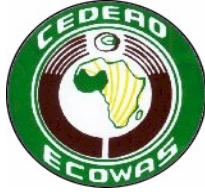


COMMISSION DE LA CEDEAO



ECOWAS COMMISSION

**33rd Ordinary Session of the Head of State and Government
Ouagadougou, 18 January 2008**

ECOWAS COMMON APPROACH ON MIGRATION

INTRODUCTION	3
I. ECOWAS COMMON APPROACH ON MIGRATION	4
1.1. The Legal Framework	4
1.2. The principles	4
1) Free movement of persons within the ECOWAS zone is one of the fundamental priorities the integration policy of ECOWAS Member States	4
2) Legal migration towards other regions of the world contributes to ECOWAS Member States' development	5
3) Combating human trafficking and humanitarian assistance are moral imperatives of ECOWAS Member States	5
4) Harmonising policies	5
5) Protection of the rights of migrants, asylum seekers and refugees	5-6
6) Recognising the gender dimension of migration policies	6
II. MIGRATION AND DEVELOPMENT ACTION PLANS	6
2.1. Actions promoting free movement within the ECOWAS Zone	6
1) Implementation of the Protocol on Free Movement of Persons, the Right of Residence and Establishment	6
2) Operationalising the regional fund to finance cross-border cooperation	6-7
3) Regional territorial planning strategy	7
2.2. Actions to promote the management of regular migration	7
1) Implementation of pilot experiments at the national and regional levels	7
2) Measures in favor of students	7-8
3) Measures concerning diasporas	8
2.3. Actions for policy harmonization	8
1) Setting up a system for monitoring migration and migration policies	8
2) Harmonising policies related to migration and development	8-9
2.4. Actions for controlling irregular migration and human trafficking particularly of women and children	9
1) Strengthening the dialogue framework between ECOWAS, host countries and transit countries	9
2) Strengthening Migration Management capacities	9
3) Strengthening the protection and assistance system for victims of human trafficking	10
2.5. Actions to protect the rights of migrants, asylum seekers and refugees	10
1) Protection of the right of migrants	
2) protection of asylum seekers and refugees	
2.6. Actions to take into account the Gender and Migration dimension	10

INTRODUCTION

ECOWAS Member States launched a process to establish a regional economic zone. In 1979, they adopted a Protocol on Free Movement of Persons and the Right of Residence and Establishment. The protocol, along with the supplementary texts later added, testifies to member countries' determination to place the free intra-regional movement of persons at the heart of the regional integration process.

West African citizens are among the world's most mobile populations. Population censuses indicate that the region's countries now harbour approximately 7.5 million migrants from other West African countries – i.e. almost 3% of the regional population.

From the West African viewpoint, the objective is to establish a link between migration and development, define its negative impacts and give priority to the following six questions:

- How can the gains of intra-regional mobility be promoted and how can free movement within the ECOWAS zone be guaranteed?
- How can mobility be supported and local development in departure zones and other potential host areas be encouraged?
- How can regular migration to third countries be optimised, notably in Africa, Europe, North America?
- How can irregular migration be brought under control effectively?
- How to protect migrant's and asylum seekers rights?
- How to include the gender dimension in migration policies giving the growing number of women migrants?

Fully aware of the issues involved in migration, the 30th Ordinary Summit of ECOWAS Heads of State and Government, held in Abuja in June 2006, mandated the ECOWAS Commission to define a common regional approach on migration. Meeting in Ouagadougou on 20 December 2006, the ECOWAS Mediation and Security Council reaffirmed this priority, requesting the Commission President to: *«pursue the consultative process for the definition of a common approach to the management of intra-regional migration and migration to Europe in all its dimensions»*.

In executing this mandate, the ECOWAS Commission initiated a strategic thinking process with a view to defining a common regional approach on migration.

I. ECOWAS COMMON APPROACH ON MIGRATION

1.1 The Legal Framework

ECOWAS member States carry out their actions within the framework of the revised ECOWAS Treaty and more particularly Article 59: «*Citizens of the community shall have the right of entry, residence and establishment and Member States undertake to recognise these rights of Community citizens in their territories in accordance with the provisions of the Protocols relating thereto*».

