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United Nations High Commissioner for Refugees
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West Africa as a Migration and Protection area

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Executive summary

West Africa, through its strategic position between North Africa and the tropical zones, but also through its opening towards the Atlantic and the Americas, has always been a place of intensive mobility and intermixing of populations. Since the 1960s, it has included a number of areas of political and economic stability (Senegal, Ivory Coast, Ghana, Nigeria), which have made it an attractive space compared to the rest of the continent. West Africa, while a land of immigration since the colonial period, has also become a land of emigration. There have been substantial population movements from the countries at the centre of the sub-region towards the coastal countries as well as other African countries (Gabon, Congo, Cameroon) and, to a lesser extent, the former colonial countries (France, Great Britain, Portugal). In the last few years, the arrival of fishing boats from the Sub-Sahara on the coasts of Spain and Italy, highly politicized and with intense media coverage, has also given the sub-region a new image: one of a "transit" area from which "thousands of Africans" are departing in the hope of reaching the European El Dorado.

❖ **West Africa as a Migration Area**

The first part of this paper demonstrates that this image does not reflect reality. The most recent statistics show in fact that there are <u>ten times</u> more migration movements within West Africa than towards European countries. These migration flows, while they have never stopped adapting to the political and economic vicissitudes of the sub-region have emphasized three main migration areas since the end of the 1960s: a central area, a western area and an eastern area. With the exception of refugee flows, movements responded to family strategies for diversifying risks and were organized on a village or ethnic basis, using commercial networks which are often very old.

Since the beginning of the 1990s, these intra-regional migration dynamics have not only been increasingly diversified and become volatile, but also individualized and placed in jeopardy. This evolution can be explained by several factors, among them: (i) the population and urban explosion which has characterized the region over the last 50 years and led to a redefinition of family structures and the weakening of some mutual aid networks in the host countries; (ii) the growing fragility of the "traditional" hubs of political and economic stability as well as the wars in Sierra Leone and Liberia which resulted in substantial refugee movements; (iii) the gradual closing of legal routes of immigration towards the North (Europe) owing to the strengthening of border controls in Europe and North Africa and interceptions at sea off the West African coasts. Similarly, migration paths towards the South have become more risky due to the conflicts in central Africa and the two Congo. In spite of these difficulties, West Africans see more than ever mobility as the best way to secure their situation, whether from an economic, political, social or legal point of view. While migration may be constrained for political or economic reasons, it is also socially valued and pursued.

❖ **West Africa as a Protection Area**

For the Economic Community of West African States (ECOWAS), intra-regional movements also take on a positive dimension as the cornerstone of the sub-regional integration process. From this point of view, West Africa has the undisputed advantage of having a regional legal framework, which establishes freedom of movement and the right of residence and establishment for all nationals of member states. In terms of refugee protection, many ECOWAS states have developed national legislation and refugee status determination regimes to identify refugees and protect their rights.

In spite of formal guarantees of free movement, however, in practice populations encounter a number of difficulties with moving, residing and working freely in West Africa. Neither nationals nor non-nationals of ECOWAS countries are always protected against violations of their basic rights. The second part of this report identifies a number of problems faced by populations in the sub-region, irrespective of the reasons for their movement. It stresses among other things that (i) border crossings remain difficult and those seeking to pass through them are subjected to informal taxes, discrimination, exploitation and even arbitrary detention; (ii) human, and especially child trafficking continues to be a major concern - networks of smugglers are multiplying as legal paths of immigration (to Europe) are closing; (iii) the sub-region, and particularly the so-called "transit" countries, are witnessing increasing intolerance towards foreigners, which commonly takes the form of equating

"migrants" with "criminals"; (iv) unsuccessful asylum-seekers within the sub-region find themselves without protection and become part of the huge category of "irregular migrants". They generally do not want to return home, and yet do not have the means to have their residence status regularized; (v) migrants who have been expelled from Europe or intercepted at sea and returned to their country of origin face social exclusion because migration failure results in humiliation and shame.

Among the migrant populations are a number of people who require international protection, such as refugees and victims of human trafficking. The sub-region has regained much stability since 2004, and substantial return movements have taken place. Because individuals with international protection needs use the same routes and means of transport as other migrants, they tend to run into the same difficulties. Because of their specific protection needs, however, they are often more vulnerable to exploitation and abuse. Thus this report seeks to set out protection risks specific to refugee populations. It concludes that : (i) while the risks of *refoulement* of asylum-seekers and refugees is slight, the risk increases in the context of and in conjunction with arbitrary expulsions from North African countries or following interception operations at sea; (ii) asylum procedures in the region take too long and are not always fair, with some countries registering very low recognition rates; (iii) some governments consider that claims from individuals who have moved beyond their first possible country of asylum are economic and thus reject the applicants' requests for protection; (iv) while many efforts are being made to find durable solutions for refugees who are nationals of ECOWAS member states, particularly in the context of local integration, there is a lack of durable solutions for non-ECOWAS nationals.

❖ *Main Initiatives and Gaps*

The last part of this study gives a non-exhaustive list of the main initiatives undertaken by institutional stakeholders in respect of the protection of the rights of migrants and refugees. Three important efforts are emphasized: (i) ECOWAS's Common Approach on Migration (and its action plan), which marks a change in attitude towards inter-regional migration and a willingness to undertake a dialogue of equals with Europe and North Africa on migration issues; (ii) the 2006 Ouagadougou Action Plan to combat trafficking in human beings, especially women and children; (iii) the ECOWAS Memorandum on equality of treatment for refugees with other citizens of Member States of ECOWAS in the exercise of Free movement, right of residence and establishment.

Apart from these three initiatives, actions and resources are still heavily focused on the campaign against illegal migration towards Europe and the so-called countries of "transit" towards Europe (Senegal, Mali, Niger). Bilateral agreements on migration and readmission of illegal migrants between the European and West African countries complicate the work of harmonizing migration policies at the regional level, as desired by ECOWAS. Also, at the present time, there is no strategy to deal with the often precarious situation of unsuccessful asylum-seekers and migrants without legal status in the sub-region. Importantly, it needs to be noted that the proliferation of action plans, recommendations and conferences in the area of migration today takes place at the expense of their implementation, follow-up, coordination and evaluation.

❖ **Main Recommendations**

This report concludes with a number of recommendations. Below are mentioned only those whose aim is to fill in gaps persisting from earlier initiatives:
  (i)   Strengthening the protection of human rights and the rights of refugees at borders
  (ii)   Seeking durable solutions for refugees who are not nationals of ECOWAS countries
  (iii)   Seeking solutions for unsuccessful asylum-seekers
  (iv)   Strengthening mechanisms for coordination, follow-up and evaluation

The appendix sets out recommendations from previous initiatives relating to international migration and refugee protection within the region.

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Introduction

The West African area[1] is subject to substantial migration movements. According to the most recent estimates, between 2% and 3% of the West African population is involved in mobility - more than 8.66 million individuals.[2] These migrations play a role in demographic regulation and generate substantial monetary flows; they have been a key factor in the construction and development of West African states and have participated extensively in the process of sub-regional integration.[3] The Economic Community of West African States (ECOWAS) is aware of the potential provided by this mobility and since its creation has made freedom of movement, establishment and residence one of its key policy principles.

In practice, however, ECOWAS's objectives have not always been achieved and the West African populations still encounter many difficulties in moving and establishing themselves freely in the sub-region. These include people in need of international protection who use the same migration routes as workers or students. Thus, in 2000, it was estimated that 11% of sub-regional mobility was linked to refugee movements.[4] While this percentage has dropped since the return of some political stability in the sub-region, in 2007 the UNHCR still counted 13,562 asylum-seekers and more than 950,000 people falling under its mandate.[5]

In spite of its demographic importance and its potential, as well as the risks of abuse and exploitation it may involve, intra-regional migration has received much less attention than the flow of West Africans bound for Europe. Today, academic research, international and sub-regional conferences and especially political initiatives with respect to asylum and migration essentially deal with combating illegal migration to Europe. The sub-Saharan fishing boats leaving from the coastal countries (Mauritania, Senegal, Mali, Gambia, Guinea-Bissau) have received intense media coverage and given a false image of the sub-region, which has since then been seen as a "transit" zone towards the European El Dorado.

Migration policies of member-states of the sub-region, within the framework of bilateral agreements with European countries, have therefore focused since the beginning of the 2000s on strengthening controls on the northern borders of ECOWAS, while underlining the connection between migration and development. Yet these policies have not always had the intended result and are still struggling to find a fair balance between security concerns and the respect of basic human rights. Furthermore, they do not take into account the dynamics of intra-regional migration and the risks faced by the migrants and people in need of international protection within the sub-region itself.

In January 2008, ECOWAS reacted to this situation by adopting a *Common Approach on Migration* which puts the focus back on the issues of free movement within the region, optimizing legal migration, and regional development. Up till then the member-states had prioritized a relatively laissez-faire migration policy; henceforth they are giving thought to more effective management of sub-regional mobility so as to mobilize the benefits (particularly remittances) while reducing the risks of abuse and exploitation which burden the migrant populations.

Intra-Regional Flows and Mixed Migration

Taking this perspective of re-centering on the sub-region, the present study proposes to analyze the present dynamics of migration in, towards and from West Africa. It places special emphasis on intra-regional flows but also on their "mixed" nature. By mixed nature, we mean two elements:

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[1] The term "West Africa" in this paper applies to the ECOWAS area, which since 2002 has included 15 countries (Benin, Burkina Faso, Cape Verde, Cote d'Ivoire, Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone and Togo). Mauritania, a former member of ECOWAS, will still be taken into consideration.

[2] ECOWAS/CSAO/OCDE, 2008, Atlas of Regional Integration in West Africa, http://www.atlas-westafrica.org

[3] Ndione, B. & Broekhuis, A., "Migration internationale et développement. Point de vue et initiatives au Sénégal", Migration and Development Series, WP-8.

[4] Zlotnik, Hania, 2004. "International Migration in Africa: An analysis based on estimates of the migrant stock", Migration Information Source, mpi.

[5] UNHCR, Data 2007, UNHCR/Governments, FICSS; those coming under the mandate of UNHCR are refugees, asylum-seekers, returnees and stateless persons.

- The fact that migration flows include people moving for a variety of reasons and objectives, while taking the same routes and facing the same problems when crossing borders or settling in the sub-region;
- The fact that mobility factors are also mixed and often combine political, economic, cultural and social causes.

In this perspective, the present study is structured in four main parts:

(i) The first part includes a table showing the dynamics of mixed flows and migration routes in the sub-region, taken mainly from a review of the literature and available statistics.

(ii) Next, we identify the main protection risks which migrants and people seeking international protection are faced with during their migration journey and within their country of destination or transit.

(iii) Finally, the last part presents the main sub-regional initiatives with respect to the management of migration flows and international protection.

(iv) On this basis, the last chapter provides some recommendations which set out to fill in the gaps identified among the initiatives and to take full advantage of the opportunities provided by ECOWAS Protocols on the freedom of movement, establishment and residence.

The appendices recall a number of recommendations already proposed in the past but followed up with little concrete action. They also include an explanatory note on the methodology used in this paper and some definitions of key terms used in the field of migration and asylum.

Section 1: West Africa as a Migration Area

We must particularly emphasize the inherent limits in any attempt to draw a map of West African migration movements and to bring order out of disorder. On the one hand, official statistics are rarely reliable, given the lack of systematic, harmonized and comparable records and census procedures, and also the lack of a single definition of a migrant. Figures are often contradictory and usually do not take into account "irregular" migration movements, that is, those which are not recorded and registered at the borders, although they are in the majority. On the other hand, for purposes of this study, we treat with caution the distinctions made between "intra-regional" and "extra-regional" movements and between "legal" mobility and "illegal" movements. The reality has a different dynamic. In practice, individuals constantly move from one analytical or legal category to another. Migration is extremely volatile and sets off in multiple directions; the people involved can change their destination during their trips according to constraints or opportunities. Lastly, we have to be just as cautious with respect to the different migration periods which are proposed here for reasons of clarity: the dynamics of migration in reality fall within a "continuum" of breaks and continuities.

I – Brief Historical Overview: Migration from the 1960s to the 1990s

❖ Sub-Regional Migration before 1960

Historically, West Africa is an area of mixed populations which has always attracted numerous migrant populations due to its special geographical location, facing both the Atlantic and North Africa. Trans-Sahara, then trans-Atlantic, trade have favoured the emergence of extremely mobile merchants (Diola, Soninke, Hausa, Fulani), organized in networks and according to ethnic and religious solidarity, mainly Muslim. With the colonial business ventures, enormous population movements also occurred in the sub-region: in addition to forced population displacements linked to colonial exactions and forced recruiting, substantial seasonal migration was generated between the labour market areas in the hinterland and the strong colonial investment zones (plantations, mines, ports) located mainly in the coastal countries. Mobility thus depended on the colonial policy of regional development and the environmental imbalance of the sub-region. There were also transfers of qualified labour outside West Africa to facilitate the administration of the Francophone central African countries. The dynamics of post-colonial migration flows are part of the continuity of this dual historical inheritance, both colonial and post-colonial.

1 – Three Intra-Regional Immigration Hubs

From the end of the 1960s, regional circulation was structured around three migration sub-systems[6] and revealed the permanence of the pre-colonial commercial networks in spite of the disruptions associated with decolonisation.

* **The south-east sub-area** brings together the countries bordering on the Gulf of Guinea around the advanced economy of Nigeria. The commercial and solidarity network of the Hausa, Ibo and Yoruba provided the structure for displacements within this perimeter, which was to become more intensive with the Nigerian oil boom in the 1970s and 1980s.

* **The Centre sub-area** forms an important migration corridor to the strong economies of Cote d'Ivoire and Ghana. Gold, cocoa and coffee have ensured the future of these two coastal countries and led to substantial labour displacements, also called "pioneer fronts", coming from the North (Burkina-Faso, Mali). North of this area, the cattle trade results in numerous seasonal migrations.

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6 Fall, Papa Demba, 2006: "Working while circulating: circulation in West Africa and from West Africa to South Africa", Migrations/Société, vol. 18, No 107: 233-252; ECOWAS/CSAO/OCDE (Grisci, D. & Trémolières, M. "Les Migrations", Atlas of Regional Integration on West Africa, (Ed.) Bossard, L., Population Series.

** **The West sub-area*** around Senegal attracts temporary migration due to its good schools and university but also more durable migration thanks to its political stability and its opening to European markets. The Dioula, Fulani and Moorish commercial networks are well established, as is the Wolof (Mourides) network based on peanut growing.

A long-term area analysis shows that until now the coastal zones have attracted the most migrants, due to the threefold effect of:

- The development of income crops and pioneer agricultural fronts;
- The urbanization of ports and opening towards Europe and the United States of America;
- The environmental deterioration in the Sahelian zones driving the phenomenon of rural exodus.[7]

The political stability and basic infrastructure development provided by these three hubs have also been key factors in attracting populations other than migrant workers, such as student populations, but also refugees. Finally, it should be noted that during this period the vast majority of West African movements have taken place between bordering countries. However, longer distance migrations from one area to another also exist and are based on the old migration routes of labour transfers created by French colonization. (*See map 1).*

2 - Three Extra-Regional Destinations

While a hub of immigration, West Africa is also an area of emigration: emigration of populations from the interior areas towards the coastal areas, but also emigration farther towards other African countries and western countries.

❖ ***Towards the other countries of Sub-Saharan Africa***: Following the pattern of population displacements under colonization, West African migration towards other regions of Africa is directed mainly towards the South, in the countries where West African migrants have already settled since the colonial period (Gabon, Congo, Cameroon, and Central African Republic).[8]

❖ ***Towards the Countries of North Africa***: After a long period of decline, the former trans-Saharan mobility towards North Africa has been undergoing a new revival which started in the 1970s. The development of the petroleum sector in Libya and Algeria is giving rise to substantial movements of West African and Sudanese workers, often seasonal and irregular, while Morocco is attracting a large number of West African Muslim students.[9]

Official statistics suggest that Libya receives the most Sub-Saharans (300,000 in 1995) and that the other countries, Morocco, Tunisia, Algeria and Egypt, would have no more than 20,000 West Africans in total.[10] However, since these numbers do not take into account irregular movements, the actual situation must be, most probably, far worse.

❖ ***Towards the former colonial powers***: Until the end of the 1980s – before the introduction of entry visas – West African migration towards western countries was directed mostly towards the former colonial metropolitan countries (France, Great Britain, Portugal) and moved mainly by air.

