
Summary

The Common Approach on Migration adopted by ECOWAS member States (Economic Community of West African States¹) in January 2008 is a significant step in taking into account migration stakes and coordination. As the various contributions to this publication demonstrate, these stakes are at several levels (national, regional, international) and in various domains (economic, political, social and legal). West Africa's effort in regional coordination has become particularly important with the international agenda focusing more, over these last few years, on migratory flows from the south towards Europe. These flows, widely covered by the media, obscure the human, social and even statistical realities of traditional migratory cycles which have shaped and built through the integration of populations, the great economies of today.

In part one of this publication, experts from various fields present their perception of West African migration and decipher the perspectives for the Common Approach. The second part explores the evolution of migratory dynamics in Mauritania and Senegal from an historic and a legislative viewpoint. Finally, the third part provides the point of view of West African and European actors involved on a daily basis in "migration management" at the policy, research or international co-operation levels.

The renewed interest in migration from the South seems more a result of the current political context in the North than an increase in the number of clandestine migrants. Difficulties in crossing borders and toughening of legislation have led to a multiplication of routes, notably maritime, rather than curbing migratory flows which have always existed. These flows have also become more publicised by the media. The history of West African migration (→ [Chapter 7, Bensaâd](#)) recalls that there are greater flows within the region than towards the Maghreb or Europe (90% intra-regional compared with 10% extra-regional) and that they follow age-old economic and cultural patterns (→ [Chapter 1, Adepoju](#); [Chapter 10, Brachet](#)). Migratory flows recorded between Sub-Saharan Africa and the rest of the world, that are of concern to the international community, are only a drop in the ocean, or "the foam that washes up with everything else on our European

shores" (→[Chapter 3, Cour](#)). These analyses also highlight the management of human settlement, an aspect which is rarely taken into account by policies and development co-operation, in which migration is an adjustment variable that comes into play.

In addition, the spatial dimension of rapid population growth is often obscured. This growth is accompanied by an ever more unbalanced geographic redistribution of the population, linked notably to the size of migratory movements. Does the Common Approach on Migration sufficiently take into account the dynamics underway within West Africa and their rationale? Does it have the means to support the recomposition of human resettlements and manage the consequences? (→[Chapter 5, Ouedraogo](#))

The international agenda puts into perspective two movement areas, Europe and Africa, which are respectively organised around the Schengen Agreements (1985) and the ECOWAS Protocol on the Free Movement of Persons, the Right of Residence and Establishment (1979)². While the increased protection of external borders is included in the Convention applying the Schengen Agreements, it is however not contained in the ECOWAS Protocol. This slight but fundamental difference contributes to the evolution of the migration system between West Africa and Europe throughout the 1990s until now (→[Chapter 6, Robin](#)). The underlying dynamics of this system also show that migration initiatives should be integrated at broader geo-political levels and not only on a bilateral basis between host and departure countries.

This notion is supported by several analyses one of which examines standard readmission agreements and alternative methods to bilateral co-operation on forced return developed over the last ten years. The study on the impact of these negotiations on policy development shows in particular that their geographic field of application strategically falls within a greater co-operation model (→[Chapter 2, Cassarino](#)).

