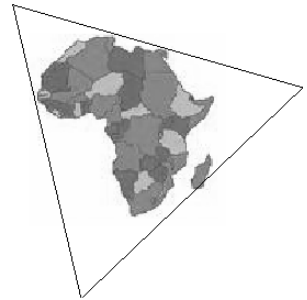




The Hague Process
on Refugees and Migration



MIGRATION BETWEEN WEST AFRICA AND THE MAGHREB
Toward joint responses to the protection gaps: challenges and opportunities for cooperation
Regional Workshop
Lagos, Nigeria
2 and 3 November 2007

FINAL REPORT

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FOREWORD

One of the challenges of this decade is the migration through, and pressure on, transit countries of the Maghreb by irregular migrants from West Africa and beyond en route to European Union (EU) and Southern African countries. Solutions to these trends must be sought jointly by the countries of origin, transit and destination. The following concise report is intended to provide an overview of discussions and key findings of the regional workshop organized jointly by NOMRA (Network of Migration Research in Africa) and THP (The Hague Process on Refugees and Migration) in Lagos, Nigeria on November 2nd and 3rd 2007. By no way exhaustive, it is meant to provide a basis for future work and source of ideas to engage in concrete steps, for all the participants, their organizations and beyond to all stakeholders concerned.

One of the essential objectives of the workshop was to help reinvigorate regional cooperation between ECOWAS, the AMU and the EU as well as individual member states in respect of migration and refugee protection issues. The Declaration of The Hague on the Future of Refugee and Migration Policy (2002), an internationally endorsed roadmap, outlines the relevant background and rationale, notably in the following principles:

2. Focus on a New Dialogue

The starting point for future refugee and migration policy is the shared interests of all relevant actors involved. It is time to change the priorities of existing consultation processes, with a clear focus on common interests and a direct dialogue among states of origin, transit and destination. Best solutions can be worked out when refugees, other displaced persons, migrants, civil society, economic actors and governments are involved from the outset.

3. Regional Approaches

One proven way to address the growing challenges of refugee movements and international migration is through strong regional cooperation. Within a global framework, regional cooperation arrangements can advance human rights and dignity, solidarity and the sharing of responsibility. Regional approaches allow for more effective responses to and governance of population movements.

A number of closely related objectives will be further addressed in the follow-up to be carefully set up and implemented by leading partners (THP and NOMRA) with active involvement of the individuals and organizations which contributed to this initial step. These objectives include:

Acknowledging the realities and challenges

- Critical assessment of the regional agenda and cooperation gaps
- Awareness building on issues of vulnerability and human security challenges

Building covenants for change

- Review of stakeholders' responsibilities and capacity (States, Regional Bodies)
- Identification of opportunities for effective partnerships and responses among origin, transit and destination countries to ensure a protection continuum in the field.

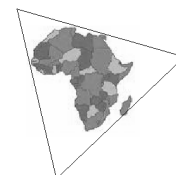
Toward long-term solutions

- Contribution to a sustainable regional co-operation and policy dialogue on labour migration and development issues.
- Contribution to a change in the perception of migrants and the understanding of their potential contribution.

Interactive and fruitful exchanges which took place over the two days are a further encouragement to pursue the initiative. The leading partners hereby would like to take this opportunity to renew their appreciation to all the participants, Ambassadors, national and international organizations and agencies (including UNHCR, IOM, the International Federation of Red Cross And Red Crescent Societies (IFRC), Africa Middle East Refugee Assistance (AMERA) and the Nigerian National Agency for the Prohibition of Traffic in Persons (NAPTIP)) for their active contribution and expressed intention to remain frontrunners in the process engaged.