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[7] CSAO/OCDE, 2006. The socio-economic and regional context of West African migrations, WP-1
[8] Fall, Papa Demba, 2006. "Working while circulating: circulation in West Africa and from West Africa to South Africa", Migrations/Société, vol. 18, No 107: 233-252; BA, C.O., 1995, "An example of exhaustion in Senegalese immigration: the Senegalese in Cameroon", Worlds in Development, Vol. 23 (91): 31-43.
[9] Bredeloup, S. & Pliez, O., 2005. "Migrations between the two shores of the Sahara", Autrepart Vol. 36: 3-20
[10] ECOWAS/CSAO/OCDE, 2008. Atlas of Regional Integration in West Africa, http://www.atlas-westafrica.org

This migration was basically male, with few qualifications, but then became more sustainable with the effect of policies of family reunification; it also extended to students, qualified persons and women. In 1990 in Europe, West African migrants only represented 0.005% of the annual population growth in Europe, which at the time was 0.184%.[11] About 25,000 arrived in Europe every year between 1988 and 1992; it was estimated that there were only 450,000 residents from ECOWAS region in the European Union in 1993, whereas 3.5 million Europeans were living in foreign countries in the same period.

Map 1: Intra-regional migratory movements (1970's)

Les principales migrations régionales entre 1976 et 1980
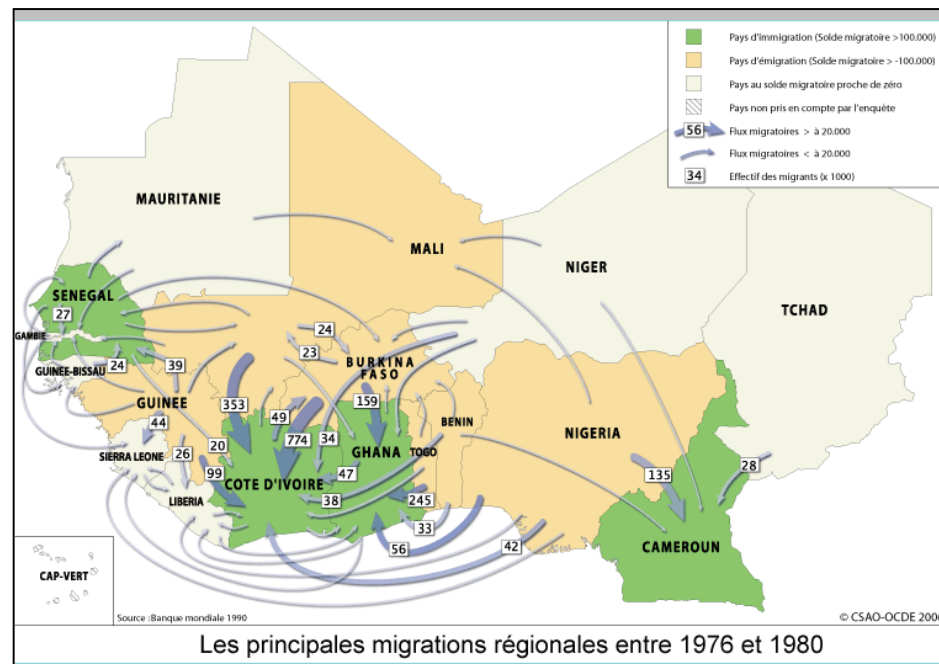
3 - Forced Population Displacements

❖ *Intra-regional armed conflicts and refugee movements*. While it includes important hubs of stability, West Africa has not been spared of instability which, since the 1960s, has resulted in substantial refugee movements. The Biafran war in Nigeria (1967-1970), the liberation struggle in Guinea-Bissau (1963-1973), the Casamance independence movement in Senegal (1980s to present), the Mauritanian conflict in 1989, and more recently the terrible conflicts which tore apart the River Mano countries (Sierra Leone and Liberia) from 1989 to 2000. While the majority of these refugees found asylum in the bordering countries, others carried on their journeys to other states in the sub-region.

❖ *Expulsions of foreigners*. In addition to these violent conflicts, there have been more specific measures taken by some states to regulate immigration, sometimes "brutally", at a time of economic recession: massive expulsions of foreigners from Ghana in 1969 and Nigeria in 1983; the birth of the notion of "Ivority" as early as 1986; expulsion of Moorish traders in Senegal in 1989; expulsion of West Africans by the Libyan authorities in the 1980s.

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[11] Bocquier, Philippe, 1998. "West African immigration in Europe: a political dimension bearing no relation to its demographic importance", in La Chronique du CEPED, No. 30 ORSROM-CEPED

However, these "specific" expulsions have never really brought fundamental changes to the sub-regional mobility structure and the migrants have quickly returned to the countries from which they had been expelled.

4 - Migration Projects which are relatively well structured

Apart from refugee movements in need of international protection and expulsions of foreigners, migration movements seem, during this period, to be relatively structured around well-identified immigration hubs and already-existing ethnic solidarity networks. Several characteristics may typify the profiles of these migrants, their motivation and their living conditions in the receiving countries:

- ❖ ***Male migration within family projects***: with the exception of pioneer fronts, which sometimes involve the displacement of entire families, migrants are constituted essentially of men on their own. Their project is situated within a family dynamic and a wish to improve the living conditions of the rest of the family, which remains "in the village". Close links are maintained with the family. A system of replacing older members by younger ones is often set up, that is to say, after a certain number of years the migrant returns to the village and is replaced by a younger person.[12]

- ❖ ***Strategies for diversifying risks***: the majority of migration movements respond to a strategy of diversifying risks and seeking economic opportunities, taking advantage of the economic disparities between the countries of the sub-region, however minimal they may be. Migrants of rural origins generally do trade or other small crafts in the city and send back funds to the family remaining in the village to pay for agricultural or pastoral activities. Some studies have shown that, far from coming from destitute or disadvantaged families (for example, casts), migrants often belong to upper classes families who have the means to fund their trip.[13]

- ❖ ***The existence of community-based reception structures and local "protection" mechanisms in the host countries***: migrants generally head for destinations where nationals from their own village, or more widely from their own ethnic group, are already located. Some studies have shown that in all the countries of the sub-region and beyond, migrants had established community-base structures and intermediaries, responsible for receiving migrants; finding them accommodation and helping them start a new activity.[14] In particular, the "mentoring institution" has always played a major role in West Africa in receiving migrants and facilitating their integration.[15]

5 - Migration policy characterized by "laissez-faire"

Finally, in terms of migration policy, this period is characterized by a policy of relative laissez-faire. Some bilateral agreements were signed in the 1960s (Burkina Faso and Cote d'Ivoire in 1960, Burkina Faso and Mali in 1963 and Togo-Mauritania in 1965). However, because of lack of follow-up mechanisms or resources, they have not had a significant impact on migration. Migration networks seemed to be organized above all around ethnic and family solidarity networks and reflected the economic differentials between neighbouring countries. This lack of a migration policy has also resulted in unpredictable and forced migration movements, particularly in the context of political crises and the expulsions of foreigners.[16]

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[12] Bredeloup, Sylvie, 1995. "Senegalese in Cote d'Ivoire, Senegalese of Cote d'Ivoire", Mondes en développement, XXIII, no. 91: 13-29.
[13] Schmitz, J., 2008, "West African migrants: destitute, adventurers or notables?", Politique africaine, No. 109.
[14] BA, CO., 1995, "An example of exhaustion in Senegalese immigration: the Senegalese in Cameroon", Worlds in Development, Vol. 23 (91): 31-43.
[15] Chauveau, JP a=et al., 2004, "The organization of mobility in the rural societies of the South", Autrepart No. 30.
[16] Fall, Papa Demba, "Nation-state and migration in West Africa: the challenge of globalization", IFAN-UCAD

II – New Migration Trends (1990 to 2008)

❖ *New demographic context and deterioration of the political-economic situation*

Starting in the 1990s, West Africa has had a series of political, economic and demographic upheavals, which have had a strong influence on its migration dynamics. Two periods can be identified:

(i)   The 1990s, marked by huge forced displacements of populations, with the civil wars in Sierra Leone and Liberia;

(ii)   The 2000s, characterized by the tightening of European immigration policy and closing of the legal route to western countries.

While these two periods have had different influences on the dynamics of West African migratory movements, in practice it is still difficult to contrast the two of them. Rather, they are part of a continuum of breaks and continuities and in this structural context are relatively similar. Between 1960 and 1990, the West African population increased by an average of 3% per year; it has thus more than tripled in 45 years, reaching 314.73 million in 2007.[17] The urban population for its part has increased ten-fold, with an urbanization rate of 50% today.[18] In 2006, 66% of the population was aged less than 25, while the rate of literacy had doubled since the 1970s.

Concurrently with this evolution, yesterday's hubs of economic stability have come to be more fragile, with the end of the Cote d'Ivoire miracle, the saturation of the informal market in Senegal, political instability in the petroleum areas of Nigeria, and general impoverishment in the sub-region. The demographic explosion, urbanization and the economic slowdown have resulted in a growing individualization of life and family styles, redefining the place of young people, who now are handed the responsibility of making a living for their parents.[19] Today, more than ever, the majority of young people see mobility as the best – if not the only option to secure their family's situation, as it gives the opportunity to play around economical differences between countries.

However, mobility is at the same time increasingly hindered by several factors: within the sub-region the conflicts in Sierra Leone, Liberia and Cote d'Ivoire at the beginning of the 2000s have not only caused substantial forced displacements of populations (in particular towards Guinea and Burkina Faso, but also within Cote d'Ivoire), but have also forced migration movements to avoid areas of conflict which had previously been attractive. As well, during this period, doors have been closed outside the region: political instability in the Central African Republic and the two Congos limits migration opportunities towards the South or forces people to go still farther away (Angola, South Africa); whereas movements towards the North run into the closing of legal migration routes, first of all to the countries of traditional emigration (France, Great Britain) in the 1990s, then in the 2000s to the countries of southern Europe.

This set of demographic, political and economic factors has contributed to intensifying migration routes while making them more complex at the same time. Apart from their diversity and the specific features of each period (the 1990s and 2000s), we can still identify some common characteristics in these forms of mobility.

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[17] ECOWAS/CSAO/OCDE, 2008. Atlas of Regional Integration on West Africa, http://www.atlas-westafrica.org
[18] CSAO/OCDE, 2006. The socio-economic and regional context of West African migrations, WP-1
ECOWAS/CSAO/OCDE, 2008. Atlas of Regional Reintegration in West Africa, Population, Demographic dynamics. http://www.atlas-westafrica.org
[19] Bâ, C.O. & Ndiaye, A.I., 2008, "Clandestine Senegalese Emigration", in Asylon(s) No. 3, TERRA

Map 2: West African Migration Flows in 2006

Migrations nord-africaines et ouest-africaines

1 - Increasingly Volatile and Circular Intra-Regional Movements

The first observation is that intra-regional flows are increasingly fluid and volatile. There is a proliferation of destinations and migrations seem to be following successive stages, from city to city, even from capital to capital, depending on the employment opportunities. Migrants also return frequently to their homes or their capitals before leaving again. Migration thus seems to be more and more "circular". Migration projects are more individualized and do not necessarily correspond to previous networks of ethnic or village solidarity.[20] Many migrants leave without specific or current information and do not always find community-based reception structures in the receiving countries to facilitate their economic integration and ensure their protection. Because they are seeking to realize their hopes for stability, but also because they are often victims of police roundups, they are frequently forced to leave for another capital.

In this context, it is often difficult to distinguish between immigration and emigration hubs and traditional distinctions are blurred: most countries alternate between countries of departure and countries of destination or take part in both movements at the same time. However, in spite of the volatility of contemporary migration flows and the great diversity of stages and destinations, 80% of the movements still take place between neighbouring countries.[21] 10% take place between more distant countries of the sub-region and the remaining 10% migrants leave the sub-region for other African countries (Central and North Africa), Europe, America and the rest of the world. The most recent studies[22] also identify some immigration and emigration hubs, which show some continuity with past dynamics.

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[20] *Ibid.*

[21] Rata, D. & Shaw, W., 2007. "South-South Migration and Remittances", World Bank, WP-102, Washington.

[22] World Bank (WB), 2008. Compendium of Statistics on Migration and Transfer of Funds, www.worldbank.org/prospects/migrationandremittances.

❖ *Countries of Immigration (Gambia, Cote d'Ivoire, Nigeria, Burkina Faso, Senegal)*

Only Gambia and Cote d'Ivoire are clearly countries of immigration, with rates of 15.3% and 13.1% of immigrants in their respective populations. In absolute numbers, the flows to Gambia are not really significant (0.2 million) compared to the movements to Cote d'Ivoire (2 million). There are also substantial migratory flows towards Ghana, Nigeria and Burkina Faso, although this does not make them immigration countries since they are also affected by emigration. Thus Ghana is at the same time the 2nd receiving country and 3rd country of departure in the sub-region in absolute numbers. Similarly, Burkina Faso receives a lot of immigrants (0.8 million, or 5.8% of its population) but sends still more emigrants outside (1.1 million or 8.5%). Finally, in Nigeria immigration and emigration are approximately equal (0.9 million immigrants and 0.8 million emigrants) but are characterized by long distance movements. Immigrants come from all over the sub-region and not just bordering countries, while emigrants easily head as far away as Europe and the United States of America. However, as a percentage of the population, these displacements are relative (0.7% of immigrants and 0.6% of emigrants). While not prominent in the statistics, Senegal also seems to be an attractive destination, given its educational and university opportunities and its image as a pocket of political and economic stability. It is also a destination whose opening towards Europe, while increasingly imaginary, is depicted in glowing colours.

❖ *Countries of Emigration (Mali, Cape Verde, Nigeria, Burkina Faso, Ghana, Senegal)*

Only two countries can be clearly described as countries of emigration: Mali, which has 1.2 million people abroad, or 9% of its population, as compared to 0.3% immigrants, and Cape Verde, with a very high emigration rate (35.8%), but which represents few people in absolute numbers (0.8 million). Cape Verde is also distinguished by the high percentage of emigrants leaving the sub-region.

➢ *Thus, with the exception of three countries, which have fairly clear migration balances, Mali and Cape Verde (emigration countries) and Cote d'Ivoire (immigration), the others are involved in both and have very similar rates of immigration and emigration. It should be noted, however, that there is still some historical continuity, as Senegal, Nigeria, Ghana and Cote d'Ivoire remain attractive hubs. Burkina Faso is among the new hubs of immigration, but that is partially connected with population movements caused by the crisis in Cote d'Ivoire.*

Main Intra-Regional Routes

1 - The South coastal route or "South Way", linking the west coast to the south coast of the sub-region. On this route, migrants travel by land/or by sea. Some of them get hired on boats as mechanics, cooks or fishermen to pay for their trip. The route follows the coastal itinerary, with stops in each coastal capital visited, ending up in Nigeria, where some will continue on to the South via Calabar in order to reach Douala.

2 - The Sahelian route or "North Way": this route was originally taken by cattle guards and crosses Senegal, Mali, Burkina Faso and Niger (via Maradi), then Nigeria (via Kano); some migrants then continue on as far as Garoua and take the train to Yaounde. Those who are going to Cameroon and have the resources generally prefer to avoid Nigeria, whose borders have a bad reputation, and take the plane from Lomé or Cotonou.

3 - The "middle" route, which combines the North and South routes and links Dakar or Nouakchott to Bamako-Ouagadougou-Abidjan and Accra and combines the train (Dakar-Bamako) with public transport (fast buses) and sometimes sea travel.

Still, most intra-regional movements remain cross-border (80%[23]) between neighbouring countries. The most sustained movements are always around the northern borders of Cote d'Ivoire and Ghana, at Senegal's borders, and between the countries of the Gulf of Guinea. Equally substantial exchanges take place between Mali and Burkina Faso, Guinea Bissau and Cape Verde, Liberia and Sierra Leone, and Nigeria and Chad.[24]

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[23] Rata, D. & Shaw, W., 2007. "South-South Migration and Remittances", World Bank, WP-102, Washington.
[24] World Bank (WB), 2008. Compendium of Statistics on Migration and Transfer of Funds, www.worldbank.org/prospects/migrationandremittances.

2 - Diversification of destinations outside the region

❖ Effects of Tightening European Immigration Policies

From the 1990s, the tightening of immigration policies in the traditional receiving countries (France and Great Britain) has resulted in a redirecting of West African migration flows departing for western countries both to southern Europe and to the United States of America. While the air route towards France and Great Britain has been progressively "closed", new land routes (across the desert) and sea routes (across the Atlantic Ocean and the Mediterranean Sea) have opened towards the destinations of Italy and Spain, turning the North African countries into a new transit area. Thus, whereas formerly it was mainly Senegalese (82,000 registered in France in 2000), Cote d'Ivoire people (42,200 in France in 2000), Ghanaians (56,100 in Britain in 2000), Nigerians (88,400 in Britain in 2000), and Cape Verdians (44,900 in Portugal in 2000) who left for Europe,[25] since the end of the 1990s we also find Malians, Gambians, and Mauritanians, mainly in Spain; and people from Cote d'Ivoire, Burkina Faso and Liberia in Italy. Italy has also attracted "traditional" migrants, as one finds many Senegalese (24,000 in Italy in 2000), Nigerians (15,400 in Italy) and Ghanaians (17,500 in Italy).[26]

Contrary to the former colonial countries, the countries of southern Europe still have a major need for foreign labour and in a first phase are proceeding with a massive regularization of undocumented migrants, which helps encourage illegal travellers. Faced with what is considered to be a "flood" of Africans coming to Europe, the member-states of the European Union have committed to strengthening the mechanisms regulating migration controls on the southern borders. This is being accomplished through bilateral agreements with some transit countries and/or countries of origin and through various forms of multilateral dialogues with the countries of North Africa, West Africa, and the entire African continent. The first intergovernmental dialogue, Dialogue 5+5,[27] was initiated informally by the Mediterranean countries at the beginning of the 1990s. Little by little, these meetings have been institutionalized, in particular through the participation of international organizations (IOM, ICMPD), the European Union (EU) and African Union (AU). One of the principal initiatives resulting from these political dialogues has been the strengthening of surveillance on North African borders by the states of the region, in return for financial assistance and technical support by the new agency FRONTEX.