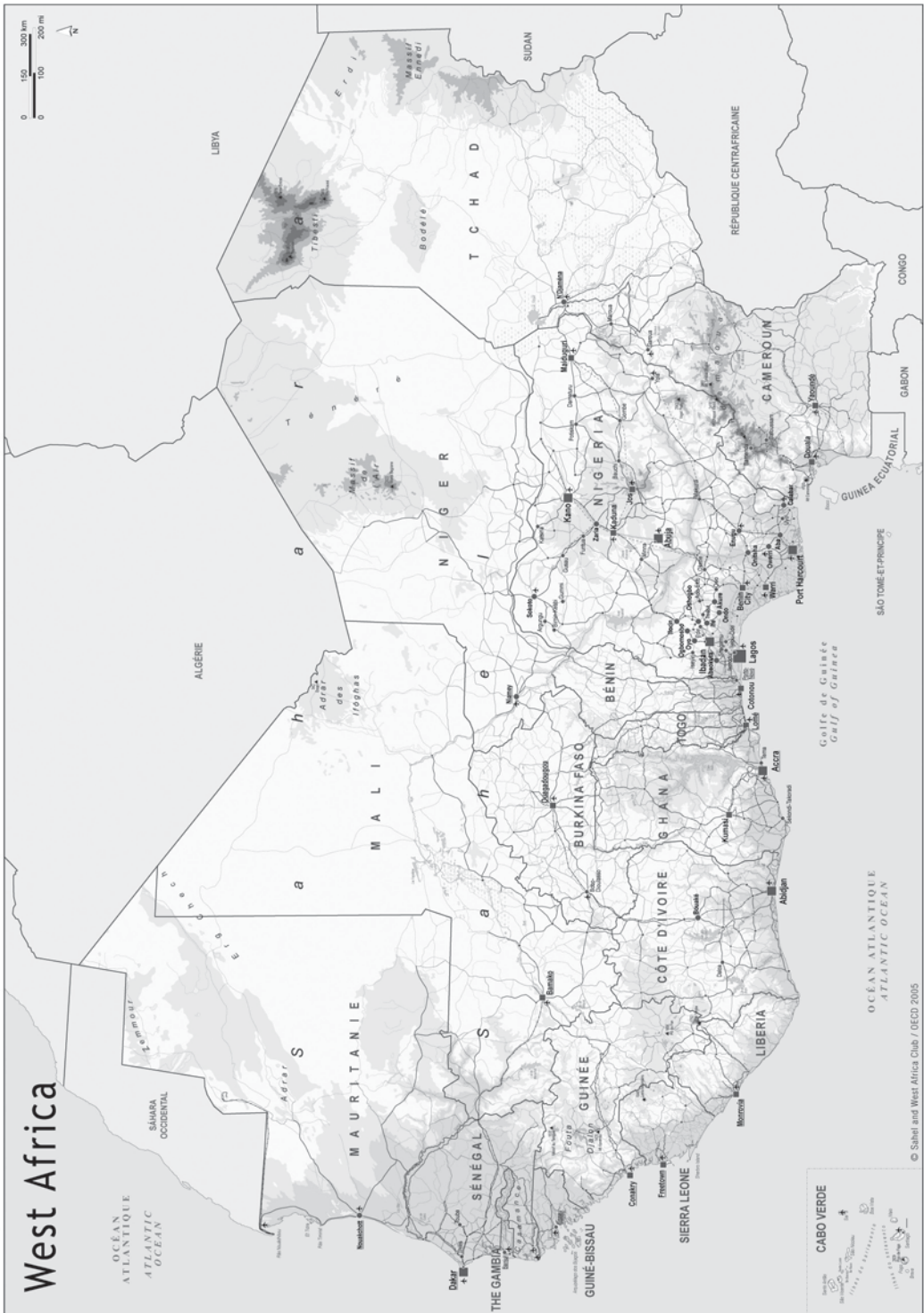
Another analysis illustrates the multi-functionality of zones (departure, transit, host) and the emergence of North Africa as a new actor in the Euro-West African dialogue (→[Chapter 4, Lahlou](#)). The shifting of land and maritime routes of illegal migration from the Moroccan-Spanish coasts towards the coasts of Mauritania, Senegal and Guinea-Bissau, does not imply that the Maghreb should be excluded from the debates and policies concerning migration. This shifting illustrates that North Africa has become a "protection zone" for European borders. The interests of the Maghreb and Europe with regard to irregular migration appear, in this model, complementary (→[Chapter 4, Lahlou](#)). A mere security approach is no longer viable. A balanced long-term approach based on economic, demographic, and other factors with a constructive view to development should be established.

The assessment of the Euro-African dialogue on migration and the main resolutions of the process begun in Rabat in July 2006 and followed-up in

Paris (second Euro-African Conference on Migration and Development, November 2008), shows that few lessons have been learned from adopted migration policies or Europe's "externalisation" of international migration management (→[Chapter 6, Robin](#)). Within West Africa, strategic thinking on the ECOWAS Protocol (→[Chapter 5, Ouedraogo](#)) or on the translation of international laws in which immigration is considered a criminal act for the first time, into national law illustrates the need for West African States to work together. It stresses the inconsistencies of ambiguous laws (→[Chapter 8, Ndiaye and Robin](#)), semantic confusion between "clandestine" and "irregular" with regard to border crossings (→[Chapter 10, Brachet](#)) and risks of jeopardising the integration of the ECOWAS zone (→[Chapter 9, Bolouvi](#)). The examples of Mauritania, Senegal and Niger illustrate these fears and recall to what extent mobility contributes to the integration of areas and peoples.