Looking forward to your reactions and comments, we remain

THP/ NOMRA
November 2007



MIGRATION DYNAMICS: A FEW OBSERVATIONS

- The most dramatic expressions of current migration dynamics from the West African sub region through the Maghreb (transit point) to Europe (final destination), as observed for the past 15 years, receive growing media attention. In this context, widespread misperceptions and overestimations are gaining ground against attention to facts. Intra-regional migration remains prevalent in the ECOWAS region and the categorization of transit countries for Maghreb countries is partly misleading. Indeed, although not openly acknowledged, Maghreb countries have de facto become countries of destination in their own right, sometimes as a « second best » option for sub-Saharan migrants coming predominantly, though not exclusively, from West Africa.
- These dynamics are placing individual countries at the forefront in the larger (lack of) cooperation between the three regional blocks of West-Africa, the Maghreb and the European Union and notably Libya, Tunisia and Morocco. Landlocked countries like Chad, Mali or Niger have also been affected although their situation was not directly addressed during the workshop.
- A large proportion of current migration dynamics is irregular¹ as a result of the shift observed in the policy context, with increasing restrictions on legal channels, increased border controls and expulsions introduced in recent years in Europe and in Maghreb countries (especially in Libya). A number of travel documents are obtained through scams and other dubious means. Many migrants are young adults (both men and women) often wrongly perceived as among the poorest. Renewed attention is needed to the feminization and more generally the gender dimension of cross-regional migrations (country or sector specific movements).
- Extreme vulnerability - including deaths, illnesses and disabilities, exploitation – are experienced by a number of migrants, despite little and difficult documentation. These human security challenges remain largely unaddressed. More generally, concerns are related to the generally degrading conditions of residence and work experienced by migrants, refugees and asylum seekers often faced with xenophobia, discrimination and regular assaults on their fundamental rights and entitlements. (see related section).

CAUSES OF MIGRATION

- As already stated in the Declaration of The Hague, economic disparities between and within countries are one of the major causes of migration. Many individuals are seeking improvements in the quality of life although mixed motives are increasingly apparent and call for a more thorough in-depth study and understanding. Latest trends in migration from West-Africa followed regional economic decline or conflict and insecurity, notably in Nigeria and Côte d'Ivoire, historical poles of regional labour migration. These developments led to a progressive reorientation of migrants destination, a context in which Libya affirmed itself as a major alternative destination for sub-Saharan Africans. Further shift in 2000 introduced a diversification of trans-Saharan migration routes to and through Algeria, Morocco and Tunisia, and also on to Europe.
- Both in Northern Africa and Europe, demand factors are also playing a role vis-a-vis low skilled irregular immigration, although these factors are usually downplayed or receive too little attention. There subsists a need to go beyond explanation based on push-pull factors, and the assumption that differentials in development, spatially marked, are the unique drive for migration. This framework does not fully account for the complexity of dynamics at play. Evidence shows for instance that development is likely to induce a favourable environment for further migration at least initially, - the migration hump hypothesis -, enhancing individual aspirations and capabilities.

CHALLENGES TO OVERCOME & CONCRETE RECOMMENDATIONS

THE PRE-REQUISITE OF « GETTING THE FACTS STRAIGHT »

Migration issues are shrouded by speculations, sentiments and emotions and sub-Saharan migration is to that extent an unfortunate exemplary case. Public debate and policies should be grounded in documented facts and realities. Facts are still a pressing issue, equally in the global South and North (i.e recent controversy about immigration figures in the UK). Both trans-saharan migration and irregular migration from Africa to Europe are subjects of important misconceptions respectively as new, massive and Europe-focused phenomena. The recent study by Hein De Haas, *The Myth of Invasion* (2007) is a useful resource to challenge dominant but deceptive perceptions on these issues.

Issues discussed by participants included :

- Distorted views, especially in Europe and responsibility of the media in sensational reporting on immigration and refugee matters.
- Inadequate, unreliable and virtually non-existent data or information due notably to the irregular nature of the migration movements which make monitoring difficult, coupled with inadequate or lack of monitoring capacities.
- Resulting gap between actual facts/events and available data.
- Structural issue of the source of information (lack of on-site / country of origin information).
- Lack of information on what governments require for more and better planning and consequent lack of political will, planning and relevance of policies.