Member States also adhere to :

- The United Nations General Assembly Resolution No.60/277 on International Migration and Development of 7 April 2006;
- The International Convention on the Protection of the Rights of All Migrant Workers and members of their families which entered into force in July 2003;
- The political dialogue between the EU and ACP countries as set out in Articles 8 and 13 of the Cotonou Agreement of June 2000;
- The Rabat Action Plan and Declaration of July 2006;
- The ECOWAS General convention on Social Security;
- The high level dialogue on migration and development initiated in New York in September 2006;
- The Tripoli Declaration of November 2006;
- The 1951 Geneva Convention and its additional protocol of 1967 on the status of refugees;
- The 1969 OAU Convention on the status of refugees in Africa.

1.2. The principles

1) Free movement of persons within the ECOWAS zone is one of the fundamental priorities of the integration policy of ECOWAS Member States.

Mobility with the ECOWAS zone is a vital component of regional integration, which is itself a prerequisite for the West African economy's successful integration into the globalisation process.

Furthermore, there is a well-defined relationship between freer movement within the ECOWAS regional area and migratory pressure. In fact, it is established that the free movement within the region has contributed to the reduction in the migratory pressures beyond ECOWAS borders.

2) Legal migration towards other regions of the world contributes to ECOWAS Member States' development

ECOWAS Member countries reaffirmed the principle put forward during the Rabat and Tripoli Conferences, according to which *international migration impacts positively on both the host and home country when they are well-managed*. They reiterated that within every region of the world, at one time or another in their history, resorting to migration was an integral part of their development process. In 2005, 56% of West Africa's population was below 20 years of age and 65% under 25 years old, while in Europe these shares represented 23% and 30% respectively. In this context, ECOWAS member countries believe that a joint management of migratory flows should enable West African migrants have access to labour markets based on opportunities available in these countries.

3) Combating human trafficking is a moral and humanitarian imperative

ECOWAS Member States reaffirmed their willingness to combat all entities, in the North and South, which promote the recruitment, transportation and exploitation of irregular migrants, particularly women and children.

ECOWAS Member States reaffirm the need to ratify the United Nations Convention on the Protection of Migrant Workers' Rights and their Family member's rights and are calling on EU countries to do the same.

4) Harmonising policies

ECOWAS Member States are reaffirming their commitment to ensure policy coherence at three levels:

- In accordance with Article 84 of the Revised Treaty, harmonise bilateral agreements linking different ECOWAS Member States and third countries, with ECOWAS community texts and protocols; including agreements involving free movement.
- Harmonize economic, trade and development aid policies of the North with migratory policies of said countries.
- Harmonize national migration management policies with sector development policies.

5) Protection of the rights of migrants, asylum seekers and refugees

Member States reaffirm their commitment to ensure the implementation of the Protocol on the Free Movement of Person within the ECOWAS zone and the International Convention on the Rights of Migrants and their Families.

Aware of the increasing movement of refugees in West Africa and in view of the difficulty in managing them and regularising their status after conflicts, Members undertake to put in place regional integration mechanisms.

6) Recognizing the gender dimension of migration

ECOWAS Member States recognize the increasing role of women migrant within and beyond ECOWAS border by providing gender disaggregated data on the profiles of migrants and ensuring the inclusion of gender dimensions in migration policies.

II. MIGRATION AND DEVELOPMENT ACTION PLANS

ECOWAS Member States, relying on the orientations of the Tripoli Declaration, establish a direct link between migration and development. Consequently, the link between migration and development should be conveyed in a parallel approach to these two components and by striving continuously to harmonise policies related to one another.

Suggestions set out in the action plan described below are indivisible from one another.

2.1. Actions to promote free movement within the ECOWAS zone

1) Implementation of the Protocol on Free Movement of Persons, the Right of Residence and Establishment

ECOWAS Member States are committed to taking the necessary measures to remove all obstacles to the free movement of persons.

