (and which was not implemented as part of FMM).

Overall, FMM-funded research may have proven more actionable if it had been more limited in scope (i.e. in terms of the number of papers published, thematic areas covered, etc.) while providing for an in-depth country-by-country assessment (potentially by selecting only a few countries based on needs), and/or for the monitoring of the implementation of the recommendations.
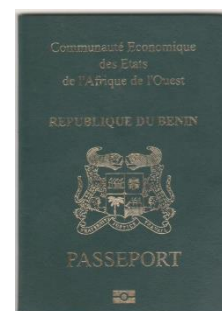
FMM also supported several national migration profiles, which provide an interesting base of information but, to date, seem to have had relatively limited impact on the drafting of national governance policies or on migration governance more broadly. Initially, FMM aimed to support national migration *policies.* When the programme team realised that data was lacking to design these policies, however, the focus was re-oriented towards drafting national migration *profiles*, which present all migration-related data – whether publicly available or shared by government institutions – in a single document. The profiles also provide a snapshot of existing migration governance institutions and frameworks and make recommendations for future policy making on migration. FMM supported the drafting of 11 such migration profiles across the region. Due to a lack of local capacities, however, the profiles were drafted by external consultants contracted by IOM, not government staff. Further, the profiles experienced major delays in publication: Several profiles have yet to be published and many were published four to five years after the data was collected, undermining the objective of providing up-to-date information on migration with the aim to inform migration policies.

Recommendations for future programming

- **As several documents, policies and guidelines have been validated at the ECOWAS level, future programming could support their domestication at the national level**. Such activities would remain relevant in a FMM II programme managed at the regional level, as the first step will be to support gap assessments at the country level (with ECOWAS frameworks as a benchmark), which can be achieved through a common framework of analysis for all countries.

- **New funding for research could be conditioned upon country-specific analyses and recommendations**, and future programming could ensure that the recommendations from the FMM-funded studies are implemented.

- **Building on the baseline data provided by the migration profiles, FMM II could provide routine training to key staff in the statistical agencies in order to build their capacities to update the profiles on a regular basis**. This could also enable the statistical agency to learn about the data collected by different ministries/agencies and to initiate the process of more systematically sharing this data for policy-making.

- For these national migration profiles as well as for all other research, it is recommended that the designers of future programming ensure that **proper resources are provisioned for the publication of research**, in order to limit any delays incurred.

4. FMM structure

4.1. The regional approach

FMM adopted a very relevant, but at times costly, regional approach. In the future, this approach could be applied more selectively.

If the EU aims to continue supporting migration governance in West Africa, a regional programme like FMM is critical. The governance of many migration-related thematic areas in one ECOWAS country depends on the governance of these areas in other ECOWAS countries and, thus, is most adequately addressed through a combined regional and country-based approach. For example, the good governance of free movement issues depends on a country of origin to provide its citizens with appropriate identity documents and on a country of destination to have the right equipment to read these documents. The good governance of labour migration issues depends, among others, on the portability of social benefits across countries. The good governance of cross-border pastoralism issues depends on the issuance of an international transhumance certificate in the country of origin (mostly ECOWAS landlocked states), the establishment of specialised posts at the borders (e.g. with veterinary staff), and on the set-up of transhumance corridors in ECOWAS coastal countries. Overall, as intra-regional flows and the inter-dependency of migration governance systems are more prevalent in ECOWAS than in other African regional economic communities (e.g. IGAD), an EU focus on a regional approach in West Africa is particularly relevant and beneficial.

The regional approach may be less central (although it remains necessary) for other types of flows. For example, although strengthened cooperation across ECOWAS countries would be useful for transnational investigations and the provision of assistance to victims stranded in other countries, trafficking in persons in most countries remains largely an *internal* issue (most trafficking victims do not exit their country of origin) and, thus, related programming could in a large part be implemented at the country level. The governance of internal displacement flows and the collection of migration data can also be mostly addressed with a country-based approach.

