



“ACTING TOGETHER”: HOW NON-STATE ACTORS SHAPE MIGRATION POLICIES IN WEST AFRICA

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MIASA Working Paper No 2019(2)

University of Ghana, Legon
November, 2019

Edited by the

Merian Institute for Advanced Studies in Africa (MIASA)

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“Acting together”: How Non-State Actors shape migration policies in West Africa

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Abstract

This paper examines how non-state actors (NSAs) leverage their role in regional migration governance in West Africa. The paper focuses on the involvement of non-state actors in the migration policy process at the regional level. It unpacks the relationships between state and nonstate actors, focusing on the media, non-governmental organisations, civil society organisations and academia in West Africa. It examines the engagement between state and NSAs at the regional and national levels, finding that formal and informal spaces for engagement exist and linkages between these levels of governance provide avenues for transposing national solutions to the regional level and vice versa. The paper finds that NSAs leverage formal and informal mechanisms for engagement at the regional and national levels to ensure that their interests are achieved. The paper concludes that involving NSAs in regional migration governance is essential to promote the integration of migration approaches and initiatives from the ‘bottom-up’, complementing the ‘top-down’ state-centric processes in ECOWAS.

Keywords: Non-State actors, regional migration governance, ECOWAS

Résumé

La présente étude examine comment les acteurs non étatiques (ANE) tirent parti de leur rôle dans la gouvernance régionale des migrations en Afrique de l'Ouest. L'étude se concentre sur l'implication des acteurs non étatiques dans le processus d'élaboration de la politique migratoire au niveau régional. Elle analyse les relations entre les acteurs étatiques et non étatiques, avec un accent particulier sur les médias, les organisations non gouvernementales, les organisations de la société civile et le monde universitaire en Afrique de l'Ouest. Elle examine l'engagement entre les États et les ANE aux niveaux régional et national, et constate qu'il existe des espaces formels et informels d'engagement et que les liens entre ces niveaux de gouvernance offrent des possibilités de transposer les solutions nationales au niveau régional et vice versa. L'étude souligne que les ANE s'appuient sur des mécanismes formels et informels pour un engagement aux niveaux régional et national afin de garantir la réalisation de leurs intérêts. L'étude conclut que l'implication des ANE dans la gouvernance régionale de la migration est essentielle pour promouvoir l'intégration des approches et des initiatives « ascendantes » en matière de migration, en complément des processus « descendants » centrés sur l'Etat dans l'espace CEDEAO.

Mots clés: Acteurs non étatiques, gouvernance régionale des migrations, CEDEAO

Acknowledgement

I wish to express my gratitude to MIASA for being included in the Interdisciplinary Fellow Group (IFG) on migration, mobility, and forced displacement, February-May 2019 and to thank all the members of the IFG for inspiring comments and feedback during the fellowship. A

particular thank you to Franzisca Zanker, Stefan Rother and Gordon Crawford for constructive reviews of earlier versions of this working paper.

Biographical Note

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Introduction

Migration governance requires cooperation between multi-stakeholder actors including states and nonstate actors (De Haas, 2015). In West Africa, there is a network of non-state actors in migration. These actors include the private sector, diaspora organisations, media, academia, civil society organisations (CSOs) and non-governmental organisations (NGOs) that are increasingly playing a role in shaping migration policies in the region. As a result, governments at the national level have devised mechanisms for interacting with non-state actors in policy making. This paper critically examines the contribution of NSAs to regional migration policies and processes through formal and informal mechanisms of engagement which subsequently result in shaping regional migration policies in the Economic Community of West African States (ECOWAS).

This paper builds on existing theories on policy making processes (Ostrom, 2011), and focuses on the role of NSAs in agenda setting, policy discussions, drafting, adoption, implementation and termination stages. NSAs are key stakeholders in the policy making environment (Hamza, 2018) and their participation is crucial to achieving policy objectives. Using a social constructivist lens, the paper analyses the relationships between state and non-state actors in the migration policy space and how their interactions influence the outcome of policy processes in a bid to unpacking the contribution of NSAs to regional migration governance in West Africa. While there is an increasing interest on migration governance in the region, the focus rests on mobilising state actors within formal and institutional structures. Little attention is paid to the role and influence of NSAs in the evolving context of regional migration governance. This paper addresses the gap in the literature on non-state actors in regional migration governance with a focus on West Africa. It reveals how NSAs, using formal and informal structures, create spaces for engagement and leverage existing national platforms to influence regional migration governance. Based on research from five countries in West Africa (Nigeria, Ghana, Senegal, Niger, and Mali) this paper concludes that NSAs contribute to regional migration governance by acting together among themselves and with state actors to achieve their objectives.

The paper is divided into six sections. The first section presents the overview and lays out the structure of the paper. The next section briefly summarises the literature on NSAs in regional migration governance. The third section discusses the landscape of NSA engagement at the institutional level using the example of ECOWAS. Section four analyses the evidence of the engagement of NSAs in the migration policy process at the national and regional levels, the mechanisms for engagement and how these contribute to shaping migration policies at the regional level. The fifth section analyses these relationships, the spaces for engagement and the implications on regional migration governance in West Africa. Concluding the paper, section six presents theoretical and practical implications of NSA engagement at the regional level and the contribution made to Regional Migration Governance (RMG) by improving ‘bottom-up’ approaches to RMG.