❖ Routes are steadily becoming more dangerous and are being pushed towards the South

Far from bringing migration flows to Europe under control, the bilateral agreements between the EU and the North African countries[28] have mainly had the effect of inciting migrants to take more and more dangerous routes, such as those by sea, directly from Mauritania (Nouadhibou) and Senegal (Saint-Louis) to reach the Canary Islands. The Spanish authorities reacted with a new policy, which included signing bilateral agreements with Mauritania (2006) and Senegal (2006, 2007 and 2008)[29]; from 2006 they requested the intervention of FRONTEX in the surveillance of the West African coasts. These measures, combined with arrests of smugglers and a large number of awareness campaigns carried out by IOM and local NGOs, helped reduce the number of fishing boats reaching Spain to a little more than a hundred per year in 2007 (101 small craft were identified in 6 months in 2007 compared to about 990 for all of 2006).[30]

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[25] Robin, Nelly – 1997. Atlas of West African Migrations to Europe, 1985-1993. Paris, Éditions de l'Orstom.
[26] ECOWAS/CSAO/OCDE (Grisci, D. & Trémolières, M.), 2006. « Migrations », Atlas of Regional Integration in West Africa, (Ed.) Bossard, L. Population Series.
[27] The 5-5 Dialogue brings together ministers and experts from Tunisia, Algeria, Libya, Morocco, Italy, France, Portugal, Spain, Malta and more recently Mauritania, and is tasked with finding solutions limiting irregular immigration.
[28] With the bilateral agreement between Spain and Morocco, controls are being stepped up in Morocco and illegal arrivals have doubled in the Canary Islands, with 9,929 arrivals in 2002, then 9,000 arrivals in five months in 2006 (www.infosdumaroc.com, 8.6.2006).
[29] A concerted mechanism for managing Spain-Senegal migration flows was established in December 2006, and a bilateral agreement between Spain and Senegal was signed 9 November 2007, but it had still not been ratified in 2008.
[30] Konrad Adenauer Foundation (KAF), 2007. Issues of emigration in Senegal, Les Cahiers de l'Alternance, No. 11

However, the above figures do not take into account the many boats which sink at sea, nor those which are intercepted and brought back to West African shores even before the situation of the migrants – and their possible need for protection – has been examined. Furthermore, these measures are contributing today to pushing sea departures ever more southwards and obliging the fishing boats to go farther out to sea. Thus departures are now occurring from the south of Senegal (Mbuur and Casamance) and from Gambia, as well as from Guinea (IOM, 2007) and migrants are taking to the high seas to avoid patrols.[31] The tightening of controls is also to the advantage of smugglers. As well, travellers continue to try the land route across the desert. In order to bypass Algeria and Morocco, where border controls have now been tightened up (and where there are frequent expulsions of migrants), migrants now give priority to the Libyan route for reaching the Italian or Spanish coasts via Tunis. They proceed with departures from Accra, Abidjan or even Dakar so as to get to Ouagadougou, then cross the Niger via Niamey and Agadez before reaching the Mediterranean coast.

> *Many reports have underlined the minimal impact of restrictive measures on the number of departure attempts, due to the great flexibility of migration channels which constantly adapt and renew themselves.[32] The main result of the tightening of controls and closing of the legal migration route to Europe is to turn formerly regular flows into irregular movements. One must also note that these policies only deal with a small proportion of West African migration, as 90% takes place within the sub-region.[33] In absolute figures, illegal sub-Saharan migration to the Canary Islands (the majority from West Africa) in 2006 was 27,000 arrivals in the Canaries and 17,000 at Lampedusa.[34] Half of these are thought to be of Senegalese origin. In 2007, there were 16,482 irregular arrivals of immigrants in Italy (Lampedusa) and more than 11,500 in the Canary Islands.[35]*

❖ **West Africa as a New Transit Area (Senegal, Niger, Mali)?**

The tightening of European policies has had a second result: pushing stopover towns and "transit" countries farther south. Whereas previously the North African countries, Algeria, Libya and Morocco, filled this function, the increased controls in these countries have forced migrants to settle there on a long-term basis and/or to fall back more to the south. Thus period of transit has lengthened and led to a more or less partially sedentary state for migrants which can go on for several years.[36] Many sub-Saharans have permanently settled in Morocco (around Oujda), in Algeria in the city of Tamanrasset (50% of the population in 2005), or at Nouadhibou in Mauritania (10% of the population in 2005); more and more of them are now finding that they are blocked at the northern gates of West Africa.[37]

Although figures are still scarce, qualitative surveys show that cities like Agadez in Niger, Gao and Kidal in Mali, also Saint. Louis in Senegal or again Nouadhibou in Mauritania, serve as stopover cities but also as "dead ends". One finds side-by-side migrants bound for Europe, who are working long enough to build up the budget needed for "departure", migrants who have been established for a long time, since the 1980s, and those who have been intercepted at sea or in the desert or sent back by the Spanish, Algerian, Mauritanian or Libyan authorities. Against this background, it is still very difficult in these countries to distinguish those migrants who have permanently settled from those in short-term transit, especially as much of the foreign population operates in seasonal movements.[38]

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[31] OIM, "Senegal Migration", Monthly Bulletins No. 1 and 2, April-May 2007
[32] Ndione, B. & Broaches, A., 2006. International Migration and Development. Point of View and Initiatives in Senegal", Migration and Development Series, WP - 8.
[33] ECOWAS/OCDE, 2006. The socio-economic and regional context of West African migrations, WP-1
[34] Lupina, Letizia, 2006. "The flow of illegal migrants, the dream of another life through illegal networks", Chronique des Nations Unies, ed. En ligne.
[35] LDH Toulon, 2007. "Frontex against Illegal African Migrants", Les étrangers column, L'Europe et ses étrangers. http://www.ldh-toulon.net/spip.php?article2253.
[36] ECOWAS/CSAO/OCDE (Grisci, D. & Trémolières, M.), 2006. "Migrations", Atlas of Regional Integration in West Africa, (Ed.) Brossard, L., Population Series.
[37] Bredeloup, S. & Pliez, O., 2005. "Migrations between the two shores of the Sahara", Autrepart vol. 36: 3-20. Marfaing, Laurence, and Wippel, Steffen, (under the direction). 2003. Trans-Saharan relations in the contemporary period. An area in constant change, Paris-Berlin, Khartala – ZMO.
[38] A. Choplin, 2008. "Immigrant, migrant, nonnative: migrant circulation and faces of the foreigner", Politique Africaine No. 109.

Nonetheless a "transit economy" develops in these stopover cities[39] (hotels, itinerant business, transport, etc.), which makes for dynamic and greatly changed urban spaces but also fosters trafficking and prostitution. In these pivotal stopover cities one finds the same key role played by the Sahelian capitals: Bamako, Ouagadougou and Niamey, which are required stops on the way to the transit zones.

❖ **Departures for other, more distant African countries**

Given the wars that have torn apart Central Africa, and particularly the Central African Republic and the two Congos, departures for the South have also become more difficult. Apart from some studies done on Haalpulaar, Soninke and Wolof migration to Cameroon, Congo-Brazzaville, Congo-Kinshasa and the Central African Republic,[40] there is little recent information on these flows. Qualitative research simply shows that destinations are more diversified and journeys are longer. Thus, while a lot of West Africans still go to Gabon, many also head towards Angola and South Africa after the end of apartheid, attracted by mineral and petroleum resources.

3 – Repatriation and New Refugee Movements

❖ **From conflicts to repatriation movements**

Following the 1989 Mauritania-Senegal crisis and sporadic instability in Casamance, the 1990s and the 2000s have been marked by major conflicts in the sub-region. The armed conflicts in Sierra Leone and Liberia have been the longest and have had the most lasting effects on the dynamics of sub-regional flows, turning the Gulf of Guinea countries (Guinea-Conakry, Ghana) into a refugee zone and prolonging the average length of exile by 17 years. More recently, the crisis in Cote d'Ivoire and that in Togo have also caused significant new population movements, both internally (Cote d'Ivoire still had more than 700,000 displaced persons) and externally (there were 5,886 Togolese refugees in Benin in June 2008 and 6,850 refugees from Cote d'Ivoire in Liberia in June 2008). Thus, in the Gulf of Guinea region, countries which just recently produced refugees have become receiving countries and vice-versa. In addition to these sub-regional conflicts there are flows of refugees from unstable regions of North Cameroon, Central Africa and Darfur, making West Africa the second region of asylum of the continent after Central Africa. In 2007, the number of people falling within the mandate of UNHCR rose to more than 950,000 (UNHCR, 2007).[41]

However, today the sub-region has recovered some stability, which has allowed UNHCR, through a series of tripartite agreements, to initiate four major repatriation operations for Liberians (350,000 repatriates from 2003 to 2007[42]), Sierra Leonean (178,000 in total), Togolese (3,398 repatriates in 2008), Mauritanians (4,000 repatriates in 2008), Cameroonians (8,000 in 2007), and Nigerians (17,000 repatriates from Cameroon in 2007). This lull has also allowed UNHCR to recommend governments to cease refugee status for Sierra Leonean as of December 2008 and to also plan the cessation for Liberians in 2009, with the hope of closing several refugee camps.

A lot of refugees are still hesitant about considering their return. Thus 14,000 Sierra Leonean and 79,000 Liberians want to remain in their countries of asylum, whether it be their first host country (Guinea, Liberia, Cote d'Ivoire) or other countries of residence, particularly in the capitals of the English-speaking countries (Ghana, Nigeria, Gambia). There are also a lot of people from Cote d'Ivoire in the Francophone capitals, waiting for the results of presidential election, which has been continually postponed since 2005. West Africa thus has the distinguishing feature of many urban refugees,[43] most of them citizens of ECOWAS countries.

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[39] Bredeloup, S. & Pliez, O., 2005. "Migration between the two shores of the Sahara", Autrepart Vol. 36: 3-20
[40] BA, CO., 1995, "An example of exhaustion in Senegalese immigration: the Senegalese in Cameroon", Worlds in Development, Vol. 23 (91): 31-43.
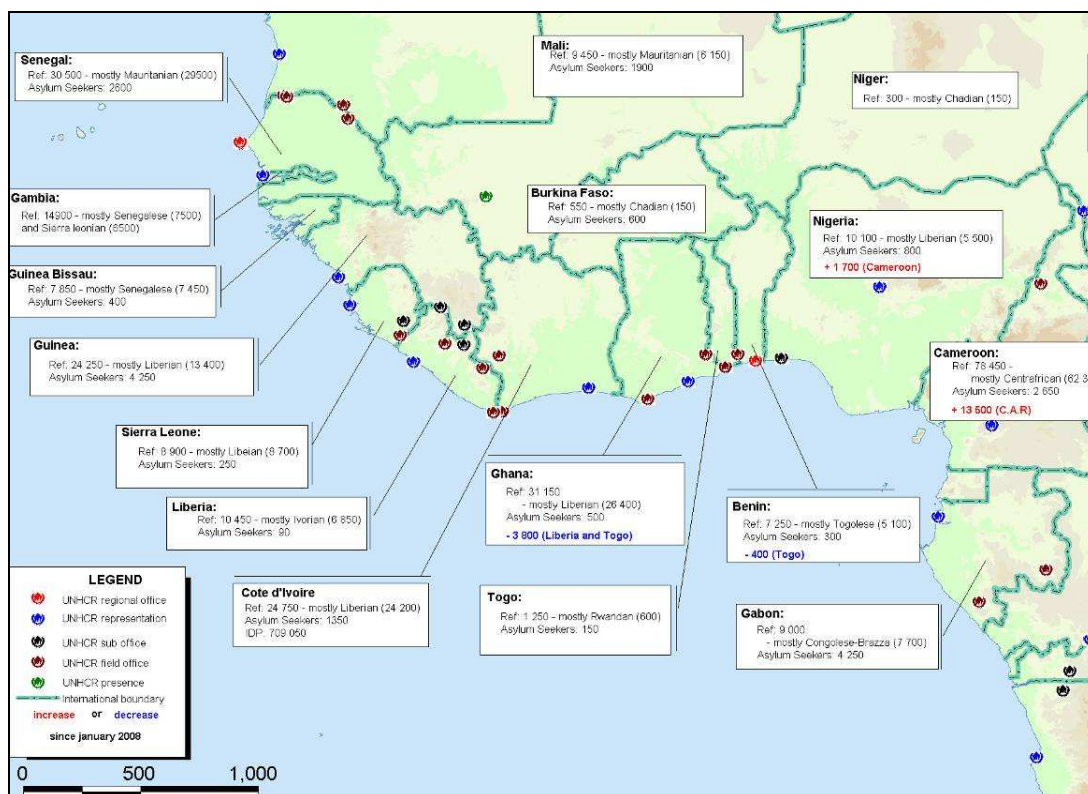Bredeloup, Sylvie, 1995. "Senegalese in Cote d'Ivoire, Senegalese of Cote d'Ivoire", Mondes en développement, XXIII, no. 91: 13-29.

[41] UNHCR, Map – West Africa Displaced Population, 08.2007. UNHCR, West African Global Report, 2007
[42] UNHCR, West African Global Report, 2007
[43] UNHCR, 2007 data, UNHCR/governments, FICSS: Benin has 4,275, or 52% of urban refugees; Burkina Faso 1,133, or 100%; Cote d'Ivoire 575,868, or 78%; Gambia 8,948, or 57%; Ghana 2,1151, or 6%; Guinea 14,098, or 48%; Guinea Bissau 8,203, or 100%; Liberia 14,982, or 30%; Mali 11,059, or 100%; Niger 217, or 64%; Nigeria 3,429, or 38%; Senegal 3,456, or 15%; and Togo 3,821, or 79%.

Map 3: Populations of concern to UNHCR, June 2008 (Source: UNHCR)

Senegal:
Ref: 30 500 - mostly Mauritanian (29 500)
Asylum Seekers: 2 600

Mali:
Ref: 9 450 - mostly Mauritanian (8 150)
Asylum Seekers: 1900

Niger:
Ref: 300 - mostly Chadian (150)

Gambia:
Ref: 14 900 - mostly Senegalese (7 500)
and Sierra leonian (6 500)

Guinea Bissau:
Ref: 7 850 - mostly Senegalese (7 450)
Asylum Seekers: 400

Burkina Faso:
Ref: 550 - mostly Chadian (150)
Asylum Seekers: 600

Nigeria:
Ref: 10 100 - mostly Liberian (5 500)
Asylum Seekers: 800
+ 1 700 (Cameroon)

Guinea:
Ref: 24 250 - mostly Liberian (13 400)
Asylum Seekers: 4 250

Cameroon:
Ref: 78 450 -
          mostly Centrafrican (62 300)
Asylum Seekers: 2 650
+ 13 500 (C.A.R)

Sierra Leone:
Ref: 8 900 - mostly Liberian (8 700)
Asylum Seekers: 250

Liberia:
Ref: 10 450 - mostly Ivorian (6 850)
Asylum Seekers: 80

Ghana:
Ref: 31 150
        - mostly Liberian (26 400)
Asylum Seekers: 500
- 3 800 (Liberia and Togo)

Benin:
Ref: 7 250 - mostly Togolese (5 100)
Asylum Seekers: 300
- 400 (Togo)

Cote d'Ivoire
Ref: 24 750 - mostly Liberian (24 200)
Asylum Seekers: 1350
IDP: 709 050

Togo:
Ref: 1 250 - mostly Rwandan (600)
Asylum Seekers: 150

Gabon:
Ref: 9 000
        - mostly Congolese-Brazza (7 700)
Asylum Seekers: 4 250

LEGEND
UNHCR regional office
UNHCR representation
UNHCR sub office
UNHCR field office
UNHCR presence
International boundary
increase   or   decrease
since january 2008

0   500   1,000

❖ **Current asylum seekers and refugee movements**

Current movements are made up mainly of people from Cote d'Ivoire and Sierra Leone. These two groups are found in all West African countries but especially in Guinea. Liberians are also continuing to seek asylum. Among other West African asylum-seekers are Togolese, particularly in the neighbouring countries, and Nigerians in Cote d'Ivoire and Benin. Movements from outside the sub-region are now more substantial. People from the Democratic Republic of Congo are seeking protection in all West African countries, with the majority in Nigeria. There are some from Rwanda and Burundi, particularly in Benin, Togo and Senegal. More recently, there have also been Sri Lankans among the asylum-seekers in the sub-region (89 in Senegal whose claims were rejected and who left the country; four in Ghana, eight in Cote d'Ivoire, two in Togo and 13 in Nigeria). Finally, it should be noted that two Nepalese applied for asylum in Senegal in 2007 and a Nepalese couple was granted refugee status in Gambia.[44]

Today, with the relative end of conflicts in West Africa, West African governments are only rarely granting refugee status under the OAU Convention (1969), which is usually granted on *prima facie* basis. Henceforth the majority of refugees are being recognized on an individual basis under the 1951 Convention and its 1967 Protocol.