To address these governance issues regionally, ECOWAS should remain involved in programming as a convening and monitoring agency, and not as an implementing partner – the latter option entailed significant costs in the FMM programme. ECOWAS dialogue platforms are likely the most adequate tools to address the issues mentioned above, and ECOWAS has significant convening power among its Member States. In addition, ECOWAS is likely best placed to monitor the implementation of key regional frameworks at the country level. However, many stakeholders suggested that ECOWAS was not the right partner to *implement* activities. FMM activities implemented through ECOWAS experienced significant delays. For example, one of the only DDF actions directly promoting free movement (the regional mechanism for road transporters, described further in section 5) had to be cancelled because ECOWAS did not apply on time for a renewal of funds (funds that would have been available) to implement its part of the mechanism. An evaluation of FMM found that '*effectiveness and sustainability have had limitations, due to the scarcity of staff and technical capacities of ECOWAS*'.

Local activities, such as the non-state actors fund, do not appear to be suited to a regionally managed programme like FMM, due to the monitoring costs involved. Because of the weak capacities of the NGOs selected as part of the non-state actors fund, of the initial 14 grant agreements signed as part of the third component of FMM, four had to be cancelled or suspended[4] and three were still experiencing significant issues by the end of the programme (activities not started, misuse of funds, etc.). This occurred despite the training that several staff members from around 10 NGOs received on grant management, reporting, and M&E. The non-state actors fund may have experienced difficulties

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[4] Contracts were given to other NGOs.

because it was not well suited for a regionally managed project like FMM. The programme team was based in Abuja, far from the small local NGOs implementing actions under this component, which likely impacted the ability of the programme team to choose and monitor the NGOs. The non-state actors fund may have benefited from programme teams based in the countries where the NGOs were active.

The complementarities between the local, national and regional components, if any, are not clear. For example, although ECOWAS was part of the grant selection committee, local activities do not seem to have been selected based on a systematic identification of local gaps in the implementation of ECOWAS (or national) frameworks. For example, several projects supported under the non-state actors fund provided economic opportunities to returnees, which does not rank high among the priorities of ECOWAS (or ECOWAS Member States). Conversely, only one project funded by the non-state actors fund directly supported the implementation of the ECOWAS protocol on free movement (see section 5). Since few efforts seem to have been made to create a link between the different components (regional, national and local), the non-state actors fund could have been implemented in a separate programme managed by country-based teams.

One stakeholder argued that having the three implementing partners involved in the DDF would have allowed for better integration of the regional and national components. The advantages and drawbacks of this idea could be assessed in the inception phase of the future programme.

<div align="center">Recommendations for future programming</div>

> **Future EU programming on regional migration governance could keep ECOWAS involved but only as a convening and monitoring agency**, not an implementing partner.
>
> **Future regional programming could focus on thematic areas where the regional dimension is likely to be most prevalent**: free movement and labour migration; nomadic pastoralism; or border management. For other migration-related issues, country-based programming, or programming grouping several countries based on the areas of origin and destination of migrants (which are not necessarily 'the ECOWAS region as a whole'), could be more relevant.
>
> **It is recommended that future local/small-scale projects, like the non-state actors fund, be selected and monitored by country-based staff**.

4.2. Flexible components

FMM included two particularly flexible components which gave the opportunity to partner States and NGOs to significantly influence programming, maximising ownership and chances of sustainability.

The demand driven facility

The DDF enables governments to submit specific requests for support based on their self-identified needs. The only requirement is that the requests must meet all of the (rather broad) criteria outlined below.

- The beneficiary must be an ECOWAS Member State (or Mauritania).
- The support requested must concern border management, labour migration or trafficking in persons.
- The support provided must be relevant and valuable to the wider region.