Methods and Data

Research done for this paper was based on an extensive desk review of ECOWAS processes and the role of non-state actors in ECOWAS migration policy processes. The primary data is derived from 10 Key Informant Interviews (KII) conducted within the ECOWAS region¹. Respondents for the semi-structured interviews were drawn from the media, NGOs, CSOs, academia and policy makers at the regional and national levels.

The paper also draws on data from an online questionnaire on the level of involvement of NSAs in migration policy processes administered to 25 identified NSAs involved in migration policy

¹ See list of interviewees annexed.

processes in the region. These respondents were purposefully identified on the basis of initial discussions with the ECOWAS Commission and on discussions with partners in the region. During the course of the research a database of over 100 NSAs was created, mapping out the types of NSAs active in the region and their focus areas in migration governance. This database along with all charts and tables were created using MS Excel.

Literature review on NSAs and regional engagements in migration policy

The regional level is an important space for addressing migration. This is increasingly so in Africa as data indicates that 70% of African migrants move to another country within the continent (Mo Ibrahim foundation, 2019), and the bulk of migratory movements occur in regions where there are free movement or mobility schemes (Mo Ibrahim foundation, 2019). Recognising the importance of regions in migration, the Global Compact on Refugees and the Global Compact for Migration both highlight the strong role of regions in the governance of migration. This role ranges from responding to disaster and crises in neighbouring countries (United Nations, 2018b), through working together to curb irregular migration and smuggling of migrants to facilitating labour mobility using regional approaches (United Nations, 2018a).

There are three main levels of migration governance identified in the literature: multilateral/international level, regional/trans-regional level and bilateral/national level (Kunz, 2011, Trauner, 2014, Dick, 2019, Lavenex, 2018). These levels of governance are interconnected and influence each other in the development of migration policy instruments. The regional level has received much less attention than the global and national levels (Munck, 2014) (Geddes et al, 2019). Inter-regional mobility in Africa remains the most efficient mechanism for reducing inequalities and fostering growth (Awumbila, 2017). There is therefore the need for regional migration governance structures which deliver on the objectives of economic development and improved livelihoods through mobility.

The prevailing demand for inclusive migration policy processes can be traced to the global level, starting with the Berne Initiative in 2005 to the recent 2016 New York Declaration on Migrants and Refugees. States recognised the need to include other actors in the design, discussions and implementation of migration policy (Likić-Brborić, 2018). This resulted in the varied scope of actors within the policy process. This awareness of introducing an intergovernmental approach to migration policy grew from the complex and multi-dimensional aspects of migration (Channac, 2007).

Global and regional agreements – such as the Global Compact for Migration and the Global Compact on Refugees, the Berne Initiative, bilateral and regional migration agreements – define NSAs in an inclusionary manner to cover the private sector, economic and social partners such as trade unions, civil society in all its diversity according to national characteristics, academia, community and faith-based organisations, research and academia, diaspora organisations, migrants’ organisations². This paper focuses largely on four identified NSA groups in West Africa which contribute to migration, and are active at the national and regional levels; these are non-governmental organisations (NGOs), civil society organisations (CSOs), the media and academia. NGOs identified in this study are focused on the implementation of migration policies and projects while CSOs are mainly advocacy groups, sometimes made up of NGOs and other actors including diaspora groups.

Globally, NSAs influence migration policies and diplomatic processes in the relations between countries. They are also instrumental in enforcing migration policies and serve as implementers of immigration regulations set by the states (Lahav, 2003). At the regional level, NSAs, CSOs in particular, have been shown to contribute towards democratising migrants

² See the Global Compact for Migration, the Global Compact on Refugees, the Berne Initiative, bilateral migration agreements and ECOWAS regulations on NSAs.

rights organisations in regions (Rother, 2015). Through their networks and advocacy, NGOs and CSOs play a role in transforming regional governance through agenda setting and consensus building (Fernández-i-Marin, 2015). States and institutions engage with NSAs to bridge the information and communication gap between the state and the society. NSAs can serve as instruments to increase political legitimacy, giving greater credibility to government action (Banulescu-Bogdan, 2011). They do this through their role as intermediaries between citizens and the state, by communicating and implementing government policies. For its part media plays a crucial role in linking data and research to the policy making process (Rhus, 2019).

State and NSAs engage within identified policy and institutional frameworks at the regional level. The institutional frameworks and institutions may be either strong or weak (Arcarazo, 2014), and may be characterised by a state-centric approach or an inclusive approach. In some cases, for example the European Union (EU), there are strong institutions with defined mandates and institutional powers to enforce regional governance (Trauner, 2014). In other cases, weaker institutions exist and informal dialogues, the social context and power play inform the policy making process and compliance with policies at the regional level (Arcarazo, 2014). The mechanisms for engagement between state and nonstate actors are either formal and institutionalised within strong institutions or informal and ad-hoc within weaker institutions. In practice, the situation in most regions lies between these two extremes on a sliding scale. These regional developments occur within the context of embedded national level approaches (Arcarazo, 2014).

While regional organisations and formalised institutions contribute to the development of migration governance, there is the possibility for this to be focused on the interests of states and therefore be solely governmental (Bisong, 2018). The involvement of NSAs is essential to move migration governance beyond a state-centric approach to an inclusive framework that takes into account other important issues such as human rights and culture (Likić-Brborić, 2018).