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[44] For more information on migration flows from Asia, see Bredeloup: http://www.cairn.Info/resume.php?ID ARTICLE=AFCO 218 0199

❖ **New centres of instability**

While the sub-region is going through a lull, it is still not sheltered from conflicts in the years to come or from new forced movements of population. Besides political tensions connected with strikes, still-active rebel movements and/or resource exploitation (particularly petroleum), the sub-region is open to new "hunger riots", given the increase in the price of essential goods. Climate change and the possibility of new droughts or famines can also be factors in new population movements. Finally, the growth in xenophobia, in a situation of low economic growth and/or the unequal distribution of wealth, can also lead to new dynamics of exclusion and define autochthonous criteria.

4 – Individualizing, feminizing and jeopardizing of migration projects

❖ **Younger and feminized flows**

The majority of West African migrants are less than 40 years of age and the present tendency is towards younger migration movements. Today it is not rare to see young adolescents of less than 18 years old and also children moving in the region, which is not surprising given that 66% of the population is younger than 25. In the legal, recorded migrations, the rate of women is reaching 47.9%, which is a little less than the world average but shows a certain feminizing of flows compared to the previous period.[45] Also found in this category of "legal" migration is an increase in the mobility of qualified persons and students, who are moving particularly towards Senegal, Ghana and, before 2002, towards Cote d'Ivoire.[46]

It is difficult to identify new trends for irregular migration. Still, qualitative surveys show that they are still mostly by young men between 16 and 36, whose education backgrounds are varied (elementary school, professional training in small trades, some with diplomas). However, in stopover towns and on the routes towards Europe (whether by sea or land), one also finds more and more women (sometimes pregnant) and children.[47]

❖ **Individualization of mobility and weakening of community-based reception structures**

The demographic, economic and political factors indicated above have also contributed to the weakening of the community reception structures based on the networks of ethnic and village solidarity located in the destination countries. Facing increased mobility on the one hand and a reduction in economic opportunities on the other, in some countries these structures are proving incapable of absorbing entire groups of migrants from a same community or ethnic group. Qualitative studies have shown how, in Cote d'Ivoire for example, reception structures for Haalpulaaren migrants originating from the Senegal River valley have progressively disintegrated.[48]

This situation affects migrants as refugees who, without community support, are more easily exposed to violation of their human rights. However, other studies show that some solidarity networks endure (particularly religious ones within the Mouridian brotherhoods[49]), while others expand to bring in migrants coming from the same country (and no longer from the same village or ethnic group).[50]

One should also highlight the desire for "emancipation" on the part of some young people (see opposite) who want to escape from family control and social pressure to "share" the eagerly anticipated income. On top of the collective migration projects supported by the family are more and more individual projects of young people who want to provide for their needs themselves.[51]

[45] World Bank (WB), 2008. Compendium of Statistics on Migration and Remittances of Funds, www.worldbank.org/prospects/migrationsandremittances.
[46] Zlotnick, Hania, 2004. "International migration in Africa: An analysis based on estimates of the migrant stock", Migration Information Source, mpi.
[47] OIM, Senegal Information Bulletins, 2007.
[48] Bredeloup, Sylvie, 1995. "Senegalese in Cote d'Ivoire, Senegalese of Cote d'Ivoire", Mondes en développement, XXIII, no. 91: 13-29.
[49] S. Bava
[50] A. Choplin, 2008. "Immigrant, migrant, nonnative: migrant circulation and faces of the foreigner", Politique Africaine No. 109.
[51] Bâ, C.O. & Ndiaye, A.I., 2008, "Clandestine Senegalese emigration", in Asylon(s) No. 3, TERRA

The majority of these people have left on their own without informing their family but with the intention of contacting them once their "success" is ensured. In their country of destination they avoid making contact with the reception structures of the community to which they belong, which always exercises some form of "social control" on its members and can report back on their situation to the family or village of origin. Without community support young migrants are left to themselves[52] and are much more vulnerable to various forms of exploitation, abuse and police roundups.

❖ **"Mixed" motivations**

The underlying motivations for West African mobility are extremely complex and combine political, economic, social and environmental dimensions. Three types of causes can be distinguished which are either concurrent or successive:

(i) *Seeking international protection and assistance*

Those seeking protection today are mainly people fleeing from zones of conflict or political instability (this is the case for Cote d'Ivoire, Sudan, Chad), or not wanting to return to their country of origin, which they do not consider safe (this is the case for some Mauritanians, Sierra Leonean, Liberians, Togolese and Congolese). Migrants who have been expelled from Algeria or Morocco in inhuman and degrading conditions back to the last transit country are also seeking for assistance. They are generally not in a position to return home due to lack of funds, fear of experiencing "shame" and "humiliation", or fear of going back to their country of origin. It also happens that some no longer have relatives or social networks in their original area. On top of these reasons there are also economic motives connected with a quest for financial stability in countries with stronger economic growth.

(ii) *Seeking economic opportunity and diversifying risks*:

For the majority of migrants, mobility offers a strategy for diversifying risks in highly uncertain economic and political contexts, where the lack of social relations does not make it possible to find a good "place" and where the system of "getting by" and "small trades" predominates. West African families are therefore scattered between several locations and several countries at the same time and help one another through remittances of funds. Life styles are more and more "transnational" and are based on several types of economic activity (urban and rural) as well as on the slight economic differential between the countries of the sub-region (which explains why the flows are so volatile). The search for economic security proceeds by being mobile and not sedentary, which again underlines the regulating role of migration and its "positive" dimension. It should also be noted that economic mobility includes seeking legal stability, because by increasing the number of settlement locations for the family as well as identity cards (obtained by fraud), the migrant increases the chances of falling back to safe zones in case of political or climatic vagaries.

(iii) *Family pressures and gender dimension of migration*

In most West African societies, social pressure is applied on young men who owe it to themselves to help their family; very early on mothers instil in them an ethic of responsibility, which commits them to helping out as soon as possible.[53] In rural areas, the only cases of social success seem to be tied to migration and remittances of money by those who are abroad and still more those in the West.[54]
The "Spaniards" and the "French", as they are nicknamed locally, display their success by building a "permanent" house or one with storeys and by acquiring symbolic consumer goods (TV, cars), and thus arouse jealousy or a feeling of "shame" among others.[55] There are also the migrants who marry the "prettiest girls" or those from "good families". In the countryside, young people are "forced" – according to them - to leave, driven by social reasons and not just economic ones.

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[52] Bredeloup, Sylvie, 1995. "Senegalese in Cote d'Ivoire, Senegalese of Cote d'Ivoire", Mondes en développement, XXIII, No. 91: 13-29.
[53] Bâ, C.O. & Ndiaye, A.I., 2008, "Clandestine Senegalese emigration", in Asylon(s) No. 3, TERRA
[54] F. Roman, 2008, Clandestine Malien migrant *refoulé* from Europe. « Mémoire » from the *Institut d'ethnologie*, Neuchâtel.
[55] Conversations with young Senegalese, Malian and Guinean migrants, St. Louis, Nouakchott, Dakar, July 2008.

In polygamous families these social pressures are much more substantial because they are situated in the competitive relationships between half-brothers on a background of rivalry between wives. Mothers are the first to encourage their sons to emigrate in order to ensure their "success" within the home. They pay for the trips and contact *marabout* (witch doctors), who also play a key role in providing the mystical protection needed for the trip.[56] To these pressures is added the increased prestige of "adventure" and "getting by" as new models of success,[57] and youth migration takes on a dimension of rite of passage towards adulthood. However, in some cases, especially in monogamous households, the competition between brothers is less marked.

❖ *Profile of migrants leaving for Europe*

Whether motivated by political, social or economic reasons, migration towards Europe remains in general beyond the reach of most young people, because it is too expensive and too risky. Leaving for Europe or America requires fairly considerable social and economic capital to be able to borrow the money needed for funding the trip. Whether by air (finding a visa through "agents") or by land and sea through smugglers, the trip costs a great deal and preparing for it can extend over several years. Part of the money is often sent by a family member who is already "in a good position" in Europe, and the rest is gathered by the family (the mother) or by religious fraternities. Parents are everywhere in migrant stories (see *Section II*). Thus "clandestine" travellers leaving for Europe are not the most destitute. Refugees, asylum-seekers or economic migrants are not in general the poorest or most vulnerable of the people who set out on the routes to Europe. The majority have small trades, others are well qualified and still others have exhausted all legal avenues of immigration.

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[56] Bouilly, E., 2008, "The female stakes in male migration", Group of women for the struggle against clandestine immigration at Thiroye-sur-Mer", *Politique africaine*, No. 109.
[57] Ould Salem, 2002, "Tcheb-tchib and company: lexicon of survival and figures of success in Mauritania", *Politique africaine*, 82: 78-100.

Section 2: West Africa as a Protection Area: Opportunities and Challenges

In this second part we will identify the opportunities but also the challenges that the ECOWAS region provides in terms of protecting the fundamental rights of refugees and migrants. It is based on the analysis of the existing literature but also on 90 semi-directed conversations with migrants and refugees located in Senegal and Ghana, as well as with the key institutional players working in the field of asylum and migration (see *Appendix, Note on Methodology*). This identification of the protection risks is not intended to be exhaustive. It is based only on the problems encountered by a small sampling of people. But it can still help identify some typical trends, even if it is impossible to generalize about the region as a whole.

I - A Positive Legal and Political Framework

1 – ECOWAS and free movement of persons

Established in 1975, ECOWAS includes 16 countries (now 15, after the withdrawal of Mauritania in 2002) of the sub-region with goals of economic integration and creating a common market and free trade. Besides tax reductions, the need to facilitate mobility is quickly being recognized as an essential factor in reaching this objective.

> ❖ **The four ECOWAS Protocols on free movement of persons, residence and establishment**

The 1979 Protocol relating to *free movement of persons, right of residence and establishment*, which came into effect in 1980, constitutes the legal framework for freedom of movement in the sub-region. It provides over a period of 15 years for the elimination of entry visas and residence permits. Four additional protocols and various decisions followed, giving more specific definitions of access to citizenship (A/P5/82), creation of a travel certificates and harmonized immigration and emigration forms (A/DEC.2/7/85), the rights of migrant workers and the duty of states to inform their populations (A/SP1785), and the rights of migrant workers to residence (A/AP1/7/86) and establishment (A/SP2/5/90). These texts give legal migrant workers the same rights as nationals to services (education, training, employment security, health, social and cultural facilities). They also establish the responsibility of governments to verify the regularity of status of their nationals and provide special measures for irregular migrants (rights and conditions for expulsion).[1]

It should be noted that the preamble to the Protocol relating to the right of residence defines the term migrant as "any citizen who is a national of one Member State, who has travelled from his country of origin to the territory of another Member State of which he is not a national, and who seeks to hold or proposes to hold or is holding or has held employment". This definition excludes persons whose "*work relationships with an employer* have not been established in the receiving member-state". It also does not take into account reasons for departure and can therefore include different types of migrants, refugees among them. On the other hand it leaves out workers in the informal sector, although they are the majority in the ECOWAS member states. Finally, the Protocols specify that national legislation dealing with "inadmissible immigrants" retain priority status and that the receiving country reserves the right to expel any foreigner for reasons of "national security, public order or morality" (A/AP1/7/86, article 14).

> ❖ **Relaunching the process from the 2000s**

In practice, only the elimination of entry visas was put into effect in the entire sub-region, legalizing migrants' presence for a reception period of 90 days. Implementing the other measures has run into a number of difficulties, particularly with the economic crisis of the 1980s, then the political instability of the 1990s[2] which led ECOWAS instead to play a key role in peace-keeping. The travel documents which were supposed to harmonize formalities for movement within the sub-region have not been issued by all member-states; only seven have done so.

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[1] Kabbanji, L., Ouedraogo, D. & Piché, V., 2005. "Migration policy and regional integration in West Africa".
[2] Adepoju, A., Boulton, A. & Levin, M., 2007. "Promoting integration through mobility: free movement and the ECOWAS Protocol", RP No. 150, UNHCR.

As for the ECOWAS passport which was to follow, two countries have issued it: Benin and Senegal.[1] ECOWAS nationals thus encounter many problems with border-crossings and freedom of establishment in receiving countries (see below).

However, the existence of these Protocols remains a real opportunity for the sub-region and the 2000s seem to be marked by a renewed interest in their implementation. The demographic context has changed since the 1970s and the sub-regional integration process seems more indispensable than ever. Furthermore, the sub-region is strongly affected by emigration, especially the brain drain. Consequently, in 2001 the Regional Conference of West African States adopted the *Dakar Declaration,* which encourages member-states to take better advantage of the migration dynamics in the sub-region. The redefining of European immigration policies has prompted ECOWAS to get still more involved in a concerted migration management.

The ECOWAS Common Approach on Migration

In January 2008, the 33rd ECOWAS summit marked a turning-point in the management of West African migration, with the adoption of the *Common Approach of Member States to Migration* at Ouagadougou, symbolizing a willingness to start a dialogue of equals with Europe and North Africa. This Approach has set as its priority optimizing intra-regional legal migration through an active policy of regional development and consistency of migration policies. There is also a desire to increase the potential value of the Diaspora (financial remittances) and promote development in the countries of departure. New aspects are included, such as respect for the rights of refugees and migrants, taking into account the gender dimension. By going beyond the single question of irregular migration, the Common Approach hopes to optimize the benefits of migration and speed up the implementation of Protocols II and III. At the present time ECOWAS is also considering including in its next directives the recommendations of UNHCR concerning mixed migration flows (10-Point Plan of Action).

To give concrete expression to this common approach, ECOWAS has developed a "Migration and Development" action plan, whose details are provided in Appendix III.

2 - Human Rights Protection and Refugee Protection

❖ *Refugee protection*

Compared to other regions of the world, West Africa has the advantage of a relatively advanced refugee protection legal framework. All member-states of ECOWAS have acceded to the Geneva Convention relating to the Status of Refugees (1951) and its additional Protocol (1967), as well as the OAU Convention Governing the Specific Aspects of Refugee Problems in Africa (1969), which provides for specific measures for refugee movements in Africa. However, it should be noted that many countries have not yet signed the United Nations Conventions relating to the Status of Stateless Persons of 1954 and 1961.

At the national level, the countries which have not yet adopted a national legislation on asylum are making substantial efforts to introduce a national asylum system, with the assistance of UNHCR. This is the case for Mali, which adopted an asylum law in 1998, Mauritania (2005), Gambia (in process of adoption), Guinea (2000), Guinea-Bissau (2008), Sierra Leone ((2007), Cote d'Ivoire (in process), Nigeria (since 1989), Togo (2000), Ghana (1992), Liberia (1993), Burkina Faso (1998), Benin (1992) and Niger (1997). However, refugee registration and eligibility procedures lack fairness (see opposite). Moreover, while these countries reaffirm their sovereignty in granting asylum, they still consider that financial and humanitarian assistance for asylum-seekers and refugees is the responsibility of the international community.

❖ *Human rights protection*

Six countries[1] have already ratified the UN Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (2003), and five others[2] have signed but not yet

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[1] Furthermore, Senegal is in the process of setting up a biometric passport which will replace the ECOWAS passport.

ratified. As for the various UN Conventions on Human Rights, the stage of ratification varies a great deal from one country to another but most countries have ratified the main International Conventions. West Africa developed an action plan for the campaign against human trafficking at Ouagadougou in 2002 (see *Appendix 2*).

3 – Euro-African dialogue on migration issues

Given the growing complexity of migration phenomena and the recent European concern for measures against illegal migration, a new Euro-African dialogue has emerged, specifically targeting cooperation in managing legal migration, the campaign against illegal migration and links between migration and development policy. There have been several Euro-African intergovernmental meetings, at Rabat and Tripoli in 2006[3] and at Lisbon (2007). The first Euro-African ministerial conference in Rabat in 2006 set up three working groups on the themes "Migration and Development" (Dakar, July 2008), "Legal Migration" (Rabat, March 2008) and "Irregular Migration" (Ouagadougou, May 2008)[4]; their recommendations will be submitted to the second ministerial conference (Paris, October 2008). At these various gatherings the hope is to take as much advantage as possible from the benefits of international migration (especially remittances of funds from the Diaspora), while at the same time reducing undesirable effects to the minimum, namely irregular migration and its share of human tragedies.