Each DDF 'action' (as they were called) focused on developing national government capacities, rather than implementing activities directly. Forms of assistance provided included trainings, support to develop governance frameworks or to conduct research and, in some cases, the provision of equipment

(only when complementary to other activities). Each initiative had a budget of around EUR 200,000 to EUR 300,000. The DDF presented two key advantages:

- **Ownership**: Since governments were able to submit requests for assistance through the DDF, this gave them a sense of ownership over the process. First, governments submitted the requests. The selected requests (11 were selected out of 49 submitted) were then refined by both the government beneficiaries and a DDF expert. The latter provided governments with the opportunity to conduct more in-depth self-assessments of needs. After detailed action plans were developed, proposed actions were submitted to the DDF Technical Committee for final review and approval; this committee included ECOWAS, further encouraging regional ownership. The DDF expert, specialised in the topic requested, then provided technical assistance. In this regard, the DDF only utilised international lead experts for two actions; all other external experts were West Africans.

- **Flexibility**: Since the activities implemented were not designed before the inception of the project (2013) but, rather, throughout the project, they adapted to the changing context (which is especially relevant for migration-related programming). Activities were also adaptable to new information received by programme management. For example, a DDF action implemented in Sierra Leone initially planned to support the labour ministry in developing a labour market information system. While designing the activities, however, the team realised that stakeholders did not have reliable electricity or computers (e.g. relying on a nearby cyber-café to communicate with the FMM team). Thanks to the flexibility provided by the DDF, the team was able to scale down initial ambitions and to start by providing stakeholders with computers and a reliable internet connection.

A drawback is that significant delays were experienced in implementation, which did not commence before 2016. Because activities were co-designed with governments, the design phase was much longer than it likely would have been for a standard capacity-building project. One, nevertheless, can argue that the involvement of governments in the design of the projects helped build their capacities, which was one of the objectives of the DDF.

The non-state actor fund

By giving grants to local NGOs, the local component of FMM (non-state actors fund) ensured that the activities were adapted to local needs and realities. For the reasons cited above, however, this component may not have been fully adapted to a regionally managed programme like FMM. The concept remains promising, perhaps as part of country-specific projects or if country-based focal points can select and monitor the projects. The only requirement to apply to the non-state actors fund was that the project would need to entail implementation of activities in six broad migration-related thematic areas. This answers a request frequently made by NGOs across the region: to be able to receive funding for *their own* proposals, rather than having to reply to terms of reference designed by donors (who may have limited knowledge of the realities and needs on the ground).

Recommendations for future programming

It is recommended that future EU programming on (migration) governance include a DDF mechanism which, despite the delays incurred, can be considered an effective way to build ownership and therefore sustainability of governance programming.

5. FMM thematic coverage

Despite the name of the programme, relatively few FMM activities supported the implementation of the ECOWAS protocols on free movement, and this support could be strengthened for future programming.

A key contribution of FMM to free movement in the region entailed drafting guidelines for a monitoring mechanism of the state of implementation of the protocols on free movement, residence and establishment (mentioned in section 3.2). The proposed methodology (a mix of peer review and self-evaluation) is promising as it should facilitate ownership of the evaluation results. In addition, a training was conducted in 2020 to familiarise Member States with the methodology to be used.

However, within the DDF, only two actions focused on supporting free movement, as activities generally focused on trafficking in persons, border management, and labour migration.[5]

Within the non-state actors fund, only one action supported free movement, with most activities focused on trafficking in persons and economic opportunities for returning migrants.

In a context in which programming on free movement and associated rights is rare, the contributions of FMM, detailed below, were nevertheless notable. Further support will be needed to ensure their sustainability.

Free movement

One of the key obstacles preventing the full implementation of the free movement protocol are the costs related to the checks conducted at the border (both in terms of the time required for checks to be conducted, and informal payments made to border officials). For example, a 2012 study found that, in Niger, for each 100 kilometres driven by a road transporter, he/she would be controlled on average 2.2 times, pay USD 6 in bribes, and incur a 30-minute delay.[6] One DDF initiative aimed to reduce these checks both at the country level (as buses and trucks frequently have to be checked once by the police, customs, the gendarmerie, immigration services, etc.) and across countries (with checks made at every border, and by both countries on each side of the border). To reduce these checks, the DDF action sought to bring together all relevant public authorities (police, customs, etc.) on monitoring committees to conduct a single check before vehicles depart; **they would issue a sticker for a fee and, in principle, the vehicles would subsequently be exempt from being stopped and controlled by every authority and at every border**. Although this activity was not about free movement *of persons* per se but rather about the free movement of goods, it was envisioned that the activity could be duplicated to apply to buses as well. Unfortunately, this component had to be interrupted for reasons detailed in section 4.1. (ECOWAS did not have the capacity to implement its part of the activities.)