Despite the growing interest in the involvement of NSAs in migration governance, there is still limited literature on their involvement in regional migration governance (Banulescu-Bogdan, 2011); Lavenex, 2018, Piper, 2015, Geddes, 2019, Rother, 2015). This paper contributes to addressing this gap. It contributes to the literature on NSAs by unpacking the dynamics, network of relationships and underlying interests motivating actors in migration policy processes. It also analyses the interrelationships between state and NSAs in achieving their policy objectives which may either be coherent or divergent depending on the underlying interests. Finally, it acknowledges the contribution of NSAs in the migration policy process in West Africa.

NSAs in ECOWAS policy processes

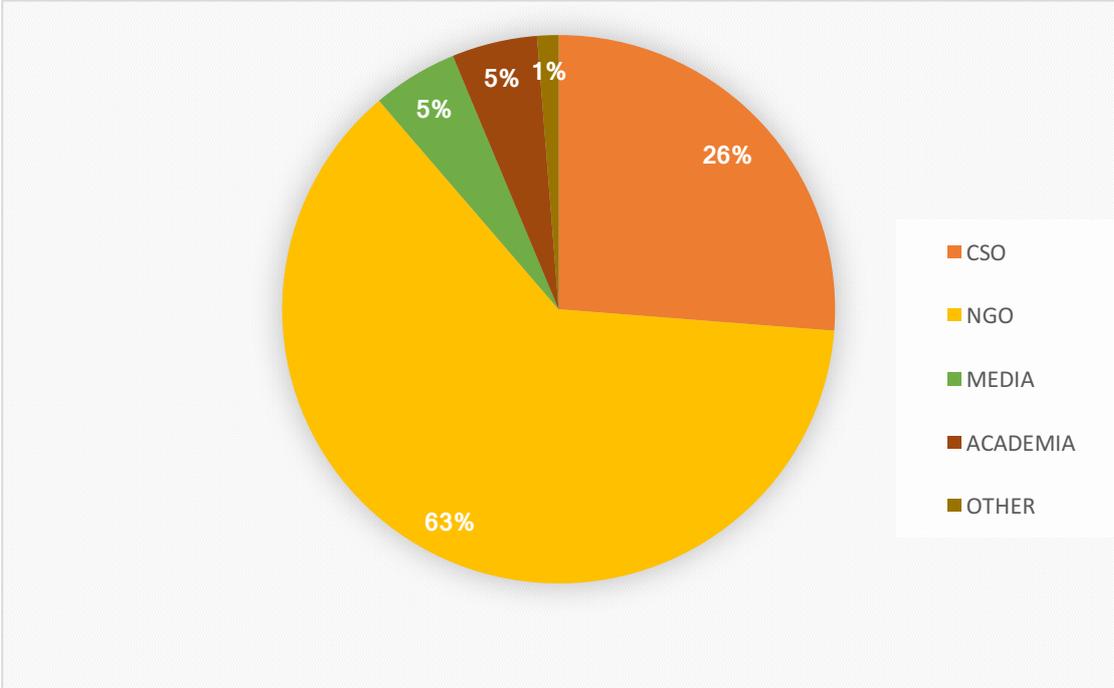
In West Africa, the framework for migration exists within the purview of the ECOWAS. At the regional level ECOWAS sets frameworks that govern the interaction between its member states and several areas of importance to the regional economy and the well-being of the citizens (KII-EC01-IOa, 2016). Policymaking processes in ECOWAS have a top-down approach. The ECOWAS's Community Strategic Framework acknowledges the need to collaborate with NSAs in policy making processes (CSF, 2016). However, this largely state-centric process has little room for the inclusion of non-state actors in migration policy (Devillard, 2015). Implementation is fraught with difficulties as most times consultations at the national level are not adequately carried out or mostly ignored. National agencies are often engaged post facto by the Commission to gain their support in the implementation of these policies. Although policies are discussed at the technical level by experts, at the ministerial level by the responsible ministers for the thematic area and finally adopted by the heads of states, there is a disconnect

between the agencies in the states and the policies adopted at the regional level. The disconnect that exists between ECOWAS citizens and policies adopted at the regional because is even bigger: even though they are the beneficiaries of mobility and attendant rights, they are hardly ever involved in the policy making process.

NSAs in migration policy in West Africa: The Evidence

NSAs in the region involved in the migration process include national labour associations and employment associations, national union of employees, religious groups, charity organisations, diaspora organisations, organisations representing subsets of migrant groups and representing business interests. This paper identifies CSOs, academia, NGOs and the media as non-state actors that contribute to migration policy in West Africa. The sample size of over 100 actors falls into these four broad categories. NGOs are the highest number of actors in the region from the survey conducted; see the chart below.