In practice, the Euro-African dialogue has taken the form of a series of recommendations, declarations and action plans; their practical effects still need to be evaluated. Some European governments, as well as the European Union[5], have already asked the West African states to sign bilateral agreements tying development aid to the management of migration flows.[6] In this kind of agreement, financial and technical assistance is usually offered to the main departure or transit countries to enable them to curb irregular departures for Europe, readmit people expelled by the European and North African authorities, and facilitate their return for the long term through rehabilitation programs.

Some agreements set out specific frameworks giving priority to legal but selective migration (called "chosen migration") of certain West African workers. Members of Civil society have often criticized these agreements for focusing on the security aspects (controls, interceptions) without sufficiently developing a long-term vision to respond to the expectations of African youth. These Euro-African and Euro-Mediterranean dialogues[7] still remain useful platforms for starting bloc-to-bloc negotiations between the European Union, ECOWAS and the North African countries and finding a balance between their respective concerns. Also, they are taken further by the dialogue in civil society and the academic world, which makes a major contribution to the development of policies sensitive to the rights of migrants.

II - Protection Risks for People on the move

The protection risks identified here concern all migrant populations in the sub-region, regardless of their legal status.

1 – Border crossings

While free movement should be the rule in practice people cannot always move freely within the ECOWAS region.

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[1] Burkina Faso, Cape Verde, Guinea, Mali, Senegal.
[2] Benin, Guinea Bissau, Liberia, Sierra Leone, Togo.
[3] European-African Conferences on Migration and Development in Rabat (July 2006) and Tripoli (November 2006)
[4] The proposals adopted during the three meetings of experts will be submitted by the European-African Points of Contact Network to the European-African Ministerial Conference on Migration and Development Paris, November 2008).
[5] For example the "Partnership for Mobility" between the EU and Cape Verde.
[6] For a complete list of readmission agreements, see:
http://dialogueeuroafricainmd.net/archivos/FRexperinces_nationales_et_europeenne_en_matiere_de_readmission_m.f.pdf; see also: Gabrielli, Lorenzo, 2008, "Flows and Counter-Flows between Spain and Senegal. Externalizing the control of migration dynamics towards West Africa", Asylon No. 3
[7] Note that the "Barcelona Process", recently renamed "EuroMed Partnership: Union for the Mediterranean", also places migration on its agenda.

Whether they migrate for political or economic reasons, they all follow the same routes, face the same problems, and during their journey move from one category to another (migrant - asylum-seeker - refugee, etc.). During their journey financial resources available matter more than their legal status.

❖ **Levies of informal taxes, arbitrary detention and discriminatory practices**

Numerous reports and our surveys confirm that border crossings are still subject to levies of informal taxes by border agents looking for ways to ensure the daily operation of their service or to supplement their sometimes derisory pay.[1] In addition, some officers, as well as some migrants, are not aware of the terms of the ECOWAS Protocols.[2]

The amount of the informal taxes is not fixed or harmonized and is applied in a discriminatory manner according to a person's origin. Thus, nationals of bordering countries generally get away with taxes of from 2,000 to 3,000 FCFA (4 to 6 US Dollars), whereas those from more distant destinations have to pay up to ten times more (20,000 FCFA = 40 dollars)[3] whether or not they are from within the sub-region. For example, at the borders of the Sahelian countries, Anglophones are seen as better off or as "big-time criminals" (this is the case for Nigerians) and frequently pay a surcharge, as do "forest people" from the Gulf of Guinea countries or from Central Africa.

A national who shows valid identity documents and knows his rights can refuse to pay. But then he will be subjected to other difficulties: at best an indefinite wait, at worst, arbitrary detention.[4] On the other hand, persons without identity documents are not in a position to negotiate and those who cannot pay are very vulnerable. They can be stripped of their belongings, arbitrarily detained and subjected to physical violence. Women are often forced to "pay in kind".[5] Nonetheless, migrants do everything they can to find the money, often by begging, selling their clothes or working on the spot. Less frequently they encounter more conciliatory officers or they avoid border posts by taking bush tracks. The borders with the worst reputation are in the eastern part of the sub-region, beginning with Nigeria, and are so strictly controlled that some prefer to get around them by sea or air.[6]

❖ **Minimal relevance of legal categories at the borders**

Despite the existing legislation, mobility remains essentially dependent on the individual's financial resources, which creates great disparities between those who have the means to cross borders and the others. Given the limited implementation of the Protocols, the distinction between nationals and non-nationals of ECOWAS countries, in practice, has little relevance at the borders; nor does the distinction between migrants and asylum-seekers or refugees.

Discrimination seems to function according to other lines of demarcation, between nationals from bordering countries and "the others": the latter are all lumped in the same category, whether or not they are from the sub-region, whether or not they are asylum-seekers. On the Sahelian borders, for example, people from Nigeria, Cote d'Ivoire, Sudan or Chad are charged much higher informal taxes and run a greater risk of detention. Migrant populations rarely plan for such frequent and substantial expenses during their travels. Many of them soon find themselves in very precarious situations after spending all their savings during the journey. Some sell their clothing to be able to continue the trip and beg for food.[7] They usually sleep in train stations or mosques while trying to find some resources. Muslim brotherhoods are often sources of help. Local populations are not always well-disposed towards travellers, who are often abused or misdirected.[8]

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[1] Blundo, G. & Olivier de Sardan, JP, 2005, State and Corruption in Africa, Karthala, Paris.
[2] Adepoju, A., Boulton, A. & Levin, M., 2007. "Promoting integration through mobility: free movement and the ECOWAS Protocol", RP No. 150, UNHCR
[3] Conversations with Ghanaians, and Togolese in Senegal, July-August 2008
[4] Conversations with Lucien, a Senegalese, July 20, 2008, and Jean, a Togolese, July 26, 2008.
[5] Conversations with Marie, from Sierra Leone, July 17, 2008, Charline, from Sierra Leone, July 18, 2008, Bertrand, from Togo, July 24, 2008, Henry, from Chad, August 14, 2008, Lucas, from Sudan August 14, 2008, Ivore and Marco from Sudan September 1, 2008.
[6] Conversations with Ivore, Marco and Ibrahïm, from Sudan, September 2008
[7] Conversations with groups of Togolese, Chadians and Sudanese, July-September 2008
[8] Conversations with Henry, from Chad, August 14, 2008, and Jean, from Togo, July 26, 2008

2 – Human trafficking and smuggling networks

We must distinguish here between human trafficking, which involves human rights violations (constraint, exploitation, deception), and smuggling, which presupposes crossing the border illegally but respecting a previously agreed and freely accepted contract between seller and customer (see definitions in the appendix). In practice, the dividing line between the two is often blurred - smugglers can sometimes abuse the confidence of their "customers" and try to exploit them.

❖ **Smuggling and trafficking of migrants leaving for Europe**

Historically, human smuggling in West Africa thrived in the context of migrations to Europe by air. Today, the standard way to obtain a European or an American visa is by resorting to an agent, given that it is impossible to get one without connections in the consular staff. If the visa cannot be obtained, the applicant expects a refund, as he knows where to find the agent. However, the wait can last several years.[1] This type of smuggling can also take the form of trafficking when it turns into exploitation and abuse of migrants: for example, mafia-like networks are well established in Nigeria and also in Ghana, exploiting people who want to leave for Europe.[2] In this case the agents promise for a large fee to organize the trip to Europe with forged documents (false passports, false visas). The first stage is cleared with the support of customs officers, but the forged documents are not always enough to get through the next stages and the traveller is then abandoned in a third African country with no other identity documents.[3]

The small fishing boats crossings prominently covered by the media seem to be part of human smuggling, since the migrants are aware of the dangers and set out of their own free will.[4] However, there are many accidents (lack of water, lack of fuel, lack of food) as well as much deception (migrants dropped off the coast of Nouakchott or Dakar) which cause the deaths of thousands of migrants. Local smugglers also seem more and more connected to mafia-like international networks, which recruit candidates for emigration from among unemployed youth in Mauritania, Senegal, Gambia and Guinea as well as Cote d'Ivoire and Ghana.[5] [6]

The Two Faces of the "Smuggler"

While it receives more media coverage today, the figure of the smuggler has always existed in West Africa. Known as "coxers" in the sub-region, these are intermediaries between travellers and the carriers who help the migrants to cross the border (either by negotiating with the customs officers or clandestinely), evade controls and/or obtain currency. They are found at all the borders, but especially the most dreaded ones: Benin-Nigeria, Nigeria-Cameroon, Nigeria-Chad. Often the coxers themselves are West African migrants residing a long time in their host country.

In addition to this category of "coxers", viewed favourably by migrants, there is another category which organizes networks recruiting candidates for emigration: in this case, the "coxers" are responsible for bringing the customers to the carriers in return for a hefty commission. They also provide accommodation and help the migrant to obtain false documents, visas and passports and prepare for the trip. In this case, migrants are not protected from abuse, sometimes risk their lives and the "coxer" has a much less positive face. The borderline between "smuggling" and "trafficking" then becomes very blurred indeed.

Today, some Senegalese and Gambian fishermen have moved on to the trade of "coxer". Some reports explain this move by the fishery crisis tied to the overexploitation of West Africa's halieutic resources; but surveys on the ground indicate that fishermen play a secondary role in the organization of migration compared to the networks of Senegalese, Malian, Mauritanian, Guinean or Nigerian "businessmen" who organize teams of "procurers" to recruit candidates for departure from neighbourhoods affected by unemployment.[7]

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[1] Conversations with Senegalese, Togolese and Ghanaians, July-September 2008
[2] Conversations with Numa, from Sierra Leone, July 22, 2008, and Sylvie, from Ghana, August 4, 2008
[3] Conversations with Ghanaians, August-October 2008
[4] Conversations with Senegalese and Ghanaians, July-October 2008
[5] Conversations with police for foreigners. St. Louis, July 2008;
[6] Conversation with B. Meigne, July 28, 2008
[7] Sall, A. & Morand, P., 2008, "Artisanal fishing and youth emigration by way of canoes", Politique africaine, No. 109.

❖ **Human Trafficking, including child trafficking, within the sub-region**

Besides the migrant smuggling for Europe, the sub-region is affected by obvious forms of human trafficking, particularly of women and children, but neither the extent nor the organization of these is yet well known. In 2005, the UN classified the risks of human trafficking by country as follows: Nigeria, very high; Benin and Ghana, high; Burkina Faso, Cote d'Ivoire, Liberia, Mali, Niger, Senegal and Sierra Leone, moderate; Cape Verde, Gambia and Guinea, low.[1]

The networks are numerous and complex. The IOM has identified at least five circuits, operating:

- from Nigeria to Italy, Belgium and the Netherlands;
- from Ghana to Nigeria, Cote d'Ivoire, Italy, Belgium, the Netherlands, Lebanon, Libya and the United States of America;
- from Mali towards Cote d'Ivoire, Guinea, Senegal, Nigeria, Saudi Arabia and Kuwait;
- from Burkina Faso to Mali;
- from Benin and Togo to Nigeria and Cote d'Ivoire.

Trafficking of children is better documented. Several states in the sub-region are witnessing trafficking on a national level (from rural to urban areas) but also on an international one and at the same time are points of departure, destination and transit for child trafficking. Anti-Slavery International has conducted qualitative research in several countries and has revealed how intensive the trade and exploitation of children are:

- from Benin to Gabon as domestic workers;[2]
- from Mali to Cote d'Ivoire for work in plantations;[3]
- from Togo to Gabon, Nigeria, Cote d'Ivoire, Burkina Faso and Europe as domestics, street vendors, beggars and prostitutes.[4]

In the Gulf of Guinea, refugee camps are not spared. While the disappearance of children is recorded, it is still difficult to document their "sale".

3 - Increased intolerance towards "foreigners"

No country in the sub-region discriminates overtly against foreign nationals. Despite this, intolerance is quite evident and is growing in times of economic difficulty. Furthermore, most West African countries have introduced protectionist policies of preferential hiring for their own citizens, so that being a foreigner or not having legal documents leads to many difficulties. Legal status takes on more importance for long-term establishment than at the borders. Depending on whether they are asylum-seekers, refugees, legal or illegal workers, relationships with authorities are not the same and do not involve the same institutions. Valid identity documents have become indispensable in all countries for access to basic social services and also to move freely within the host country. Yet most migrants do not possess such documents, refugees included (see below).

❖ **Opposition between "Sahel People" and "Forest People"**

In Senegal, for example, migrants and asylum-seekers running into the most difficulties with local integration are not those who come from bordering countries (who are the largest number but also the closest culturally), but the "forest people" and the "Anglophones", who are accused of "animism" and "tribalism".[5] At the level of perceptions and attitudes towards foreigners, this distinction seems more relevant than the legal classification of nationals and non-nationals of ECOWAS countries.

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[1] Holmes, Stephanie, "Trafficking, a modern form of slavery", Africa.com
[2] Anti-Slavery, 2000: "Report on Children Trafficking between Benin and Gabon", research report, Fanou-Ako, N. & Adihou, A.F. ASI
[3] Anti-Slavery, 2000. "Trafficking in West and Central Africa - focus on Mali and Côte d'Ivoire" ASI
[4] Anti-Slavery, 1999. "Child Trafficking in West and Central Africa", United Nations Economic and Social Council, Geneva
[5] Conversations with various Senegal citizens, NGOs and immigrants, July-August 2008

Nigerians in particular are systematically associated with drug trafficking, prostitution and financial fraud (by both citizens and the immigration services), while people from Liberia and Sierra Leone elicit fear because of the violence in their countries. The latter are also differentiated by their "light skin" as well as their language, as are people from Cote d'Ivoire. On the contrary, those from Chad are perceived as "closer" from both the religious and the cultural point of view.

These perceptions lead to avoidance strategies between host communities and "foreigners", but especially daily discrimination in access to employment and above all in dealing with the police. The fact is that Anglophones and people with lighter skin are more frequently targeted by routine checks, since their language or their colour can be an indication of irregular status.[1] Sometimes they are detained if they cannot pay off the officers, although they are generally released after a few days.[2] Today, "transit" migrants are identified with small-time criminals, as they are suspected of committing minor offences to fund their trips and help develop networks of smugglers and organized crime (the drug trade, prostitution).[3]

Migrants coming from countries other than the bordering ones are more and more identified with "criminals". In the countries located between North and West Africa, as in Mauritania, there is also an upsurge of racial ideology, lumping together "foreign blacks" and "clandestine people in transit" with the increased lack of security.[4] However, this phenomenon does not affect all countries equally. In Ghana, for example, where there is greater economic growth and where "transit" migration towards Europe is shorter in length, this attitude is not evident, except for Nigerians, who are perceived as big-time criminals with occult powers.

❖ **Difficulty in regularizing migrants**

In theory, the principle of free movement within ECOWAS region should strictly limit the number of people without a legal status, since crossing back over the border every 90 days is enough to qualify for regular status.[5] While this may be a common practice among migrants from bordering countries, it is not the case for the others, who after this deadline have to obtain a residence permit in order to engage in any lawful activity.

As far as the rights to residence and establishment are concerned, ECOWAS Protocols II and III have not yet been implemented. The procedure for obtaining residence permits still depends mainly on national laws, which, if they exist, are demanding and expensive. Over and above the variations between countries, applicants who are citizens of ECOWAS member states must at a minimum a) have a valid identity card, b) prove that they can cover their needs and those of their family, c) provide a birth certificate and a police record check, d) leave a repatriation deposit and sometimes even a medical certificate. Those who are not citizens of ECOWAS member states generally have to be employed in the formal sector and obtain a work visa, but the procedure varies a great deal according to nationality.

In practice, few migrants who travel irregularly are able to fulfil these criteria, either though lack of resources, connections and/or information. There continue to be many "irregular migrants". They have no protection, no social security or financial benefits and limited access to basic services (health care, education). Even if specific measures are not taken against them, they are an increased source of bribes for the police. This inevitably makes them more vulnerable to arbitrary arrest.

4 - Vulnerability of unsuccessful asylum seekers

❖ **Unsuccessful asylum-seekers in ECOWAS countries**

Asylum-seekers whose requests are denied (the vast majority) can in theory be regularized under national procedures.[6]

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[1] This emerged in conversations with people from Ghana and Sierra Leone, July-August 2008
[2] Conversations with Cynthia, from Sierra Leone, 28.07.2008, and Thierry, from Ghana, 06.08.2008
[3] Conversations with members of CNE, August 2008
[4]   A. Choplin, 2008. "Immigrant, migrant, nonnative: migratory movements and faces of the foreigner in Mauritania", Politique Africaine No. 109.
[5] Conversations with M. Ndione, August 18, 2008.
[6] Conversation with Major Diop, July 30, 2008

The procedure for regularizing their stay varies according to nationality (ECOWAS/non-ECOWAS) but requires, at the minimum, presentation of a valid piece of identity and proof of income sufficient to cover one's needs, requirements which are often impossible for unsuccessful asylum-seekers. Sometimes a repatriation deposit is also requested, the amount depending on bilateral agreements with the country of origin. In Senegal, for example, it is 20-50,000 CFA (40-100 dollars) for nationals of ECOWAS countries and goes as high as 200,000 CFA (400 dollars) for nationals of other countries. Added to this are other expenses, such as excise stamps, transfers and administrative documents. Thus in practice the process for obtaining a permit renewable from one to five years turns out to be almost impossible for unsuccessful asylum-seekers, whether or not they are citizens of ECOWAS member states.