Under another DDF initiative, **FMM funded the development of a training manual for border officials on free movement**, and both trainings of trainers and 'cascade trainings' were conducted. It was reported that '*as a result of the training, immigration training academies have included the FMM border management and free movement manual into their training curricula*' and that '*following the action, Liberia introduced new measures to facilitate border crossing among neighbouring countries*'[7]. However, no further information was provided as to how this initiative impacted the actual conduct of officers in most countries.

In Togo, the non-state actors fund supported: a study on harassment and 'abnormal practices' at the Togolese borders; the set-up of local monitoring committees; the training of border officials on the principles of free movement; and the launch of a national sensitisation campaign to promote the ECOWAS national identity biometric identity card (as the lack of knowledge about and/or access to the required identify documents [IDs] is a key impediment to the full implementation of the free movement protocol). It remains unclear whether and how the local monitoring committees are still playing a role at the end of the project and, in particular, if they have the capacity to follow up on complaints.

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[5] Activities related to labour migration were focused on supporting governance tools (policies, information systems) to manage labour migration both inside ECOWAS and between ECOWAS countries and other countries; no activity directly aimed to facilitate the implementation of the protocols on free movement and associated rights within ECOWAS.
[6] Borderless West Africa, '22nd Road Governance Report' (2012).
[7] Harley, L. and Doumbia, S. 'Demand driven facility project assessment' (2020).

Right of residence and establishment

FMM initiated important actions to strengthen the right of residence and establishment. FMM supported the development of a directive on the harmonisation of labour laws, which should facilitate labour mobility between ECOWAS countries. Importantly, this directive is binding: As opposed to other frameworks supported by FMM (see section 3.2), the directive is supposed to directly 'belong' to the legislation of Member States and there is theoretically no need to 'domesticate' it as it should be directly applicable. The programme also supported the harmonisation of social security policies across the region. ECOWAS has a 'General Convention on Social Security' (see right) but it is mostly not yet applied by Member States, so FMM re-activated a committee of experts to monitor operationalisation of the Convention. FMM also supported an assessment of the remaining gaps in the consistency of national policies with the Convention. One gap pertained to the fact that most migrants work in the informal sector and therefore fall outside the scope of most existing labour laws.
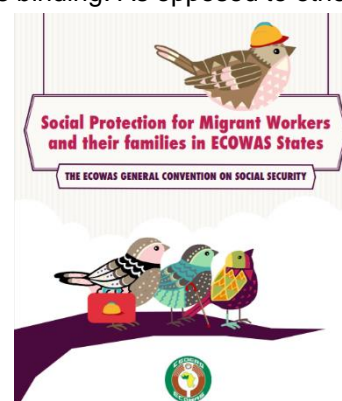
Continued support will be needed for these initiatives, including to progressively bring migrant workers into the formal sector.

Recommendations for future programming

Support to the implementation of the protocols on free movement and on the right of residence and of establishment could be at the centre of a FMM II programme. As mentioned in section 4.1, these topics are fully relevant in a regional programme. In addition, they are among the key priorities on migration for ECOWAS.

A first step could consist in funding the peer-review monitoring mechanism planned in the FMM-funded guidelines *'for assessing the level of implementation by member states of the ECOWAS Protocol on free movement of persons, the right of residence and establishment'*. Significant support will have to be provided to the ECOWAS free movement division to coordinate this mechanism. Additional resources could be used to fund surveys of migrants, since the guidelines plan for the participation of members of the administration, the private sector and trade unions, but not migrants themselves. Surveys of the following could be considered:

- cross-border traders or other workers to assess which border posts display the highest prevalence of informal payments/harassment;

- mobile populations to identify and understand the key obstacles they face in obtaining the required identity documents; and

- migrants living in a different ECOWAS country to understand the primary obstacles they face in obtaining key administrative documents (residence card, work permit) and other obstacles encountered in their daily lives.