Figure 1: Chart showing the types of NSAs surveyed in the ECOWAS region



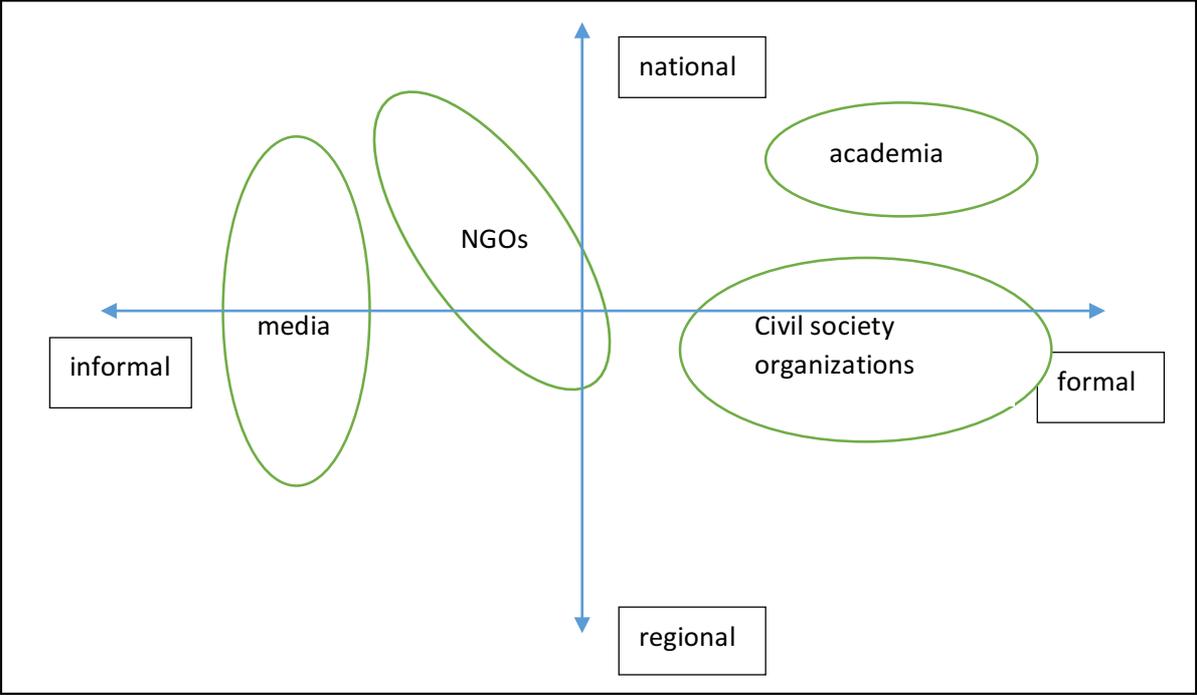
Their focus ranges from promoting labour mobility, protecting the rights of migrant workers and employment conditions, rehabilitating victims of trafficking and smuggling, protecting the rights of irregular migrants, protecting the rights of employers of labour migrants, providing information and sensitisation on migration policies and border management procedures especially based on the ECOWAS free movement protocols. 85% of NSAs surveyed have been operating in the area of migration in West Africa for more than 10 years, with most of the organisations having offices only in the region. Interviews conducted, however, revealed that some of these NSAs might have been involved in more generic areas of work such as youth unemployment, skills acquisition, women and gender issues, and made the switch to migration migration issues were highlighted in the region (KII-NG06-CS, 2019).

While the focus of most NSAs tends to be directly on their immediate communities, 15% of respondents indicated that the focus of their activities is at the regional level, while 38% of respondents additionally indicated that the focus of their activities was at the global level. To a large extent activity of NSAs within the region are funded by international organisations to a large extent. 54% of respondents indicated that their funding came from international

organisations while 25% have funding from mixed channels. More than 50% of respondents had participated in migration policy processes at the regional level including meetings at the ECOWAS level. Even so, they noted that they had been poorly integrated into the participatory processes at ECOWAS.

NSAs and their activities

Figure 2: Chart showing the different types of NSAs in the region and the spaces and mechanisms for engagement



NGOs: NGOs in the region are involved in measures centring on the protection of human rights, return migration and assisting returnee migrants to integrate into their local communities, aiding victims of trafficking and smuggling, upholding and monitoring the enforcement of regional migration policies, sensitising citizens on border management policies and assisting with the migration data usage and monitoring of migrant flows. NGOs protest against government policies that inhibit the free movement of citizens or contradict with their rights by limiting their access to movement and alternative livelihoods by restricting movements (KII-NE03-CS, 2019). They also work with returnees to ensure their reintegration into the society, providing immediate shelter for refugees and internally displaced persons in the region, and helping with livelihood options. NGOs fill in the gap where government resources are limited. In the field of reintegration as has been noted by a regional expert “Most states don’t have robust systems for reintegration of returnees” (KII-EC01-IOb, 2019). Therefore, NGOs provide the needed support for citizens. NGOs, through their activities at the communal level, draw government attention to key issues affecting citizens which require much larger state effort to address. The most recent example of trafficking of Nigerian girls to Mali for prostitution was first identified by NGOs working in the country. They subsequently drew the attention of both governments to this problem (KII-EC01-IOb, 2019).

