



# IRREGULAR MIGRATION BETWEEN WEST AFRICA, NORTH AFRICA AND THE MEDITERRANEAN

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**FMM West Africa**  
Support to Free Movement of Persons & Migration in West Africa



# Acknowledgements

This report was prepared by Tahar Benattia, Florence Armitano and Holly Robinson under the supervision of Arezo Malakooti (Project Director).

Field research was managed by Arezo Malakooti and conducted by Florence Armitano in Niger and Senegal, and Tahar Benattia in Nigeria and Mauritania.

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# The FMM Project

The FMM West Africa project aims at maximising the development potential of free movement of persons and migration in West Africa. To this end, it supports migration data management, border management, labour migration and combating trafficking in persons in West Africa.

The project is designed to support the ECOWAS Commission in its role as a regional platform for migration policy development, strengthen the Migration Dialogue for West Africa (MIDWA) as well as build the capacities of ECOWAS in managing migration and exploring the benefit of ECOWAS free movement protocols.

At the national level, the project is supporting ECOWAS member states and Mauritania in developing national migration profiles, elaborating and adopting national migration policies, and delivering tailored technical assistance for national institutions through a demand-driven facility.

Finally, the project promotes the active engagement of non-state actors and local authorities in information and protection activities for the benefit of migrant and cross-border populations in West Africa.

The FMM West Africa project is jointly funded by the European Union and ECOWAS and implemented by the International Organization for Migration (IOM), the International Centre for Migration Policy Development (ICMPD) and the International Labour Organization (ILO).

# Altai Consulting

Altai Consulting provides strategy consulting and research services to private companies, governments and public institutions.

Altai teams operate in more than 25 countries in Africa, the Middle East, Central Asia and Europe. Since its inception 12 years ago, Altai Consulting has developed a strong focus on migration and labour market related research and program evaluations.

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# Abbreviations and Acronyms

AVRR	Assisted Voluntary Return and Reintegration
CERPAC	Combined Expatriate Registration Permit and Alien Card
CFRMI	[Nigerian] Commission For Refugees, Migrants and Internally Displaced Persons
CNE	[Senegalese] National Commission of Eligibility
ECOWAS	Economic Community of Western African States
ENP	European Neighbourhood Policy
EU	European Union
EUR	Euro (European currency)
FCFA	Franc CFA (West African Currency)
GAMM	Global Approach to Migration and Mobility (EU)
IBM	Integrated Border Management
IDPs	Internally Displaced Persons
JMDI	Joint Migration and Development Initiative
MoI	Ministry of Interior
MoL	Ministry of Labour
MRRM	Migrant Resource and Response Mechanisms
NAPTIP	[Nigerian] National Agency for the Prohibition of Trafficking in Persons
NCFRMI	[Nigerian] The National Commission for Refugees, Migrants and Internally Displaced Persons
NIDO	Nigerians in the Diaspora Organisation
NGN	Nigerian Naira (National currency)
NNVS	Nigerian National Volunteer Service
RGPH	[Senegalese] Recensement General de la Population et de l'Habitat
RSD	Refugee Status Determination
UM	Mauritanian Ouguiya (National currency)
UNHCR	United Nations High Commission for Refugees
USA	United States of America
USD	United States Dollar
UK	United Kingdom

# 1. Introduction

The region that encompasses the Economic Community of Western African States (ECOWAS), with its surface area of 5.1 million m<sup>2</sup> and its still growing population of 300 million, is one of the most dynamic regions on earth and a promising example of regional integration. Migration is a vital component of ECOWAS' regional integration, and mobility has been, and remains, one of the essential elements of the lives of its inhabitants.

Migration in West Africa is not a new phenomenon. Historically rooted in long-distance movements as a way of life, people have migrated across frontiers for social, economic, and political reasons long before borders were mapped out during colonial times. By some estimates, there are 214 million migrants in the world today; of these, 19.3 million are in Africa, and 8.4 million in West Africa alone, making it the sub-region with the largest migrant population.<sup>1</sup>

In terms of migratory movements, those that occur within the ECOWAS region are the most significant, with about 84% of flows internal to the area, which is seven times higher than to any other destination.<sup>2</sup> All ECOWAS member states are both places of emigration and immigration, welcoming migrants from neighbouring countries, and creating an interconnected area where circulation is simultaneously traditional but modernising.

A more recent phenomenon, one that accelerated in the 60s and the 70s, is the migration of ECOWAS nationals to Europe. This increase of migration to European shores has been fostered by the recurrent crises in West Africa (Mali in 2012 being the latest), which pushes people out of their homes in search of livelihoods, but is also contributed to by the relative (and somewhat perceived) lack of economic opportunities in West Africa when compared to Europe. The irregular routes to Europe are numerous but most move through Libya. These routes are dynamic and shift according to levels of control along particular borders. For example, sea crossings to the Canary Islands and through the Strait of Gibraltar decreased in response to greater controls put in place since 2006.

The journeys are often fatal, with migrants perishing not only in the Mediterranean but also in the Sahara, and the numbers of deaths along the way are increasing. This humanitarian crisis prompts actors and authorities to address the push and pull factors of irregular migration through comprehensive policies that also address human smuggling and trafficking.

The Migration Dialogue for West Africa (MIDWA) was inaugurated in December 2000 by ECOWAS, in cooperation with IOM, to create a forum for ECOWAS Member States to discuss common migration issues and concerns in a regional context. MIDWA's main objectives are to discuss ways to unleash the potential of regular migration within ECOWAS, promote comprehensive migration policies and actionable projects, foster regional and internal dialogue, and identify any challenge to the enforcement of the ECOWAS protocols on Free Movements of Persons. MIDWA 2014 and 2015 meetings were supported by IOM, in the framework of the EU-funded FMM West Africa project, and the Swiss Agency for Cooperation and Development. This report has been prepared to inform discussions at MIDWA 2015, which will be held in Nouakchott in October 2015.

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<sup>1</sup> "Support for Free Movement of Persons and Migration in West Africa", ICMPD & IOM, 2014

<sup>2</sup> "A Survey on Migration Policies in West Africa", Alexandre Devillard, Alessia Bacchi and Marion Noack, IOM & ICMPD, March 2015

## 2. Executive Summary

Migration in West Africa is not a new phenomenon. Historically rooted in long-distance movements as a way of life, people have migrated across frontiers for social, economic, and political reasons long before borders were mapped out during colonial times. Today, while 84% of migration flows remain internal within ECOWAS, a more recent phenomenon that accelerated in the 60s and the 70s is the migration of ECOWAS nationals to Europe.

In the framework of FMM West Africa project's support to MIDWA, IOM commissioned Altai Consulting in August 2015 to conduct a research study on the drivers and dynamics of migration within ECOWAS and Mauritania and from ECOWAS to Europe in order to inform discussions at MIDWA 2015 to be held in Nouakchott in October.

### METHODOLOGY

Fieldwork ran between August and September 2015 and cumulated in 30 key informant interviews and 39 in-depth interviews with migrants across four countries: Niger, Mauritania, Senegal, and Nigeria. The study also builds upon Altai's previous research in the area.<sup>3</sup>

The methodology involved three research modules:

1. **Secondary research:** involving a review of existing literature;
2. **Key informant interviews:** with individuals who have a good sense of migration dynamics in their area. A total of 30 interviews with key informants were conducted across Niger, Nigeria, Senegal, and Mauritania.
3. **In-depth interviews with migrants:** with a variety of profiles including returnees, migrants on the move, victims of trafficking, and refugees. A total of 39 interviews with migrants were conducted across Niger, Nigeria, Senegal, and Mauritania.

### COMMON ASPECTS OF MIGRATION IN THE REGION

**Seasonal Migration:** Africa has a long tradition of migration, particularly in terms of short-term and seasonal migration as a way to cope with seasonal changes, such as drought and desertification. Seasonal migrants are more likely to originate from Sahel countries (such as Mali, Burkina Faso, Niger, Chad, and Sudan) that face recurrent food shortages caused by drought.

**Perception of Irregular Movements:** Although the ECOWAS region is an area of free movement, a large number of the border crossings are undertaken irregularly simply by avoiding the official border crossings. Nationals of ECOWAS countries, particularly those with lower levels of education, have the impression that these movements are tolerated, and hence don't fully appreciate the irregularity of the action.

**Circulation of Information** helps determine one's destination, the means of transport, when a smuggler is required and how to locate one, items to carry, the money required, and the

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<sup>3</sup> See "Mixed Migration: Libya at the Crossroads," Altai 2013 ([http://www.altaiconsulting.com/library\\_details/160987](http://www.altaiconsulting.com/library_details/160987)) and "Migration Trends Across the Mediterranean: Connecting the Dots," Altai, 2015 ([http://www.altaiconsulting.com/library\\_details/161006](http://www.altaiconsulting.com/library_details/161006))

locations of support on the way and on arrival. Information that potential migrants receive from other migrants can be quite influential in their ultimate decision to migrate.

**The Call for Europe:** most migrants interviewed have heard stories of migrants drowning, being stranded, or mistreated on their way to Europe. Nonetheless, the desire to attempt the journey is still strong. Many of them explained this as a need to “try their luck” and a belief that it will be different for them, that it is somehow in their destiny to migrate.

## PROFILES OF MIGRANTS AND DRIVERS OF MIGRATION

Across destinations, the lack of job opportunities at origin, social pressures to support one’s family, and the consequent need to increase revenues, are significant drivers of irregular migration.

**Niger** is a country of emigration, immigration, and transit. As the last country before the Sahara, it is a key location along both the Western and Central Mediterranean routes and the recent increase in flows to Europe (particularly in 2014) has also seen an increase in flows through Niger. Niger is probably the biggest transit country for migrants aiming for North Africa and Europe.

80% of emigration from Niger occurs within West Africa and 20% to the rest of the world. Nigeriens are thought to migrate primarily to Nigeria, Libya, Côte d’Ivoire, and Benin. Immigration to Niger concerns Nigerians, Malians, Senegalese and Gambians who are attracted by job opportunities in mining or urban services, but also by the fact that Niger is the launching pad to Europe.

**Nigeria:** Emigration from Nigeria is mainly driven by economic factors, while internal displacement also occurs from conflict-affected areas, in particular the north-west region under the threat of Boko Haram. Nigerians have the particularity to prefer OECD destinations, with the United States of America (USA) and the United Kingdom (UK), Italy, and Spain being among top 10 destinations of Nigerian emigrants. Flows that remain in the region target Cameroon, Chad, Benin, Niger, Côte d’Ivoire and Sudan. The Nigerian diaspora is quite structured through various organisations and associations at home and abroad.

Immigration to Nigeria is also driven by economic factors, given the large size and relative economic power of the country. The biggest communities found are from Niger, Benin, Ghana, Togo, and Cote d’Ivoire. Beninese and Togolese remain in the south east of the country, mainly in Edo state. They both share strong cultural links with local inhabitants as the *Yoruba* tribe extends over both sides of the border. Migrants tend to have a low to middle level of education and tend to work in sectors with low-skill requirements such as construction, quarries, mining, security (guards) and agriculture.

**Mauritania:** the top destinations for Mauritanian emigrants are Senegal, Nigeria, Côte d’Ivoire, France, Spain, Mali, The Gambia, the United States, the Republic of Congo and Germany. Mauritanians are mainly looking for better employment perspectives or to reunite with family abroad. Populations in the rural areas are in distress, lacking livelihoods because of drought.

Greater border management and increased controls over the years have decreased Mauritania’s significance as a country of transit to Europe. Today, it is a country of destination for some migrants who are attracted to job opportunities in the fishing, agriculture or construction sectors, particularly Senegalese, Malians and Gambians. Many of these migrants have been in Mauritania for decades, given the geographic proximity and historical links. More recently, Syrians have

started arriving in Mauritania seeking asylum, with many of them intending to continue their journey towards Europe, despite the complexities of the journey.

**Senegal:** Over the last two decades, Senegal has become less a country of immigration and more a country of emigration. The short rainy season acts as a push factor and encourages seasonal migration. Senegalese traditionally go to Mauritania, Guinea and Guinea-Bissau but also France, Italy, or Spain in search of greater income.

Immigration to Senegal is mainly from West Africa, with Guineans being the biggest community of migrants (constituting almost half of the total number of migrants in the country), followed by Malians, Gambians, Bissau Guineans and Mauritians. Their migration is driven by the cultural links between their countries and Senegal and the geographic position of Senegal that can also be a country of transit for migrants on their way to Mauritania or Mali.

## ROUTE OF TRANS-SAHARAN MIGRATION

### Central Mediterranean Route

*The Central Mediterranean Route through Niger* is the most prominent route to North Africa and Europe. Agadez, in Niger, is the main hub for smuggling to the North. Migrants found on this route are from all over West Africa. From Agadez, there are two main routes North, either through Libya or Algeria:

- The route to Libya moves from Agadez to Dirkou, Seguidine, Madama, Tummo and often ends up in Sebha. It costs around USD 150-200;
- The route to Algeria moves from Agadez to Arlit, Assamaka and In-Guezzam and often ends up in Tamanrasset for about USD 100. From Tamanrasset, migrants move with smugglers and continue either through the desert to the Libyan border or continue up north to Morocco. The journey to Morocco passes through Ghardaia and then Oran, Maghnia and over the Moroccan border into Oujda and Nador.

*The Central Mediterranean Route through Mali* is an alternative to the Nigerien route and is often followed by Malians and migrants from the Atlantic coast of Africa, including Senegalese, Gambians and Guineans. This route, although still active, has suffered from the conflict in North Mali that triggered more irregular and unsafe journeys. The route often moves from Gao to Borj Mokhtar (Algerian Border) and ends up in Tamanrasset.

From Libya, migrants move to either Italy or Malta. Libya is the main departure point for boat crossings to Italy, with 83% of boat arrivals in Italy in 2014 having departed from the Libyan coast.

### Western Mediterranean Route

The route from Mauritania to the Canary Islands in Spain received significant flows until 2006, when increased controls decreased movements along this route. In addition, the land routes to Morocco through the desert are constrained by the Mauritanian Military Zone in the north east of Mauritania (East of the 10th Meridian West and North of the 20th parallel) at the Algerian, Moroccan, and Malian borders for security reasons.

For those who take the route from Morocco to Spain, sea routes traditionally cross the strait of Gibraltar from Tangier to Tarifa, and land routes involve crossing the fences into the Spanish enclaves of Ceuta and Melilla in North Africa. Recent trends also show sea crossings to these enclaves (by taking a boat from one side of the border to the other).

## CONDITIONS OF JOURNEYS

**Dynamics of smuggling:** The dynamics of smuggling depends on the type of service that is provided, which often changes from one migrant to another, one country to another, and even one city to another. In Nigeria, smuggling was reported to be organised by integrated criminal groups. In countries like Nigeria and Niger, migrant smuggling operates along two particular lines: a) flight transportation to Europe, Turkey, or the Gulf for Nigerians; as well as b) land smuggling to the North through Niger and Libya and eventually to Europe. Some smugglers propose the entire range of services, while other smugglers just direct migrants to service providers who work within their chain of trust.

**Trafficking:** Not all countries have the same experience of trafficking, with Mauritania reporting fewer (detected) cases than Nigeria for instance. The trafficking of women for sexual exploitation is thought to be prominent amongst Nigerian women. Child trafficking also exists, but to a lesser extent, and mainly concerns young boys sent to neighbouring countries for agricultural labour or as in-house domestic workers in a context of bonded labour. Forced begging in Senegal is also reported to be quite common.

Migrants also face the **risk of death** at various points in the journey, in particular in the desert where they face harsh conditions and dehydration, and during the sea journey across the Mediterranean.

## PROGRAMS AND POLICIES

### Regional Policy Frameworks

ECOWAS: Article 59 of the ECOWAS treaty, and its supplementary protocols, states the right of entry, residence, and establishment to be implemented in three subsequent phases. Despite these protocols, regulation among member states has not been completely harmonised. However, member states reaffirmed their commitment to remove obstacles to free movement in the ECOWAS Common Approach on Migration Process in 2008.

European Union (EU): On the basis of its Global Approach to Migration and Mobility (GAMM) – the overarching framework of the EU external migration and asylum policy – the EU is running a broad dialogue with countries on the African continent on migration and mobility at bilateral, regional, and continental levels:

- At the continental level with the Africa-EU Migration and Mobility Dialogue;
- At the regional level with policy dialogues with countries along the western migratory route (Rabat Process) and the eastern migratory route (Khartoum Process);
- At the bilateral level with specific political agreements between African states and the EU.

The 2015 European Agenda on Migration was also developed as a response to the current crisis in the Mediterranean. In the same year, the European Commission announced a proposal to establish a European Union Emergency Trust Fund for Stability and Addressing Root Causes of Irregular Migration and Displaced Persons in Africa as part of its second EU Migration Agenda implementation package. The Valletta Summit on Migration, to be held in Malta in November 2015, will discuss migration issues built on existing cooperation processes.

### Cooperation Between ECOWAS and the EU

The Support to Free Movement of Persons and Migration (FMM West Africa), EU funded, and implemented by a pool of partners including ECOWAS, IOM, ILO, and ICMPD is providing technical assistance and capacity building to ECOWAS member states. It looks at six components: data collection, migration policy, border management, labour migration, counter-trafficking, and the Migration Dialogue for West Africa (MIDWA).

ECOWAS and the EU engage in cooperation in a number of other areas including a capacity building program to support ECOWAS' peacekeeping and security mandate.

### **National Policy Frameworks**

In Niger, the Ordinance on the Entry and Stay of Foreigners and a decree from 1987 still govern immigration in Niger, although they are deemed to be outdated. ECOWAS Protocols on Free Movement of Persons are not fully enforced and some local-level infringements are reported at border posts (e.g. harassment, bribery). Two major laws were also enacted in the last five years: (1) the ordinance No. 2012-86, enacted in 2010, on Combating Trafficking in Persons; and (2) a law against the smuggling of migrants in May 2015.

In Nigeria, immigration is governed by the Immigration Act of 1963, and the newly-adopted National Policy on Migration, adopted in May 2015, by the Federal Executive Council, reflecting the 2008 ECOWAS Common Approach on Migration.

Mauritania designed and adopted a National Strategy for Migration and Border Management in 2011 with the support of the EU, which replaced the outdated 1964 Immigration Decree. It updates the legislation specifically on border management and data collection, and encourages the link between migration and development. Mauritania is no longer an ECOWAS member state but has a series of bilateral agreement with ECOWAS member states on rights of entry and residence, in particular with Senegal, Mali, Guinea, Niger, Côte d'Ivoire, and Gambia.

In Senegal, while law No. 71-10 of 1971 still governs the conditions of entry, stay, and establishment of foreigners, the country has officially launched the process of defining a migration policy framework, with a kick-off workshop that was held in Dakar in July 2015. The country's legislation does not perfectly match the ECOWAS legislation, in particular on residence and acceptance of the ECOWAS Travel Certificate.

## **RECOMMENDATIONS**

### **On the Protection of Migrant's Rights**

At the ECOWAS Level:

1. Greater awareness-raising among Member State populations of ECOWAS rights and responsibilities;
2. Streamlining national procedures within ECOWAS countries.

At the EU Level:

1. Information and awareness-raising on the risks of irregular migration (including trafficking in persons) and the available channels for legal migration;
2. Assisted Voluntary Return and Reintegration (AVRR) in transit countries.

At all levels:

1. Direct assistance to migrants;
2. Greater focus and allocation of resources to address trafficking;
3. Migrant Resource and Response Mechanisms to be established along key migration routes and areas, in conjunction with authorities.

### **On the Legal Framework**

At the ECOWAS Level:

1. Continue the process of updating national legislation on the entry and stay of foreigners;
2. Streamline national laws in relation to work permits and long-term stay across ECOWAS countries;
3. Harmonize relevant national legislation with ECOWAS legal frameworks;
4. Build government capacities to implement and develop evidence-based policies.
5. Create a regional statistics institute that engages in regional data collection, as well as data analysis.
6. Create the framework for on-going regional dialogue and discussion that is not necessarily reliant on MIDWA.

At the EU Level:

Promote greater pathways for regular migration to Europe through initiatives such as circular migration schemes and the promotion of private sponsorship schemes.

### **On Addressing the Drivers of Irregular Migration at Origin**

1. Labour market assessments in countries of origin that determine gaps in local labour markets;
2. Skill development programs that match the skills of the local labour force with the gaps on the local labour market;
3. Identifying industries at the national level that could benefit from foreign labour in the form of migrants from other ECOWAS countries, and facilitating the matching of the two through more efficient work permit acquisition;
4. Community stabilisation approaches in areas prone to displacement.