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- 1 *Community of West African States, created in 1975. Treaty of the Economic Community of West African States, signed in Lagos 28 May 1975.*
- 2 *ECOWAS Protocol on the Free Movement of Persons, Right of Residence and Establishment, concluded in Dakar 29 May 1979. Applied as from 1984.*



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Glossary¹

Alien: A person who is not a citizen of the country in which he/she lives. A “legal alien” is someone who lives in a foreign country with the legal approval of that country. An “illegal alien” (or undocumented alien) is someone who lives in a foreign country without having legal status in that country. A distinction is made between illegal immigrants and illegal aliens; the former being someone who wishes to settle permanently in the new country. A distinction is made between illegal immigrants and illegal aliens – the former being someone who wishes to settle permanently in the new country.

Arrest Warrant: An order give by the examining judge to the police to seek and arrest someone for indictment then take them to a correction centre.

Circular migrant: One who moves regularly between his/her home country and a foreign country for employment-related reasons. Typically, though not exclusively, circular migrants do agricultural or construction work, returning home when employment opportunities wane, or when they have saved a bit of money. The term “circular migrant” is not entirely synonymous with guest worker, because the latter term implies that the individual fits into a specific employment-visa category of the host country; a circular migrant can be in a host country illegally or legally. Further, a guest worker may come to a host country for a set period of time and only return home when the visa expires – in other words, there is no back-and-forth and hence no circularity

Economic migrant: *Sometimes used as an equivalent to the term labour migrant or migrant worker. However, the two concepts may cover different categories. The term “labour migrant” can be used restrictively to only cover movement for the purpose of employment while “economic migrant” can be used either in a narrow sense, which includes only movement for the purpose of employment, or in a broader sense that includes persons entering a State to perform other types of economic activities such as investors or business travellers.*

Expulsion: A measure undertaken by the police by which an alien is ordered to leave the country. There is a tendency to systematically use the word “expulsion” every time an alien is forced to leave a country. There are several expulsion measures:

- Arrested and sent to the border: on the basis that the alien is in an irregular situation.
- Deportation order: ordered if the alien constitutes a threat to public order (sentenced to a long prison term, for example).
- Legal exclusion from the country: often goes along with a prison term whereas at the end of the term, the alien is deported from the country as a result of a judge-ruled exclusion. It can be used in cases of irregular situations, for certain offences or crimes.
- Surrendered to another country: can only take place in application of an agreement between two countries to which the alien is surrendered.

There are cases of protection from expulsion measures following the individual situation and the alien’s country of origin: protection from being led to the border, protection from expulsion, protection and guarantee from judicial banning from the country

Flagrante delicto: Delicto or offence in process of being committed or which was just committed and registered by the police. When the crime is punishable by a prison term, the Prosecution can quickly present the suspect before the judge for a hearing called an immediate appearance for a decision to be made.

Flow: The term used for the unstable and changing portion of an overall population figure

Forced departure: So as to avoid using the word “expulsion” (a legal-technical term in State immigration law), we speak of “forced departure” of an alien in cases in which authorities enforcing the decision of expulsion have used physical or other pressure to force an alien to leave his former country of residence.

Illegal migrant: A person who comes to settle in a country without the correct legal documentation, or who lives there using false identification or no documentation at all (“sans papiers” – without papers), or who otherwise resides in a country without formal permission. E.g., a person who enters a country on a tourist or student visa and then overstays his or her visa becomes an illegal immigrant.

Intergovernmental method: Negotiation sessions between representatives of national governments

Irregular migration: As defined by the Global Commission on International Migration, it is a complex and diverse phenomenon in which the main focus is irregular flows and entries, rather, for example, than the various challenges posed by stocks or irregular migrants such as undocumented work.

Immediate appearance²: A procedure which makes it possible to make judge quickly somebody following the police custody.

Labour migration: Movement of persons from their home State to another State for the purpose of employment.

Migrant smuggling; smuggling of migrants: Defined in the relevant Protocol as follows: “Smuggling of migrants” shall mean the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident. Trafficking victims can be, at least in the beginning, consenting and candidates for emigration, unlike those described by the expression “human trade.”

Naturalization: In law, refers to an act whereby a person acquires a citizenship different from that person’s citizenship at birth. Naturalization is most commonly associated with economic migrants or refugees who have immigrated to a country and resided there as aliens, and who have voluntarily and actively chosen to become citizens of that country after meeting specific requirements. However, naturalization that is at least passive and often not voluntary, can take place upon annexation or border adjustments between countries. Unless resolved by denaturalization or renunciation of citizenship, naturalization can lead to multiple citizenship.