Media: The media is actively involved in sensitisation and awareness creation, evaluation of policies implemented and serves as an instrument of feedback to the government on the latter. It also provides a platform for broader debates on migration policies and their impact in society. The media plays the unfortunate role of reinforcing misperceptions but at the same time it helps in correcting stereotypes that have been created as a result of wrong narratives (Rhus, 2019). West Africa Democracy Radio (WADR), for example, uses its network of community-run radio stations to disseminate information in remote communities with a prevailing migration rate in both rural-urban and rural-transnational destinations. Training and orientation for journalists and these community-run radio stations has improved their reporting on migration issues and their ability to follow the migration discourse within the policy space. The media, mainly involved in the policy implementation phase, carries out activities such as information dissemination, sensitisation, training and orientation. These activities focus on the reintegration of returnee migrants into the society, addressing the myths and misconceptions of migration, especially by the families of migrants. They also centre on addressing an attitudinal change in the society regarding migration, especially irregular migration. They raise concerns regarding smuggling of migrants and trafficking in persons and the potential dangers of irregular migration. Using traditional and new media outlets such as radio, Facebook and a multimedia approach, which centres around live radio broadcasts, community radio rebroadcasts, social media, videos and e-newsletters (KII-SN04-CS, 2019) the media serves to bridge the gap between the government and citizens through effective communication.

CSOs: CSOs operating in the region lay emphasis on the free movement of persons, protecting the rights of migrants, and promoting labour mobility. Their activities are mostly focused on migration governance at the regional level and the bulk of their funding is from international organisations. They engage with states through regional and national advocacy on migration policy. Specifically, they report infringements of free movement of West African migrants, challenge the infringement of human right of migrants by West African states and other countries. They are very vocal in holding states accountable for their actions or inactions towards West African migrants (WAOM, 2016). They equally provide sensitisation for migrants on their rights as relates to the ECOWAS free movement protocol, and seek to deter potential irregular migrants through dialogue on the dangers of irregular migration.

Academia: Academia participates in the migration process through direct funding from states. They participate indirectly through invitations to state driven processes like the Migration Dialogue in West Africa (MIDWA) and consultation meetings on ECOWAS migration policies with Member States. This link between the academia and the state has an effect on the independence of the research produced especially where there is a direct link between the research and migration policy (Jørgensen, 2011). In West Africa, academia contributes to policy processes by participating in policy formulation and providing expert advice on policy implementation. Academia also has an interest in participating in the process as part of their assessment of performance is the policy uptake of the research that has been produced (KII-GH05-AC, 2019). They are available as experts and a technical resource to both the government and donor organisations in providing information, sharing expertise and drafting policies on migration. For example, the national migration policies of several West African states were drafted with the support of academia (Niger, Sierra Leone, Liberia, Ghana). They participate in technical working committees of the government as well as provide training to state and non-state actors on various specific and general aspects of migration. In their capacity as experts working with states on policy issues, they serve to link the regional, global and local aspects of migration within the national contexts, thus providing a more comprehensive understanding and approach to addressing the complexities of migration at the national level. "Migration is a

global issue, you have to relate it to what is happening in Africa, and what is happening locally” (KII-GH05-AC, 2019).

Invented spaces, invited spaces and instrumentalisation: How the ECOWAS Commission involves NSAs in migration policy processes

There are varied mechanisms for engaging with the non-state actors at the regional level. Schierup et al (2019) identify ‘invented’ and ‘invited’ spaces of NSA engagement within the context of the Global Compact for Migration negotiations, adoption and implementation. They define invented spaces as “organisational and ideopolitical positions or counter hegemonic platforms occupied by contestative movements through which their collective action confronts the status quo” (Schierup 2019: 157). Invited spaces on the other hand are positions and platforms occupied by NSAs that embody the concept of participatory governance in terms of including civil actors in state processes (Schierup 2019). Instrumentalisation occurs where NSAs are used either as tools of the state or actors such as international organisations or donor agencies, to spread messaging consistent with their purpose. Instrumentalisation can occur as a result of funding, position or ideology.

In the context of ECOWAS, invited spaces exist for engagement at the regional level through established platforms. Invented spaces exist at the national level where there are both formal and informal platforms by NSAs in response to state actions, which equally challenge or collaborate with the state as part of their involvement in policy processes. Instrumentalisation on the other hand can be visible both at regional and national levels where a large part of funding for migration is provided by either state actors, donor agencies or international organisations.

Direct references in policy documents

ECOWAS heads of states, in preparation for the Valletta summit, enjoined all member states to create a national framework for dialogue on migration involving all local stakeholders (ECOWAS Commission, 2015). The community development plan and the current community strategic framework make direct references to including NSAs in the regional policy making process as they are identified as strategic partners. There are also several ECOWAS regulations in the spheres of trade, peace and security and good governance that directly refer to the inclusion of NSAs and clearly spell out their roles. These range from cooperating with ECOWAS organs in the policy making process to communicating with citizens on regional policies and processes and ensuring compliance through monitoring at national and local levels.

Through MOUs with institutions

Large groups of NSAs in the region have signed MOUs at the regional level with the ECOWAS Commission and its institutions. These MOUs specify the level of cooperation between the NSAs and ECOWAS at the regional level. Based on these agreements NSAs are invited to participate in consultations between states at the regional level as observers, technical experts and resource persons. They act as representatives of the ECOWAS citizens in the policy making process. MOUs have been entities such as West Africa Civil Society Institute (WACSI), West Africa Observatory on Migration (WAOM), Federation of West African Chambers of Commerce and Industry (FEWACCI), Federation of Business Women and Entrepreneurs (FEBWE), employers’ associations, and manufacturers’ associations.

Ad-hoc invitations to participate in meetings

NSAs are invited to participate in meetings either as observers, resource persons or participants involved in the actual deliberations of the meetings. These regional meetings range from regional consultations on the policy development process, to validation meetings of regional

documents and monitoring meetings which monitor the implementation of regional migration policies implemented by the national authorities.