¹ Irregular migration is here understood as « migration across national borders without proper documents » – passports, health certificates, and where appropriate, entry visas following *The Myth of Invasion*, Hein De Haas, International Migration Institute, Oxford University, 2007.

→ RELATED RECOMMENDATIONS

- Address migration concepts that tend to mislead with specific attention to terminology . Terms such as « bogus refugee », « illegal » or even « transit » in particular contexts are value-laden and normative. The forthcoming *THP Handbook* on basic terms and concepts in the field of refugee and migration policy could become a useful tool to counter misperceptions and confusions, also in the media.
- Advocate caution in typology, introducing systematic distinctions between different dynamics - rural vs urban migration, internal vs. international, highly-skilled or low-skilled migrants – and populations (migrant workers, asylum seekers and refugees, victims of human trafficking) . Engage further research on the migration routes, networks and hubs across the different regions.
- Engage a critical and exhaustive inventory and evaluation of legislations organizing and structuring the modes of control and management of migrant populations within the ECOWAS.
- Action-oriented research to support better informed decision-making. The link to policymakers requires timely strengthening and coordination.

MIGRATION AND DEVELOPMENT AGENDA : SOME WAYS FORWARD

Lack of job opportunities (evidenced by high unemployment rates) and perspectives for self-development besides determinants for forced migrations (persecution, conflict, insecurity) are key in the current out-migration from West-Africa. Attempts to cross the Mediterranean Sea by some migrants highlight the unexploited resourcefulness of the youth and a remarkable desperation in the face of the so-called closed door migration policy in Europe. The distorted information on labour market conditions in EU countries, increasing professionalism of traffickers, scams and bogus travel intermediaries coupled with widening disparities in incomes and living standards between the North and the South fuel desperate attempts by irregular migrants to force their way into Europe. However these dramatic events do not reflect the larger processes and often rational motives in the individual decision to migrate (often engaging families and communities as well).

Issues discussed included :

- Complexity of migration motives and patterns
- Educational systems in countries of origin and brain-drain issues.
- Long-term consequences of regional economic decline or conflict and insecurity, notably in Nigeria and Côte d'Ivoire, historical poles of regional labour migration.
- Lingering issues of endemic corruption and inefficiency of foreign aid.
- Inconsistencies between trade and development agendas of the European Union.
- Untapped resources in the migration and development nexus.
- Reorientation of mind-sets and paradigm shifts to regard migration as an opportunity for development for all parties concerned.
- Missing links with emigrant communities and diasporas.

→ RELATED RECOMMENDATIONS

- Conduct a pilot study on Nigerian students abroad, and explore key reasons for their decision to migrate and eventually to return or remain in the countries of destination. Address responsibility for economic mismanagement and failures in the educational systems of countries of origin.
- Further document the volume of remittances to ECOWAS states, and explore policy options to upscale their development impact and channeling to job-creating investments, on the basis of the experience of other countries worldwide.
- Further reflect on the ways development aid can be effectively channeled to the individual beneficiaries targeted.
- Stimulate reflection on the potential development impact of outsourcing as a complementary strategy, engaging businesses on the basis of their corporate social responsibility (CSR).
- Assessment of return initiatives by IOM, UNDP and related institutions is needed (insufficient in-building of the cultural dimension)



POLICY DIALOGUE : ACKNOWLEDGING AND ADDRESSING THE GAPS

The growing number of migrants and the complexity of the migratory configurations within and across the countries of ECOWAS and the Maghreb necessitate a more coherent, co-operative inter-state approach to migration management. Despite numerous intergovernmental initiatives, lack of implementation follow-up and allocation of resources are detrimental to the advancement of the agenda. Greater cooperation and coordination among countries of ECOWAS and dialogue with Maghreb states and European Union countries is most urgent to help the various groups to harmonise both labour migration policies and research on the labour needs of countries of origin and destination – to match labour skills with demand. The policy dialogue on migration will remain a process but one which needs urgent strengthening.