## 3. Methodology

### 3.1 OBJECTIVES

#### 3.1.1 OVERALL OBJECTIVE

The overall objective of this research paper is to support the preparations for the MIDWA 2015 conference, themed “**Irregular Migration: Challenges and Solutions**” by providing background and contextual information about migration and free movement in the ECOWAS region and Mauritania and from the region to Europe.

#### 3.1.2 SPECIFIC OBJECTIVES

More specifically, the research analyses the current state of affairs around irregular migration in West Africa by looking at:

- Profiles of migrants;
- Drivers of migration;
- Routes of journey;
- Conditions of journey, particularly from the perspective of smuggling and trafficking;
- Current regional (West Africa and Europe) and national frameworks to address irregular migration;
- Recommendations on how the ECOWAS Commission can better address irregular migration in its region.

### 3.2 APPROACH

This research was based on a desk review of existing documentation augmented by a qualitative field research across four case study countries (Nigeria, Niger, Senegal, and Mauritania), as well as on desk research on other ECOWAS Member States, in order to develop an up-to-date picture of the migratory flows from West Africa to North Africa and Europe. The study also builds upon Altai’s previous research in the area.<sup>4</sup>

More specifically, the three research modules were:

1. Secondary research/literature review;
2. Key informant interviews with individuals who have a good sense of migration dynamics in their area;
3. In-depth interviews with migrants.

These modules are described in greater detail below.

### 3.3 DESK REVIEW

The secondary research involved a desk review of the main studies previously conducted on the topic, including data previously gathered by Altai. It also collates all data and statistics that have

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<sup>4</sup> See “*Mixed Migration: Libya at the Crossroads*,” Altai 2013 ([http://www.altaiconsulting.com/library\\_details/160987](http://www.altaiconsulting.com/library_details/160987)); and “*Migration Trends Across the Mediterranean: Connecting the Dots*,” Altai, 2015 ([http://www.altaiconsulting.com/library\\_details/161006](http://www.altaiconsulting.com/library_details/161006))

already been gathered or generated by the countries and implementing partners across the research locations.

A full list of literature reviewed appears in Table 1 below.

Table 1: List of literature reviewed

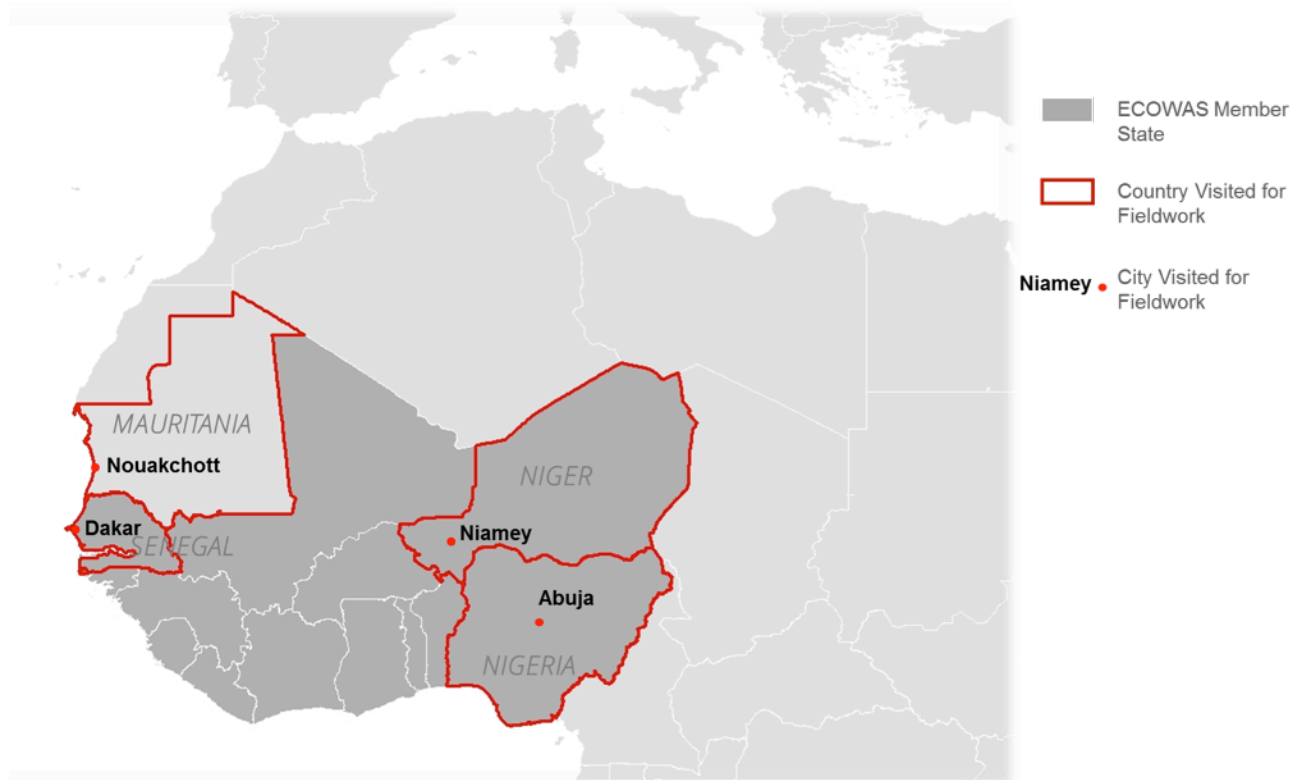
n°	Title	Author(s)	Year
1	Migration Trends Across the Mediterranean Sea: Connecting the Dots	Altai Consulting, IOM	2015
2	Annual Report on the Situation of Asylum in the European Union 2014	European Asylum Support Office	2015
3	EMN Inform: Challenges and good practices in the return and reintegration of irregular migrants to Western Africa	European Commission	2015
4	Annual Risk Analysis	Frontex	2015
5	ECOWAS Annual Synthesis Report on Trafficking in Persons	Healy C., ICMPD, under FMM	2015
6	A Survey on Migration Policies in West Africa	ICMPD, IOM	2015
7	Addressing Complex Migration Flows in the Mediterranean: IOM Response Plan	IOM	2015
8	Cartographie et Présentation de la Gestion des Frontières au Burkina Faso	IOM	2015
9	Stratégie de la Gestion Intégrée des Frontières de la République Islamique de Mauritanie	IOM	2015
10	Cartographie et Présentation de la Gestion des Frontières au Niger	IOM	2015
11	Mission de Terrain: Dirkou - Seguidine	IOM	2015
12	Evaluation de Terrain OIM: les Retournés Nigériens de l'Algérie à Zinder, Niger	IOM	2015
13	Taking Africa's Irregular Migrants into Account: Trends, Challenges and Policy Options	African Development Bank	2014
14	Sur la Route des Migrants au Niger: Profilage de l'IOM: les Migrants en Transit	IOM	2014
15	La Lutte contre la Traite des Personnes au Sénégal: Etat des Lieux et Mise en Œuvre du Plan d'Action National	Ministère de la Justice du Sénégal	2014
16	Protection and Prospects for Children on the Move & Young Stranded Migrants	West Africa Networks For the Protection of Children	2014
17	Mixed Migration: Libya at the Crossroads	Altai Consulting, UNHCR	2013
18	Cartographie des Zones de Migration et des Entreprises Rurales Soutenues par les Migrants Sénégalais	R.M.D.A for IFAD	2013
19	Children on the Move	IOM	2013

20	Migrations Transnationales Sénégalaises, Intégration et Développement	Maggi J., Sarr D., Green E., Sarrasin O., Ferro A.	2013
21	Migration and Development Layer: Nigeria	I-Map	2011
22	Migration and Remittances Factbook 2011	World Bank	2011
23	Faire des Migrations un Facteur de Développement: Une Etude sur l'Afrique du Nord et l'Afrique de l'Ouest: Sénégal, Marché du Travail et Développement	Fall D.	2010
24	Labour Migration Policy for Nigeria	Federal Ministry of Labour and Productivity	2014
25	Document de Stratégie Nationale pour une Meilleure Gestion de la Migration	République Islamique de Mauritanie	2010
26	Migration au Niger: Profil National 2009	IOM	2009
27	Irregular Migration from West Africa to the Maghreb and the European Union: An Overview of Recent Trends	de Haas H., IOM	2008
28	Promoting Integration through Mobility: Free Movement and the ECOWAS Protocol	Adepoju A., Boulton A. and Levin M.	2007
29	Un Désert Cosmopolite, Migrations de Transit dans la Région d'Agadez	Brachet, J.	2007
30	FMM West Africa: Immigration and Border Management Baseline Report	ACBC, IOM	
31	Le Niger, Espace d'Emigration et de Transit vers le Sud et le Nord du Sahara	Mounkaila H., Amadou B., Boyer F.	
32	Migration en Afrique de l'Ouest et Centrale, Aperçu Régional	S.Yao Konan, R.Anich, T Van Lidth, P.Mona for IOM	2011

### 3.4 FIELDWORK

Fieldwork ran between August and September 2015 and cumulated in 30 key informant interviews and 39 in-depth interviews with migrants, across four countries. The locations of fieldwork are presented in Map 1 below and they include Mauritania, Senegal, Niger and Nigeria.

Map 1: Locations of fieldwork



#### 3.4.1 INTERVIEWS WITH MIGRANTS

In-depth interviews with migrants were conducted to update knowledge on routes, profiles of migrants and push and pull factors of migration. These interviews included migrants on the move, returnees, and refugees and asylum seekers. A total of 39 migrants were interviewed across the four aforementioned countries: 8 in Nigeria, 13 in Niger, 11 in Senegal, and 7 in Mauritania.

The sample of interviewed migrants was distributed as following across the four countries:

Table 2: Migrants interviewed

	<b>Interviews</b>
NIGERIA	4 male Nigerian migrants of about 18 to 22 years old
	2 male Nigerian returnees from Italy of between 30 and 40 years old
	1 male Nigerian returnee from Switzerland of about 30 years old
	1 female Nigerian returnee victim of trafficking, returned from Greece
NIGER	4 male Senegalese migrants from 22 to 26 years old
	2 male Gambian migrants of 20 and 31 years old
	1 male Malian migrant of 40 years old
	2 male Gambian returnees of less than 18 and 23 years old
	1 male Nigerien returnee of 33 years old
	1 male Cameroonian returnee of 41 years old
	1 male Malian returnee of 34 years old
	1 male Senegalese returnee of about 25 years old
SENEGAL	4 male Senegalese on the move of between 18 and 43 years old
	1 female Senegalese migrant of 32 years old
	6 male Senegalese returnees of between 28 and 57 years old
MAURITANIA	2 male Senegalese migrants of about 35 years old
	2 male Syrian refugees respectively of about 20 and 45 years old
	1 male Ivoirian refugee of about 45 years old
	2 female Senegalese migrants

### 3.4.2 INTERVIEWS WITH KEY INFORMANTS

In addition to the interviews with migrants, a total of 30 key informant interviews were conducted across the four locations.

Interviews with key informants supplemented information gleaned from migrants and also explored the policy, programmatic, and institutional framework surrounding migration in the ECOWAS region in general, and the four countries of fieldwork specifically.

The full list of key informants consulted is outlined in Table 3 below according to country.

Table 3: Key informants interviewed

	<b>Organisation</b>	<b>Position</b>	<b>Name</b>
NIGERIA	IOM Nigeria	FMM Team, Programme Manager (IOM)	Geertrui Lanneau
	IOM Nigeria	FMM Team, Migration Management Specialist (IOM)	Kristiina Lilleorg
	IOM Nigeria	FMM Team, National Programme Officer (IOM)	Nnamdi Iwuora
	ICMPD Nigeria	FMM Team, DDF Coordinator (ICMPD)	Emmerentia Erasmus
	Federal Ministry of Labour and Productivity (FMLP)	Assistant Director	Mr. Emmanuel Igbinosun
	Nigeria Immigration Services	Controller of Immigration	Mr. Maroof Giwa
	National Agency for the Prohibition of Trafficking in Persons (NAPTIP)	Assistant Director	Mr. Tumba Terna
	National Population Commission (NpopC)	Vital Registration Department	Mr. C.D. Gyang
	National Commission for Refugees, Migrants and Internally Displaced Persons	Deputy Head of Migration Division	Mr Charles Anaelo's Deputy
NIGER	Agence Nationale de Lutte contre la Traite des Personne (ANLTP)	Executive Director	Maimouna Gogé
	Cercle des Ivoiriens à l'Extérieur	Vice President	Meite Saguidi
	Association des ressortissants burkinabé résidant au Niger	Advisor	Mathias Segueda
	JMED- Jeunesse Enfance Migration & Développement, NGO	President	Hamidou Nabara
	Laboratoire d'Etudes et de Recherche sur les Dynamiques Sociales et le Développement Local	Migration specialist	Mounkaila Harouna
	Direction Générale de l'Etat Civile et des réfugiés, Ministry of Interior	Head of Migration Department	Soli Amadou
	Alternative Espaces Citoyen, civil society organisation	Program Officer	Amadou Tchernon
	Croix Rouge Française	Head of Mission Advocacy program Manager	Laurent Mailait & Maité Bagard
	IOM Niger	Chief of Mission; Program manager media & communication	Giuseppe Loprete & Paloma Casaseca
	Direction de Surveillance du Territoire	Executive Director	Souley Djoffou

SENEGAL	Enda Tiers Monde	Migration & Development Officer	Mamadou Mbengue
	Caritas	Program Manager	Mamadou Diouf
	IOM - IOM's Regional Office for Central and West Africa in Dakar	Regional Migrant Assistance Specialist	Michele Bombassei
	IOM Senegal country Office	Joint Migration and Development Initiative (JMDI)	Marie-Stella Ndiaye Yvain Bon
	Ministry of Justice- anti-trafficking unit	Head of unit	Mody Ndiaye
	OFII- Office Français de l'Immigration et de l'Intégration	Head of Office	Dominique Mensah
MAURITANIA	IOM Mauritania	Chief of Mission	Anke Strauss
	Mauritanian Ministry of Interior	Charge de Mission, Migration Issues	Cheikh Abdallahi Ewah
	Spanish Embassy in Nouakchott	Interior Attaché	Carlos Rodriguez Baturone
	Fédération des Migrants d'Afrique de l'Ouest en Mauritanie	President	Ibou Badiane
	UNHCR Mauritania	Representative	Hanae Boughdad
	Senegalese Fishermen Association	President	Modou Fall

## 4. Common Aspects of Migration within ECOWAS and Mauritania

### 4.1.1 SEASONAL ECONOMIC MIGRATION

Africa has a long tradition of migration, particularly in terms of short-term and seasonal migration as a way to cope with seasonal changes, such as drought and desertification.

Seasonal migrants are more likely to originate from Sahelian countries (such as Mali, Burkina, Niger, Chad, and Sudan) that face food shortages caused by recurrent drought. Serious droughts have affected the region in 1968, 1972, 1974, 1982 to 1985, and 2012; having the effect of pushing people out of the region for temporary periods of migration.

The recurrent nature of these natural phenomena means that many of these communities have become accustomed to migrating seasonally for survival. Whilst not all migrants from Mali, Niger, Chad or Mauritania are seasonal migrants, those coming from rural areas, who are reliant on crops, tend to follow this cyclical migration pattern. For this subset of migrants, it has become habitual to migrate to neighbouring countries after the harvest, during the dry season, and then to return home for the rainy season. Unlike other economic migrants, this group tends to view their migration as a seasonal and repetitive cycle that is a natural part of their lifestyle.

The majority of these migrants tend to stay close to the border and work on the land in agricultural areas; they are less likely to move to the major cities. While most of these migrants lack documentation, they tend to enter the country more easily than the typical irregular migrant. This is due to the establishment of certain habits and relationships with local tribes that control the borders at checkpoints and along the route, which helps facilitate their entry.<sup>5</sup>

### 4.1.2 MIGRANTS' PERCEPTION OF IRREGULAR MOVEMENTS

Although the ECOWAS region is an area of free movement, a large number of the border crossings are undertaken irregularly simply by avoiding – intentionally or not – the official border crossings that have been fixed by the national governments. The seasonal migration of herders is a perfect example of frequent crossings that are done outside of the legal framework. Nationals of ECOWAS countries, particularly those with lower education rates, have the impression that these movements are tolerated, and hence don't fully appreciate the irregularity of the action (see Focus box 2).

*"I came to Nigeria because my parents only have one agricultural field in Niger. We are too many children to make a living out of it. I thought there was more work in Nigeria, now I struggle to make a living here. I could go anywhere in the world provided there is work for me."*

20 year-old Nigerien migrant, working as tailor in Abuja, Nigeria.

<sup>5</sup> "Mixed Migration: Libya at the Crossroads", Altai Consulting for UNHCR, 2013, p136

## Focus box 1: Changing migration patterns, the case of women and children in southern Niger

Zinder region is one of the poorest in Niger. The county of Kantche, south west of Zinder, is part of what is termed by local authorities as the 3M - "Magaria, Mirriah, Matameye" - and is known for particularly harsh conditions. Malnutrition, combined with a highly dense population (168 inhabitants per km<sup>2</sup>), and a high population growth rate (4.3, and therefore higher than the national one), offers little economic prospect and thus leads to a lot of seasonal out-migration.

Most of the inhabitants of the area are reliant on agriculture for livelihoods, and so the men would typically move to Nigeria during the dry season. Due to the insecurity and the presence of Boko Haram in Nigeria, this flow of people has now been redirected.

First, it was observed that men would go to Agadez and Arlit during this season to do masonry while the women were working as cleaners. Then, when the market reached a high level of saturation, the inhabitants decided to move further north to Algeria.

In 2014, a new tendency emerged: the route "Kantche-Arlit-Algeria" saw an increase in the number of women and children traveling to Algeria. The children, some of them unaccompanied and some of them with family, are generally taken out of school and travel this dangerous route to work as beggars in Algeria, while the women try to find work as cleaning ladies. Women were reported to send significant amounts of money home which convinced many to undertake the journey but their living conditions are now very poor (with no access to basic needs) and many end up in prostitution.<sup>6</sup>

### 4.1.3 THE CHANGING NATURE OF THE JOURNEY

Economic migrants within ECOWAS are evidently looking for job opportunities in the countries they are travelling to. In some cases, they may have heard of job opportunities in the country of their migration, or they may be joining relatives or friends that have already undertaken the journey. However, if migrants do not find the job opportunities that they had been anticipating in their first country of migration, this sometimes causes them to move on to another country and try their luck elsewhere.

At this stage in the journey, those who started their journey in a regular manner (freedom of movement within ECOWAS) might hear of greater opportunities in Libya, Algeria, or Europe, and thus continue their journey north, but now irregularly, sometimes without even realising it due to their lack of knowledge about legal frameworks.

Nonetheless, in the case of irregular migration to Europe, at some point the clandestine nature of the movement becomes quite obvious and apparent. For example, this is the case in boat crossings through the Mediterranean (with smugglers) or movements over the fences of Melilla and Ceuta and into Spain.

For asylum seekers and refugees, although their situation is different to the irregular and regular migrants they travel alongside, in countries where there is no refugee status determination (RSD) or granting of refugee status, their administrative status remains irregular. Moreover, in some

<sup>6</sup> "IOM Niger report on the Nigerien' returnees", IOM, 2015

such countries, asylum seekers and refugees are not seen to be any different to irregular migrants in the eyes of local authorities (for example, in Libya).<sup>7</sup> As discussed in Altai's 2013 study for the UNHCR on mixed migration through Libya, this means that it is often difficult to isolate asylum seekers from economic migrants and vice versa. It is therefore complex to develop policies for one community in isolation from the others. Attempts to address mixed migratory flows require the efforts of a number of actors, and an understanding that the profiles and needs of those on the move are various, and may change as they move from country to country.<sup>8</sup>

Focus box 2: The challenge of irregular movements within ECOWAS and the perception of borders

The main challenge driving irregular movement within ECOWAS is the perception some ECOWAS citizens have of borders. Migration is a deeply-rooted tradition that has always existed in Africa. The current borders, fixed as a result of the colonial period, have led to the spread of many tribal or ethnic groups across a number of newly created countries. These cultural and tribal links remain strong, even today, and encourage border crossings. For instance, the Hawsa population is scattered between Niger and Nigeria and a number of other West African countries, and thus there are frequent movements of Hawsa people across these borders to meet with family or members of the tribe. The Yoruba people also extend between Benin and south west Nigeria. In addition to this, the agro-pastoralist nature of many, who are reliant on seasonal migration, encourages herders to move for grazing, often regardless of borders.

A number of ECOWAS citizens interviewed shared the feeling that whilst the borders exist, they are an artificial construct. While they may be at ease with the concept of national identity, they don't necessarily see this nationalism as imposing restrictions on a movement that they deem natural.