Through consultative processes

The Regional Consultative Process (RCP) in West Africa introduced by IOM - MIDWA - seeks to involve all stakeholders in the migration dialogue. The RCP's aim is to build networks of information exchange between participating governments and to promote trust and confidence among actors in migration, while offering a platform for a common understanding of migration issues. RCPs also serve to promote harmonisation and convergence in migration practices between the various levels of decision making (Channac, 2007). Although the MIDWA process does not result in direct implementation of its recommendations, as it is not linked directly to any policy making mechanism, the recommendations from the process feed into the policy making process at the regional level, because the ECOWAS Commission is the secretariat for MIDWA. The recommendations influence agenda setting at the regional level and policy uptake at regional and national levels. An example of this is the ECOWAS Common Approach which is an outcome of the recommendation of the MIDWA process. The Common Approach has in turn influenced the migration policies of most West African countries. While RCPs are characterised by their openness, informality and efficiency, the participation of non-state actors is limited to a consultative role as they are not included in the decision-making processes (Channac, 2007).

Through third party support

International government organisations (IGOs), third country organisations and donors provide spaces for interaction between state and non-state actors in the region. The requirement for an inclusive and participatory policy making process in development means that all parties should work together to achieve stated development outcomes; this has resulted in the creation of organised groups of identifiable non-state actors. States are encouraged to work with these groups as representatives of the broader interests of the citizens. This however brings into question the legitimacy of these groups both by the governments in the region and by third party organisations (Teivainen, 2016). These donors also play a crucial role in ensuring that spaces for engagement and discussions are created; for the national migration policies of most ECOWAS member states was funded by the International Organization for Migration (IOM) with the support of the European Union. The national migration policies (NMP), which all have the same standard structure, ensure that there is an institutional framework created for engagement between states and NSAs. In addition, these donors provide funding for the activities of NSAs, enabling them to play a relevant role in the implementation of migration policies. Through the involvement of these organisations, NSAs equally function in policy drafting, as consultants and technical experts hired by the organisations on behalf of the state.

National level of engagement with NSAs

At the national level, states engage closely with NSAs through established formal and informal mechanisms. There is a close relationship between active NSAs which are active nationally and those taking up spaces regionally.

Formal mechanisms

The NMPs of Nigeria, Ghana, Senegal and Niger, recognise the role of NSAs in the different stages of migration policy and create platforms for engagement with these actors. The Ghana National Council on Migration (GNCM) brings together state and non-state actors on discussions of migration policy, to ensure a consultative implementation process, effective monitoring and evaluation of the NMP as well as periodic reviews of the policy and to create

awareness and advocate the provisions of the NMP (Ghana migration policy). In Nigeria the NMP sets up the governance architecture and the four levels of coordination (Nigerian migration policy). NSAs are involved in three out of the four levels of coordination – ministerial committee, technical working group, thematic groups and state and non-state actor engagements. They are directly involved as partners and resource persons in the thematic working groups. “The national migration policies triggered the involvement of civil society organisation in migration policy [at the national level].” (KII-NG06-CS, 2019).

The national dialogue on migration is another platform for engagement in Nigeria. The platform, which meets once a year, brings together NSAs and state actors in discussions on trends and policies in migration and offers a space for engagement at the national level with the NSAs. The Nigerian government, noting the benefit of this engagement, promoted the model at the regional level in 2014. In 2014, the ministerial committee of MIDWA adopted the platform for discussion on migration at the national level. Nigeria was the first country to institutionalise this platform.

Ad-hoc inclusion in meetings and consultations with NSAs

Academia and the media are engaged in meetings and consultations with state actors; this is especially where they would like the NSAs to contribute to the discussions as resource persons. There are times too when NSAs are engaged simply because the participatory approach to governance requires a certain number of NSAs to be present in the discussions in order to fulfil a requirement (KII-EC01-IOb; KII-GH05-AC, 2019, 2019).

Informal mechanisms

NSAs carrying out their core activities in sensitisation and advocacy in the region are usually the first responders to migrants and interact closely with them. By so doing they bridge the gap between governments and migrants and are able to call the attention of the former to issues affecting the latter and also inform migrants of changes in government policies and other issues directly affecting them. Based on this key position, they are able to interact closely with government. Most interactions with government result in collaboration to carry out activities because neither the government nor the NSAs alone can address some of the complex issues arising from migration (KII-EC01-IOb, 2019). For example, in the case of return migrants in Nigeria, the state is responsible for providing for returnees; however, when their facilities are at full capacity, NGOs working on return migration offer shelter for these returnees.

Challenges of NSA engagement in ECOWAS

The capacity of NSAs in terms of both human and financial resources required to actively engage with governments at the national and regional level is limited. The same could be said of their technical capacity to engage with the government. To assist with this, international organisations have supported NSAs through capacity building and funding. The capacity development measures include training on technical content and other skills such as project management, finance, and business development to ensure their sustainability. (KII-EC01-IO, 2019).

Much as spaces for engagement do exist for collaboration between NSAs and states in the policy process, engagement is subject to the political will of governments; it is governments that determine whether or not to include NSAs and even when they do include them, it remains the prerogative of government to accept or reject their input. In some cases, state interest overrides the interests of citizens as presented by the NSAs (KII-NE03-CS, 2019).