Key issues raised included :

At the country and regional level :

- General limitations : migration has not fully emerged as a major key item on the political agenda both in West African and North African region where traditional countries of emigration are only beginning to come to terms with a new status as countries of larger temporary or permanent immigration.
- Lack of dialogue within the Maghreb region where migration has actually played out as a further source of tension and disagreements rather than cooperation (i.e between Morocco and Algeria). Converging explanations included : unpredictability of Libya's policy in relation to migration ; tensions between regional states on borders, competition for development aid ; framing of the dialogue with the EU member States which tends to perpetuate a bilateral approach (agreements signed by Italy and Spain, readmission agreements in return for aid) ; competing issues on the agenda, including migration of nationals to Europe which overshadow concerns and responses to sub-Saharan migration dynamics ; diversity of migration profiles and experiences within the region (notably in relation to incoming migrants, patterns on return of the country nationals)
- Lack of institutional framework for regional dialogue.
- Persisting divisions among Member States of the European Union on migration issues, fostering ad hoc, bilateral and fragmented responses.

Across regions

- Environment : Lack of economic integration and minimal trade which hampers closer cooperation and foster competition between ECOWAS and the Maghreb.
- At the policy level : Persisting gaps in implementation with a series of international and regional initiatives with little follow-up : mainly declarations of intention, focus on border and migration control, but little implementation and allocation of resources.

→ RELATED RECOMMENDATIONS

- Engage trust-building activities, consultation and exchange programmes between officials to foster better mutual understanding between individual states and regional entities.
- Continue to engage dialogue with UN channels, most conducive to sustained discussions based on a shared and comprehensive agenda which does not exclude the normative human rights framework.
- Advocate for migration issues to be put on the agenda, by addressing opinion leaders and engaging officials dealing with migration issues.
- Explore the potential of international NGOs and organizations to address with legitimacy the issues resulting from cross-border movements (i.e 30th International Conference of the Red Cross and Red Crescent Societies)
- Institutionalize the dialogue through existing regional platforms . The ECOWAS has provided a strategic framework for its member states, allowing them to establish common points of interest and build-up cooperation between their immigration services, beyond border control. The AMU should kick-start such a framework, based on best practices and lessons learnt from ECOWAS.

MIGRATION MANAGEMENT PROCESSES : INSTITUTIONAL AND CAPACITY-BUILDING

The introduction of tougher rules regarding entry and residence of foreigners in Europe for regular migration has inadvertently pushed irregular West African migrants to use complex routes to reach the Maghreb as a transit region to enter Europe or other African countries in an irregular or illegal way. The institutional capacity both in the North and South required to manage migratory flows and for effective policy formulation and implementation is weak, and must be strengthened through a number of concurrent initiatives. Greater institutional and capacity strengthening will, however, require human and financial resource input and down the line, political will and responsibility. Cooperative research and linkages between countries of destination, transit and origin must be established and reinforced, with information-sharing being a major component of cooperation to enable these countries better manage cross-border migration in regular and irregular situations.

Key issues raised included :

- Short sighted and costly focus of the EU on border control as unsustainable and unlikely to resolve the thorny issues.
- Visa procedures and issuance issues : arbitrary restrictions and decisions contributing to create illegal/irregular flows, sending wrong signals, generating inequity and frustration.
- Related and unaddressed development of trafficking in visa evidenced in some countries (i.e Nigeria)
- No deadlock/contradiction between human rights and national security concerns.

→ RELATED RECOMMENDATIONS

- Engage capacity and institution-building in Embassies and consular offices of European members states in the Maghreb and ECOWAS region as part of their responsibility. Maintain examination of cases and applications on an individual basis. Further transparency is likely to counter accusations of secret quotas and ensure fairer treatment.
- Develop migration profiles as a useful tool, to the condition that these profile are dynamic (frequent updates), based on resources in countries of origin. These run the risk of being quickly irrelevant to policy makers if static.
- Develop and institutionalize training of border patrol officials (i.e on trafficking) and capacity-building of officials – customs, immigration, police and security to replace on-going ad hoc arrangements.
- Develop public information initiatives and strategies on legal ways to migrate as well as as on the labour market conditions and opportunities in Europe.
- Develop integrated and comprehensive approach to migration management policy to involve all partners - the government sector (Ministries of Labour, Trade, Home Affairs, Integration, Foreign Affairs, Justice), the private sector, civil society, trades unions, employers' organisations, and the media.
- Enhance local research capacity by utilising the services of local institutions and expertise in documenting and periodically updating Country Migration Profiles as input for the EU's Country Strategy Papers and involvement in the sector.