In parallel to the implementation of this monitoring system, the EU could support several other actions, outlined below, in order to promote free movement.

- **Focus on corruption**: Corruption at border posts is one of the main issues impeding the intra-ECOWAS mobility of migrants. This could be addressed by supporting the establishment of a phone hotline, online portals or mobile phone applications (see focus box 1 below) that could address complaints of corruption, harassment, and abuse.

- **Awareness-raising on rights**: Many migrants are not aware of their rights. For example, a recent study found that half of the cross-border migrants interviewed were not aware of the ECOWAS

protocols[8] and the EU could help raise awareness on the issue. For efficiency, it is recommended that these campaigns be well targeted (at cross-border populations) and, unlike some of the awareness-raising campaigns that have been funded by the EU in the past, not mixed with messaging on the dangers of irregular migration to the EU – as the target groups are not the same and the dual focus may undermine the credibility of the overall messaging. Campaigns could also include visual information that would be placed at each border post, with the objective of informing even illiterate migrants on the documents required to pass the border.

- **Expand access to IDs and strengthen border information management systems**: Even if migrants knew about the documents required to travel, live and work in another ECOWAS country, this may not be sufficient to ensure the implementation of the protocol as many of these documents are not accessible. Today, either a passport or an ECOWAS biometric identity card is required to cross an intra-ECOWAS border. However, few ECOWAS citizens have a passport, and the biometric identity card has only been deployed in four countries. The EU could support the deployment of the two types of documents in the countries where coverage is the lowest. In doing so, the EU should ensure that: it does not support ECOWAS-specific travel documents at the expense of foundational IDs that can be used for multiple purposes; documents are adapted to the currently erratic provision of electricity at border posts; and strong coordination with the World Bank 'ID for Development' Initiative is fostered.

On the right of residence and establishment, future EU support could focus on assessing the consistency of national frameworks with ECOWAS frameworks, and on supporting informal workers (including, but not limited to, migrants) to access the services they are due. The main challenge identified by the FMM team is that most provisions in ECOWAS frameworks only apply to formal workers, but most migrants are informal workers. Therefore, any efforts to harmonise labour laws or portability of social security benefits will only benefit a small minority of migrants, if this effort is not accompanied by parallel efforts to integrate informal workers into the formal economy or at least basic protection mechanisms. These parallel efforts should not necessarily be conducted as part of a regional programme on migration, such as 'FMM II', but will be essential.

FMM II could also include activities aimed at supporting the implementation of another key aspect of free movement, cross-border pastoralism, building on the findings from one study funded by FMM. ECOWAS has had a protocol on transhumance since 1998 but implementation remains limited.[9] FMM funded the publication of one important study on '*regional policies and response to manage pastoral movements within the ECOWAS region*', and FMM II could consider building on the recommendations from this report, especially given the synergies between free movement of persons in general and of herders in particular (e.g. when relating to awareness-raising among border agents). For example, FMM II could include support to ECOWAS to organise high-level dialogues on the feasibility of fully implementing the ECOWAS transhumance protocol.[10] This could be followed by significant support to its implementation (e.g. demarcation and equipment of transhumance corridors) or, if consultations suggest that full implementation of the protocol is not realistic, to its revision.