It is also the case, however, that policy makers have a negative perception about NSAs; they are seen as merely taking resources intended for larger beneficiaries and misappropriating them without actually contributing to the policy process (KII-EC08-IO 2019). This view may

contribute somewhat to the reluctance of policy makers to include the non-state actors in the dialogues on migration.

NSAs in migration policy in West Africa: The Implications

The policy making processes in ECOWAS have different entry points for states and NSAs to engage. However, with regard to the migration policy process there is no identified entry point. There are various ways through which NSAs contribute to shaping regional migration governance. Through national mechanisms they are able to influence the regional migration agenda and hence contribute to agenda setting. This is possible in states where NSAs are actively involved in the policy processes at both national and local levels. The concerns of these actors are moved to the regional level through state processes and their state representatives. This is evident in the cases of Nigeria, Ghana, and Senegal, where there are established procedures for engaging with NSAs at the national level. These NSAs are able to contribute to the regional processes either through participating in state-led processes as observers, or drawing up national positions for the states to present at regional meetings (KII-NG07-GO, 2019). By virtue of the kind of activities they are involved in, NSAs are closer to the grassroots and citizens and so are able to serve as a bridge between the latter and government; they inform government of citizens' concerns, especially in relation to protection of migrants' rights, implementation of regional provisions by other ECOWAS states and improvement of the conditions for labour mobility in the region. In the recent diplomatic row between Nigerian traders in Ghana and the implementation of the Ghana Investment Promotion Act, National Association of Nigerian Traders, a civil society organisation based in Nigeria, was instrumental to drawing the attention of the ECOWAS Commission and the Nigerian government to the treatment of Nigerian traders in Ghana (NANTS, 2018).

NSAs push for the enforcement of regional processes at the national level and by so doing contribute to the implementation of regional policies. In Niger, the recent law criminalising the smuggling of migrants in the country has been implemented in a manner that is contradictory to the principles of free movement within ECOWAS. NSAs have been instrumental in drawing the attention of the government to the contradictions in the implementation of this national law. "The problem is not the content of the law, but the implementation in practice which is taken to the extreme (by state authorities)." (KII-NE03-CS, 2019). Through regular sensitisation and information campaigns, NSAs inform their communities of the provisions of regional regulations relating to free movement, these information campaigns clarify what free movement entails, the limits of the free movement protocol, the documents required and associated challenges (KII-SN04-CS, 2019).

NSAs fill governance gaps in the migration process. Through offering services like protection of victims of trafficking and smuggling especially in the return process, NSAs fill a gap which most governments in the region are not equipped to address due to shortage of resources and facilities (KII-EC01-IO, 2019). Through their activities, they are instrumental in preventing cases of trafficking in persons and undertake intervention measures when trafficking has occurred (KII-SN04-CS, 2019). These governance gaps also include processes that governments lack the capacity and structure to address. NSAs assist returnee migrants and follow up on the process of their reintegration into their communities (KII-NE03-CS, 2019). Through these measures, they create a platform for linking national operations and dealing with challenges at the regional level. West Africa Civil Society Forum (WACSOFF) and West Africa Observatory on Migration (WAOM) highlight migration trends and keep both governments and citizens informed on the treatment of migrants, drawing on collective action for intervention in cases of severe breach of migrants' rights or regulations regarding free movement.

NSAs act as a check to governments preventing them from implementing policies that are contrary to agreements at the regional level. They thus play a role in monitoring and

evaluating policy implementation and provide feedback to government. This feedback can be through established platforms and coordination mechanisms, or through an outright backlash from the community. In Mali, the diaspora was a strong force in resisting the government's cooperation with the EU on migration which included activities that were contrary to the interests of both the citizens, the Malian diaspora and the region as a whole (source).

Through their engagement with local communities, NSAs address critical situations with matching solutions. These solutions can be adopted by governments and introduced within a more formal policy framework. West African Network (WAN) has a mechanism for identifying victims of trafficking in persons in three states in West Africa (Benin, Burkina Faso and Togo). This elaborate network includes the identification of victims of trafficking in persons, protection and return of these victims, and support for reintegration into their local communities. These activities have been carried out across several countries in the region, for over 10 years (KII-EC-01-IOb, 2019). At the regional level, ECOWAS, based on the successes of WAN, is drafting a policy for identifying victims of trafficking and supporting their return through a regional network of actors; WAN serves as a technical partner in this process. This is evidence of the contribution of NSAs to the policy drafting process and of their role in supporting the adoption processes.

Although the positions of NSAs are clear and objective, they are subject to instrumentalisation. NSAs are used by some governments to promote their own legitimacy. Their cooperation with governments, especially in cases where funding is provided directly by government agencies, contributes to determining their positions (and their objectivity) in the policy process (Jørgensen, 2011). They are also a tool for third countries to promote their migration agenda. These are mostly migration restrictive policies linked to funding of NSAs. Most NSAs operating in the region are funded either fully or partially by third country donors and international organisations. This restricts their objectivity since their main objectives are tilted towards the demands of the main donor agencies; NSAs rarely adopt policy positions contradictory to those of their donors. This has resulted in limiting or reducing the legitimacy of some NSAs in the region (KII-NE03-CS, 2019). Even so, third party organisations and donors active in the region contribute to ensuring the sustainability of NSAs through funding of their activities and providing capacity building measures targeted towards improved efficiency. This support ensures the continued existence of a vibrant NSA scene in the region.