THE PRIORITY: HUMAN SECURITY CHALLENGES

Extreme vulnerability – causing deaths, illnesses and disabilities, exploitation – are experienced by a number of migrants. These are rarely documented and the human security challenges remain largely unaddressed. More generally, concerns are related to the generally degrading residence and work conditions experienced by migrants, refugees and asylum seekers facing xenophobia, discrimination and regular assaults on their fundamental rights and entitlements.

Key issues raised included :

- Lack of protection in North Africa, where (irregular) migrants are subject to arbitrary expulsion, arrests and repressive measures (constant police raids and expulsions, notably at the Moroccan and Tunisian borders, detention camps in Libya). Lack of access to legal assistance, education, basic healthcare and shelter.
- Tendency of anti-immigration discourses in West/ North Africa and in Europe to legitimize if not institutionalise racism and the violation of the rights of migrants, asylum seekers and refugees from especially North Africa.
- Attendant challenge of intervention : how to disentangle security and assistance, downplay the prevalence of the security lens which have been increasingly central in defining the migration occurring between Western Africa, North Africa and Europe.
- Issue of trafficking, where intervention continues to be in response and lack anticipation and prevention. Preventive and preemptive actions require information-sharing (need to have a regional/ international approach while acting on the internal dimension as well). Prosecution in countries of origin, transit and destination needs to be more effective and systematic. Barriers to a significant response to trafficking include lack of political will, capacity, political awareness. Related issue of perception in relatively deprived environments (trafficking as a crime vs a cultural service of child fostering) and general lack of legal framework to prosecute offenders.
- Development of smuggling as rather a response to increasing migration restrictions and repression, rather than the cause of illegal/illegal migration as often presented.

→ RELATED RECOMMENDATIONS

- Documentation of migration routes and human security challenges for populations moving across the Sahara and bring international organisations to look at the urgent agenda for protection. NOMRA could further explore this focus in its research activities.
- Public awareness and educational campaign, at all levels («from the fishermen to the policymakers ») including in Europe on issues of illegal employment. Public enlightenment programmes using experiences of and stories from returnees
- Support to clinics and NGOs providing access to justice and legal assistance/counselling and rights' protection.
- Advocacy on the Migrant Worker's Convention with annual reviews (see also UNESCO Study in reference). access to justice/ legal aid. NGOs must position themselves and be recognized as experts and be in a position to present relevant arguments to inform national policies against the risk of being perceived as idealists/lobbyists.
- Develop multilateral covenants to fight trafficking with national focal points (i.e experience of the Nigerian National Agency for Prohibition of Traffick in Persons and other Related Matters (NAPTIP) in coordination with the National Immigration Services)
- Cross border cooperation (i.e bilateral agreement between Niger and Chad) as well as appropriate legal framework are necessary and have already emerged in countries like Nigera. At a strictly national level, similar developments in Morocco and Tunisia with new immigration laws punishing smuggling practices). Implementation remains however ineffective and must be reinforced by training of law enforcement agencies on human trafficking, for them to take on board the issue ; Publise test cases ; development of capacities within dedicated structures (translation, human resources for joint border patrol etc...on protection programme)
- Risk assessment and prevention of (re-) trafficking requires further cross-border cooperation and capacities (Benin/Cameroun)
- Building covenants in the field, relying on communities notably in migration hubs, emerging as central places for stop-overs. Migrants and refugee organizations can usefully strenghten these communities to find subsidiary but effective and sustainable forms of protection to the most vulnerable populations in transit or settlement outside of their country of origin.

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