Unsuccessful asylum-seekers often remain in their host country, as they have neither the resources nor the desire to return to their country of origin. Those from Sudan, Chad, Liberia and Sierra Leone in particular express their fear of returning either to a country at war or to a place that has "nothing" for them. Like the rest of the irregular population, the authorities tolerate them but see them as a cause of insecurity. They are relegated to the category of illegal economic migrants and run into the same difficulties as irregular foreigners in general (see above): routine checks and arbitrary detention when they do not have enough money to pay bribes. Less frequently they are expelled from some countries.[1]

Furthermore, unlike migrants expelled from Europe, they receive no specific attention or particular aid programs, whether in the form of humanitarian or legal assistance. Some get limited help from local NGOs, which assist the most vulnerable displaced persons without making distinctions among foreigners based on their legal status; but this is still very inadequate compared to the magnitude of the need.[2] Lack of attention explains why there is little or no documentation or reports available on the subject.

❖ **Migrants expelled from Europe**

The situation of migrants expelled from Europe or North African countries[3] or intercepted at sea even before reaching European coasts is, on the other hand, well known and is starting to be documented in the countries which have signed re-admission agreements with the European Union.[4]

While most of these migrants are nationals of Senegal, Mali, Guinea or Burkina Faso, there also some from Ghana, Togo, Congo, Cote d'Ivoire, Gambia, and, though more rarely, Chad. They are generally received by the Red Cross and the authorities at a small reception centre for this purpose, as at Nouadhibou in Mauritania. There they get some care, a symbolic amount of 10,000 FCA (20 dollars) and a meal. Their identity is then checked and foreign migrants who are not from the transit country are told to leave its territory and are directed to their respective consulates for possible help to return. According to our surveys, they are also subject to arbitrary detention for periods of up to three months for illegal entry or for complicity in smuggling networks.[5] These findings have also been confirmed by a report of Amnesty International on Mauritania. According to the National Security Service, the 3,257 persons who transited through this centre in 2007 were all expelled to Senegal and Mali, regardless of their nationality or their country of origin. They were left at the border, often with little food and no means of transport (Amnesty International, 2008; Chopin & Ba, 2005).[6]

When they are released, foreigners generally stay in the transit country, either to attempt a new departure or because they do not have the resources or the ability to return home.

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[1] Nigeria and Ghana according to some migrants.
[2] Conversations with people from Sierra Leone and Chad, M. Alois, CARITAS
[3] Libya has systematically expelled refugees and asylum-seekers in the last few years and is proceeding with collective expulsions of migrants (Amnesty, press release, January 2008). Also, 400 sub-Saharan people were expelled from Morocco in the month of December 2006 and about a hundred from Algeria in 2007 (Human Rights Watch).
[4] Marx, N. 2008, "Local networks, solidarity centres and youth associations: how do repatriated migrants organize when faced with forced return?", Asylon No. 3; Roman, F., 2008, Clandestine Malian migrants expelled from Europe, memorandum, Institute of Ethnology of Neuchâtel.
[5] Conversations with a customs officer at St. Louis, a former chief of police at Nouadhibou and several rejected migrants.
[6] Amnesty International, 2008. "Mauritania: 'No-one wants us', collective arrests and expulsions of migrants banned from Europe", AFR 38/001

In the Sahelian countries especially, returning home is viewed as a form of "shame" and cannot be considered without accumulating enough funds to deal with social redistribution requirements.

Those expelled from Europe who are from the transit countries are the only ones to benefit from reintegration programmes. In Senegal the authorities have recently set up the return to agriculture plan (REVA) with the financial support of the Spanish authorities, which involves helping former migrants to invest in agricultural projects. However, since most of them have been fishermen or young people with diplomas, this plan has not had the expected results. In Senegal and Mali, other associations and international organizations are taking steps to help migrants launch micro-projects (see Initiatives); very often the migrants themselves are forming associations for mutual aid, to set up projects but also to demand their rights.[1]

Still, even for nationals, returning home is a difficult decision. Some university studies carried out in the Sahelian countries of the sub-region even describe campaigns of "social exclusion" for those who have not "succeeded".[2] This exclusion, in addition to obvious condemnation, happens right within the family and those close to it. These migrants have lost their former social networks and are incapable of paying back their debts or getting married, so they are in increasingly complex situations which provide an incentive to leave again.

Furthermore, since they can no longer legitimately "speak out", they are not heard when they try to persuade the people around them not to risk their lives through irregular migration, and their own misadventures do not dissuade others from leaving - on the contrary. However, we should note that these observations cannot be generalized across the entire sub-region.

Finally, in the countries which have not adopted re-admission agreements and are not considered as "transit countries", there are in general no reintegration programmes for migrants expelled from Europe who return to their country of origin.[3] Young migrants usually avoid going back to their families if they have not accumulated enough funds to return "with dignity". They prefer to take the road again or stay in the region's capitals and are generally very vulnerable, especially when they have been expelled from North African countries, where they tell of having been stripped of their belongings and tortured.[4] Those who have earned enough money, in Libya for example, sometimes decide to return and are welcomed by their family, but very often they begin their applications again or set off for Europe by another route[5].

5 - Lack of harmonization of migration policies

There is a final obstacle to the protection of migrants: the translation of the ECOWAS Protocols relating to the Free movement of Persons, the Right of Residence and Establishment into national legislation, and also the drafting, implementation and harmonization of asylum and migration policies consistent with the rights of migrants and refugees. While the recently adopted ECOWAS Common Approach on migration provides a first response to this problem, surveys and interviews have shown that there is a lot of confusion around the political and legislative tools available to the state actors responsible for these issues.   They point to the difficulty in reconciling different legislative levels and taking into account at one and the same time national policies, ECOWAS Protocols, international conventions, bi- and multilateral agreements and recent efforts at regionalization. They also underline the challenge of finding a coherent way to manage asylum and migration issues, taking into account the principal of national sovereignty and the security concerns of host countries, while ensuring states' compliance with human rights standards.

Finally, it must be pointed out that there is some contradiction between the recent bilateral agreements signed between certain European governments and West African states, and the objectives of ECOWAS regarding regional integration. "Bilateral" agreements form an obstacle to any policy harmonization in the sub-region, since countries negotiate agreements on migration and development aid independently and without consulting each other.

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[1] Marx, N. 2008, "Local networks, solidarity centres and youth associations: how do repatriated migrants organize when faced with forced return?", Asylon No. 3
[2] Roman, F., 2008, Clandestine Malian migrants expelled from Europe, "Mémoire", Institut d'ethnologie, Neuchâtel.
[3] Conversation with M. Genfi, September 27, 2008
[4] Conversations with Ghanaians, August-October 2008 and a Chadian
[5] Conversations with Ghanaians, August-October 2008

The Euro-African dialogue, based on a process of "bloc-to-bloc" negotiations, does not end up in practice with the signing of "bloc-to-bloc" agreements but in negotiations, not always balanced, between countries. Furthermore, while the principle of strengthening controls at the external borders of ECOWAS is not in itself contrary to that of free movement within the ECOWAS region, attention and assistance to development should not focus solely on security aspects and migratory movements towards Europe.

First, the increase in external border controls must be tied to respect for the fundamental rights of both migrants and refugees; next, resources are needed just as much, if not more so, to help ECOWAS governments implement a genuine policy of regional integration.

III - Protection risks specific to refugee populations

While refugee populations encounter, on their journey and in their host country, the same difficulties as migrant populations in general, they also run into specific violations of their rights to asylum and to international protection.

1 - The risk of *refoulement* at borders

As indicated above, crossing borders within the sub-region depends above all on monetary revenue. Refugees and asylum-seekers are exposed to the same risks as other migrants (arbitrary detention, violence and discrimination based on origin). However, according to our surveys, cases of *refoulement* are almost non-existent, as refugees generally come up with the means to pay for the favours requested (by begging or selling their belongings). Some asylum-seekers who are nationals of ECOWAS countries also told us that, while they have to pay various taxes, customs officers in the sub-region are sometimes more accommodating towards them when they explain that they want to apply for asylum in their country.[1] Our surveys also show that refugees coming from Chad and Sudan have more difficulty in crossing the borders: for one thing, they have to pass through Nigeria, but also some customs officers ask for entry visas and make them wait several days before crossing.[2] However, it is difficult to generalize on these observations.

What is more significant, on the other hand, is the risk of *refoulement* at the European borders, in the North African countries (Morocco, Algeria, Libya) and in Mauritania. As we have seen, among those leaving for Europe are people from Togo, Cote d'Ivoire, Liberia, Congo and Chad, some of whom may be in need of international protection. Those intercepted at sea or expelled from North African countries, are usually not able to lodge an asylum claim when they wish to do so (whether in Europe or in their last transit country). Once they are readmitted to their last transit country, the authorities do not make any distinction between migrants. In Mauritania and Senegal, for example, there are no mechanisms for differentiating between those in need of international protection and other migrants. People who do not come from these two countries are usually sent to their consulate and/or are expelled (this is the case in Mauritania). In practice they become part of the wider category of illegal migrants.

2 – Asylum procedures still not always fair

While many countries in West Africa have now adopted national legislation on asylum and established eligibility committees, asylum procedures are still too long, too expensive and not always fair and effective. Among the procedural errors in particular are: the short time-frame for people applying for asylum to submit their application after entering the country, the lack of interpreters and legal aid throughout the refugee status determination process, the cost, the length of the procedure- which can be more than 24 months, the lack of appeal mechanism or the lack of an independent appeal committee.

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[1] Conversations with a group of Liberians, September 2008
[2] Conversations with Henry, from Chad, August 14, 2008; Lucas, from Sudan, August 14, 2008; and Ivore, from Sudan, September 1st, 2008

As well, interpretation of international refugee law tends to be fairly restrictive, with relatively low rates of recognition in a good half of the countries of the sub-region.[1] Governments in the sub-region are sometimes still over-cautious about granting asylum on an individual basis under the 1951 Convention, so as not to disturb their diplomatic relations with the refugees' counties of origin. However, when the country of origin is a neighbouring country at war, West African governments have always accepted to grant refugee status on *prima facie* basis under the OAU Convention and have made major efforts to deal with massive influxes of population.

❖ **The problem of identity documents**

The question of identity documents remains a problem in most of the countries in the region. Asylum-seekers generally have asylum seekers certificates which are not valid for the period of assessment of their applications (or are not renewable). Governments in the region do not systematically issue identity cards to individually recognized refugees. Some governments have even stopped issuing identity cards to refugees (this is the case for Senegal since 2000 and Ghana since 2003), so as not to poison their diplomatic relations with the countries of origin of some refugees. When refugees do hold valid identity cards, these are not systematically recognized by local authorities and do not allow them to move and work freely in their country of asylum; they may even expose them to police harassment and arbitrary detention.[2] Furthermore, the identity cards delivered by one ECOWAS member states are not valid in the other member states.

Without valid or recognized identity documents refugees (like migrants) generally cannot enjoy the same rights as citizens of access to medical care, education and employment. Similarly, the lack of documents makes it impossible to open a bank account, receive parcel post or money orders, and file changes of civil status (marriages) or births, etc. Lastly, this is a major cause of arbitrary detention, even if it never lasts very long, following interventions by UNHCR.[3] This explains why a majority of refugees, if they have the means, prefer to buy forged identity documents in the host country or in their country of origin. These factors taken as a whole discourage many potential asylum-seekers from lodging a claim.

❖ **Vulnerability of asylum-seekers**

In many countries there are no reception structures for asylum-seekers, and assistance, particularly medical, is often minimal or limited to the most urgent cases. In these cases, asylum seekers of whatever nationality live in the city in difficult conditions and are often exposed to protection risks. When community-based reception structures or the assistance of NGOs are non-existent, the landing places are often mosques or buildings under construction or the street. Some get together by nationality, but are not in a position to help each other.

3 - Secondary Movements of refugees

❖ **Protection risks for refugees on the move**

In the language of UNHCR, the term "secondary movements" refers to refugees who have already benefited from protection in a first country of asylum but are moving again, either because they no longer feel safe in this country and/or for economic motives (often the case for Liberian refugees in Cote d'Ivoire, Sudanese in Chad or Sierra Leonean in Guinea, for example). UNHCR distinguishes these movements from those of asylum seekers who transit by one or several countries where they could have applied for asylum before arriving in a country where they finally submit their application for asylum. In practice, some governments in the sub-region interpret all movements of refugees and asylum seekers as essentially being part of economic migration.

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[1] Percentage of recognition in the cases studied during 2007 (these rates do not take into account the many requests waiting to be assessed): Benin, 3.6%; Burkina Faso, 45.1%; Cape Verde, -; Cote d'Ivoire, 8%; Gambia, 0%; Ghana, 3.6%; Guinea, 63.1%; Guinea Bissau, 68.8%; Liberia, 0%; Mali, 64,1%; Mauritania, 33.7%; Niger, 45.5%; Nigeria, 15.4%; Senegal 5%; Sierra Leone, 0%; Togo, 6.5% (world average 32%).
[2] United Nations Committee for Refugees and Immigrants, World Refugee Survey, 2008 – Gambia, June 19, 2008. Online, UNHCR Refworld.
[3] Conversations with Cynthia, from Sierra Leone, 28.07.2008, and B. Voos, August 5, 2008

In the "transit" countries, refugees on the move are also suspected of submitting a request with the sole intention of regularizing their status while waiting to prepare an illegal trip to Europe.[1] This explains why recognition rates are often very low for these asylum-seekers, whether or not they have been recognized as refugees in their first country of asylum. However, there is no obligation under international law to request protection at the first effective opportunity; and anyway, some refugees have serious reasons to continue their flight. The restrictive interpretation of the right to asylum means that most of these unsuccessful asylum-seekers become *de facto* illegal migrants. Most often, since they do not want or cannot return to their first country of asylum or country of origin, they remain in their second country of asylum without receiving any kind of protection or assistance. Sometimes they are also unable to find protection again in their first country of asylum. This affects nationals of non-ECOWAS countries, but also asylum-seekers from Sierra Leone or Cote d'Ivoire in some countries of the region (Senegal in particular).

UNHCR does not endorse irregular secondary movements either, unless the refugees fear for their safety or their lives in their first country of asylum. For the UN Refugee Agency, secondary movements carry additional risks of protection because of their irregular nature while complicating the assistance pattern.[2]

❖ **Restricted (legal) mobility for status refugees**

Regular movements of refugees are also limited. Countries of asylum do not always easily provide refugees with Convention travel documents authorizing them to travel abroad. To obtain this document, recognized refugees have to justify their decision to travel by producing a letter of invitation or recommendation, for example, and usually have to show a return ticket.

In the framework of the implementation and interpretation of the right of asylum, mobility, especially legal migration, is therefore not encouraged, even though from the point of view of the actors it is actively sought out so as to rebuild social capital and reach self-reliance. This leads many refugees to travel irregularly without benefiting from any kind of protection. However, the recognition of the applicability of the ECOWAS Protocols to the refugees is moving in a new direction, gradually contemplating legal migration as a new durable solution (see Section 3).

4 - Durable Solutions for Refugees

International law provides for three durable solutions for refugees: voluntary repatriation, local integration leading in time to naturalization in the first country of asylum, and resettlement in a third country. In the sub-region, ECOWAS governments generally prefer repatriation as a durable solution for recognized refugees, and the successive closure of refugee camps (Ghana, Guinea). Thus, several repatriation operations are in process (Mauritania, Togo) while others have recently been completed (Liberia, Sierra Leone).

It should be noted, however, that in the 1960s and 1970s, local integration was the solution most frequently used by governments, often *de facto*.[3] At the time, refugee movements were mainly linked to liberation struggles, and refugees were very often regarded as "heroes". Furthermore, countries viewed the arrival of migrants favourably at a time of economic growth, industrialization and a need for labour. Given that it is impossible to repatriate all refugees, today we are seeing a renewal of interest in local integration in the sub-region.

❖ **From repatriation to local integration**

While returning home is often put forward as the "ideal" solution, in practice it is not always favoured by the refugees, who have built up social and economic capital in their country of asylum after long years of exile (this is the case for those from Liberia and Sierra Leone) and/or are afraid to go back to countries which are still unstable (the case for Sudan, Cote d'Ivoire and Chad).