For these multiple reasons, many citizens don't feel that it is necessary to go through the official border crossings when entering a country, or may think they can travel without documents or with a simple identity card; they feel that movement is natural and they should be entitled to it. For some who are aware of the policies, the freedom of movement within the ECOWAS region supports their idea that they can move without any restrictions, including official entry or registration.

#### 4.1.4 THE CIRCULATION OF INFORMATION

Information is an essential element for any migrant intending to start his journey. Information assists in determining one's destination, the means of transport, when a smuggler is required and how to locate one, items to carry, the money required, and the locations of support on the way and on arrival. Information that migrants share about their experience, shared mainly over the phone, is at times one of the principal factors that actually cause a migrant to undertake the journey (or deter them).

*"I want to go to Libya because it is the gateway to Europe. Which country? I don't know anything about Europe only that it is better out there."*

Most migrants will have contacts in the country of destination, and these contacts will link the migrant to other contacts that they themselves

onsulting for UNHCR, 2013, p136  
onsulting for UNHCR, 2013, p136

| 26 year-old Senegalese migrant met in a  
| bus station in Niamey on his way to  
| Libya.

may have made in countries of transit during their own journey. These contacts are key to providing the support required for migrants in transit, by potentially helping them find work, and introducing them to a community that will support them in their transit.

Most migrants intending to reach Europe have received information either directly through a relative or friend who has already arrived in Europe; or indirectly from other migrants that they may not know but whose experiences they have heard about, or in places of transit. Smuggling hubs such as Agadez (Niger) or Sebha or Tripoli (Libya) are also information hubs for migrants trying to determine their route of travel and their journey.

Often, asylum seekers fleeing conflict or persecution - such as Eritreans - are the most vulnerable on these routes because they depart suddenly and immediately, without the time to plan, and therefore may lack information. In these instances, their decision-making is rushed due to an omnipresent push factor. Economic migrants on the other hand, tend to base their decisions on information they have gathered over time, and are thus basing this decision on a greater wealth of information.<sup>9</sup>

It is worth mentioning that despite having access to information, migrants continue to find themselves in very difficult and dangerous situations, with some of them being deceived and robbed, others stranded, and some falling vulnerable to trafficking. Despite the communication and circulation of information between migrants, there remains a large factor of unpredictability, particularly on the most hazardous routes through the desert and across the sea.

#### 4.1.5 THE CALL FOR EUROPE

As stated earlier in this report, it must be reiterated that migration to Europe remains only a tiny portion of the migration phenomenon in West Africa. The majority of the movements occur within ECOWAS and sometimes to Central Africa. Nonetheless, each year, thousands of West Africans engage in a hazardous journey to European shores.

Many migrants interviewed in a transit country such as Libya, and in countries of origin such as Senegal or Nigeria, are conscious of the dangers of the journey to Europe. As discussed earlier, high levels of information are shared amongst migrants, and most of those interviewed have heard stories of migrants drowning, being stranded, or mistreated. Nonetheless, the desire to attempt the journey is still strong. Many of them explained this as a need to “try their luck” and a belief that it will be different for them, that it is somehow in their destiny to migrate.

Additionally, stories of migrants who have succeeded in their attempts to reach Europe tend to override all the stories of failed attempts. As many youth in West Africa are desperate to increase their income and their ability to support their families (particularly young men), stories of migrants who have successfully made it to Europe, and who have substantially increased their family's standards of living thanks to the remittances they sent home, encourage others to make the journey despite the dangers inherent. When families with many children are looking to increase the family's income, the decision to invest in a family member's journey to Europe appears paradoxically as both a desperate and rational option.

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<sup>9</sup> Although it should also be noted that asylum seekers also often leave after a process of considering their options and coming to a point where they feel as though they have no other option other than leaving.

If job opportunities remain low in the region, and the gap in revenue generated between the average ECOWAS worker and a worker in Europe remain so pronounced, it is unlikely that migrants from the region will abandon the idea of trying their chance to reach Europe.

## 5. Profiles of Migrants and Drivers of Migration

### 5.1 NIGER

Niger is a country of emigration, immigration and transit. It is a key location along both the Western and Central Mediterranean routes and the recent increases in flows to Europe have also seen a corresponding increase in flows through Niger.

#### 5.1.1 NIGERIENS MOVING OUT

Traditionally, Nigerien emigration has been directed towards West African coastal countries. Following the oil boom in the 1970s, Nigerien emigrants moved to oil-producing countries such as Libya, Algeria or Nigeria. Since the 1990s, emigration is largely driven by a lack of economic prospects and harsh conditions affecting the agricultural sector in Niger. The Human Development Index ranking for Niger speaks for itself: Niger stands at the last rank (187).

It is commonly said that 80% of Nigerien emigration occurs within West Africa, and 20% to the rest of the world. According to a 2011 study,<sup>10</sup> the majority of Nigerien emigration is thought to occur to Nigeria (37.8%), followed by Libya (12.6%), Côte d'Ivoire (12.4%), Benin (8.3%), Ghana (7.7%), Togo (5.2%), and Cameroon (3.5%). It should be noted that this survey was completed before the crises in Libya and Cote d'Ivoire, both of which led to a large return of Nigeriens from those countries (IOM reported 75,600 Nigeriens fleeing the aftermath of the Libyan revolution in 2011/2012<sup>11</sup>).

Seasonal migration is also a strong feature of Nigerien society. During the hunger season and periods of drought, Nigeriens tend to migrate to neighbouring countries to earn money, particularly those that work in agriculture and are reliant on crops. While this affects all regions of Niger, some are more affected than others. For example, the Tahoua region, where only 28% of the land can be cultivated, is the region most affected by emigration. Most emigrants from this region tend to move to neighbouring coastal countries. The Maradi region saw flows of emigrants moving mainly to Ghana and its gold mining industry until the 1960s, before it shifted to Nigeria and its oil boom. Zinder region, one of the poorest regions of Niger, is mainly affected by emigration to the Maghreb for the northern part of the region (Tanout and Gouré), and to Nigeria for the southern part (Diffa). In the Agadez region, emigration of the *Tubu* and *Tuareg* is essentially to the Maghreb.

Two patterns have been recently observed: the length of the hunger season has increased, as have levels of border control (see example of Zinder region in section 4.1.1). In recent years, irregular rains have affected the agricultural sector, therefore prompting seasonal migrants to stay abroad longer.

<sup>10</sup> "A Survey on Migration Policies in West Africa", Alexandre Devillard, Alessia Bacchi and Marion Noack, IOM & ICMPD, 2015

<sup>11</sup> "Humanitarian Emergency Response to the Libyan Crisis, 28 February 2011- 27 September 2011, Seven-Month Report on IOM's Response," IOM, 2011.

### 5.1.2 MIGRATION TO NIGER

Niger is at the crossroads of ECOWAS and North Africa, sharing borders with Libya and Algeria in the North (both of which have access to the Mediterranean Sea); and Nigeria, Benin, Burkina Faso, and Mali to the south. Niger has become an important country of transit for West and Central Africans travelling to Libya or Algeria before attempting to cross the “river” (as migrants often refer to the Mediterranean). Local authorities estimate the number of people transiting through Niger on their way to North Africa in 2015 at 80,000 to 110,000 (2,500 per week).

The principal countries of origin of migrants transiting through Niger are Senegal, Mali, Gambia, and Nigeria, and to a lesser extent Cote d'Ivoire, Liberia, Sierra Leone and Ghana. There are also some migrants from Togo and Benin. All routes pass through Agadez, the largest city in central Niger that lies in the Sahara and which has become a main regional hub for migrants. Young men between 18 and 30 travelling in groups are the most common profile found on this route. The number of women on the route is lower, and female migrants originate mainly from Ghana, and Nigeria, with a few from Sierra Leone, Cameroon, and Liberia also reported. Most of the migrants transiting through Niger are aiming for Europe. While Libya used to be a destination country for a good proportion of the flow through Niger, after the 2014 Libyan crisis, the number of migrants aiming for Libya as a destination has decreased.

In terms of migrants aiming for Niger as a destination, the main countries of origin are Mali, Burkina Faso, Nigeria, Togo, and Benin. They tend to settle mainly in Niamey but can also be found in other major cities. They are generally attracted to Niger because of its natural resources (gold mines, uranium, and petrol) and the jobs generated in those industries. The recent discovery of a gold mine in Djado has attracted numerous Burkinabe migrants to Niger.

### 5.1.3 ASYLUM SEEKERS AND REFUGEES

The conflict in Mali and Nigeria has driven out local populations to neighbouring Niger. Most asylum seekers in Niger are concentrated around the border between Mali and Nigeria. Nigerian refugees represent the biggest proportion (105,583) followed by Malian refugees (52,332) who are concentrated in the Tilaberi region and the city of Niamey. Five refugee camps exist in Niger,<sup>12</sup> as well as two hosting areas,<sup>13</sup> and a number of urban refugees can be found in the cities of Niamey (4,542) and Ayerou (9,161).<sup>14</sup>

*“Gambia is sweet, very sweet, but there are no jobs. It is either live or die. I decided to live so I left, but I will come back when I have enough money.”*

31 year-old Gambian migrant interviewed in a bus station in Niamey, Niger.

<sup>12</sup> Three camps in Tilaberi region (Abala, Mangaize, Tabareybarey Sayam) and two in Diffa (Forage and Kablewa Refugee camp).

<sup>13</sup> The refugee hosting area (nomadic area) is a new concept developed by UNHCR with local authorities and communities in an attempt to adapt to the lifestyle of nomadic refugees. It differs from the traditional set-up of a refugee camp and allows refugees to settle freely in a vast pasture area with their livestock.

<sup>14</sup> All data provided by UNHCR Niger.

## 5.2 NIGERIA

### 5.2.1 NIGERIANS MOVING OUT

A large majority of Nigerians moving out of the country are economic migrants looking for better work opportunities. The total number of Nigerians living abroad is estimated to be between 6 and 20 million.<sup>15</sup>

Nigerians have the particularity to prefer OECD destinations, with the United States of America (USA) and the United Kingdom (UK), Italy, and Spain being among the top 10 destinations for Nigerian emigrants. Regular Nigerian migrants in the USA and the UK were numbered at 206,000<sup>16</sup> in 2011, while numbers of irregular migrants are evidently difficult to estimate. Remaining flows tend to be concentrated in neighbouring countries such as Cameroon, Chad, Benin, Côte d'Ivoire, Niger, and Sudan. The latter is reported to host Nigerian Muslims from northern states more specifically. Irregular migration from Nigeria is mainly directed towards Europe through North Africa, with Nigerians almost exclusively using the Central Mediterranean route (although smaller numbers of Nigerians are also found on the Western Mediterranean route), or through plane travel with the aid of forged passports.

Nigerian communities outside Nigeria are quite structured, and tend to form associations. The Nigerians in the Diaspora Organisation (NIDO), a global network of diaspora associations, and the Nigerian National Volunteer Service (NNVS), are both supported by the Nigerian government and contribute to structuring communities living abroad.

There is also a large population of internally displaced persons (IDPs) in Nigeria, with the presence of Boko Haram in the north eastern region of the country pushing Nigerians into other states.

### 5.2.2 MIGRATION TO NIGERIA

Immigration to Nigeria is mainly in the form of labour workers coming from neighbouring countries. Migration from neighbouring countries has been encouraged by centuries of population displacement in the region, transhumance movements, porosity of borders and cultural links across borders.

Given the various cross-borders movements, the continuous flow of seasonal migrants, and irregular crossings, it is difficult to generate an accurate estimate of the number of migrants in the country today. The biggest communities are from Niger, Benin, Ghana, Togo and Cote d'Ivoire. Beninese and Togolese migrants remain in the south east of the country, mainly in Edo state, and they both share strong cultural links across the border as the *Yoruba* tribe extends across all three countries (Benin, Togo and Nigeria). Many Beninese come to Lagos for trading or work during the day and go back to their country at night. Additionally, flows of Togolese have been increasing recently for reasons that are still unclear.

<sup>15</sup> "A Survey on Migration Policies in West Africa", Alexandre Devillard, Alessia Bacchi and Marion Noack, IOM & ICMPD, 2015, p260

<sup>16</sup> "A Survey on Migration Policies in West Africa", Alexandre Devillard, Alessia Bacchi and Marion Noack, IOM & ICMPD, 2015, p261

Nigeriens and Chadians are the biggest communities in the north of the country, as they also have close links with the northern population of Nigeria (the *Hawsa* tribe can be found in Niger and Nigeria). The border between Niger and Chad is particularly porous, and Nigerien herders move down to Nigeria during the dry season for transhumance, while agriculture labourers come seeking work. A group of young Nigerien migrants interviewed in Abuja (Nigeria) revealed that they had come to look for job opportunities as their village could not provide the livelihood opportunities that they seek. The flow from Chad has substantially decreased in more recent times as a result of the insecurity at the border, which is created by the presence of Boko Haram.

At each border, movements are thought to be mainly irregular, with migrants lacking documentation or simply bypassing the official border entry points. Irregular migrants entering Nigeria are not often prompted to regularise their status because they tend to blend into the massive Nigerian population (170 million) and because they tend to work on the informal labour market.

### DRIVERS OF MIGRATION TO NIGERIA

According to ICMPD data, 51% of foreigners in Nigeria are from ECOWAS member states; 16% are from other African states; and the remaining 33% are from countries outside of Africa and they tend to arrive as technical experts in the oil or construction industries.

Nigeria attracts migrants from the entire sub-region because of its important economic dynamism. Migrants from neighbouring African countries are all looking for labour or trade opportunities within the wealthiest country in ECOWAS. Other pull factors are the ease of circulation thanks to the absence of visa requirements for countries in the region, as well as the porosity of the borders. In addition, Nigeria has a reputation for being a welcoming country for sub-Saharan African migrants. This is mainly because although most migrants circulate without the required documentation (national passport or ECOWAS travel certificate), deportation or detention is not commonplace. Moreover, sub-Saharan African migrants find it relatively easy to integrate into Nigerian society.

### ESTABLISHMENT

Although ECOWAS nationals and nationals from Cameroon and Chad can enter and stay in Nigeria for 90 days without any visa requirements, in order to stay longer, they must apply for a residence permit. There are two types of residence permits available:

- **The Combined Expatriate Resident Permit and Alien Card (CERPAC)**, which is valid for one year and is renewable. This costs USD 400 for non ECOWAS African nationals, USD 480 for Cameroonians, and USD 700 for all other nationals;
- **The ECOWAS Resident Card** for ECOWAS citizens that also lasts 1 year and is renewable. The standard fee is USD 1.5, with the exception of Ivoirians (USD 20) and Togolese (USD 77) migrants.

In reality, few of the above-mentioned migrants apply for the residence permit. Most enter the country irregularly by avoiding official border posts, work on the informal labour market, and remain in an irregular administrative status.

## ACCESS TO LABOUR MARKET

African migrants in Nigeria tend to work in low-skilled sectors, such as construction, mining, security, and agriculture. Female migrants, mainly from Benin and Togo, are more likely to work as in-house domestic helpers, in catering services, or in hairdressing salons.

Most claim that the majority of their income goes into their own living expenses and that their salaries are not high enough to send money home. This also contributes to why many of them do not invest in the acquisition of a residence card, as it would take what little disposable income they have away from their families.

Nigeria is making efforts to better integrate migrants onto the local labour market, while also addressing local unemployment, by addressing gaps in the local labour market and identifying those that can be met by foreign labour in the form of migrants (see section 8.2.2 for more information).

### 5.2.3 ASYLUM SEEKERS, REFUGEES AND IDPs

Nigeria adopted a National Law for Refugees in 1989 and thereby incorporated the 1951 Geneva Convention and the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa into national law. Through this law, a national asylum framework was created.

In 2002 and 2009, the mandate of the law was extended and there are plans to further amend the law, demonstrating the on-going efforts of the Nigerian state to refine its asylum framework in accordance with international law. The National Commission for Refugees, Migrants and Internally Displaced Persons (NCFRMI) is working closely with UNHCR in this regard.

Refugees are not encamped and they are free to circulate within the boundaries of Nigeria. They are granted this status for a “reasonable” time, which lacks clarity. According to UNHCR, there are 1,239 refugees in Nigeria. After the closure of the last refugee camp (Oru Camp) in 2012 that was hosting mainly Liberians and nationals from Sierra Leone, most refugees now live in rural areas (mainly in Benue State). Their countries of origin are varied (Benin, Cote d'Ivoire, Sierra Leone, Cameroon, Togo, DRC) and they to be quite evenly spread across these countries of origin; that is, there are no particularly prominent communities of refugees.

IDPs are scattered all over the country, fleeing the northeast region under the influence of Boko Haram. IDPs can be found both in informal camps, and in the towns and villages. Its is estimated that there are 1.2 million IDPs in the country.<sup>17</sup>

## 5.3 MAURITANIA

### 5.3.1 MAURITANIANS MOVING OUT

Mauritania is a large country of more than 1,030,700 km<sup>2</sup>, but with a small population of 3.5 million.<sup>18</sup> Given the small population, Mauritians do not tend to constitute large communities in the countries within which they migrate to. Top migration destinations for Mauritanians are Senegal, Nigeria, Côte d'Ivoire, France, Spain, Mali, The Gambia, USA, the Republic of Congo, and Germany. The World Bank estimated the number of Mauritanian migrants across the world at 118,000 in 2010, a number that is thought to be slightly underestimated.

<sup>17</sup> UNHCR fact sheet for 2015

<sup>18</sup> Data from the National Statistics Office from the 2013 National Census

Migration to Mali and Senegal can be explained by the geographic proximity and the cross-border ties between populations that exist on both sides of the border. The reason for which Mauritians migrate as far as Côte d'Ivoire and Nigeria is not really clear, but most likely linked to economic opportunities. The economic dynamism and the reputation of calm offered by these two countries might act as a pull factor for Mauritians. More recently, Mauritanian communities have been detected in countries further south, such as Angola, Mozambique, DRC, or Equatorial Guinea where they have started trade businesses and are assumedly in search of new opportunities.

Little data is available on Mauritians moving along routes to Europe, which has prompted IOM Mauritania and the local government to launch a study on the Mauritanian diaspora soon. In any case, following the closure of the Nouadhibou route (see 6.2.1), some Mauritians reach Europe using smuggling routes through Mali or Niger, although their numbers are limited.

Populations in rural areas are in distress, with their livelihoods being threatened by drought. Urbanisation has been significant and led to a fast rural exodus. In 1960, the rural population represented about 97% of the total population, while Nouakchott alone now accounts for 20% of the total population of the country. There are also accounts of the population living around Mbera camp (a UNHCR Camp at the Malian border) making attempts to enter the camps by pretending that they are Malians because of their lack of food (due to both drought and floods), poor health services, and limited access to drinking water, which are provided for in the camps.

### 5.3.2 MIGRATION TO MAURITANIA

Mauritania has experienced three consecutive waves of migration: the first was a traditional migration from neighbouring countries encouraged by the nomadic lifestyle of herders, and cultural, religious, and linguistic bonds between populations of the sub-region causing cross-border movements. The second wave saw people fleeing the conflicts of the 90s in Sierra Leone, Liberia, and Côte d'Ivoire, and becoming displaced throughout the entire sub-region including up to Mauritania. More recently, migrants have travelled to Mauritania with the objective of finding their way to Europe through the Western Mediterranean route. This last trend is now deteriorating, given the increased controls along the Western Mediterranean Route. Today, the main countries of origin of migrants in Mauritania are Senegal and Mali, followed by Guinea and Cote d'Ivoire, and then Gambia, but smaller communities also exist from all over the region.

Mauritania is known to be a welcoming destination for migrants, offering relative stability, and the possibility to integrate smoothly into the local population. The primary pull factor attracting migrants is economic; migrants benefit from the lower level of competition in Mauritania given its small population and the lack of certain skills locally. For example, the construction, fishing and agricultural sectors suffer from a lack of local labour supply so Senegalese, Guinean and Malian migrants tend to occupy roles in these industries.

Moreover, salaries tend to be slightly higher when compared to neighbouring countries. Senegalese migrants interviewed in Nouakchott reported that they upgrade their monthly incomes by 20-40% compared to Senegal. Additionally, the cost of living in Mauritania is reported to also be lower, which helps labour migrants save a larger part of their salary for remittances.

The total number of Senegalese migrants in Mauritania varies depending on the data source. A Senegalese representative interviewed in Mauritania claimed that there cannot be more than 50,000 Senegalese in Mauritania and data from the Senegalese Embassy indicates that there are only 12,000 registered Senegalese migrants in the country. While the Mauritanian Ministry of

Interior (MoI) recognised that there is no accurate data on irregular migrants (broadly estimating that 90% have no residency card) they estimate that there are likely to be close to 1 million Senegalese migrants in the country, with a representative of the MoI stating that “Every single village of the country has at least a handful of Senegalese workers.” The Interior Attaché at the Spanish Embassy in Nouakchott estimates the number of Senegalese migrants to be closer to 300,000, including between 40,000 and 50,000 in Nouadhibou alone.