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[8] Yeboah et al., 'The ECOWAS Free Movement Protocol and diversity of experiences of different categories of migrants: a qualitative study' (2020).
[9] Coastal countries have failed to set up and maintain infrastructure for 'transhumance corridors'; countries of origin frequently fail to deliver the 'international transhumance certificate' that would be required from herders; and specialised border posts are limited. This is a key issue because mismanaged pastoralism and transhumance are correlated with mounting farmer-herder conflicts (e.g. observed in Nigeria between farmers from central regions and herders coming from Niger and Northern Nigeria).
[10] Some interviewees suggested that the ECOWAS protocol on transhumance (1998) was not anymore adapted to the realities of the region and that it should be revised.
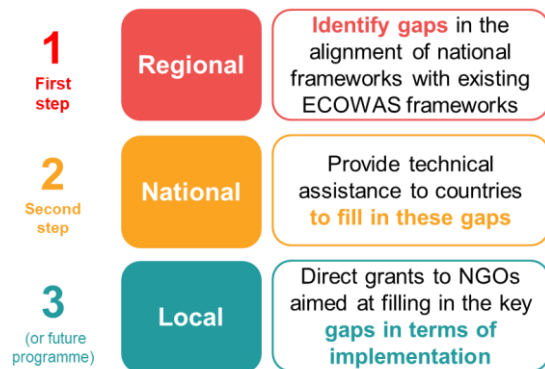
As highlighted by a 2015 study funded under FMM,[11] ECOWAS could consider contracting the 'Ushahidi' platform to track incidents of malpractice at the borders. Initially created in Kenya ('Ushahidi' means 'testimony' in Swahili) to map reports of violence, the technology allows individual users to send reports of abnormal practices at the border (e.g. harassment, corruption) through varied means, such as SMS - without an internet connection -. The platform also allows a monitoring authority to visualise incidents on a map. Ushahidi has reportedly been used to track incidents of corruption in Macedonia and India. However, a similar initiative is not known to have been implemented in West Africa.

6. Conclusion

In a context in which the principle of subsidiarity is receiving renewed focus in EU programming, the large geographical coverage of the FMM programme has been a concern. Nonetheless, this case study finds that some activities would be best implemented within a regional programme.

First, FMM II could focus on activities that support implementation of selected key ECOWAS frameworks at the national level. In FMM, instead of first strengthening ECOWAS frameworks *and then* adapt them to the national and then the local levels, the programme appears to have simultaneously: 1. supported the drafting of key ECOWAS policies; 2. built the capacities of states but not necessarily in response to the gaps in the implementation of key ECOWAS frameworks; and 3. allocated grants to NGOs, again without much consideration for their articulation with ECOWAS (or national) frameworks. **It is suggested that future programming focus *first* on further identifying gaps in the alignment of national frameworks with existing key ECOWAS frameworks (both in terms of content of the national legislation, and in terms of the implementation), and *then* on providing technical assistance to fill these gaps**. If one should choose to implement a new DDF to do so, this could be achieved by building the ownership of governments in the process of identifying gaps, taking example on the monitoring mechanism on the state of the implementation of the free movement protocol designed under the FMM programme (which involves the auto-evaluation by governments

Figure 2: Suggested sequencing for future programming

of their compliance with the protocol, which should increase the ownership of results). In a latter step, grants to local NGOs could be used to fill in the key gaps identified in terms of the local implementation of the 'national version' of the ECOWAS legislation. This suggested sequencing could maximise synergies between the different levels, and ensure that they are not simply implemented in parallel to each other.

Second, in terms of thematic areas, FMM II could focus on intra-ECOWAS labour and cross-border pastoralism flows, which are key flows that should be addressed from a regional perspective but which have been relatively neglected by donor programming to date. This is despite the potentially significant impacts associated with improving the management of these flows, both in terms of conflict reduction (cf. farmer-herder conflicts) and the creation of economic opportunities across the region.

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[11] Leonard, P. for IOM, 'Public information: baseline assessment' (2015).

Annex

Acronyms

DDF	Demand driven facility
ECOWAS	Economic Community of West African States
EU	European Union
EUTF	European Union emergency Trust Fund for stability and addressing root causes of irregular migration and displaced persons in Africa
FMM	Support to Free Movement of Persons and Migration in West Africa
GIZ	*Gesellschaft für Internationale Zusammenarbeit* – German development cooperation agency
ICMPD	International Centre for Migration Policy Development
ID	Identity Document
ILO	International Labour Organization
IOM	International Organization for Migration
MLS	Monitoring and Learning System
NGO	Non-governmental organisation