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[1] Conversation with members of the National Eligibility Committee, Senegal, August 2008
[2] Conversation with N. Springel, August 27, 2008, and S. Terrefe, August 21, 2008
[3] UNHCR, 2000. Refugees in the World. Fifty Years of Humanitarian Action. Paris, Les éditions Autrement

Some also hope to be resettled in a western country, while others have become accustomed to life in the camps where access to basic infrastructure is generally ensured. When their refugee status is ceased, former refugees can in principle obtain a residence permit through national procedures in their host country. However, the process is often long, expensive and complex and discourages many of them from starting it. They then find themselves in an irregular situation along the lines of other groups of migrants.[1]

In order to avoid this situation, UNHCR has developed a sub-regional strategy over several years (2008-2010) to prioritize the local integration in legal, social and economic terms of the 79,000 Liberians and 14,000 Sierra Leonean who had not opted for repatriation (UNHCR, 2008).

With this in mind, the UN refugee agency opened negotiations with ECOWAS and the governments of the host countries, principally Liberia, Sierra Leone, Guinea, Cote d'Ivoire, Gambia, Ghana and Nigeria. The UNHCR strategy is based on the recognition by ECOWAS that the ECOWAS Protocols apply to refugees who are nationals of an ECOWAS member states (see *Initiatives*). In this perspective the initiative could be extended to all refugees who are ECOWAS nationals and who are unwilling to repatriate. However, this would require governments to have a positive image of refugees as capable of being active agents for economic and social development, and not as a "burden" for the host country.

❖ **The situation of citizens of non ECOWAS member states**

The search for durable solutions for refugees who are not nationals of ECOWAS countries continues to be a complex and delicate issue. Most of them have been denied asylum fall into the general category of "irregular migrants". At the present time there is no initiative which could, for example, facilitate the regularization of their residence status within ECOWAS and/or help them to return voluntarily to their first country of asylum where they could locally integrate.

For those whose refugee status is recognized by a country of the sub-region, the issue of durable solutions differs according to nationality. Repatriation is not a viable option for the majority, particularly those from Rwanda, Burundi, Congo or Sudan. This raises the question of their local integration and would require more in-depth study between UNHCR and ECOWAS. Given that their numbers are small, one could envisage a way to facilitate legalizing residence in their host country and even obtaining naturalization, This is though a difficult process, often long and expensive, and is sometimes not accepted by the concerned parties (dual nationality is not forbidden in some countries).

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[1] Conversation with B. Voss and Major Diop, July 30, 2008

Section 3 - Initiatives and Gaps in Management of Mixed Migration Flows

In this section we set out the main initiatives in the management of mixed migration flows implemented by governmental actors, international organizations and civil society organizations. This list is not complete, but it will allow us to identify the areas of refugee and migrant protection which do not appear to be covered, and to put forward a number of recommendations to address them.

I - Main Initiatives (2000s)

1 - Harmonizing migration and asylum policies at the sub-regional level

- **ECOWAS**
  - ECOWAS Common approach on migration and action plan
  - ECOWAS Pilot project in training of border agents on ECOWAS Protocols
  - Pilot project of follow-up on free movement at the borders of the 8 Member-States.

- **IOM**
  - Continued technical cooperation regarding the definition of migration policies and migration management in accordance with the ECOWAS Protocols and migrants' rights. Draft migration policy in Nigeria, Ghana and Gambia, among others.
  - Since 2002, project of compendium of data and comparative analysis of national legislation on migration.

- **UNHCR**
  - Continued legal expertise work on strengthening asylum and protection systems in the context of mixed migration flows, in accordance with international legal instruments on asylum.

- **OECD (Sahel Club) and ECOWAS**
  - Development of concrete proposals for regional planning and development, taking into account future demographic, migration and economic changes.

2 - Campaign against irregular migration

- **EU and Governments**
  - Bilateral agreements on readmission and strengthening border controls (including financial assistance for equipment).
  - Reinforcing marine patrols with the support of the FRONTEX agency (Senegal, Mauritania, Cap Verde, and Guinea Bissau).
  - Operations for breaking up smuggling networks (Senegal, Mauritania).

- **IOM**
  - Sub-regional program for management of border controls (Sierra Leone, Guinea, and Senegal).
  - Awareness campaigns on the risks of irregular migration (Senegal, Mali, and The Gambia).
  - Training and creation of youth employment (Guinea, Sierra Leone).

- **ILO**
  - Sub-regional program for support of youth employment and professional training.

- **NGOs**
  - Local associations to combat irregular migration: example of women's group in Thiaroye-sur-mer in Senegal against clandestine immigration (the women in this community had lost sons, dead or missing at sea, and they are committed to awareness activities against irregular migration, feeling guilt for having encouraged their children to leave)[1].
  - Proposals to reinforce controls on foreign fishing firms which destroy marine reserves and compete with local fishermen.

3 - Strengthening asylum and protection systems

- **Governments**
  - Efforts to introduce national asylum legislation where it does not yet exist
  - Efforts to reduce the length of asylum request receipts

- **UNHCR**
  - Support for governments in determining refugee status to make it possible to better differentiate migrants from persons requiring international protection.
  - Offering advice for the implementation of the 10-Point Plan of Action plan
  - Awareness training for customs officers, police, border guards, students and parliamentarians on international protection and asylum.
  - Advocacy for fast, just, fair and effective asylum procedures.
  - Support for development of local NGOs specializing in legal aid and defending refugees' rights.
  - Establishing social centres to assist with the integration of urban refuges (Mali).

- **NGOs**
  - Set up a sub-regional network for refugees and displaced persons: WARIPNET (www.waripnet.net). With its headquarters at Dakar, this network brings together a myriad of national NGOs, activists and lawyers specialized in human rights and the right of asylum and does advocacy work for fairer asylum procedures and for institutionalizing legal counsel.
  - National NGOs for the defence of human rights, which generally include a branch specializing in asylum and migration.[2]

4 - Seeking durable solutions for refugees

- **ECOWAS**
  - Memorandum of equal treatment for refugees and other ECOWAS nationals with respect to freedom of movement, the right of residence and establishment (August 2007).

- **Governments and UNHCR**
  - Repatriation and reintegration operations completed for Liberians and Sierra Leonean and in process for Togolese and Mauritanians.
  - Resettlement programs for Sierra Leonean and Liberians.
  - Definition of a regional strategy for local integration of refugees from Sierra Leone and Liberia. In this context, signature of a multipartite agreement between UNHCR, ECOWAS, Nigeria as host country and Liberia and Sierra Leone as countries of origin, to facilitate integration of refugees.
  - Facilitate granting residence permits to refugees who are ECOWAS nationals and reduce the cost to 40 dollars a year (Benin).
  - Awareness programs among refugees on access to naturalization and/or dual nationality (Benin, Guinea, Liberia, Togo).

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[1] E. Bouilly, 2008. "Female issues in male migration", Politique africaine, No. 109
[2] For a list of African NGOs specializing in the defence of human rights, see: http://www..refugee-rights.org/NGO Directory/ListofOrganizations.htm

> **Applying ECOWAS Protocols to refugees who are nationals of ECOWAS countries**
>
> At a technical meeting in Accra in August 2007, ECOWAS confirmed that refugees who are nationals of a member-country of ECOWAS continue to benefit fully from their West African citizenship and on this basis of the ECOWAS Protocols on freedom of movement, residence, and establishment.
>
> In this context, it recommends among other things that governments:
> (i)   Facilitate obtaining ECOWAS passports or national identity cards for their nationals who are resident in another country.
> (ii)   Issue identity cards and residence permits to refugees at reduced cost and ensure their renewal.
>
> It also recommends that UNHCR establish a regional coordination unit to facilitate local integration of refugees.

5 - Assistance with the return and reintegration of migrants[1]

- **Governments (and EU funding)**
    - Welcome and reception of migrants expelled from Europe (Senegal, Mauritania)
    - Return to Agriculture Plan, REVA (Senegal).
    - Three-year plan (2003-2005) for supporting reintegration of migrants (Burkina Faso).
    - Possibility for unsuccessful asylum-seekers to obtain residence permits (Ivory Coast).

- **IOM**
    - Reintegration fund for Mali, Niger and Ghana, including professional training, assistance for starting micro-businesses, etc.
    - Assistance for setting up "working groups for the reintegration of migrants" at the national level (Mali), bringing together government actors, international organizations and civil society actors.
    - Assistance for reintegration of war veterans (Liberia).

- **UNHCR**
    - Proposal in point 9 of the 10 Point Plan of Action to facilitate the return of migrants who do not fulfil the criteria of the Geneva Convention or to help them find other options for regular migration (not yet implemented).

- **NGOs**
    - Humanitarian assistance for migrants intercepted at sea, provided by national Red Cross organizations (Spain, Senegal, Mali, Burkina Faso).
    - Assistance for the return and rehabilitation of those expelled from Europe, provided by CARITAS, GRDR, PARI, GRED (Senegal, Mauritania, Mali, Burkina Faso).
    - Appearance and increased number of local associations and economic interest groups, formed by expelled migrants to help with reintegration and awareness or by the wives of "victims" or the "disappeared". [2]

6 - Campaign against human trafficking

- **ECOWAS - EU**
    - 2006 Ouagadougou Action Plan to Combat Trafficking in Human Beings, especially Women and Children

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[1] For a list of best practices on voluntary return, see also:
http://dialogueuroafricainmd.net/archivos/FR_bonnes_pratiques_en_matiere_de_retours_volontaies_a.traore.pdf

[2] For more details, see Marx, N., (2008),E. Bouilly (2008) and Ndion, B. (2006) for the names of associations in Senegal; Roman, F. (2008) for Mali; Choplin, A. (2005) for Mauritania.

- **Governments**
  - o Bilateral agreements to cooperate in the repatriation of victims and extradition of smugglers (between Ivory Coast and Mali, Benin and Gabon, and Ghana, Togo, Benin and Nigeria).
  - o Sub-regional program and national plans for campaign against child trafficking, strengthening legislation related to human trafficking and reintegration of victims (Benin, Mali, Togo, Ivory Coast, Gambia, and Liberia).

- **IOM**
  - o Sub-regional program for awareness, campaign against human trafficking and assistance with return and reintegration of victims.

- **UNODC**
  - o Study measures to combat human trafficking in Benin, Burkina Faso, Ghana, Niger and Togo (2005).
  - o "Impact" program for reinforcing the capacity of the penal justice system in the campaign against illicit trafficking in migrants in the north and west of Africa.

- **ILO**
  - o Organize seminars at the regional level on assistance to victims of human trafficking in West Africa (Dakar, May 2007), with the aim of strengthening contacts and exchanges of experiences between the key actors in the campaign against human trafficking (Ministries responsible for the anti-trafficking campaign, police and judicial authorities, and civil society representatives).
  - o Organize seminars on child trafficking at the national level and various investigation projects (Benin, Burkina Faso, Ivory Coast, Ghana, Mali, Nigeria, Togo).

- **NGOs**
  - o Action plan from the European-African Forum on civil society in Lisbon (2007) dealing with human trafficking, focusing especially on trafficking in women and children.
  - o Organize, through civil society at the national level, public debates, distribution of educational tools, and rehabilitation of victims.
  - o Action plan developed by Anti-Slavery International; local NGO networks working on awareness and reintegration of victims.

7 - Links between migration and development

- **ECOWAS and European-African dialogue**
  - o Recommendations from the conferences and summits at Rabat (2006), Tripoli (2006), Lisbon (2007) and Rabat II (October 2008).
  - o Action plan for ECOWAS Common Approach on Migration (2006).

- **IOM**
  - o Migration Program for Development in Africa (MIDA), which involves mobilizing the Diaspora and remittances of funds for productive development and investment (Benin, Burkina Faso, Senegal, etc.)

- **NGOs**
  - o Numerous committed NGOs (GRDR, Volunteers for Progress, ENDA Third World, CIMADE, etc.).
  - o Numerous Diaspora associations investing in development in the departure zones.

8 - Data collection, conferences and studies in progress

- **OECD/ Sahel Club**
  - Research and publication of numerous reports on the dynamics of migration flows in West Africa.

- **IOM and research institutes (IRD/universities)**
  - Establish an observation post for international migration in West Africa.
  - Publish monthly information bulletins on migration for six months (Senegal).
  - Project of sub-regional immigration population profiles by country.
  - Project of data collection UNDP-IRD-University of Ghana.

9 - Creating opportunities for regular migration

- **EU and Governments**
  - Organize legal seasonal immigration to Spain (Senegal, Mali, Mauritania).
  - Mobility partnership with Cape Verde.
  - Information centre on legal migration (Bamako).

- **ILO**
  - Assistance to governments for pre-selection of applicants for "chosen" migration to France and Spain.
  - Ongoing consideration of regional strategy for protection of different groups of migrant workers at risk (women, seasonal, agricultural, irregular, domestic).
  - At the international level, the ILO has also developed a multilateral framework[1] for rights-based labour migration, to help governments and other partners manage labour migration while protecting the rights of migrant workers.

II – Main Gaps

While there are many initiatives, there are still some gaps and also some biases. We offer several observations on this subject:

1 - Proliferation of action plans and lack of coordination and monitoring

There is a proliferation of initiatives which are not always coordinated and are sometimes contradictory. This proliferation of initiatives also leads to a proliferation of action plans, recommendations and establishment of networks, which all too often remain a dead letter due to lack of monitoring and evaluation mechanisms but also due to the lack of the means, time and human resources to implement them. In the sub-region, the same people are in charge of multiple records and sometimes spend more time in meetings and conferences than in the work of implementation and follow-up.

2 - Focus on irregular migration to Europe and on "transit" countries

The initiatives are essentially directed to North-South flows and the problem of "irregular" migration, which also explains the concentration of activity in the so-called "transit" countries compared to the rest of the sub-region.

In terms of the (financial) resources committed, investments are essentially applied to external border control and security, to the detriment of measures to strengthen the respect of the rights of migrants and refugees on the external borders of the sub-region.

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[1] http://www.ilo.org/public/english/protection/migrant/download/mutilat_fwk_fr.pdf

Focusing on North-South movements means that few responses have been developed to strengthen the protection of the migrants and refugees circulating within ECOWAS, who face many problems of protection at the borders and/or in their host country. This also includes asylum-seekers and refugees who are not nationals of ECOWAS member states and operate in secondary movements.

3 - Lack of response for refugees who are not nationals of ECOWAS member states and for unsuccessful asylum seekers

While the willingness to prioritize local integration and regularization of refugees who are ECOWAS nationals is laudable, it runs the risk of reinforcing inequality between the different groups of refugees and migrants.

Two groups in particular risk finding themselves without assistance or protection:

(i)   Migrants who are ECOWAS nationals and whose request for asylum have been rejected by an ECOWAS country: they should also have access to assistance in regularizing their residence status under the ECOWAS Protocols.

(ii)`   Refugees who are not ECOWAS nationals and whose requests for asylum have been rejected on the grounds that they are "secondary movers".

4 - Inadequate consideration of structural factors

A series of "structural" problems make it difficult to implement some of these initiatives:

- o Inadequate resources for administrations, tied not only to the lack of training for officers but to more general dysfunction (low pay and difficult working conditions lead to charging informal taxes);
- o Failure to implement ECOWAS Protocols II and III and, more generally, the limited capacity of states to enforce national legislation throughout their territory (see the many studies witnessing to this);
- o Lack of economic opportunities and sometimes the saturation of the informal sector in some immigration countries at the same time as runaway population growth; in this context, there is a rise in xenophobia and increased identification of some refugees/migrants with crime;
- o The fact that asylum policies and the quest for sustainable solutions are essentially based on the wish to make refugees "sedentary", whereas the mobility and dispersal of families among various locations is at the heart of the strategies for survival and protection by West African populations.

Section 4: Recommendations

I - Identifying durable solutions and support for refugees

- *Refugees who are nationals of ECOWAS member states: prioritize local integration*

    o Establish a follow-up mechanism with the objective of ensuring the implementation of the recommendations of the ECOWAS Memorandum on equal treatment of refugees with respect to free movement of persons, the right of residence and establishment (see appendix).

    o Ensure that the said ECOWAS Memorandum is not interpreted by Member-States as a substitute for the asylum system.

    o Promote a standard definition of what should be considered as "valid travel documents" for the implementation of the ECOWAS Protocols on free movement within the ECOWAS area or even beyond; and encourage the issue of these documents at a reduced fee to refugees wishing local integration.

    o Promote a reduction in fees for issuing (and renewing) residence permits and, where required, work permits for refugees who want to integrate locally in their host country.

- *Refugees who are not nationals of ECOWAS member states : combine local integration with voluntary repatriation*

    o Advocacy with the authorities in the host country for granting long-term resident status in the host country, making it possible for non-nationals of ECOWAS to enjoy similar rights to ECOWAS nationals while keeping the nationality of a country which is a third party to ECOWAS.

    o For refugees who so wish, facilitate voluntary return to the first country of asylum, in cooperation with that country's authorities and international institutions (IOM, UNHCR). In this context:

        - Strengthen preparation activities for repatriation, particularly through better access to adequate documentation (birth certificate for children born in the host country).
        - Improve communication with refugees through individual counselling informing them of methods of travel and assistance.
        - Strengthen reintegration activities in the country of origin and/or provide integration grants for returnees accepted on the spot, in close cooperation with local/international development NGOs and international organizations and development agencies.
        - Establish in each ECOWAS Member state a legal unit to provide information and advice to returnees in the return country, made up of representatives of Government and NGOs and, where required, staff members of an intergovernmental organization, to facilitate the legal aspect of the local reintegration of repatriates.

    o Pursue use of resettlement programs for non nationals of ECOWAS member states as a strategic tool for enhanced burden-sharing.