The issue of lack of data is being addressed by Senegal, who plans to launch a census of the Senegalese diaspora in Mauritania by the end of 2015, with a pilot already underway.

### ESTABLISHMENT

Nationals from Senegal, Mali, Guinea, Côte d’Ivoire, and Gambia can enter Mauritania for 90 days without a visa requirement. This was facilitated by bilateral agreements that were created between Mauritania and these countries after Mauritania withdrew its membership of ECOWAS and joined the Arab Maghreb Union in 2000.

After 90 days, these migrants must apply for a residence permit (“carte de séjour”) that is priced at 30,000 Ouguiya per year (USD 92). A bilateral agreement between Cote d'Ivoire and Mauritania, signed in March 2014,<sup>19</sup> exempts Ivoirians from the requirement for a residence permit. While the majority of migrants enter the country regularly through official border posts, most move into an irregular administrative status over time because they do not acquire the required residence permit after the initial 90 days.

### LABOUR MARKET

Low-skilled migrants tend to work in transportation (mainly, taxis), small trade, fishing, construction, or as mechanics. Skilled migrants, which tend to be Ivoirians, generally work in professional sectors such as teaching or in positions of administration. Labour migrants tend to be well integrated and report low levels of discrimination.

Mauritania is currently adopting new regulations to tackle internal unemployment and give more space to Mauritians in some selected sectors, as some of them were thought to be dominated by foreigners. For example, a new “green license” has been instituted for drivers of public transportation, including taxi drivers who tend to be Senegalese. This license is only for Mauritians and foreigners holding residence permits, therefore excluding most of the undocumented foreign workers. This decision has had an impact on the transportation sector, although many undocumented foreign workers continue to work informally.

Female migrants work mainly as in-house domestic workers (Senegalese), in the catering sector, and in hairdressing salons. Female migrants coming to work in the sex industry (reported to be Ghanaians and Senegalese) are scarce, and no evidence of an integrated trafficking network has been found. A key informant mentioned the recent trend of Moroccan women proposing sexual services in Nouadhibou.

### 5.3.3 ASYLUM SEEKERS AND REFUGEES

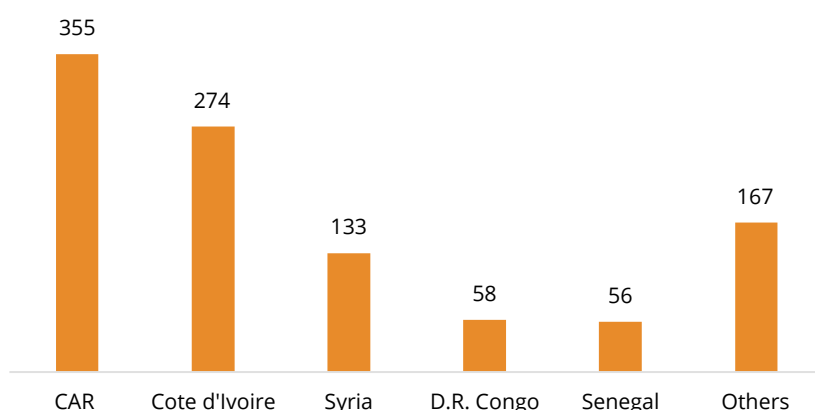
There is only one active refugee camp in Mauritania, the Mbera Camp run by UNHCR at the Malian border near Bassikonou. Encamped refugees are exclusively Malians, and they are granted prima facie refugee status on arrival. According to the latest figures provided by UNHCR,

<sup>19</sup> Accord cadre de libre circulation des personnes, des biens et services, 16 March 2014

there are currently 49,911 refugees hosted in the camp,<sup>20</sup> after 4,000 Mauritians (who had posed as Malians in order to benefit from the services provided in the camps) and non-eligible Malians saw their protection withdrawn. Both IOM and UNHCR report that the situation in the camp is relatively good and stable, which has the effect of inciting local populations living outside the camp to seek ways into the camp to cope with their own difficulties. About 70% of the refugees in the camp have an occupation.<sup>21</sup>

As of August 2015, there are 1,043 registered urban refugees in Nouakchott, as presented in Figure 1.<sup>22</sup> The biggest community is from Central African Republic (355 refugees), followed by Cote d'Ivoire (355), and Syria (133). Central African Republic nationals are fleeing the 2012 civil war and Ivoirians arrived to Mauritania in two waves: first fleeing the 2002 political crisis and most recently, fleeing the 2010-2011 civil war.

Figure 1: Urban Refugees in Mauritania - August 2015<sup>23</sup>



The number of registered Syrian refugees in the country is not believed to be representative of the actual number in the country, which is believed to be closer to 500. Syrian representatives in Nouakchott felt that many Syrian refugees are not registering with UNHCR because they are afraid of being identified and reported to Syrian authorities. Syrians arrived mainly in 2013 and 2014, with fewer arrivals this year. They suffer from high levels of unemployment, and despite their high levels of education, a majority end up working in the service industry, particularly as waiters in restaurants, while some Syrian children can be seen begging in the streets of Nouakchott. Mauritania remains one of the few countries in the region that welcomes Syrians without the need for a visa so it is likely that flows of Syrians coming into Mauritania could increase again.

Syrians arrive in Mauritania by plane from Turkey, or from Lebanon through Turkey. Syrians interviewed in Nouakchott had the feeling of being stranded, as they could not renew their documentation (passport) or apply for resettlement in other countries. Many Syrians arrive in Mauritania in the hope of reaching Europe through Morocco (Western Mediterranean route) but

<sup>20</sup> UNHCR August 2015 factsheet

<sup>21</sup> UNHCR August 2015 factsheet

<sup>22</sup> Ibid

<sup>23</sup> Data provided by UNHCR Mauritania, sourced from the 2013 National Census

do not realise how difficult it is to move from Mauritania to Morocco (due to heavy controls) until they are there.

## 5.4 SENEGAL

### 5.4.1 SENEGALESE MOVING OUT

Senegal shares borders in the north with Mauritania, in the south with Guinea and Guinea Bissau, in the west with Mali, and Gambia is also located within Senegal, which facilitates cross border movements. Over the last two decades, however, Senegal has become less of a country of immigration and more a country of emigration.

The short length of the rainy season, from July to September, has long been a driver of seasonal migration. More recently, the increasing scarcity of fish along the Senegalese coast has also encouraged emigration. The 2013 National Population and Housing Census numbered Senegalese emigrants at 164,901, which represents 1.2% of the population.

Senegalese emigrants tend to originate mainly from the regions along the Senegalese river, such as Saint-Louis, and Tambacounda (with the exception of Matam region). The main destinations tend to be France, Italy and Spain were more than 40% of Senegalese emigration has been directed over the last 5 years (see Figure 2 **Error! Reference source not found.**). Since the 1950s, an increasing number of Senegalese have migrated to France, with the flow accelerating in the 1960s. In the 1980s, the flow redirected towards Italy and Spain. The bordering countries of Senegal are the second area of attraction, followed by Central Africa (Congo, Gabon, and Cameroon). Morocco and Côte d'Ivoire also attracted up to 8.4%.<sup>24 25</sup>

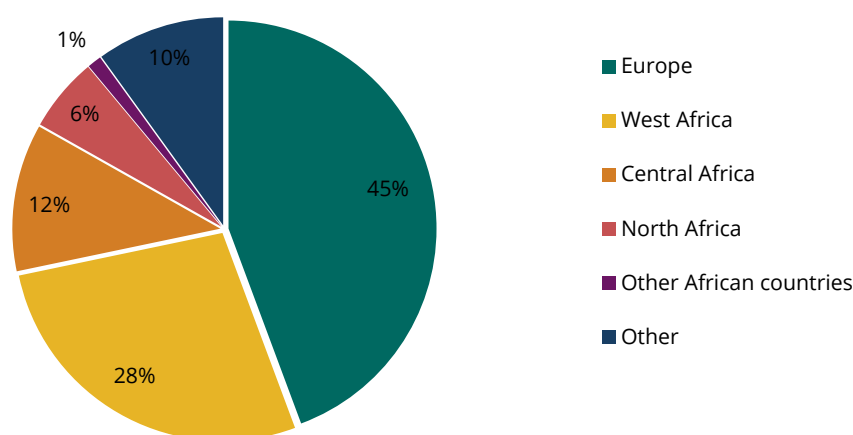


Figure 2: Main destinations for Senegalese emigrants according to 2013 census

Bilateral labour agreements have been signed with Morocco, Mauritania, and Gabon in order to manage the migration to these countries. Senegal and Spain also signed a memorandum of understanding in 2006 in which Spain provided 4,000 work permits to Senegalese workers in exchange for 4,000 irregular Senegalese migrants in Spain to be returned home. As part of this

<sup>24</sup> "Cartographie des zones de migration et des entreprises rurales soutenues par les migrants sénégalais", R.M.D.A for IFAD, 2015

<sup>25</sup> Figures used in this section, RGPH, 2013

agreement, Spain also agreed to Frontex patrols in its territorial waters.<sup>26</sup> The agreement was eventually abandoned, however, when a trend emerged of Senegalese migrants not returning home after their work permits had expired.<sup>27</sup>

In terms of internal migration, according to the National Population and Housing Census conducted in 2013, 14.6% of the Senegalese population does not live in the same region in which they were born: Dakar, Diourbel, and Thies are the most attractive regions, and respectively account for 43%, 16%, and 13% of internal migration. Dakar and Diourbel also attract Senegalese from neighbouring regions of Fatick, Kaolack and Louga where 20% of local inhabitants have relocated.<sup>28</sup> The regions along the river of Senegal have a relatively good internal retention of their population, and when migration does occur out of these areas, it is more likely to be international. This is also the case for Zinguichor, Sédiou and Kédougou.

#### 5.4.2 MIGRATION TO SENEGAL

The National Population and Housing Census conducted in 2013 recorded 244,953 foreigners living in Senegal, 47% of which were from West Africa and 46% of which were Senegalese who had been born abroad. Of the West Africans, Guineans represented the most significant share (47%)<sup>29</sup> and were followed by Malians, Gambians, Bissau Guineans, and Mauritians.

A downward trend is observed regarding the return of foreign-born Senegalese, decreasing from 78% of all migrants in 2002 to 43% in 2013. On the contrary, the inflows of West Africans have increased from 16% in 2002 to 47% in 2013. Most of this flow is directed to Dakar (57%).

For some migrants, Senegal is also a country of transit. Some ECOWAS residents come to Senegal in order to move forward to other countries, largely Gambians, Guineans, and Bissau Guineans.

#### 5.4.3 ASYLUM SEEKERS AND REFUGEES

In Senegal, most of the refugees are Mauritians who arrived between 1989 and 1991 during the Mauritania-Senegal war. In 2014, according to UNHCR figures, Senegal was hosting 14,247 refugees, including 2,333 asylum seekers; 96% of which were Mauritanian.<sup>30</sup>

<sup>26</sup> "Labour Mobility: A win-win-win model for trade and development. The case of Senegal," Panizzon, 2008

<sup>27</sup> "A Survey on Migration Policies in West Africa", Alexandre Devillard, Alessia Bacchi and Marion Noack, IOM & ICMPD, 2015, p284

<sup>28</sup> All of the figures in this subsection are from the National Population and Housing Census (RGPH) 2013

<sup>29</sup> All of the figures in this subsection are from the National Population and Housing Census (RGPH) 2013

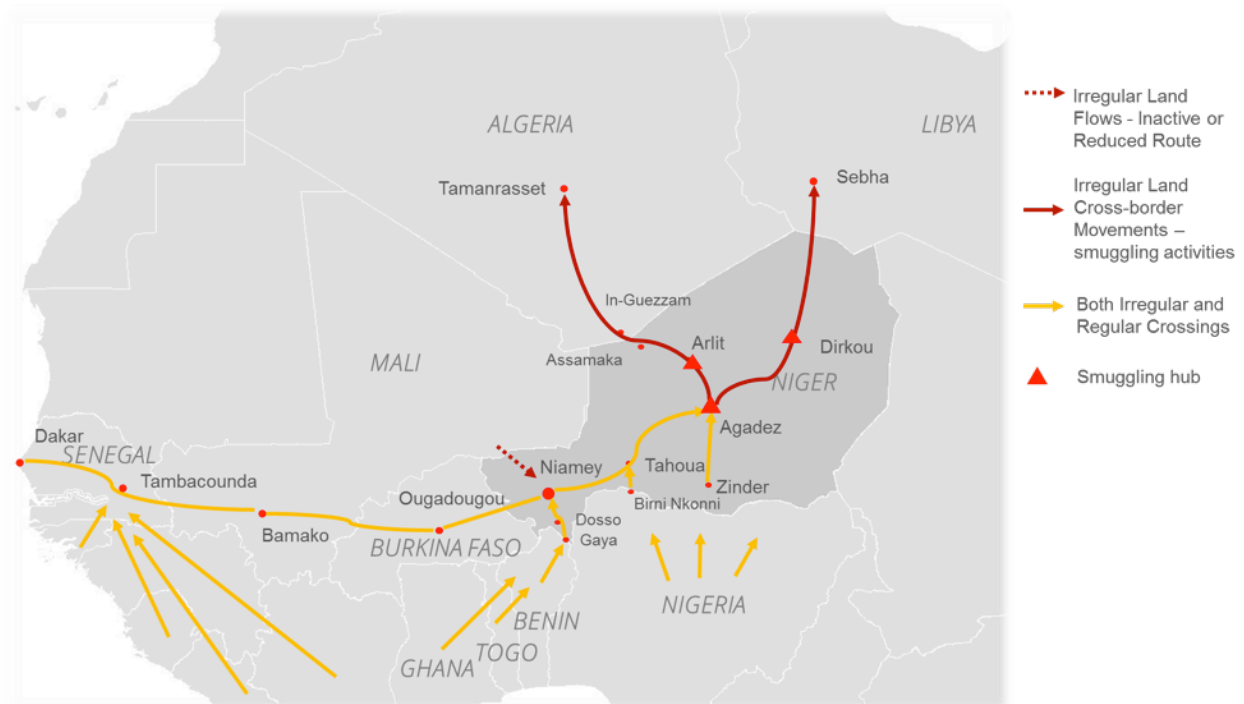
<sup>30</sup> UNHCR factsheet for 2014.

## 6. Routes of Trans-Saharan Migration

### 6.1 CENTRAL MEDITERRANEAN ROUTE

#### 6.1.1 ROUTES THROUGH NIGER

Map 2: Routes through Niger



The geostrategic situation of Niger attracts migrants and has turned Niger into the most-travelled route of West and Central Africans on their way to North Africa and Europe. Niger stands as one of the last ECOWAS countries before the Sahara. It shares large borders with two North African countries, Algeria and Libya, and benefits from relative stability in comparison to its neighbours. The large desert area that covers half of Niger, the southern part of Algeria and the north-east of Libya makes it a very dangerous road for migrants, but also a difficult area to control, therefore facilitating movement.

A variety of migrant profiles can be found crossing into Niger at a number of different border crossing points. Regardless of their entry points, all migrants transiting through Niger meet in Agadez where they begin their journey through the Sahara. The various entry points and corresponding profiles are as follows:

- **Border with Benin:** the majority of migrants come from Ghana, Togo, and Benin where they cross the border into Gaya.
- **Border with Nigeria:** Togolese and Beninese migrants join migrants from Nigeria and Cameroon along this route. Some cross to reach Dosso, while others cross at Konni to join Tahoua, and then Agadez. Crossing points can be found all along the border, and cities such as Maradi or Zinder are also aimed for. From there, migrants can continue directly to Agadez.

- **Border with Mali:** is less used since the war broke out in the North.
- **Border with Burkina Faso:** is the most frequently-used. West Africans (Senegalese, Gambians, Malians, Guineans, Sierra Leoneans, Liberians, and Ivoirians) enter Niger along this path. They purchase bus tickets from their countries of origin to either Bamako when they have little money, or directly to Niamey or Agadez if they can afford it. Many bus companies exist and offer this service. The average cost from Senegal (Dakar or Tambacounda) to Agadez is around FCFA 80,000 (USD 140) and it takes approximately three days. At night, migrants stay in the bus station and sleep on the floor. The bus goes through Bamako, Ouagadougou, and Kantchari before moving on to Niamey and then Agadez.

From Agadez, migrants either move to Libya or Algeria. The majority are still moving to Libya despite the conflict and extremely harsh conditions that they are exposed to there (armed group, racism, violence, etc.) as a result of the on-going 2014 crisis. In 2014, 2,890 migrants were interviewed at their arrival in three of the four IOM transit centres in Niger, 70% of them were returning from Libya, while the rest were returning from Algeria.<sup>31</sup>

- **Route to Libya:** Migrants move from Agadez to Dirkou, Séguidine, Madama, and the border crossing is then done at Tummo from where migrants are taken to Sebha in Libya. As explained in section 4.1.3, migrants often do not complete the journey in one step, instead they stop along the way to make money to finance the next step. Recently, migrants have started to avoid Dirkou because of the high incidence of bonded labour in the region and instead, move to Seguidine. To reach Libya from Agadez, the cost starts from USD 150-200.
- **Route to Algeria:** From Agadez, some decide to go on to Algeria. Migrants from Mali tend to take this route because Malians do not need a visa to enter Algeria. The main road is through Arlit and then through the Assamaka border post on the Nigerien side, and In-Guezzam on the Algerian side before heading to Tamanrasset in Algeria. The journey takes approximately two days by jeep. The cost of the crossing to In-Guezzam from Niamey is approximately USD 100.

*"I spent approximately 10 months in Libya. I was blocked in Sebha because the road to Tripoli was too dangerous. I worked in the construction sector when there was work to do. Unfortunately, not so much. Every night the police were coming and asking questions, beating some people up. Libya is bad; there is a war out there. Don't go."*

40 year-old Malian migrant met in Niger, who had been deported from Libya.

### 6.1.2 ROUTES THROUGH MALI

As an alternative to the main Central Mediterranean route that goes through Niger, migrants can take a route that crosses the Malian desert up to Algeria. From there, they can then either join the Central Mediterranean route in Libya, or go west to Morocco and join the Western Mediterranean route. The former seems to be greater in terms of traffic, given the porosity of the southern Algeria-Libyan border, and the intensity of the smuggling activity in Tripoli/Zwarah that

<sup>31</sup> IOM has opened four transit centres: Agadez, Dirkou, Arlit and Niamey (opened since December 2014).

facilitates boat journeys across the Mediterranean. In more recent years, the conflict in the North of Mali made journeys along this route more dangerous and has led to some decrease in activity.

The reason why some migrants choose this route over the one through Niger is not entirely clear. Although it is closer for Malians, it seems that West African migrants that travel through Bamako (Cameroonians, Guineans, Senegalese and Gambians) are also directed towards this route through Gao. From Gao, they cross into Algeria at the Borj Mokhtar border crossing and move on to Tamanrasset by crossing the desert, which takes some days.

From Tamanrasset, migrants either continue with smugglers to the Libyan or Moroccan border. Migrants that head to Libya, cross the Libyan border by car or on foot, generally at Ghat (Libya) or Ghadames (Libya) with crossings on foot being common at Ghadames. Migrants interviewed in Ghadames in 2013 reported that they were dropped off by smugglers just before the Libyan border in Algeria, close to Ghadames, and then walked across the border (which took hours), usually at night to avoid being detected.

#### Focus box 3: Harassment along the way

When migrants reach Niamey or Agadez, they have already paid for transport and are often harassed at many checkpoints along the way. While West Africans from ECOWAS countries should have freedom of movement within the ECOWAS region, the immense majority have to bribe policemen at the border posts regardless of whether they have the necessary documents to cross. Therefore, when they arrive in Niger (and sometimes even before), they are out of money and try to recuperate funds by either working in informal jobs, or receiving remittances. Some are forced to eventually return home.

Bribery can amount to around USD 100 for West Africans who have reached Agadez: migrants interviewed have reported paying money at each checkpoint. While in Mali, they are asked around FCFA 1,000 or 2,000 (USD 1.7 to 3.5); the cost increases in Burkina Faso and in Niger where they can be asked for up to FCFA 20,000 (USD 35). Many migrants reported to have been pushed back when the money was not given to the police officer. Some pay smugglers to avoid the official post, especially when they have been pushed back on previous attempts. A 26 year-old Senegalese migrant interviewed in a Niamey bus station reported to have been pushed back twice in Kantchari at the Burkinabe frontier. He then decided to pay a smuggler FCFA 21,000 (USD 35) who took him on a motorbike to bypass the police post.

Different harassment methods have been reported: when the bus arrives, people are asked to get off. Some reported to have been kept in rooms and only released once money was handed over; others are deported. Other methods consist of confiscating all ID cards and only returning them once a payment has been made.