Non-refoulement: *A core principle of refugee law that prohibits States from returning refugees in any manner whatsoever to countries or territories in which their lives or freedom may be threatened. This principle is usually considered a part of customary international law and is therefore binding on all States, whether or not they are parties to the 1951 Convention relating to the Status of Refugees.*

Refugee: Defined under Article 1 of the Geneva Convention (28 July 1951) relating to the Status of Refugees as “any person who owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the

country of his nationality and is unable, or owing to such fear, is unwilling to avail himself of the protection of that country”.

Return migration: I.e., migrants returning to their country of origin – going home.

Statutory Refugee: In France, refugee status is a legal status recognised by the Office français de protection des réfugiés et apatrides (OFPRA), in accordance with the Geneva Convention of 28 July 1951 as well as the law of 25 July 1952 (in its draft of the law of 11 May 1998) referring to two categories of persons: - anyone meeting the definitions set out in Article 1 of the Geneva Convention of 28 July 1951 related to the status of refugees; – “any person persecuted due to his/ her actions on behalf of freedom” (L. 11.5.1998, Article 29).

Stock: In migration statistics, used to describe the stable portion of an overall population figure.

Total population (Contribution by J.-M. Cour): as set out in the WALTPS women, the aged and children, “inactive” and “unemployed” included is comprised of three strata:

- The primary strata corresponds to the total population of urban and rural households who depend on most of their total revenue (including non-monetary) from a primary activity;
- The formal non primary strata corresponds to households having a formal private or public salaried employment and households involved in formal (officially registered businesses) non agricultural businesses (non primary); and
- The informal non primary strata corresponds to the total population of households not classified in the two other strata. The non-primary population is that of two non-primary strata, formal and informal.

This breakdown of the total population into three strata, which abolishes in fact the household entity and ignores the notions of activity and unemployment, can evidently be disputed, but it enables the aggregates and ratios to be calculated taking into account the totality of the population which is often the only known data and prevents disputes over the definition of active (over 7 or 15 years of age? Less than 60 or 90 years of age?) and the unemployed (concept which has no sense except in the formal and modern sector).

Primary value added (Contribution by J.-M. Cour): is that of the primary sector of the economy, agriculture, livestock rearing, fisheries and forestry.

Warrant of Committal: An order given by a magistrate or judge to enforce a judgment or order to receive and maintain an indicted person in detention pending trial.

NOTE //

- 1 *The text in italics has been translated based on the official source text. www.iom.int and United Nations Multilingual Terminology Database <http://157.150.197.21/dgaacs/unterm.nsf>*
- 2 *www.speedylook.com/Immediate_appearance.html*

Contents

Summary	11
1st Part What are the Prospects for a West African Common Approach on Migration?	
Chapter 1	
Migration Management in West Africa within the context of ECOWAS Protocol on Free Movement of Persons and the Common Approach on Migration: Challenges and Prospects by Aderanti ADEPOJU	17
Chapter 2	
The Co-operation on Readmission and Enforced Return in the African-European Context by Jean-Pierre CASSARINO	49
Chapter 3	
Migration and Settlement Management in Sub-Saharan and West Africa by Jean-Marie COUR	73
Chapter 4	
Migration and Development in ECOWAS Countries: What Role for the Maghreb? by Mehdi LAHLOU	99
Chapter 5	
Migration and Population in West Africa: Political Issues and Perspectives by Dieudonné OUEDRAOGO	127
Chapter 6	
ECOWAS, an Area of Free Movement and First Border Post for the Schengen Area by Nelly ROBIN.....	143

2nd Part Case Studies: Mauritania and Senegal

Chapter 7

Mauritania: Restrictions on the “Return Effects” of Intense and Diverse Migratory Movements by Ali BENSAAËD.....161

Chapter 8

Migrants Criminalised While Making the Journey by Mandiogou NDIAYE and Nelly ROBIN.....175

3rd Part Interventions and Interviews

Chapter 9

Niger – A Crossroads of African Migration Networks Interview with Guy-Michel BOLOUVI.....199

Chapitre 10

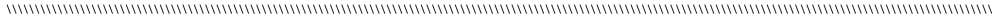
Migration Towards and Transiting Through the Central Sahara: From International to Local Patterns and Practices Interview with Julien BRACHET.....209

Chapter 11

The Relationship between Migration and Development by Jean-Christophe DEBERRE.....219

Chapter 12

A Few Questions for the Foreign and Commonwealth Office (FCO) Interview with the FCO225



Annex A	
Ecowas Common Approach on Migration	229
Annex B	
Article 13 – Migration	239
Annex C	
The Demo-Economic and Spatial Approach of WALTPS	241
Glossary	245



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