- *Refugees who are or are not nationals of ECOWAS member states:*

    o Give priority to legal migration options, especially for students, by increasing their chances of entering programs of training and post-secondary education in other ECOWAS member-states through transfer agreements.

- o Strengthen community support programs, especially income-generating activities, professional training and micro-credit, using a rights-based approach targeting both refugees and host populations and bringing together a variety of actors.

- o Give priority to strengthening local infrastructures and basic social services in the areas hosting refugees, rather than setting up parallel infrastructures intended for refugees, bringing together a variety of players.

II - Strengthening the protection of human rights and the protection of refugees at the borders

- Increase the capability of border guards in terms of protection of migrants' and refugees' rights in the entire sub-region and not just in transit countries, as follows:

  - o A harmonized, single training program among the international organizations (UNHCR, IOM) for ECOWAS border guards, including several modules (international protection, migrants' rights and ECOWAS Protocols, Trafficking in Human Beings, Children's rights, etc.).
  - o Increase the operating resources of border posts and mechanisms for entry management through the establishment of a special fund.
  - o Increase the pay of border guards and improve their working conditions, with a requirement of taking a training program.
  - o Set up control and reporting mechanisms for border guards, with the creation of an intra-regional surveillance platform.
  - o Create support units for intra-regional support, consultation and dialogue for ECOWAS border guards, with the particular aim of allowing them to voice their opinions on the quality and effectiveness of the training, daily problems encountered, and concrete solutions they can suggest.

III - Improvement of refugee status determination

- o Strengthen the ability of the members of the national eligibility committees in member-states with respect to refugee status determination and interpreting refugee rights in the context of mixed migration movements.

- o Support or establish in each country a legal aid service for asylum-seekers and refugees by strengthening cooperation with NGOs, law faculties and/or the bar associations while increasing access to specialized refugee law trainings..

IV - Campaign against human trafficking

- o Establish mechanisms for follow-up, coordination and evaluation of measures in the campaign against human trafficking in the various countries of the sub-region, coordinated with international organizations, NGOs and government actors.

V - Solutions for unsuccessful asylum-seekers and others not in need of international protection

- o Ensure that proposed solutions take into account the situation of asylum-seekers whose asylum claims were rejected within the sub-region, and not only migrants expelled from Europe or intercepted at sea.

- o Promote and establish psycho-social assistance services for irregular migrants and legal assistance for persons wishing to establish themselves in a country of the sub-region and/or facilitate voluntary return to the country of origin (or a third country).

o Support the development of a sub-regional support network for migrants through existing structures with the aim of ensuring better coordination of migrant aid and better follow-up on respecting migrants' rights in the ECOWAS region.

o For asylum-seekers whose claims have been rejected on the grounds that that they had already been granted refugee status in another country, facilitate when possible their establishment on the spot and/or their voluntary return and reintegration in the first country of asylum in cooperation with the authorities of the first country, of asylum, UNHCR and IOM.

o Implement a Memorandum of Understanding between IOM and UNHCR to facilitate the voluntary return of unsuccessful asylum-seekers (nationals of ECOWAS member states or not),

IV - Information and Awareness Strategies

- *Campaign against irregular migration*

  o Extend awareness campaigns against irregular migration to the entire sub-region, while informing individuals of the possibilities of regular migration.

  o In the definition and organization of these campaigns involve the key actors who participate in the migration process and/or have substantial influence on young people such as the Diaspora (those who have "succeeded"), women (particularly mothers who pressure their young people into migration), religious leaders (who participate in the preparation of travel) and the artists most popular with youth.

  o Prioritize methods of community awareness such as:
    - Establish networks of volunteers in neighbourhoods with a high rate of unemployment to initiate discussion groups with young people (particularly on the ideas of "success", "prestige", etc.);
    - Make use of community radio and local languages, including the most remote rural areas;
    - Establish itinerant theatre groups, etc.

- *Campaign against intolerance towards foreigners*

  o Launch concurrent large-scale awareness campaigns with a community-based approach to combat the increased intolerance of "foreigners" or "migrants", who are more and more identified with "criminals" (especially in transit countries).

- *Information campaign on ECOWAS Protocols on free movement*

  o Establish an information and awareness strategy for nationals of ECOWAS member states on their rights and responsibilities arising from the ECOWAS Protocols on free movement and from national legislation on immigration and establishment.

VI - Strengthening of mechanisms for coordination, monitoring and evaluation

  o Establish more systematic mechanisms for follow-up and evaluation of the initiatives and recommendations regarding asylum and migration within ECOWAS region.

  o Ensure that these mechanisms are based on a participatory approach, which includes the perspective of age, gender and diversity and introduces a

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continuing dialogue with key players targeted by the activities undertaken, taking into account their situation, their expectations and above all their suggestions.

o Strengthen dialogue and coordination with representatives of civil society

Appendix I - Sub-Regional Action Plans

I - Action Plan for the ECOWAS Common Approach on Migration[1]

Following are the main points:

(i)   *Actions to improve free movement within the ECOWAS region*
- Implement the protocol on the free movement of persons, the right to residence and establishment.
- Put into effect the regional development fund for cross-border cooperation.
- Define a regional development strategy.

(ii)   *Actions to promote management of regular migration*
- Implement pilot projects at the national and regional level
- Measures for students and young professionals
- Measures for the Diaspora

(iii)   *Actions to establish consistent policies*
- Establish monitoring mechanism for migration and migration policy
- Consistency of policies on migration and development

(iv)   *Actions to combat irregular migration and human trafficking*
- Strengthen the framework for dialogue between ECOWAS, host countries and transit countries
- Strengthen migration management capacities
- Strengthen the system of protection and assistance for victims of human trafficking

(v)   *Actions to protect the rights of migrants, asylum-seekers and refugees*

(vi)   *Actions to take account of gender dimension in migration*
- Take gender into account in migration policies
- Establish and strengthen support structures for entrepreneurship training
- Eliminate illegal commercial obstacles which hinder entrepreneurship potential for women involved in migration

II - Ouagadougou Action Plan to combat human trafficking, especially women and children[2]

The Ouagadougou Action Plan to combat human trafficking provides for:

- Combating human trafficking within and between states;
- Basing these measures on respect for human rights and protection of victims, in accordance with the provisions of the United Nations Protocol for the prevention, elimination and punishment of human trafficking, especially that of women and children;
- Protecting women and girls by adequate national laws and adopting a gender perspective in implementing measures for preventing and combating human trafficking;
- Action on factors encouraging the development of human trafficking such as unequal distribution of wealth, unemployment, armed conflict, environmental degradation, poor governance, corruption, lack of education and human rights violations including discrimination.

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[1] ECOWAS Commission, 2008. "ECOWAS Common Approach on Migration", 33rd Ordinary Session of the Conference of Heads of State and Government, Ouagadougou, January 18, 2008
[2] Ouagadougou Action Plan to Combat Human Trafficking, Especially Women and Children, Tripoli, November 22-23, 2008.

The Action Plan therefore encourages States to:

- *Foresee and anticipate* the development of human trafficking through various measures such as the promotion of education, training and female employment, promotion of children's rights, commitment of the media, birth registrations, improvement in living conditions, humanitarian support, aid to victims, awareness of outdated cultural practices, and information-gathering.
- *Assist victims* through adequate policies and mechanisms for identification of victims, protection and medical and psychological assistance.
- *Adopt legislative structures* and development policies by ratifying international texts and drafting national policies; implementing them; and taking steps to combat organized crime and punish smugglers.
- *Cooperate and coordinate* actions, providing documentation, planning for sustainable repatriation and reintegration, and developing local action plans.

III - ECOWAS Recommendations on the equality of treatment for refugees with other citizens of ECOWAS Member States in the exercise of free movement, right of residence and establishment[1]

ECOWAS

- Reaffirms that all refugees who are nationals of an ECOWAS member state continue to benefit from its citizenship and can therefore enjoy in their entirety the rights provided by the ECOWAS protocols on freedom of movement and access to residence and establishment on the ECOWAS territory.

- Asks countries of origin of refugees to issue valid travel documents (ECOWAS passport, national identity card) to all of their nationals who reside in another ECOWAS Member State and who request them.

- Asks host countries to issue residence permits, at a reduced fee, to refugees from ECOWAS member states who reside on their territory.

- Asks Member States to respect the sections of the Protocol stating that the term of residence permits is three years with possibility of renewal. Non-renewal must be decided only in accordance with stipulations in the protocols, that is, for reasons of national security, public order or public health and morals.

- Asks UNHCR to establish a regional management unit for local integration in order to facilitate ECOWAS residence permits for refugees and help States identify refugees; promote the opportunities provided by ECOWAS protocols and national laws and regulations for residence and employment; ensure conformity between the sections of the ECOWAS protocols on residence and employment and national laws on naturalization; make refugees aware of conditions for obtaining residence permits under ECOWAS protocols; supervise the issue and renewal of residence permits and ECOWAS passports for refugees in the sub-region and encourage the transfer of appropriate cases to the Court of Justice of the Community.

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[1] ECOWAS Commission, 2007. "Equality of treatment for refugees with other citizens of ECOWAS Member States in the exercise of Free Movement, Right of residence and Establishment". Meeting of the Committee on Trade, Customs, Immigration, Accra, September 25-27, 2007.

APPENDIX II - Note on Methodology

This study is based on an analysis of the existing literature on West African migration and on a survey done in the field for two and a half months in Senegal and Ghana. These countries were chosen because they are hubs of immigration, emigration and transit at one and the same time; all the nationalities of the sub-region and also from outside the sub-region mix together and are therefore accessible. Given time constraints, these two countries offer easy access and receive substantial representation and delegations of the actors involved in the management of migration and asylum.

The surveys took place mainly in urban settings, in Dakar and Accra from mid-July to the end of September 2008. Some informal conversations took place in St. Louis and at the Budumbura camp in Ghana. To provide triangulation of the data, the surveys targeted all the actors involved in migration issues in the sub-region (see detailed list below):

- State actors: ministries, national eligibility committees, security forces, and representatives of ECOWAS; embassies of France and Spain.
- Representatives of international organizations (UNHCR, IOM, ILO)
- Representatives of non-governmental organizations (Senegalese and Ghanaian NGOs, Amnesty International, Caritas)
- Researchers and academics (Senegal IRD, University of Ghana)
- Migrants and refugees who are nationals of ECOWAS countries (Sierra Leone, Cote d'Ivoire, Togo, Liberia, Ghana, Senegal) and non-nationals of the sub-region (Chad and Sudan)

Among these, on average 9 people were interviewed per nationality, for a total of 91 conversations. Some had applied for asylum and were at various stages in the process (those whose cases are pending at first instance or appeal level, individually recognized refugees, *prima facie* and unsuccessful asylum seekers), while others remained apart from state procedures. Still others had been expelled from Europe or intercepted during their travels and/or had gone into smuggling. The vast majority were without valid identity documents.

- **Qualitative approaches and semi-directed conversations**

The methodology used here is based on a qualitative, inductive and ethnographic approach. Conversations took the form of semi-directed discussions and not closed questionnaires, to allow those surveyed to express their views on subjects which seemed important from their point of view.

Among the migrant populations, however, certain themes were raised in a systematic manner:
    (i)   Reasons for departure
    (ii)   Migration routes and problems encountered during the trip
    (iii)   Reception situations, living conditions and protection risks in the countries of arrival or transit

With the institutional actors, conversations dealt mainly with:
    (i)   Migration context and sub-regional policy
    (ii)   Actions and initiatives in the area of asylum and migration
    (iii)   Staff's views on the problem of "mixed migratory flows" and their interpretation of concepts such as "secondary movements", "clandestine migration", "rejected asylum seekers", etc.

APPENDIX III - Note on Concepts

1 - Mixed Migration

In UNHCR terminology, this term refers to migratory movements – usually irregular ones - of people taking the same routes and same means of transport but travelling for "different reasons" and having "different protection needs".[122] UNHCR emphasizes the importance in the context of mixed migration, of identifying asylum seekers and refugees, as well as individuals with special protection needs, such as victims of human trafficking or unaccompanied minors.

In using this new terminology, UNHCR wishes to draw the attention of governments to their international obligations with respect to international protection and *non-refoulement.* The UN refugee agency deplores the fact that migrations and border controls management is responding more and more to security considerations. In some countries, asylum-seekers are often deported even before they can submit their application. Similarly, people intercepted at sea off the coasts of West Africa usually are not able to submit their asylum request and are returned directly to their last country of transit and/or their country of origin. UNHCR is therefore calling for protection-sensitive entry systems and for respect for human rights.[123]

The idea of "mixed" migration also reflects the increasingly complex factors which are at the root of human mobility. Very often mobility responds to political, economic, social and also cultural concerns at the same time. This "mix" of factors is linked to volatile and increasingly circular movements and constitutes a real challenge for international refugee law, which was established according to very specific criteria at a very specific point in history. The difficulty in making distinctions between "refugees" and "economic migrants" is among the factors contributing to a closed attitude on the part of governments, which are tending to tighten up the conditions for admission to their territory and to consider all persons with irregular status as a potential danger to their political or economic stability.

As it is new and not well known, this notion of "mixed migration" is often subject to many different interpretations by the institutional actors involved in asylum and migration management. It is often understood as referring only to irregular North-South migratory movements, whereas the same problem exists between countries of the South. Furthermore, it is seen by some as a new paradigm used by UNHCR to justify an extension of its mandate and by others as a notion which runs the risk of increasing still more the inequality between different categories of persons.

2 - Irregular Migration

Migration which does not comply with the standards or procedures established by States to manage migratory flows and the conditions of establishment for foreigners in an orderly way.

In West Africa, the vast majority of movements have always been by irregular or "informal" methods, simply because most ECOWAS member states have not acquired, have not been in a position to, and/or have not wanted to implement established procedures for managing migratory movements. This "laissez-faire" policy has had some positive results by letting the flows develop according to their own logic (historical, family, ethnic, economic and political) and by helping introduce a dynamic of opening and population mix in the sub-region. This legacy helps to explain why the concept of "irregular migrations" was very little used, over a long period, in political circles and by the media in the sub-region.

On the other hand, the term "clandestine migration" is found everywhere today. Used as a synonym of "irregular migration", it refers solely to persons departing for Europe, taking routes which are "spectacular" because they are extremely dangerous.

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[122] UNHCR, Asylum & Migration, http://www.unhcr.org/cgi-bin/texis/vtx/asylum?page=home – consulted in September 2008.
[123] UNHCR, interview with E. Feller, http://www.unhcr.org/cgi-bin/texis/vtx/asylum?page=home – consulted in September 2008.

Receiving a lot of media coverage and highly politicized, this notion refers to only one form of irregular migration, which is ten times less significant than intra-regional irregular movements. However, we have shown in this report that irregular movements within the region, while they have a positive aspect, also raise protection issues. Asylum-seekers, like recognized refugees, can become "irregular migrants" as soon as they no longer have identity documents which are valid or recognized by the authorities and financial means to "negotiate" for their protection. Unsuccessful asylum-seekers also become irregular migrants.

3 - Secondary and onward movements

In UNHCR's vocabulary, "**secondary movements**" describe the movements of refugees who have already been granted refugee status in a first country of asylum. The reasons for their movements can be of two sorts: either the refugee wants to improve his economic situation through migration, or he is forced to flee a second time due to lack of effective protection and security in the first country of asylum. In both cases, some governments in the sub-region interpret this kind of mobility simply as looking for economic opportunity and deny their refugee status.

"**Onward movements**" refer to the travels of asylum-seekers who have crossed one or more third countries where they could have applied for refugee status before arriving in another state where they submitted their first asylum application. The reasons for these movements are generally connected with the lack of information on asylum structures, the desire to move as far away as possible from the escape area, and/or the wish to reach a stable country where one can build a future. In international law, there is no requirement for a person to request protection at the first effective opportunity or in the first safe third country he has crossed through. In practice, some asylum countries in Africa reject asylum requests right away on the rationale that the applicant has crossed one or several safe third countries where he could have reasonably asked for protection.

4 - Human trafficking

Recruiting, transporting, accommodating or taking charge of people while resorting to threats, force, or other forms of duress. Trafficking is often linked to the sex trade and is a human rights violation. It includes kidnapping, fraud, deceit, abuse of power and use of violence against someone in a vulnerable position. Giving or receiving favours in money or in kind for purposes of exploitation, obtaining the consent of one person who dominates another, is also a form of trafficking.

5 - Smuggling of migrants

A type of voluntary movements of migrants that are usually accomplished through payment of a sum of money in exchange for services provided by smugglers. This can take the form of exploitation and be dangerous, even deadly, but it does not happen under duress in the same sense as human trafficking. For purposes of the Palermo Protocol, this type of smuggling is run by organized crime.