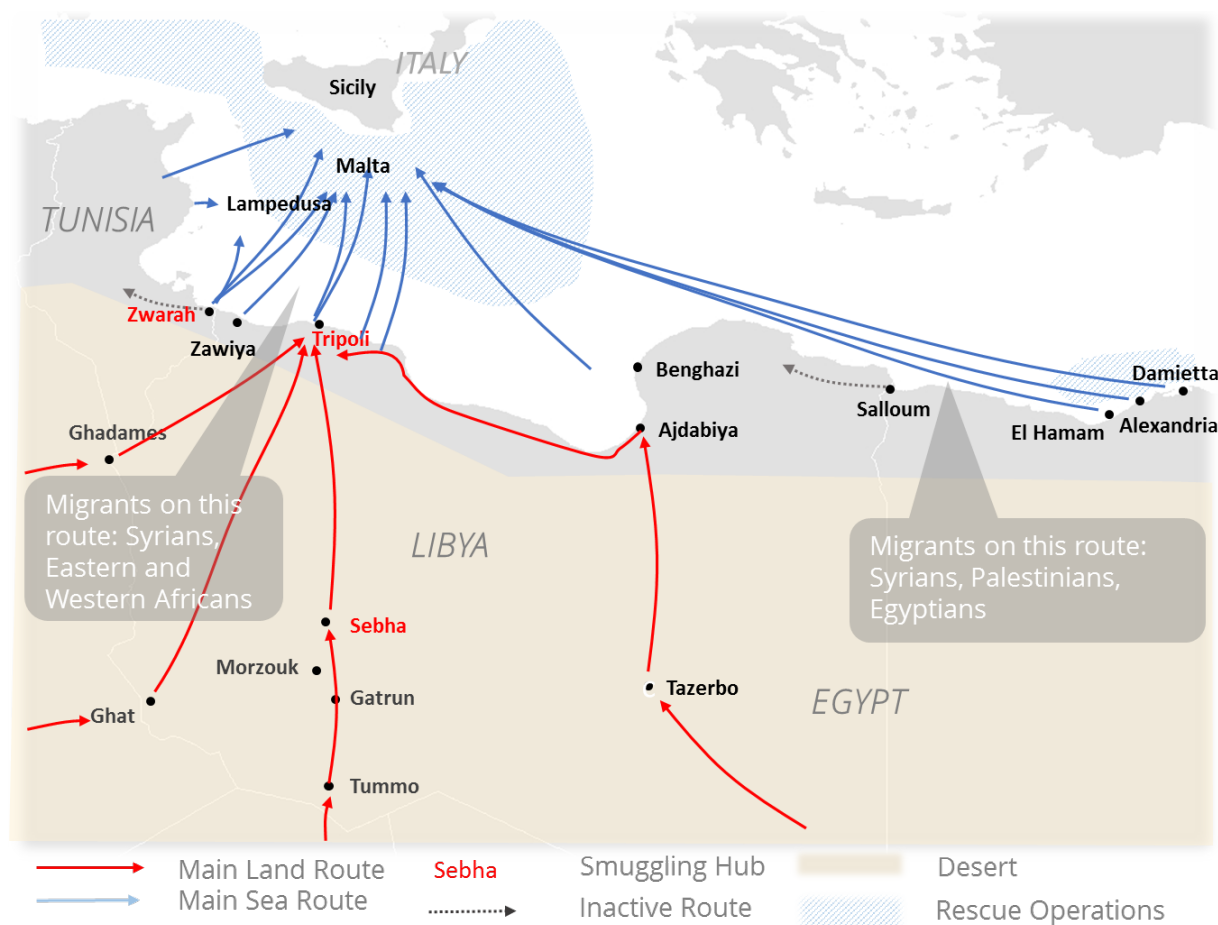
Those that move from Tamanrasset to Morocco, continue up north through Ghardaia (Algeria) and then Oran (Algeria), and Maghnia (Algeria), and then cross the Moroccan border into Oujda (Morocco) and Nador (Morocco). These migrants then join the Western Mediterranean route in order to make attempts to reach Spain by land or sea.

The southern area of Algeria and the northern area of Mali are *Tuareg* territories, and the Tuareg tend to be in control of smuggling activity in the region. It is quite easy to bypass border posts

and cross the border clandestinely given its large size and the fact that most of it is in the desert. However, most are still led through Borj Mokhtar by smugglers, assumedly to feed the smuggling business.<sup>32</sup> Bribing authorities at the Algerian-Malian border was reported by all migrants using this route, suggesting that it is very common, in particular at the Borj Mokhtar border post. There is also a market for forged Malian passports, which are used to enter Algeria, as Malians do not need a visa to enter Algeria. Detainment at this particular border has also been mentioned by migrants in Libya, with release being conditioned upon the payment of a certain amount of money.

### 6.1.3 ROUTES FROM LIBYA TO EUROPE

Map 3: Routes from Libya and Egypt to Europe<sup>33</sup>



The main departure point for boat crossings across the Mediterranean along the Central Mediterranean route is Libya.

From January 1<sup>st</sup> to September 16<sup>th</sup> 2015, an estimated total of 124,055 migrants have arrived in Europe from Africa through Italy (121,789), Spain (2,166) and Malta (100). In 2015, the most

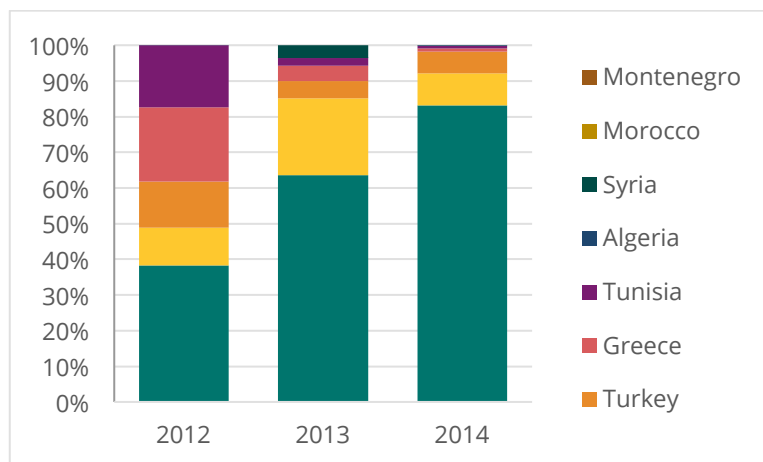
<sup>32</sup> "Mixed Migration: Libya at the Crossroads", Altai Consulting for UNHCR, 2013, p39

<sup>33</sup> Updated map from "Migration Trends across the Mediterranean Sea: connecting the dots", Altai Consulting for IOM, 2015, p 92

important influx through the Mediterranean is from Turkey to Greece with about 345,807 arrivals but with few West African nationals.<sup>34</sup>

As a country of departure for boats, Libya represented less than 40% of the total arrivals to Italy in 2012, still remaining the first point of origin, but balanced with other countries such as Tunisia, Greece, Turkey, or Egypt. This has shifted, with the large majority of boats arriving to Italy and Malta now departing from Libya (83% in 2014); with other departures identified as coming from Egypt (16.2% in 2014) and Tunisia (0.8% in 2014). It is worth noting that in absolute terms, the Tunisian route has increased from 908 migrants detected in 2013 to 1,297 in 2014.<sup>35</sup> Boats departing from Egypt are coming from a different route, and concern mainly Egyptians and Syrians.<sup>36</sup> (see Figure 3)

Figure 3: Country of departure of irregular boat arrivals to Italy as a proportion (2012-2014)



The main departure points on the Libyan coast are to the west of Tripoli, near the cities of Zwarah and Zawiya. Zwarah in particular was regularly quoted by migrants and seems to have remained the main port of departure over time given its proximity to the Italian island of Lampedusa. Nonetheless, there are as many potential departure points as there are human smugglers, and the large Libyan coastline enables a wide launching pad for boats. Altai's study on mixed migration in Libya revealed that boats had departed from almost all locations surrounding Tripoli, both East and West, but also further away from the eastern part of the country, in Benghazi for instance. Smugglers propose a range of prices that can reach as high as USD 9,000<sup>37</sup> for the boat trip, but the average price seems to be around USD 1,500 payable in dollars or Libyan dinars. It was estimated that the total amount of money spent by migrants on the Central Mediterranean route was above USD 4 billion over the 2010-2015 period. This is more than ten times higher the amount of money that was spent on the Western Mediterranean route (about USD 300 million) and 1,000 times more than the money spent within West Africa (about USD 4 million).<sup>38</sup> This is demonstrated in Figure 4 below.

<sup>34</sup> IOM Missing Migrants Project Mediterranean update, <http://missingmigrants.iom.int/en/mediterranean-update>

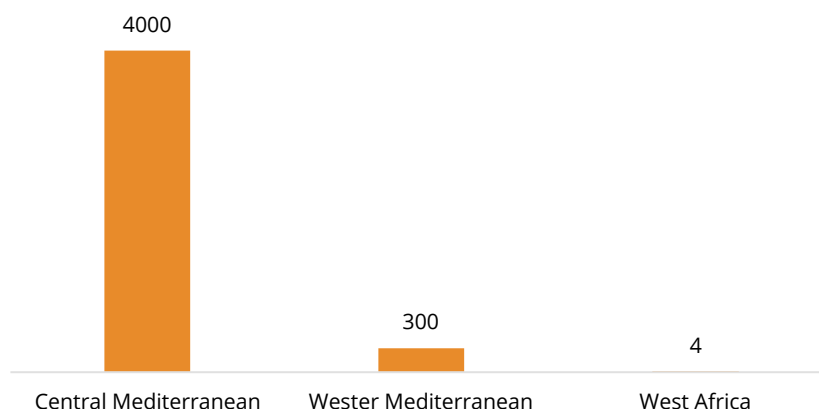
<sup>35</sup> "Migration Trends Across the Mediterranean: connecting the dots", Altai for IOM, 2015, p93

<sup>36</sup> "Migration Trends Across the Mediterranean: connecting the dots", Altai for IOM, 2015, p93

<sup>37</sup> The Migrants' Files, the Money Trail – South Database, <http://themigrantsfiles.com>, extracted 2/9/2015

<sup>38</sup> The Migrants' Files, the Money Trail – South Database, <http://themigrantsfiles.com>, extracted 2/9/2015

Figure 4: Estimated amount of money spent by migrants on routes (in USD million) for 2010-2015



Focus box 4: The experience of West Africans in Libya

Based on their levels of integration and their levels of vulnerability, Arab migrants and some African migrants are less vulnerable than newly arrived African migrants in Libya. African migrants that arrived in Libya a long time ago, who are well aware of the dynamics and cultural codes of the country, tend to be less vulnerable than newcomers, in particular those from non-neighbouring countries.

Indeed, Sudanese, Nigeriens, Chadians, and even Malians tend to find their way through more easily, helped by the size of their community in the country and the fact that many of them repeat migration to Libya several times.

Other West Africans, as well as Eritreans and Ethiopians, find themselves more vulnerable as they first enter Libya as they come from countries with fewer cultural links, in particular religious ties. Nigerians, Ghanaians, Ivoirians, Beninese, Togolese, and Gambians were thought to be particularly vulnerable and unwilling to extend their stay in the country. Gambians and Nigerians in particular are reported to be the most numerous on boats departing from Libya, a limited number of them willing to establish themselves in Libya. Other nationalities are also reported on boats, but some decide to remain and work in Libya where they are able to increase their revenues considerably compared to their home countries. Nonetheless, many cases of mistreatment, unpaid work, and bonded labour are reported within these communities as well as growing insecurity. The presence of armed groups extorting money and the sounds of gunfire are commonly reported by returnees.

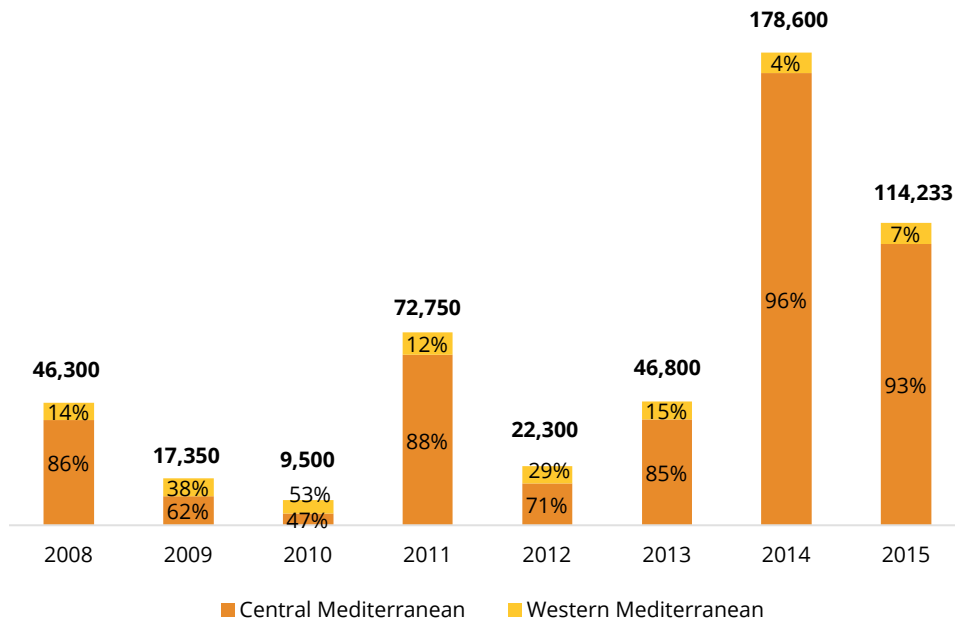
## 6.2 WESTERN MEDITERRANEAN ROUTE

While migration through the Western Mediterranean Route is less significant in terms of number of migrants than the Central Mediterranean route, the Western Mediterranean Route is still quite dynamic: in 2014 there were 7,842 detections of illegal border-crossings along the Western Mediterranean route, which is an increase of 15% when compared to 2013 (6,838).<sup>39</sup> Detected

<sup>39</sup> "Frontex Annual Risk Analysis 2015", Frontex, 2015, p24

irregular arrivals along the Western and central Mediterranean routes between 2008 and 2015 are presented in Figure 6.

Figure 5: Detected irregular arrivals on the Western and Central Mediterranean routes



### 6.2.1 ROUTES THROUGH MAURITANIA

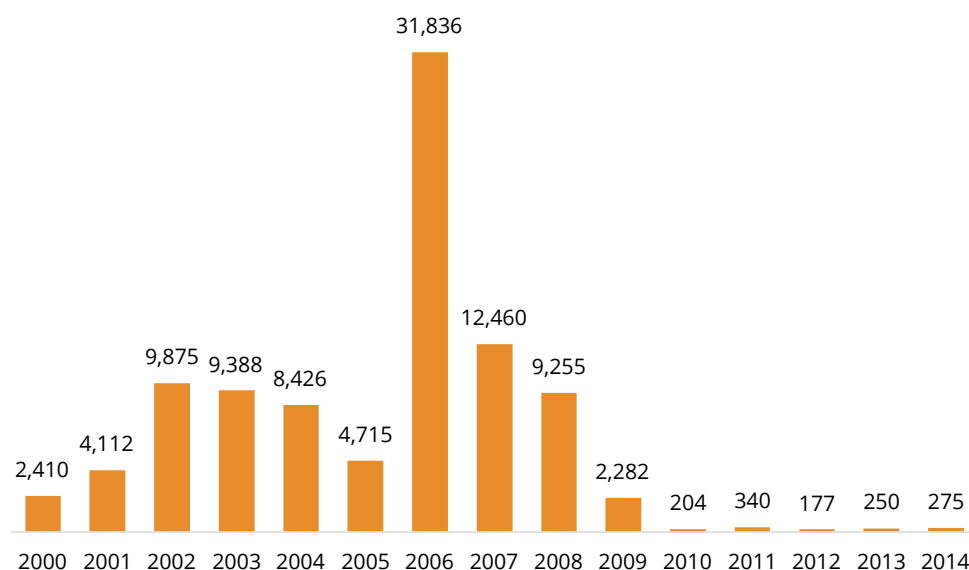
Mauritania is at the crossroads of Europe and Africa, and has therefore been one of the main countries of transit for migrants aiming for Europe. The routes through Mauritania are presented in Map 4.

#### SEA ROUTE TO THE CANARY ISLANDS

This route travels through the north west of Mauritania, to the coast off Nouadhibou, where migrants embark on fishermen’s boats and set out in the direction of the Canary Islands.

This route was quite active between 2000 and 2006, with key informants in Nouakchott revealing that in 2005 about three dinghies per week, each carrying 150 migrants, were leaving Nouadhibou during the high season. Since 2006, this route has become largely inactive and mainly due to the joint patrol established by Operation Sea Horse. Operation Sea Horse, (discussed in greater length in section 8.1.2) which came into effect in 2006, is undertaken with the aim of preventing irregular migration by sea through greater controls along the Mauritanian coast. While just under 32,000 migrants had arrived irregularly at the Canary Islands in 2006, there was a steady decrease between 2008 and 2012 and since 2010, the number of irregular arrivals is only between 170 and 340 per year. This is demonstrated in Figure 6.

Figure 6: Irregular boat arrivals at the Canary islands 2006-2014<sup>40</sup>

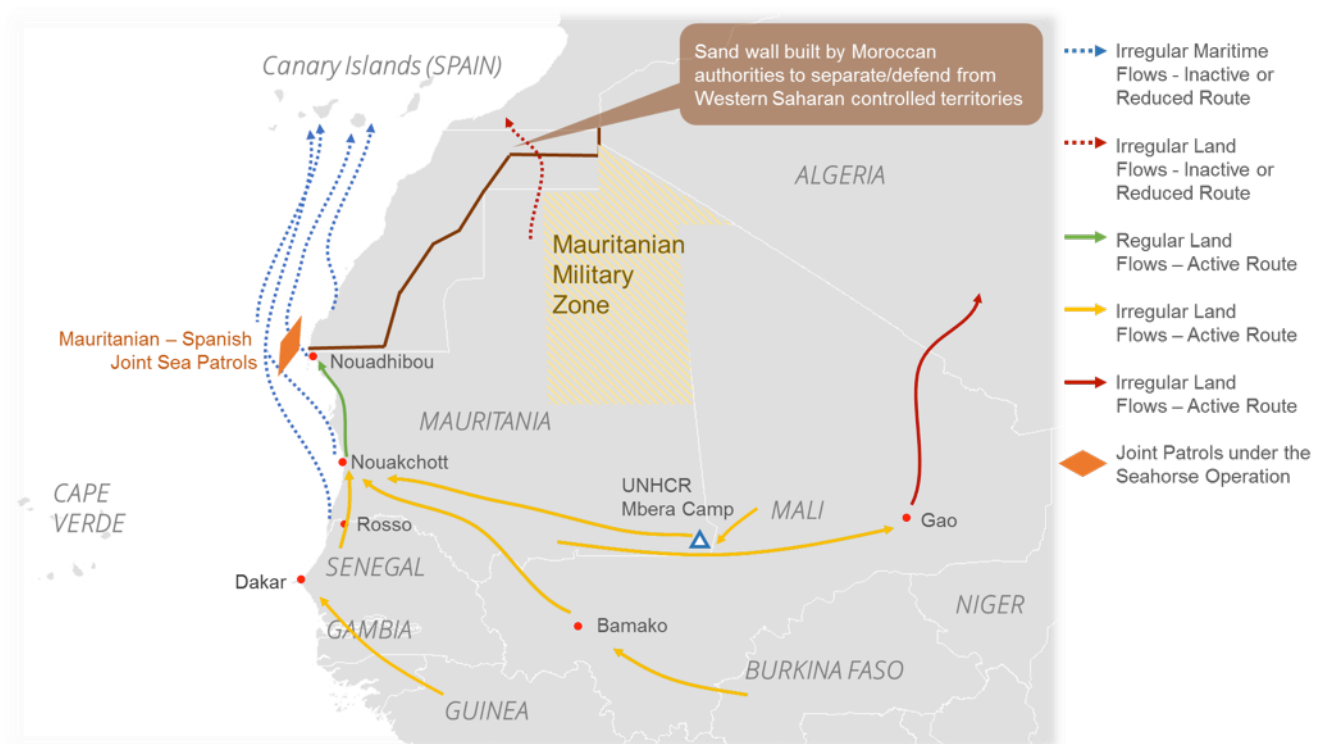


The boats that do manage to make their way from Mauritania to the Canary Islands tend to move at night in order to remain undetected. For example a Senegalese women interviewed in Nouakchott mentioned how she paid 200,000 ouguiya to a smuggler to get on a fishing boat that was departing at night from Nouakchott for the Canary Islands. Whilst she eventually did not get on the boat because she feared the journey would be too dangerous, she said she knew people that made it to Spain on that very journey.