Conclusion

This paper has examined the interaction between NGOs, CSOs, academia and the media in the migration policy process in West Africa. It analysed the formal and informal mechanisms for engagement with state actors in the policy process and concludes that cooperation between both actors is necessary to achieve both state and NSA objectives in migration. From the data and analysis, it is obvious that non-state actors should be included in the migration policy process through adopting a participatory approach and creating spaces for engagement at the national and regional levels. This is because they play a key role in interfacing between the state and citizens although existing spaces for engagement do not automatically result in an inclusive and participatory approach. NSAs' should go beyond 'speaking the truth to power' to ensure collaboration and cooperation in order to achieve positive outcomes (Kremer, 2019). The limited capacity of NSAs might restrict their engagement with state actors. Also, based on underlying interests, states may clearly decide not to listen to the views expressed by NSAs. A recent example is in Niger where criminalisation of the smuggling of migrants has led to the closure of several transport and support businesses resulting in economic difficulties for affected communities. NSAs offer a critical voice in policy making, addressing the contentious issues that states would gloss over for diplomatic reasons. An example of this was the changes in the Ghana Investment Promotion Act which would have easily resulted in a diplomatic row

between Nigeria and Ghana, had NSAs not brokered an amicable solution between the governments of the two countries. NSAs should be included in Inclusion in migration policy processes especially in the stages of policy implementation and policy evaluation. This is because they help to hold government implementation agencies accountable especially in cases where divergent interpretations of regional or national rules are possible.

They are also a useful tool in evaluating the implications of migration policies as they determine whether the policies are addressing the intended problem, creating new problems or ineffective. Non-state actors in the ECOWAS region should not be only involved in the regional migration policy dialogue through their participation with the ECOWAS Commission; there should be an independent network of non-state actors converging around similar policy issues in migration. WASCOM seeks to establish this network; however, its capacity is limited and it is quite weak in gaining the support from other civil society networks in the region.

The way forward

Ensuring coherence of national migration policies with regional policies is crucial. Although a regional migration policy is still being formulated and member states are currently involved in drafting their migration policies, there is the need for coherence with the regional objectives. This is to avoid a situation where regional policies are completely ignored or provisions that conflict with regional and national interests are inserted into the documents. The IOM consortium project on Free Movement and Migration in West Africa (FMM) provides support to member states in drafting of their migration policies. This support, provided at the regional, national and local levels, ensures that there is coherence in the creation of migration policies at the national and local levels. The development of a regional migration policy offers an important opportunity to strengthen ECOWAS's prominence in the migration domain, revitalise dialogue with member states and regain political buy-in (ICMPD, 2013). The regional migration policy offers an additional space for NSAs to engage directly with migration policy makers. However, the process of adopting this policy has stalled.

Sensitisation and campaigning on ECOWAS policies and advocating for the ratification of existing ECOWAS legal instruments remain key priorities of the Commission. In order to achieve the necessary commitment from the member states, a 'bottom-up' approach is recommended. There should be intensified intra-regional dialogue on migration policies and their implications on community citizens and the region as a whole.

While the ECOWAS region has a strong 'top-down' approach in its migration policy making process, what is lacking is a complementary 'bottom-up' approach which will bring into focus the realities of the beneficiaries of migration policies. Involving non-state actors in the migration policy process has the benefit of introducing topics which hitherto were viewed as too 'sensitive' for discussions by states and state agencies. It also takes cognisance of the perspective of citizens an element which is lacking in the current policy making process in the region. In concluding, NSAs play a huge role in contributing to regional migration governance through their inclusion in the policy process at the national and regional levels in the policy process. Cooperation between state and non-state actors occurs within a complex network of relationships that sometimes results in positive outcomes for both parties. Identified spaces for engagement, though limited, provide an effective means of communicating and sustaining these relationships. Although the potential to 'instrumentalise' NSAs by both government and third-party organisations exists, NSAs through established platforms and by working together provide a strong voice that reflects the views of the citizens in the region.

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Annex

List of interview questions

1. Who are the non-state actors involved in migration governance at the ECOWAS level?
2. What are the mechanisms for engagement?
3. What areas do their interventions cover?
4. Is the focus of these NSAs on the regional or national level?
5. How do they contribute to regional migration governance and its structures?
6. Can you list any specific NSAs that you have worked with?

Table 1 List of key stakeholders interviewed in the region

No	Title of Interviewee	Place of interview	Date of interview
1	KII-NG01-IOa	Policy adviser in an international organisation working with ECOWAS	
2	KII-NG01-IOb	Policy adviser in an international organisation working with ECOWAS	
3	KII-NE03-CS	Civil society organisation in Niger	
4	KII-SN04-CS	Civil society organisation in Senegal	
5	KII-GH05-AC	Academic in Ghana	
6	KII-NG06-CS	Civil society organisation in Nigeria and coordinator of a civil society platform for migration	
7	KII-NG07-GO	Government official in Nigeria working with an agency responsible for migration governance	
8	KII-EC08-IO	Officer working on migration at the ECOWAS Commission	
9	KII-GH09-CS	Non-governmental organisation in Ghana	
10	KII-NG10-IO	International organisation working on migration in Nigeria	