- Ensuring the issuance and security of ECOWAS travel documents.
- Organising technical and administrative training programmes as well as awareness building and educational campaigns on the rights and obligations of the community's citizens among officials in charge of migration and populations.
- Ratifying the United Nations Convention on the Protection of Migrant Workers' Rights and their Family member's rights and are calling on EU countries to do the same.
- Harmonising labour laws related to professional occupations, in accordance with the Protocol's clauses on the right of establishment for professional purposes;
- Removing all forms of harassment along the road.

2) Making the regional fund to finance cross-border cooperation operational

In order to promote mobility within the ECOWAS zone, it is important to give particular attention to border and cross-border areas. ECOWAS Member States thus recommend that the Regional Cross-border Cooperation Fund be made operational. The fund will help to :

- Facilitate free movement through concrete actions such as the setting up of joint border posts, border markets, joint health centres, shared schools, etc.
- Support border populations through development actions geared towards the poorest, most marginalized populations.
- Develop good neighbourly relations rooted in realities on the ground among ECOWAS Member countries and between the ECOWAS zone and its neighbours.

3) Defining a regional territorial planning strategy

West Africa is a very vast territory, with huge development potentials that are yet to be exploited. Many areas still remain relatively unpopulated, although they present considerable agricultural potential and a network of dynamic secondary towns; these zones could host a sizable population. Naturally disadvantaged areas are population departure zones where the potential could also be improved. All these zones are areas shared by several countries.

ECOWAS Member States are committed to defining a regional territorial planning strategy, both rural and urban. This strategy aims to develop new growth and development areas as well as provide more disadvantaged zones (in particular Sahelian and border zones) with well-developed equipment, infrastructure and other means for development.

Member States have mandated the ECOWAS Commission to define and implement this strategy.

2.2. Actions to promote the management of regular migration

1) Implementation of pilot experiments at the national and regional levels

- Create pilot centres for information, orientation and support for potential migrants, in accordance with employment opportunities in order migratory regions, especially Europe, in close collaboration with the diplomatic representatives of the concerned countries.
- Create pilot host, orientation, and support centres for returning migrants as well as reinsertion centres.
- Strengthen ECOWAS analytical capacities and sharing information on these pilot centres at the regional level.

2) Measures concerning students and young professionals

- Facilitate West African students' access to universities, institutes and African, North American European, Asian and other professional institutes ;
- Facilitate students' return to their country of origin at the end of their studies ;

- Conclude young professional exchange agreements in order to improve their linguistic and professional knowledge and acquire salaries work experience in another country, and define measures to ensure the return of these immigrants to their countries of origin at the end of their stay ;
- Develop partnerships between West African scientific and technical institutions and the rest of the world ;
- Broaden the range of university and technical courses offered, taking into account the labour market needs (public and private) ;
- Create or strengthen entrepreneurship training and excellence centres and business development support structures.

3) Measures concerning Diasporas

ECOWAS Member States mandate the Commission to carry out strategic thinking on the development of expertise and financial resources of West African Diasporas with a view to contributing to the development of their countries of origin and effectively combating brain drain.

This consultation should take into account best practices and propose joint measures notably with regard to the facilitation of financial transfers and investments in the region as well as supporting the Diaspora's involvement in development projects.

Member States are committed to strengthening solidarity between the Diaspora and countries of origin.

2.3. Actions for policy harmonisation

1) Setting up a system for monitoring migration and migration policies

Setting up of information and monitoring system on migration. Monitoring should cover:

- Migratory flows inside and outside the ECOWAS region.
- Factors triggering migration to other regions and intra-regional mobility.
- The evolution of socio-economic indicators within the different ECOWAS zones in order to enable the formulation of specific investment policies.
- The establishment of migrants' profiles.

2) Harmonising policies related to migration and development

ECOWAS Member States are convinced of the need to jointly define with their partners the following measures:

- Broaden the capacities of mechanisms for monitoring and combating irregular migration by sea to include the protection and conservation of fisheries resources in West African territorial waters. Ensure media coverage of this initiative establishing the complementarity between combating clandestine migration and combating irregular fishing.