After the Frontex operations began in Senegal, boat departures from Senegal also decreased significantly. While boats still leave from Senegal from time to time, Dakar is largely avoided as a departure point, as Frontex controls tend to be concentrated in this area. Instead pirogues now depart from other points along the coast, including from M'bour and Kayar. It is more common now for migrants to move from Senegal to Mauritania by land through Rosso and then either travel by pirogue from there or continue to Morocco by land and attempt to move into the Spanish enclaves.

<sup>40</sup> Data from the Spanish Embassy in Nouakchott for the 2000-2012 period and Frontex for years 2013 and 2014

Map 4: Routes through Mauritania



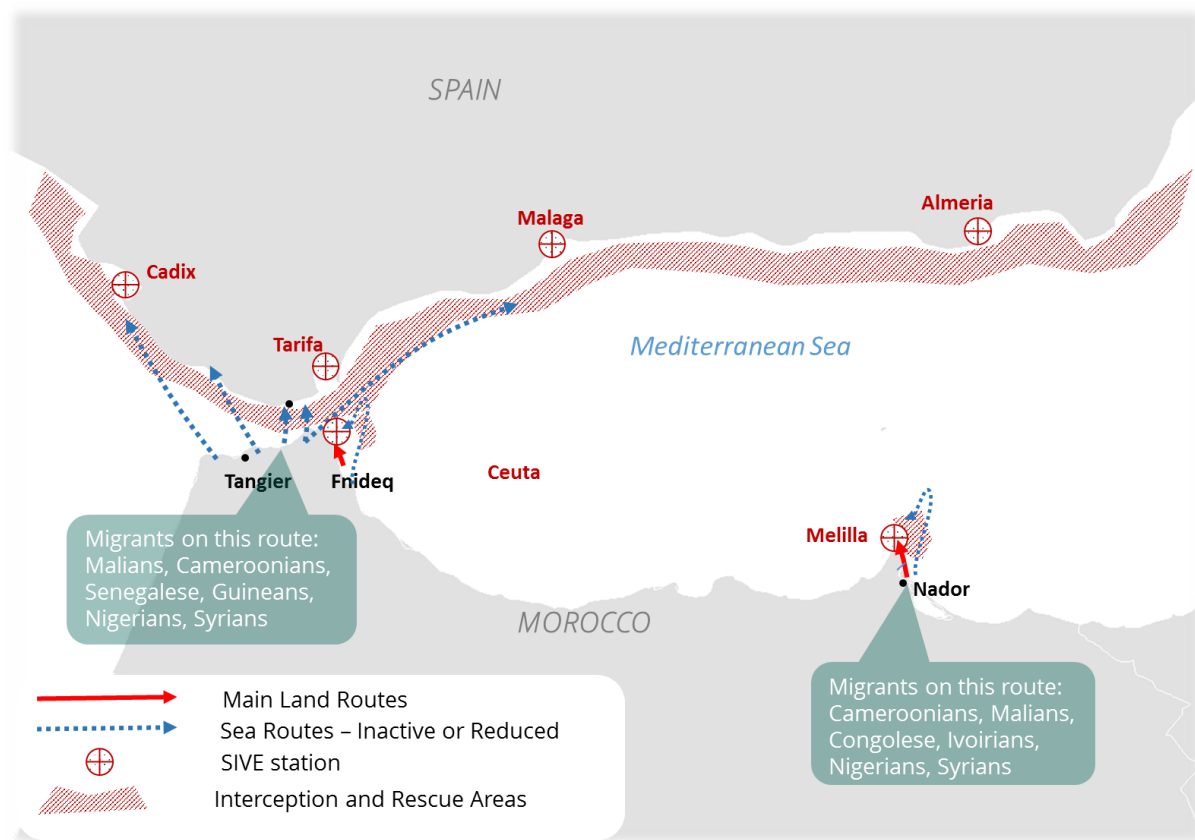
## 6.2.2 ROUTES FROM MAURITANIA TO MOROCCO

Moving from Mauritania to Morocco irregularly by land has become increasingly challenging. The land routes through the desert from Mauritania to Morocco are constrained by the Mauritanian Military Zone in the north east of Mauritania (East of the 10th Meridian West and North of the 20<sup>th</sup> parallel) at the Algerian, Moroccan, and Malian borders. The border with Morocco is also reinforced by a sand wall built along the border that divides the Moroccan-controlled area and the Western Saharan-controlled area of Morocco. This area is also known to be heavily mined. Thus, irregular flows between these two countries are now minimal. Mauritanian authorities conceded that there may be some migrants still moving through but it is unlikely to be a large number of individuals given the difficulty to cross the area. Moreover, Senegalese and Malians do not require a visa for Morocco, and can therefore cross the border regularly (provided they have documentation).

In any case, sub-Saharan migrants wishing to reach Europe irregularly by land are more likely to follow the Central Mediterranean route through Libya (moving through Mali, Algeria, and eventually Libya), given the greater chance of success in terms of reaching Europe. The Interior Attaché of the Spanish Embassy confirmed that Mauritania is no longer considered a transit country for migrants of the sub-region who are aiming for Europe.

### 6.2.3 ROUTES FROM MOROCCO TO SPAIN

Map 5: Routes from Morocco to Spain<sup>41</sup>



There are a number of routes from Morocco to Spain: the sea route has traditionally crossed the Strait of Gibraltar from Tangier to Tarifa and the land routes involve crossing the borders that separate the towns of Melilla and Ceuta from Morocco. However, in more recent years, there have also been sea routes from Morocco into Melilla and Ceuta (see Map 5).<sup>42</sup>

Most of the migratory flows in the Western Mediterranean were traditionally carried out by sea; however, in recent years, the sea crossings have decreased, as a result of greater monitoring, and the flows overland have increased. In 2013, nearly two-thirds of the detected irregular border crossings on the Western Mediterranean route were reported at the land borders in Ceuta and Melilla.<sup>43 44</sup> The number of detected irregular border crossings into Ceuta and Melilla from 2010-2014 are presented in Figure 7.

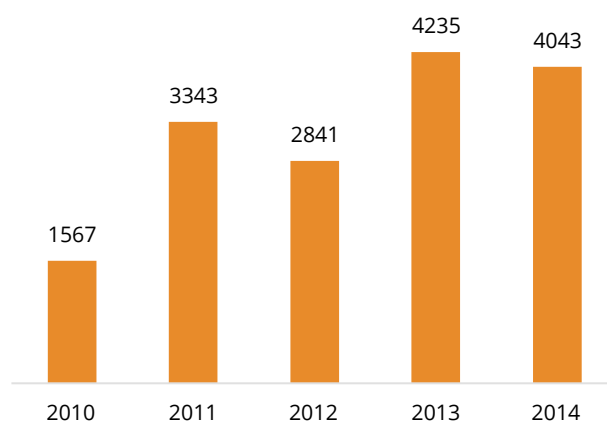
A majority of the migrants on this route are from West Africa, in particular Malians and Cameroonians, but nationals from Arab countries are also detected, particularly Algerians, Moroccans, and Syrians (with the number of Syrians on the rise).

<sup>41</sup> "Migration Trends across the Mediterranean: connecting the dots", Altai Consulting for IOM, 2015

<sup>42</sup> See "Migration Trends Across the Mediterranean: Connecting the Dots", Altai Consulting for IOM, 2015

<sup>43</sup> "Migration Trends across the Mediterranean: connecting the dots", Altai Consulting for IOM 2015, p24

<sup>44</sup> "Frontex Annual Risk Analysis 2015, Frontex, 2015, p24

Figure 7: Number of irregular border crossings into Ceuta and Melilla between 2010 and 2014<sup>45</sup>

### LAND ROUTE

Migrants that wish to cross the fence into Melilla tend to wait in the forests surrounding Nador (Gourougou) and Oujda for long periods of time and usually make the attempted crossings in very large groups (sometimes more than a hundred people and lately even several hundred) who storm the fences together, allowing some migrants to pass through while the majority are stopped by authorities. Those that storm the fences are typically young and strong men of sub-Saharan origins; the fences are six metres high and topped with barbed wire in most parts, so it requires a lot of strength and is quite dangerous. Very few women have ever crossed the fences.

Migrants that can afford to do so also tend to avoid the crossing of the fences in favour of crossing the border with a fake or rented Moroccan passport, as Moroccans are permitted into these enclaves for limited periods of time without visa requirements. Algerian and Syrians tend to use this technique more than Western Africans for they can pass more easily for Moroccans. A forged Moroccan passport costs around USD 2,000, which is also why West Africans are less likely to adopt this method.<sup>46</sup> Frontex data reveals that the number of document fraudsters detected reached 774 in Melilla, 213 in Ceuta (by sea), and 190 in Ceuta (by land) in 2015.<sup>47</sup>

### SEA ROUTE

The main sea route is from Tangier to Tarifa and in more recent times, migrants have attempted to enter Ceuta by boat by sailing around the coast.

Tangier to Tarifa spans a distance of only 14-30kms, depending on which part of the coast migrants end up reaching. Traditionally, migrants made the crossing with smugglers, which was quite expensive and could cost them up to USD 3,000. More recently, migrants have started to make the journey on their own. Typically, a group of migrants put their money together and buy vessels with which to make the journey (usually basic rubber dinghies and sometimes row boats). As a result, the vessels are much less seaworthy, making the journey more dangerous. In more

<sup>45</sup> Data is sourced from the Spanish Ministry of Interior. Data includes crossings over the fence as well as arrivals by sea.

<sup>46</sup> "Migration Trends across the Mediterranean: connecting the dots", Altai Consulting for IOM, 2015

<sup>47</sup> "Frontex Annual Risk Analysis 2015", Frontex, 2015

recent years, controls in Tangier have increased and successful sea crossings have become more and more difficult.

### 6.3 ROUTES BY AIR

There is also a route by air that is utilised by migrants that can afford it. Sometimes it is affected with the help of a smuggler and sometimes it requires the purchase of a visa. Those that enter with a visa usually overstay their visas, which means that they move into an irregular administrative status over time.

In Senegal, this practice is commonly used by migrants wishing to reach Europe (Italy, Spain). Some Senegalese first move to Morocco by land and then fly to Europe from there, as Senegalese do not need a visa to enter Morocco (a 45 day visa is issued on arrival) and flights from Morocco to Spain and Italy are cheaper than from Senegal. Some use forged visas, as seen in section 7.2.

#### Focus box 5: case study of Senegalese migrant who spent seven years in Italy

Abdul is a 46 year-old Senegalese male who decided to try his luck to get to Italy, and eventually stayed there for 7 years. He studied electrical engineering after school but could not find a stable job. After getting married and having his first child, he decided to leave to be able to support his family. He flew to Milan with the savings he had; and after six months his visa expired. A lack of visa and money prevented him from going home. He struggled to find a job in Milan and eventually went to Naples where he was told it was easier to find informal jobs. He was employed on a daily-basis in the construction sector as a painter and sold goods in the street the rest of the time. He was hardly able to accumulate any money to send back to his family: only around 100 euros every several months. He eventually decided to go home and the help of IOM enabled him to do so.

## 7. Conditions of Journey

### 7.1 THE DIFFERENCE BETWEEN SMUGGLING AND TRAFFICKING

**Trafficking in persons**, is defined as “the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.”<sup>48</sup> Trafficking in persons can take place within the borders of one state, or may have a transnational character.

**Smuggling** is defined as “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.”<sup>49</sup> Smuggling, contrary to trafficking, does not require an element of exploitation, coercion, or violation of human rights.

*“I would advise anyone strongly against making this horrific journey, including my worst enemy.”*

*Malle Cisse, 28 year-old man who returned to Senegal after 4 years in Spain and many unsuccessful attempts to cross the fence into Melilla.*

### 7.2 DYNAMICS OF SMUGGLING

Despite the freedom of movement between Nigeria and its neighbouring countries, there is still some smuggling activity occurring between them. This is because, despite the freedom of movement established within ECOWAS and with most of its surrounding countries, travellers still need to cross borders with certain documents (passport or ECOWAS Travel Certificate). Those that do not possess the required documents either avoid official border posts or make the journey with the help of a smuggler. In Mauritania, however, smuggling has moved from being very important in the early 2000s, to being very limited by 2015, mainly because the greater controls along the Western Mediterranean route.

It is important to note that migrants do not always use smugglers to irregularly cross borders, as some borders are very porous and not very easily controlled, so migrants pass through them quite easily, (sometimes without even being aware that they passed from one country to another). In fact, the main challenge faced by ECOWAS countries, in terms of addressing irregular migration, is the control of their vast territories and large borders. Fighting corruption is the other big challenge. While some migrants enter without the proper documents, bribery enables them to move forward.

#### 7.2.1 SMUGGLING IN NIGERIA

In Nigeria, smuggling was reported to have a specific dynamic, of which the main particularity is that it is organised by integrated criminal groups. These criminal organisations can deliver a wide range of services: while some of them propose the entire range of services, most of the time they

<sup>48</sup> Art. 3(a), UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the UN Convention against Transnational Organized Crime, 2000

<sup>49</sup> Art. 3(a), UN Protocol Against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, 2000

*"I would advise anyone against this journey. I am blaming myself every day for taking my wife and kids through this."*

41 year-old Cameroonian migrant interviewed in IOM's transit centre in Niamey, Niger.

offer a specific service and then connect the migrant, or groups of migrants, to another criminal service provider that they trust. Migrants then navigate this network of smugglers to obtain the full range of services required to reach their final destination. These services encompass forged passports, ticketing (for flights), visas, transportation, border-crossings and advisory services. Criminal networks of smugglers were reported to know each other and to interact closely when needed.

Smuggling in Nigeria usually involves organising either irregular air journeys for migrants or irregular land journeys. Irregular land journeys are the most common, mainly because they are simpler and cheaper, although often more risky, as the route to Europe crosses both through the desert and across the sea. Smugglers tend to organise transportation (mainly by bus or car) and facilitate border-crossings, often by bribing the border officials or by providing forged travel documents (an ECOWAS Travel Certificate was thought to be worth only USD 10 or NGN 2,500). Sometimes smugglers move migrants into neighbouring countries by avoiding the official border crossing altogether.

In terms of irregular air journeys, these are organised to various destinations, in particular to Europe, the Gulf, and Malaysia. Some smugglers specialise in delivering forged Nigerian passports in less than three weeks, as well as foreign passports (for particular countries) on demand. Prices vary from one smuggler to another, but it can reach up to USD 1,000 for a Nigerian passport. Following the issuance of a passport, other service providers will focus on the visa processing, often with good contacts at some European embassies to accelerate the process. Once the migrant has his passport and his visa, another person will be in charge of providing a ticket to the destination country. Main destinations for the irregular flight transportation system are Spain, the UK, Sweden, Russia, Saudi Arabia, and Malaysia.

## 7.2.2 SMUGGLING IN NIGER

Smuggling in Niger is of a different character. While most migrants can enter Niger relatively easily given the freedom of movement within ECOWAS, Niger is a launching pad for journeys to Europe and North Africa, for which smugglers are imperative. As a result, there is a large and thriving smuggling industry in Niger, particularly in Agadez. In terms of the dynamics of smuggling in Niger, migrants usually deal with a frontman, who is working for the smuggler and who is from the same country of origin as the migrants themselves. Some migrants also spoke of nominating a guarantor who would pay the smuggler once the migrant had successfully arrived in destination.<sup>50</sup> Migrants in transit in Niger are accommodated in ghettos which are organised according to country of origin.

After the death of 92 migrants in the Tenere desert in Niger in 2013, local authorities raided the compounds of smugglers, with the aim of eradicating the industry. Since then, raids still occur from time to time and the government has reinforced its willingness to dismantle the smuggling industry with the recent anti-smuggling law passed in May 2015. Nevertheless, with approximately 2,500 migrants transiting through Agadez each week, a big part of the local

<sup>50</sup> "Migration Trends Across the Mediterranean: connecting the dots", Altai for IOM, 2015, p5

economy rests on smuggling, which makes it difficult to eradicate. For instance, cases of Nigerian families hosting migrants in transit have been reported.

Focus box 6: Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children

The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children was adopted by resolution A/RES/55/25 of 15 November 2000 at the fifty-fifth session of the General Assembly of the United Nations and came into force on 25 December 2003. The Protocol is part of the United Nations Convention against Transnational Organised Crime and countries must become parties to the Convention itself before they can become parties to any of the three Protocols (the two others are: the Protocol against the Smuggling of Migrants by Land, Sea and Air; and the Protocol against the Illicit Manufacturing of and Trafficking in Firearms).

According to the United Nations Office on Drugs and Crime, *“it is the first global legally binding instrument with an agreed definition on trafficking in persons. The intention behind this definition is to facilitate convergence in national approaches with regard to the establishment of domestic criminal offences that would support efficient international cooperation in investigating and prosecuting trafficking in persons cases. An additional objective of the Protocol is to protect and assist the victims of trafficking in persons with full respect for their human rights.”*

The Protocol defines trafficking in persons as *“the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.”*

### 7.3 DYNAMICS OF TRAFFICKING

While all ECOWAS countries are signatories of the United Nations Convention against Transnational Organised Crime (2000), and while legislation is being developed at the national level to address trafficking in persons, the enforcement of these laws is a distinct challenge given the limited resources of the countries concerned and the difficulty of addressing an industry that usually rests on an organised, and often trans-national, network of persons.

Not all countries in the region experience the same levels of trafficking. Out of the countries visited for the study, Mauritania reported fewer cases of trafficking. On the contrary, Nigeria is reported to experience particularly high levels of trafficking with the National Agency for the Prohibition of Trafficking in Persons (NAPTIP) reporting that there are no less than 100,000 Nigerians trafficked each year, particularly women in a context of sexual exploitation, and young boys in a context of labour exploitation.

### 7.3.1 TRAFFICKING OF WOMEN FROM NIGERIA

In addition to the NAPTIP reporting that there are no less than 100,000 Nigerians trafficked each year, the number of women who arrived irregularly by boat in Italy in 2014 in a context of trafficking for sexual exploitation increased by 300% when compared to arrivals in 2013 and Nigerian women account for most of the increase (but there was also an increase in the numbers of trafficked Cameroonian women). The impression is that the increase has been encouraged by the situation in Libya in 2014; that is, Libya is open and so there is a lot of money to be made by traffickers. Some actors in Italy also felt that there is a demand for the women in Europe (not just Italy, and not all of them stay in Italy), which also encourages the flow.<sup>51</sup> In addition to Italy, these women are also trafficked to Spain, the UK, Belgium, Finland, Russia, France and Norway. Some of them are also trafficked to Saudi, Kuwait, the Emirates and Egypt to undertake domestic work.

IOM Italy has done considerable work with VOTs since 2007, which has resulted in the development of specific indicators to help them detect VOTs. They have observed that most VOTs in Italy come from rural areas close to Benin City (the capital city of Edo state) in Nigeria, tend to be 22 years old or younger (most of them being minors), and quite innocent. They always have a very basic level of education and either come from very large families or are orphans. Most VOTs believed that they were coming to Italy to do domestic work but even those that realised that they would be forced into prostitution were not aware of the level of exploitation that they would be exposed to. Most VOTs believed that they would make much more money than they actually do, which is generally common for all migrants, not just the VOTs, and most were not aware of the modalities of their prostitution (they did not realise they would be soliciting on the street, for example).

In terms of the dynamics of trafficking, requests are often passed from Europe or the Gulf where local traffickers express their needs to Nigerian recruiters who are usually located in Edo State in the south of the country. Traffickers organise the entire journey for the women, from their location of origin, to the final destination, through an integrated trans-national criminal network. While dynamics vary from situation to situation, the trafficked person usually does not have to make any payments in advance, but is required to repay the trafficker for the journey once they have made it to their final destination, which makes it difficult to leave once they realise their predicament because they are then indebted to the trafficker. Traffickers also teach those being trafficked how to behave at border crossings, including what story to tell in each country that they enter. For instance, they are told to apply for asylum once they arrive in Europe.

### 7.3.2 CHILD TRAFFICKING

In Nigeria, young boys are mostly trafficked in a context of labour exploitation, usually in the construction and agricultural sectors, and mainly to neighbouring countries. But more recently, the case of young boys and girls being trafficked to Belgium for sexual exploitation has been reported.

Child trafficking also occurs in a context of forced begging, particularly in Senegal. It is a deeply-rooted tradition to send boys to Koranic teachers called marabouts who force them to beg in repayment for their instruction and room and board. Most of these children are from remote rural areas but some are also trafficked from neighbouring countries. The children tend to be highly vulnerable because they are far from their parents and villages, deeply dependent on their

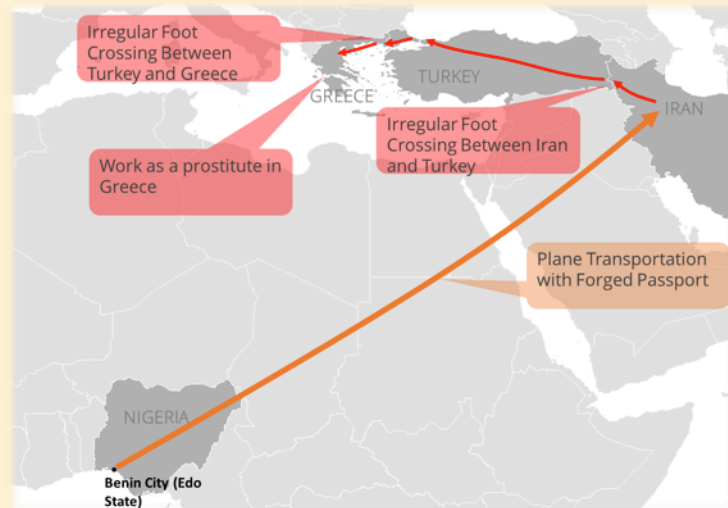
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<sup>51</sup> "Migration Trends Across the Mediterranean: connecting the dots", Altai Consulting for IOM, 2015, p8

marabouts and often living in squalid conditions. They are also often threatened with physical and emotional abuse if they fail to meet the established daily quota for begging.<sup>52</sup> A 2013 census of daaras (Koranic schools) in the Dakar Region found that almost 30,000 of the nearly 55,000 talibs (students of the Koran) in the area are forced to beg. In response, the Government launched the National Strategy on Child Protection and the National Strategy for Economic and Social Development in 2013.

Focus box 7: Story of a Nigerian woman trafficked to Greece for sexual exploitation

Cynthia,<sup>53</sup> a 26 year old Nigerian woman from Edo state in Nigeria, has been the victim of a well organised criminal organisation sending young Nigerian girls to Greece to participate in sex work. She was only 22 years old when a woman from her town approached her and offered help. She said that she could help Cynthia get to Europe and find her a job there that would allow her to support her family back



home. Cynthia, supported by her father, accepted the idea as she wanted to be able to find a way to help her family. The lady was actually a member of a trafficking organisation that sends Nigerian women to Greece for sex work. She organised the entire journey for Cynthia, forged a passport for her (she had no passport at that time) as well as visa to Iran and purchased the plane tickets for the journey. Cynthia did not pay any money, but promised to pay EUR 45,000 once she was in Europe. She was then given USD 300 in cash to be able to pay for food on the way to Greece. Accommodation was already taken care of.

In 2011, she flew to Iran with three other Nigerian women, and spent two nights there. She then crossed the Iran-Turkey border on foot, and took a bus to a Turkish town where someone linked to the lady accommodated her and the other women. She then took another bus to Western Turkey, crossed a river, and walked down a path and found herself in Greece, where she eventually took a bus to Athens. The brother of the Nigerian lady, who lives in Volos, sent someone to pick her up at the bus station and accommodated her for a couple of nights. After this, she was sent to Volos where she was asked to start working. She then understood the nature of the work (prostitution) and started working under the pressure of this man. She worked in Volos for six months but gave all the money she earned to the trafficker, which amounted to about EUR 1,500.

<sup>52</sup>[http://www.antislavery.org/english/slavery\\_today/child\\_slavery/forced\\_child\\_begging\\_in\\_senegal/default.aspx](http://www.antislavery.org/english/slavery_today/child_slavery/forced_child_begging_in_senegal/default.aspx)

px

<sup>53</sup> Names have been modified for privacy.

At some point during her stay in Volos, she fell into a dispute with the trafficker, which turned violent. Attracted by her screams, the police came to her aid and asked for her papers. Despite only having a fake ID card, she was not imprisoned. After six months in Volos, she returned to Athens and after discussing with other Nigerian women in similar situations, decided not to give any more money to the trafficker. She wanted to provide for her family, so she kept working in Athens, and rented a small place with other Nigerians, paying EUR 100 per month. She managed to send about EUR 150 per month to her family. Although the trafficker kept on harassing and threatening her, she managed to survive. While Nigerian women were most common, there were also Bulgarians, Syrians, and Malians in a similar situation.

In 2015, after a police raid, she was imprisoned for her irregular status in the country. She spent three months in Florina prison and was then transferred to Thessaloniki prison where she stayed another five months. In prison, she was helped by the A21 organisation that combats human trafficking, and thanks to her support she was released. She stayed with them in Thessaloniki for a few weeks and then decided to return to Nigeria. She was put in touch with the IOM office in Thessaloniki and started planning her trip back.

Now, she lives in Abuja, where she wants to start a new life. She was trained to be a hairdresser. Her only concern is that her younger sister has been approached to follow a similar journey and she is trying to convince her not to leave.

## 7.4 RISK OF DEATH DURING THE JOURNEY

### 7.4.1 IN THE DESERT

While much focus has been put on deaths at sea in the discourse around irregular migration to Europe, some experts in the region believe that deaths in the desert are probably even more commonplace. Fewer statistics are available on deaths in the desert, however, given the lack of reporting or documentation of the issue, the difficulty in finding the bodies of those who have perished, and the minimal border management control in the desert region.

*"The route is dangerous but I am not afraid, in the end your destiny determines whether you succeed or not."*

20 year-old Gambian migrant interviewed in a bus station in Niamey, Niger.

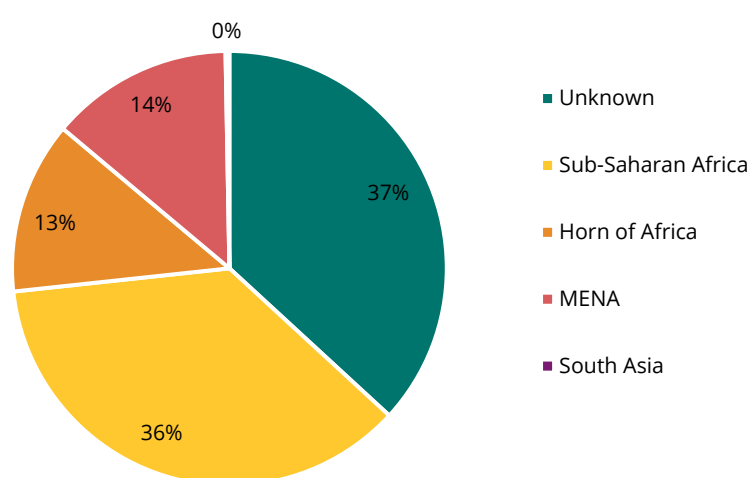
During the journeys through the desert, migrants are put in trucks or pick-ups that are generally overloaded, with sometimes up to 100 migrants in one vehicle. These vehicles often speed through the Sahara, in order to minimise the risk of being intercepted and to maximise financial benefit for the smugglers. Migrants interviewed in Libya and Niger reported that many were injured during these expeditions and malnutrition and dehydration in the desert were also commonplace. Migrants generally eat once a day, sometimes contending with only biscuits or dates, and trips often take much longer than expected, sometimes several weeks, due to mechanical issues, which leads to migrants being frequently exposed to a shortage of water and food.

Additionally, migrants who become ill threaten to contaminate the rest of the group are often dumped by the smuggler in the desert. These people, left without support or supplies in the middle of the desert, are thought to perish without a trace.

### 7.4.2 AT SEA

According to the latest IOM data, deaths in the Mediterranean represent 73% of the total number of deaths at sea globally, making it the most deadly sea in the world.<sup>54</sup> Moreover, the phenomenon is on the rise. In 2014, an estimated 2,993 people lost their lives attempting to cross the Mediterranean compared to an estimated 600 in 2013.<sup>55</sup> The 2015 figures are likely to surpass those of 2014, as for the January 1<sup>st</sup> – September 16<sup>th</sup> period, an estimated 2,812 have already perished in the Mediterranean.<sup>56</sup> Of those who lost their lives in the Mediterranean in 2015, Sub-Saharan Africans were the largest identifiable group. (see Figure 8).

Figure 8: Deaths in the Mediterranean according to region of origin, 1st Jan-15th Sept 2015<sup>57</sup>



The conditions of the sea crossing explain the high number of casualties. Smugglers in Libya use vessels that are not seaworthy: they are usually dinghies that have the capacity for a maximum of 30 people but are often filled with over 200 people. These boats are difficult to manoeuvre due to their weight and the lack of technical equipment. One migrant is often designated to be captain of the boat, responsible for trying to steer it in the right direction. The captain can be equipped with a map and/or a GPS tool, but this is usually not sufficient. Migrants interviewed in Nigeria who had returned from Europe described long journeys of up to eight days at sea. Travellers on board were often sick, without adequate food or water, and often resorted to drinking sea water in order to survive.

Migrants interviewed in Senegal, who had previously travelled to the Canary Islands, described embarking in a pirogue containing 125 people and a journey of 10 days at sea. They had to resort

<sup>54</sup> "Fatal Journeys: Tracking Lives Lost during Migration", IOM, 2014; <http://www.unhcr.org/531990199.html>

<sup>55</sup> "Fatal Journeys: Tracking Lives Lost during Migration", IOM, 2014; <http://www.unhcr.org/531990199.html>

<sup>56</sup> Missing Migrants Project, Data of Missing Migrants, <http://missingmigrants.iom.int/en/mediterranean>

<sup>57</sup> Missing Migrants Project, Mediterranean, <http://missingmigrants.iom.int/en/mediterranean>

to drinking seawater and two passengers died. They eventually reached the Moroccan coast in Dakhla.

While rescue at sea operations were stepped up through the Mare Nostrum and Triton operations, and while these operations led to a high number of rescues and lives being saved,<sup>58</sup> they did encourage smugglers to use vessels that were obviously too small or not seaworthy on the assumption that they would be picked up by the Italian navy soon after departure, thereby making the journey far more dangerous than it had ever been. While these operations demonstrated a mammoth effort in terms of the total number of lives saved at sea, the Mediterranean does span a very large area meaning it is still possible for some migrant boats to fall into distress undetected.

Image 1: Pirogues in Thiaroye-sur-mer, Dakar, Senegal



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<sup>58</sup> During Mare Nostrum's one-year duration, the Italian Navy rescued over 160,000 people and seized nine smuggler mother-ships, which allowed them to gather evidence against smugglers. Consequently, 330 alleged smugglers were brought to justice.

## 8. Programs and Policies

### 8.1 REGIONAL POLICY FRAMEWORKS

#### 8.1.1 ECOWAS

The Economic Community of West African States (ECOWAS) is a regional integration of 15 member states<sup>59</sup> that was founded in 1975 by the Treaty of Lagos. Its principal mission is to promote economic integration in all fields of activity and, as part of this, it aims to achieve complete freedom of movement within its geographic area. In fact, free movement is stated as one of its fundamental priorities and a vital component of integration. The ECOWAS Commission is organised into a number of departments,<sup>60</sup> the following of which are dealing with migration: the Trade, Customs, Industry and Free Movement Department; the Political Affairs, Peace and Security Department; and Humanitarian, Social Affairs and Gender Department.

Article 59 of the revised ECOWAS Treaty states that *"citizens of the community shall have the right of entry, residence and establishment and Member States undertake to recognize these rights of Community citizens in their territories in accordance with the provisions of the Protocols relating hereto"* thereby establishing entry, residency, and establishment as core components of free movement. The Protocol Relating to Free Movement of Persons, Residence and Establishment was signed four years after the establishment of ECOWAS and determined a transitional 15 year-phase to achieve these objectives.

Four supplementary protocols were subsequently adopted to implement all the transitional phases.<sup>61</sup> The first phase implemented abolished the requirements for visas and entry permits within the ECOWAS community (**right of entry**). Nationals of any of the 15 member states, who are in possession of valid travel documents and an international health certificate, can enter any of the member states without a visa, for up to 90 days. The second phase regulated the **right of residence** and came into force in 1986. The "right of residence" refers to the right of a citizen who is a national of one member state to reside in a member state other than his state of origin which issues him with a residence card or permit that may or may not allow him to hold employment.<sup>62</sup> The third phase focuses on the **right of establishment** and refers to the right granted to a citizen who is a national of an ECOWAS member state to settle or establish in another member state other than his state of origin, and to have access to economic activities, to carry out these activities as well as to set up and manage enterprises, and in particular companies, under the same conditions as defined by the legislation of the host member state for its own nationals.<sup>63</sup>

<sup>59</sup> Nigeria, Niger, Benin, Togo, Ghana, Cote d'Ivoire, Burkina Faso, Sierra Leone, Liberia, Mali, Guinea Bissau, Guinea, Senegal, Gambia, and Cape Verde. Mauritania was also a member until 2000 when it withdrew to integrate into the Union of Arab Maghreb (UAM).

<sup>60</sup> The re-organization is on-going and the new organizational chart has not yet been released.

<sup>61</sup> The Supplementary Protocol A/SP.1/7/85, the Supplementary Protocol A/SP.1/7/86, the Supplementary Protocol A/SP.1/6/89, the Supplementary Protocol A/SP.2/5/90

<sup>62</sup> The Supplementary Protocol A/SP.2/5/90

<sup>63</sup> Supplementary protocol A/SP.2/5/90 on the implementation of the third phase (right of establishment), of the protocol on free movement of persons, right of residence and establishment of the ECOWAS

**The required documents for an ECOWAS citizen**, as specified by the 1979 Protocol, are a valid travel document and a health certificate. Two instruments were adopted to enhance cross-border movements: in 1985, a standardised ECOWAS travel certificate, valid for two years and renewable for a further two years; and in 2000, a uniform ECOWAS passport. A five-year transitional period was introduced during which national passports could be used in conjunction. Nevertheless, this complete freedom of movement is not yet fully realised. Domestic laws in some member states remain in contradiction with the protocol, as seen in the Nigerien policy framework in section 8.2.2, for example. This right is also hindered by harassment at border crossing points; lack of information among citizens; lack of access to ECOWAS travel documents; and inadequate border management in terms of both control, structure, and resource management according to the FMM Immigration and Border Management baseline assessment.<sup>64</sup>

To address these issues, ECOWAS member states are working on selected immigration and border management interventions. At the top of the agenda are: the introduction of biometric ID cards,<sup>65</sup> improved data collection systems and border infrastructure, measures to impede harassment and corruption, and awareness-raising of the rights and obligations of the Protocol. ECOWAS is also seeking to set up standardised procedures across its member states, to facilitate cooperation and efficiency.

In this light, and at the regional level, the ECOWAS Commission approved *The ECOWAS Common Approach on Migration Process* in 2008.<sup>66</sup> In this, member states have reaffirmed their commitments to remove obstacles to the free movement of persons; the benefits of migration for citizens of ECOWAS member states; their political will to protect people within their territory from any kind of human trafficking; their defence of the rights of migrants, asylum seekers and refugees; and their willingness to develop regional mechanisms to deal with issues related to the above. Furthermore, the region is looking to harmonise its policy on migration, and a draft regional migration policy is being developed by the ECOWAS Commission, under the lead of the Free Movement and Tourism Directorate, and with the support of FMM West Africa project. At the national level, migration sits at the crux of two entwined dimensions: territorial integrity and external affairs. Therefore migration needs to be addressed within a coherent multi-dimensional approach. In most ECOWAS member states, the policy framework is still underdeveloped. In September 2015, out of the 15 countries, only two had adopted and ratified national policies to enforce the ECOWAS strategy for migration: the National Migration Policy was launched in Mali in May 2015;<sup>67</sup> and Nigeria ratified their National Migration Policy in 2015. Five others (Burkina Faso,

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<sup>64</sup> Document prepared by Livia Styp-Rekowska from the Africa Capacity Building Centre (ACBC) of the International Organization for Migration (IOM)

<sup>65</sup> In Accra, in July 2014, during the forty-fifth Ordinary Session of the Authority of Heads of State and Government of the ECOWAS, the introduction of the biometric identity card for community citizens was approved. A related Supplementary Act is to be signed by the ECOWAS member states. The authority directs the Ministers in charge of Security to review all the security implications of the measure prior to the signing of the Supplementary Acts. To introduce the implementation and use of those biometric identity cards, awareness campaigns and sensitisation programmes in member states are to be conducted: *"A Survey on Migration Policies in West Africa"*, Alexandre Devillard, Alessia Bacchi and Marion Noack, IOM & ICMPD, 2015, p38-39

<sup>66</sup> *"ECOWAS Common Approach on Migration"*, ECOWAS Commission, 33rd Ordinary Session of the Head of State and Government, 2008

<sup>67</sup> Politique Nationale de Migration (Ponam)

Ghana, Liberia, Togo and Niger) are in the process of implementing similar policies but the remaining eight do not currently have a migration policy. In addition to the lack of migration policies, the implementation of free movement within the member states is challenged by the lack of a clear institutional framework for border management, as well as the lack of coordination mechanisms, within and outside of ECOWAS.

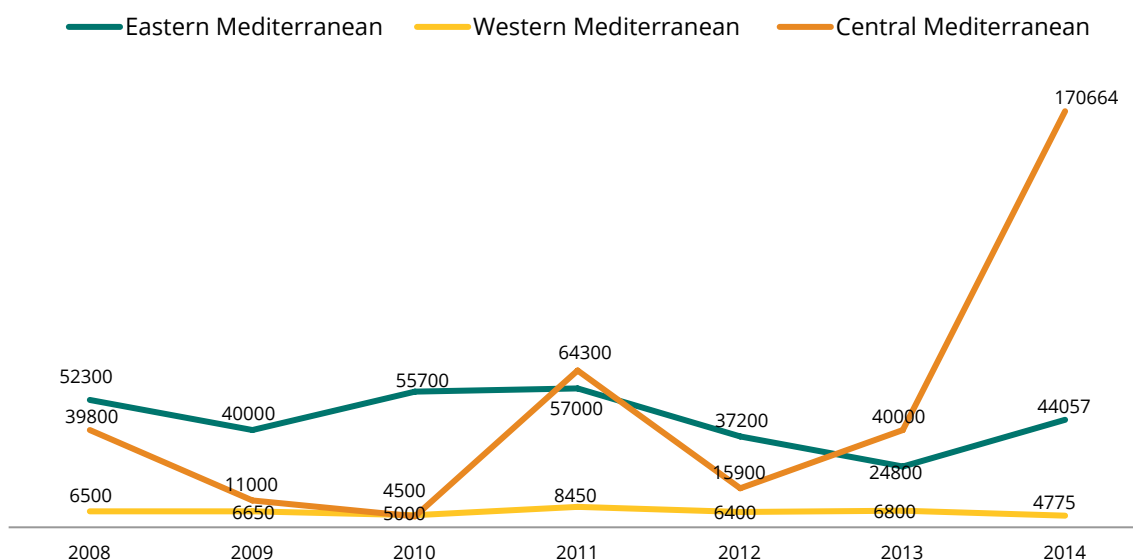
#### Focus box 8: The Geneva Convention Relating to the Status of Refugees

Article 1 of the 1951 Convention Relating to the Status of Refugees defines a refugee as: "A 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; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it..."

### 8.1.2 EU

Over the last few decades, irregular migration to Europe has become an area of concern and is now firmly at the top of the EU's political agenda, mainly as a result of increasing flows of irregular migration, and consequently, humanitarian distress, through the Mediterranean. Figure 9 presents the evolution of the flows through the Western, Central, and Eastern Mediterranean routes between 2008 and 2014.

Figure 9: Detected irregular arrivals, Eastern Western and Central Mediterranean routes, 2008-2014<sup>68</sup>



<sup>68</sup> Source: Frontex website

While the Western and Central Mediterranean routes have remained significant in terms of the number of migrants attempting the sea crossing; since the start of 2015, large population movements along the Eastern Mediterranean and Western Balkan routes surpassed the levels of 2014 by the start of the summer.

In 2005, the **Global Approach to Migration and Mobility (GAMM)**<sup>69</sup> was adopted and represents the overarching framework of the EU external migration and asylum policy. It defines how the EU conducts its policy dialogues and cooperation with non-EU countries, based on defined priorities and embedded in the EU's overall external action, including development cooperation.