- Establish the link between exporting subsidized or used products to West Africa, and the rise in unemployment and underemployment in the region.

2.4. Actions for controlling irregular migration and human trafficking particularly of women and children

1) Fight against irregular migrations and human trafficking

- Information and awareness campaigns for potential migrants on the dangers of irregular migration and smuggling networks ;
- Cooperation between ECOWAS Member States with regard to controlling clandestine migration and dismantling the mafia-like networks ;
- Cooperation between ECOWAS Member States with a view to combating clandestine migration and in collaboration with host countries ;
- Cooperation with host countries to provide logistics and funding for voluntarily returning migrants in transit countries and countries of origin ;
- Affirmation of the principle of the return of clandestine migrants respecting their dignity and fundamental human rights ;
- Implementation by ECOWAS Member States, of measures enabling the reinsertion of irregular migrants upon their return ;
- Development of technical and financial cooperation with ECOWAS Member States in the area of managing emergency situations with regards to irregular migration.
- Compliance with international commitments made by Member States regarding migration.

2) Strengthening the dialogue framework between ECOWAS, host countries and transit countries

In view of the numerous challenges related to irregular migration, especially the turning back of migrants often in difficult conditions, human trafficking and irregular migration, human rights of migrants, forced or voluntary returns, it is clear that bilateral agreements concluded by some ECOWAS Member States with host countries are not sufficient to address these multi-dimensional problems. ECOWAS Member States undertake to strengthen their cooperation with regard to controlling irregular migration within the ECOWAS framework.

3) Strengthening Migration Management capacities

- Improving the training of ECOWAS Member States' immigration departments and providing modern ECOWAS travel documents checking equipment ;
- Setting up a shared digitized database in ECOWAS Member States' immigration departments to effectively combat irregular immigration ;
- Establishing an ECOWAS early warning system with a view for it to be a tool enabling the precursory signs warning of potential irregular immigration as well as activities by criminal trafficking organizations.

4) Strengthening the protection and assistance system for victims of human trafficking

Strengthening cooperation between ECOWAS Member States in the judicial and police sectors against human trafficking particularly of women and children and clandestine immigration channels:

- Identifying and strengthening cooperation mechanisms and, if necessary, joint action between countries of origin, transit and destination, including maritime, land and air cooperation for dismantling criminal organizations in order to check trafficking across national borders ;
- Encouraging ECOWAS Member States to ratify and increasingly resort to the mechanisms stipulated by the United Nations Convention against Transnational Organized Crime (Palermo, Italy, December 2000) and its Protocols ;
- Setting up project to help and promote the rehabilitation of human trafficking victims in collaboration with external partners ;
- Promoting at the national level a solidarity fund to support victims of human trafficking ;
- Harmonizing national legislation on combating human trafficking in line with international standards;
- Strengthening cooperation within the framework of providing humanitarian assistance to migrants in distress.

2.5. Actions to protect the rights of migrants, asylum seekers and refugees

1) Protection of the rights of migrants

- Formulate an active integration policy for migrants from ECOWAS Member States and combat exclusion and xenophobia.
- Encourage Member States and their EU partners to ratify the UN Convention on the rights on migrants.
- Put in place regional mechanism to monitor the UN Convention on the Rights of Migrants.

2) Protection of asylum seekers and refugees

- Put in place mechanisms for granting rights of residence and establishment to refugees from ECOWAS countries.

2.6. Actions aiming to take into account the Gender and Migration dimension

Women account for 47% of the 17 million immigrants in Africa and are mostly from the West African sub region. In view of the growing number of women who migrate and their crucial role in the economic and social development process in our countries, ECOWAS Member States undertake to implement the following actions and measures:

- Include gender dimensions in migration policies ;
- Establish and strengthen support institutions for entrepreneurship training for female migrants ;
- Remove all illegal trade barriers which stifle the entrepreneurships potential of women when they migrate.