Within this, priority is given to the immediate southern and eastern neighbourhood, while migratory routes and countries of origin and transit of strategic interest to the EU are also given particular focus. The GAMM is implemented through several political instruments (regional and bilateral policy dialogues and action plans), legal instruments (visa facilitation and readmission agreements), operational support and capacity-building (via EU agencies such as FRONTEX, see Focus box 9) as well as the wide range of programme and project support that is made available to third country administrations and other stakeholders, such as civil society, migrant associations and international organisations.<sup>70</sup>

On 13 May 2015, a communication from the Commission was released and provided details on the **European Agenda on Migration**,<sup>71</sup> which was formulated as a response to the crisis situation in the Mediterranean. It encompasses immediate action, to respond to the crisis, as well as steps to be taken in the coming years to better manage migration in all its aspects. Immediate responses include tripling the budget for the Frontex joint-operations Triton and Poseidon (see Focus box 10); enhancing actions to target criminal smuggling networks, activating the emergency system provided in the treaties so that asylum seekers may be relocated in a more solidary manner, as well as establishing a pilot multi-purpose centre in Niger, in cooperation with the International Organization for Migration (IOM) and the United Nations High Commissioner for Refugees (UNHCR). Moreover, in order to help frontline Member States, the EU is designing a new Hotspot approach where the European Asylum Support Office, Frontex and Europol will work together on the ground in affected member states. An additional budget of 30 million euros will support the reception and capacity to provide healthcare to migrants in the member states under particular pressure.

In the medium-term, the Agenda sets out four levels of action to address better the migration challenges: (1) reducing the incentive for irregular migration; (2) reinforcing border management to save lives and securing external borders; (3) strengthening the common asylum policy; and (4) developing a new policy on regular migration.

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<sup>69</sup> *"The Global Approach to Migration and Mobility"*, Communication from the Commission to the European Parliament, the Council, the European economic and social Committee and the committee of the regions, 2011

<sup>70</sup> *"The European Union's cooperation with Africa on migration"*, Press Release, 22 April 2015

<sup>71</sup> *"A European Agenda on Migration"*, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the regions, 13<sup>th</sup> May 2015

## EU MIGRATION DIALOGUE WITH AFRICA

Between 2004 and 2014, the EU has funded projects related to migration and development accounting for more than EUR 1 billion and more than half of them were directed to African countries.

The EU has various financial instruments with thematic and geographic scope that can support action in the area of migration. Under the Development Cooperation Instrument (DCI), the Global Public Goods & Challenges programme (GPGC) includes an allocation of EUR 344 million for migration and asylum actions for the 2014-2020 period.<sup>72</sup> Other regional and national programs also address migration, and the EU is working on better mainstreaming migration issues in its programming and improving its operational response to the current migration challenges and priorities.

On the basis of its Global Approach to Migration and Mobility (GAMM) – the overarching framework of the EU external migration and asylum policy – the EU is running a broad dialogue with countries on the African continent on migration and mobility at bilateral, regional and continental levels:

- At the continental level with the Africa-EU Migration and Mobility Dialogue;
- At the regional level with policy dialogues with countries along the western migratory route (Rabat Process) and the eastern migratory route (Khartoum Process);
- At the bilateral level with specific political agreements between African states and the EU.

**Migration and Mobility Dialogue:** the Migration, Mobility and Employment partnership was launched in 2007, and a four-year action plan was adopted in 2014. The MME partnership provides the framework for dialogue and cooperation on migration issues between the EU and all African states. The main achievement is that it allows for a dialogue on migration between EU and Africa at the continental level, with the African Union Commission as the main interlocutor.

**The Rabat Process:** The Euro-African Dialogue on Migration and Development (Rabat process) was launched in 2006 when a dialogue was initiated between countries concerned by the West-African migration route to Europe. The first declaration and action plan was adopted in Rabat in July 2006. This process brings together 58 countries and one observer country as well as the European Commission (EC) and the ECOWAS. Nearly ten years later, the process is still on-going, and the latest strategic framework, the Rome Declaration and Programme, was adopted at the 4<sup>th</sup> conference in 2014. The Rome Declaration and Programme identifies two main priorities for future action: 1) strengthening the link between migration and development; and 2) the prevention and fight against irregular migration and related crimes, namely trafficking in human beings and smuggling of persons. It also introduced international protection as one of the four base pillars of cooperation.

**The Khartoum Process:** The EU-Horn of Africa Migration Route Initiative, also known as the ‘Khartoum Process’, was launched on 28 November 2014. It is a joint initiative of the ministers of the 28 EU countries and Eritrea, Ethiopia, Somalia, South Sudan, Sudan, Djibouti, Kenya, Egypt and Tunisia, as well as the European and African Union Commissioners in charge of migration and development and the EU High Representative. The initiative was launched with the aim of tackling the trafficking and smuggling of migrants between the Horn of Africa and Europe. The

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<sup>72</sup> "The European Union's cooperation with Africa on migration", Press Release, 2015

governments agreed on assisting the participating countries in establishing and managing reception centres; cooperating in the identification and prosecution of criminal networks; supporting victims of trafficking; protecting the human rights of smuggled migrants; and promoting sustainable development in countries of origin and transit in order to address the root causes of irregular migration.<sup>73</sup>

**Bilateral Agreements:** bilateral agreements are also part of the EU's approach to cooperation on migration, providing important frameworks for policy dialogue and operational cooperation on asylum and migration issues. So far, four Mobility Partnerships have been signed with African countries: Cape Verde (2008); Morocco (2013); Tunisia (2014); and a Common Agenda on Migration and Mobility (CAMM) was concluded between Nigeria and the EU in March 2015. Some EU member states, such as Spain, also engage in their own bilateral agreements with countries of origin and transit in order to address irregular flows to their country. This is further discussed in the proceeding section.

In September 2015 the European Commission announced a proposal to establish a European Union Emergency Trust Fund for Stability and Addressing Root Causes of Irregular Migration and Displaced Persons in Africa as part of its second EU Migration Agenda implementation package. At the EU level, EUR 1.8 billion is allocated to this fund with additional contributions expected from EU member states to match the EU funding in the coming months (only Spain and France have confirmed their participation so far).

The Valletta Summit on Migration, to be held in Malta in November 2015, will discuss migration issues built on existing cooperation processes with two key documents proposed for adoption at the Summit: 1) a political declaration underlining the decision of the parties to forge stronger partnerships on migration at country and regional level, with the highest possible level of ownership and commitment of the countries of origin, transit and destination in the spirit of partnership, shared responsibility and cooperation required to face current and future migration and mobility challenges; 2) an outcome document providing a review of ongoing and already planned actions, as well new priority actions to address migration.

### EU'S RESPONSE TO IRREGULAR MIGRATION: INTEGRATED BORDER MANAGEMENT (IBM)

The EU developed the concept of Integrated Border Management (IBM) in 2004. IBM can be defined as "*national and international coordination and cooperation among all the relevant authorities and agencies involved in border security and trade facilitation to establish effective, efficient and coordinated border management, in order to reach the objective of open, but well controlled and secure borders.*"<sup>74</sup> IBM strategies are developed on a country-specific basis. For example, in Mauritania, the IBM program has been designed with the cooperation of IOM and the Mauritanian government, to develop a clear vision of border management control, increased security, and better inclusion of migrants in the labour market. This strategic document is aimed at defining the legal framework that will enable improved migration management in the country. The action plan includes developing new regulations, building the capacity of Mauritanian authorities at border posts, improving efficiency of border management staff (including police and gendarmerie), providing more training to local authorities in charge of border management,

<sup>73</sup><http://ecre.org/component/content/article/70-weekly-bulletin-articles/911-khartoum-process-eu-and-african-union-launch-initiative-against-smuggling-of-migrants.html>

<sup>74</sup> "*Guidelines for Integrated Border Management in EC External Cooperation*", European Commission, November 2009

and providing a higher number of work permits for migrants in the country to encourage regular migration.

### JOINT OPERATIONS: EU/ MEMBER STATE/ THIRD COUNTRY

Some ECOWAS countries are partner states in the Africa **Intelligence Community (AFIC)** which is led by Frontex and is a sign of the European engagement in addressing irregular migration in the region. In addition, Nigeria and Frontex have signed a Working Agreement to counter irregular migration and cross-border crime through border control, by developing solid relationships between EU member states and Nigerian border control authorities, an agreement Frontex hopes to expand with other ECOWAS states. These operations are founded on bilateral agreements with third countries to allow surveillance by Frontex.

#### Focus box 9: Frontex

The European Agency for the Management of Operational Cooperation at the External Borders of the member states of the European Union (FRONTEX) was set up in 2004 to reinforce and streamline cooperation between national border authorities of the EU. Frontex is a key actor in the EU's strategy to *"tackle irregular immigration through a reliable and effective network of partnerships at the operational level with the relevant authorities of non-EU states."* In 2011, its mission was extended to the possibility of launching and financing technical assistance projects in third countries. The agency has seen its budget increased by more than 20% in the last three years; it reached EUR 114 million in 2015.

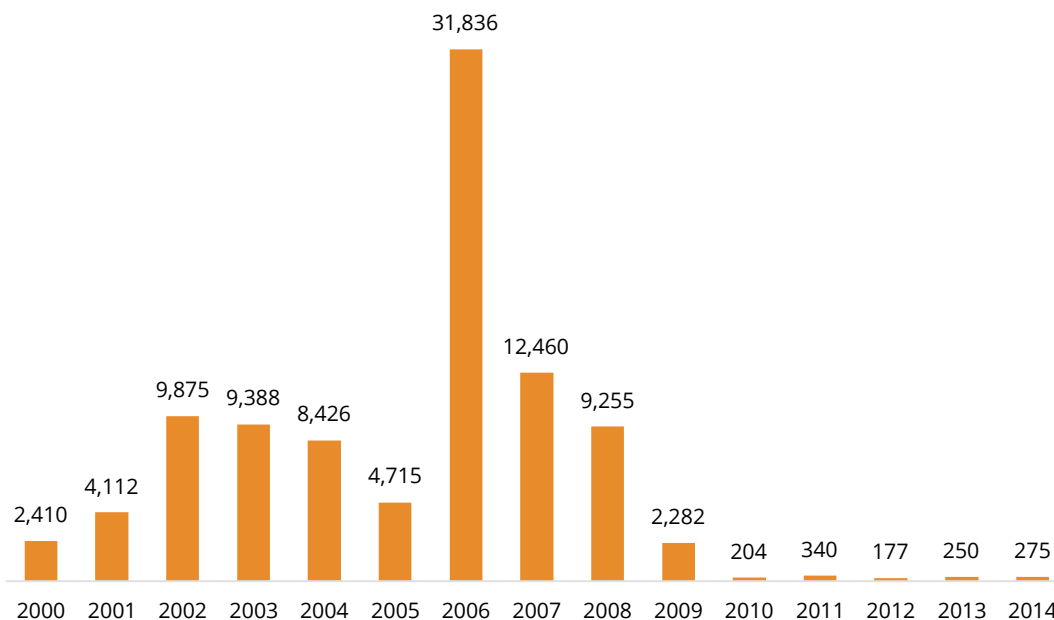
In May 2006, at the request of Spain, who was faced with a large increase in the number of irregular arrivals at the Canary Islands, operations HERA I and II were launched. This operation, coordinated by Frontex, sought to dissuade the *cayucos* (small, open wooden boats) transporting irregular immigrants to set off from the African coast by increasing patrolling along the Mauritanian coast. Since the completion of HERA II, border control in the Canary Islands has been carried out by Spain with the participation of Mauritanian and Senegalese authorities.

Simultaneously, there existed a series of bilateral projects and agreements between Spain and African countries on border operational management such as Operation Sea Horse Atlantic. This program was established in 2006 with the aim of deterring migrants from travelling to the Spanish coast irregularly by boat. It was led by the Spanish Ministry of Interior and the Guardia Civil. A regional coordination centre was established in the Canary Islands to facilitate coordination with Portugal, Morocco, Senegal, Cape Verde, Gambia, and Guinea Bissau. The process of interception is the following: if an embarkation is seized in the Mauritanian waters, migrants are brought back to land and deported (depending on their nationalities, but mainly to Senegal). If seized in Spanish waters, they are brought to a centre for migrants in the Canary Islands to determine their status and allow access to asylum for those in need of international protection.

The project is thought to be a success, reducing the number of irregular arrivals to Spain, but also reducing the number of deaths at sea. In 2006, the number of irregular arrivals to the Canary

Islands reached 32,000.<sup>75</sup> Since the development of the patrols, the number of embarkations leaving Nouadhibou and reaching the Canary Islands has decrease drastically, as seen in Figure 6.

Figure 10: Irregular arrivals at the Canary Islands 2000-2014<sup>76</sup>



The operation is still on-going and no end-date has been defined as yet. According to Spanish representatives in Nouakchott, the number of migrants in Nouadhibou is stable, suggesting that those who are there are established to work and not to depart. It seems clear that this program has a great impact in dissuading migrants from departing irregularly from the Mauritanian coast.

The Spanish government is willing to engage more in addressing irregular migration flows in the region, and it is dealing directly with the G5 Sahel countries (Mauritania, Mali, Niger, Burkina Faso, and Chad) in order to strengthen cooperation on border control and support security forces in those countries.

<sup>75</sup> Data provided by the Spanish Embassy in Nouakchott

<sup>76</sup> Data from the Spanish Embassy in Nouakchott for the 2000-2012 period and Frontex for years 2013 and 2014

## Focus box 10: Mare Nostrum and Triton

Operation Mare Nostrum was launched by the Italian government on October 18, 2013. It aimed to increase maritime safety in the Central Mediterranean by providing more timely rescue of boats in distress, robust medical support at sea, and greater effort to identify and prosecute the smugglers responsible. It came as a response to the increase in migrant deaths at sea in the Central Mediterranean in the second half of 2013. The total cost was EUR 114 million, 30 million of which came from the European Commission. During Mare Nostrum's one-year duration, the Italian Navy rescued over 160,000 people and seized nine smuggler mother-ships, which allowed them to gather evidence against smugglers. Consequently, 330 alleged smugglers were brought to justice.

While Mare Nostrum has been criticised for acting as a pull factor by inadvertently encouraging more migrants to attempt the dangerous sea crossing through the guarantee that they would be rescued in the Mediterranean, the large increase in flows through the Mediterranean is more likely to have been caused by the many instances of conflict in the immediate neighbourhood, such as in Libya, Syrian Arab Republic, Iraq, Central African Republic, and South Sudan. Moreover, the end of Mare Nostrum did not lead to a decrease in the flows.

Mare Nostrum was closed on October 31, 2014, to make way for a smaller EU rescue mission called Triton, overseen by the European border control agency, Frontex. 21 EU countries are contributing to Triton and in June 2015, its expansion was approved. The operational area is now 138 nautical miles south of Sicily versus 30 nautical miles before, and an additional EUR 26.25 million will be provided through Frontex.

### 8.1.3 COOPERATION BETWEEN ECOWAS AND EU

ECOWAS and the EU engage in cooperation in a number of other areas: a capacity building program exists to support ECOWAS' peacekeeping and security mandate (UNDP is the main partner); a program focusing on regional integration through trade facilitation in the form of three joint border posts being built on the borders between Burkina Faso and Mali, Togo and Ghana, and Nigeria and Benin; and the **Support of Free Movement of Persons and Migration project (FFM West Africa)** project.

#### SUPPORT OF FREE MOVEMENT OF PERSONS AND MIGRATION (FFM WEST AFRICA)

FMM West Africa is a EUR 26 million five-year project, funded by the EU and ECOWAS and implemented by a consortium of partners: IOM, ILO and ICMPD, under the lead of ECOWAS Commission. The inception phase started in 2013 and the project is to close in 2018. FMM West Africa aims at *"maximising the development potential of free movement of persons and migration in West Africa."* Its main focus is to provide *"technical assistance and capacity building in migration data management, immigration and border management, labour migration and counter-trafficking"*.

The main components are the following:

**Data Collection:** this component looks at improving collection of migration data across the ECOWAS member states and Mauritania to support policy design. In particular, it advocates for standardised procedures for collecting data through the distribution of regional guidelines and

the organisation of regional trainings with key experts and national institution like offices of statistics.

**Immigration and Border Management:** FMM West Africa support the border management capacity of member states and Mauritania through the promotion of joint border management at border posts. FMM advocates for such joint management at regional meetings and provides support for its implementation. FMM also works on better informing citizens at the borders through the development of specific material and awareness campaigns. It also provides training programs on border management to ECOWAS officials with the intervention of external experts. It also directly supports the ECOWAS Commission on the development of the ECOWAS Identity Cards and advocates for more harmonised documentation and the potential development of a "single-Schengen style visa".

**Labour Migration:** this component aims at supporting the ECOWAS Member States and Mauritania in implementing the Labour and Employment Policy and Action Plan that was adopted in 2009, to build the capacity of ECOWAS member states in managing labour migration. At the national level, it means supporting the domestication of laws on labour migration, implementing the General Convention on Social Security, protecting migrant's rights, informing migrants on their rights and obligations. The technical assistance also includes strengthening the Information System dimension of labour migration.

**Counter-trafficking:** this component's main focus is to support the Combating Trafficking in Persons' (TIP) unit at the ECOWAS Commission, through specific activities such as capacity building of TIP focal points within member states, dissemination of TIP policies to regional, national and sub-national actors. It also encompasses the monitoring of the existing mechanisms such as the ECOWAS Plan of Action on combatting TIP and works on developing new strategies. FMM TIP teams also support member states in updating national laws in line with the regional strategy.

**MIDWA:** the Migration Dialogue for West Africa (MIDWA) was established in 2000 by ECOWAS with the support of the IOM to discuss common issues of migration within the region, and create "*a consultative process to accelerate integration and address both migration challenges and opportunities.*"<sup>77</sup> This component focuses on the organisation of a yearly conference with the overall objective of increasing the understanding of member states of free movement and demonstrating the positive impact of migration in order to enhance comprehensive policies. MIDWA (May) 2014 was organised in Accra, and MIDWA (October) 2015 will take place in Nouakchott.

**Demand-Driven Facility (DDF):** The DDF is the platform in which national institutions of the member states can request technical assistance to design actions across the different components proposed by the FMM West Africa programme.

**Non-State Actors (NSA) Fund:** The NSA Fund aims to promote the active engagement of non-state actors and local authorities in information and protection activities for the benefit of migrant and cross-border populations in West Africa. The Fund offers grants to civil society organisations and other non-state actors to implement projects in ECOWAS Member States and Mauritania. The selection of projects is done via a Call for Proposals.

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<sup>77</sup> <http://www.fmmwestafrica.com/#!/midwa/cv9o>

## 8.2 NATIONAL POLICY FRAMEWORKS

### 8.2.1 NIGER

#### GENERAL MIGRATION POLICIES

In Niger, there is not yet a national migration framework. A special inter-ministerial committee was appointed in 2007 under the authority of the Ministry of Interior to work on it and a first draft was presented in 2014 but discussions are still on-going.

Despite the lack of a coherent framework, the **Ordinance on the Entry and Stay of Foreigners and a decree from 1987** governs immigration in Niger. According to these two pieces of legislation, foreigners are classified into two categories: immigrants and non-immigrants. Non-immigrants are members of diplomatic missions and of consular representations, officers and civil servants and other officials in mission, along with their families. It also includes travellers in transit.<sup>78</sup> Non-immigrants are able to stay in Niger, without a work permit, for up to two years.<sup>79</sup> Immigrants (any foreigners who do not fall into the non-immigrant category), however, are required to have a residency permit. This permit is provided for a fee and is valid for two years and can be renewable.

The Nigerien government has also signed special agreements with certain countries, which include provisions on entry, stay and residence. They prevail over domestic laws. This includes bilateral agreements with Algeria, Burkina Faso, France, Ghana, Libya, Mali, Morocco and Tunisia. The ECOWAS Protocol on Freedom of Movement applies for ECOWAS citizens.

More recently, significant progress has been made towards legislative regulations and their implementation through two particular instruments: the **National Agency for the Fight against Trafficking in Persons (ANLPT)**;<sup>80</sup> and a **National Coordinating Commission on the Fight against Trafficking in Persons (CNCLPT)**.<sup>81</sup> The Agency is the government's permanent implementing body to address trafficking; it is in operation since 2014 and is involved in awareness campaigns. The National Commission is the coordinating body.<sup>82</sup>

Two major laws were also enacted in the last five years: **(1) the ordinance No.2012-86, enacted in 2010, on Combating Trafficking in Persons; and (2) a law against the smuggling of migrants in May 2015**. This anti-migrant smuggling law n°2015-36, adopted on 26 May 2015, is the first of its kind within ECOWAS. It has come under some criticism, being taxed with forcing the smuggling industry to go further underground, which in the end could make migrants more vulnerable to abuse. The National Agency is currently working on an action plan to raise awareness about this new legislation.

The Ministry of Interior is also involved in the migration institutional framework and deals with issues relating to border management control. The **Directorate of Territorial Surveillance**

<sup>78</sup> Niger national profile, IOM, 2009

<sup>79</sup> « La CEDEAO, un espace de libre circulation, poste avancé de l'espace Schengen », Nelly Robin, OCDE. Les enjeux régionaux des migrations ouest-africaines, OCDE, pp.130-149, 2009, Cahiers de l'Afrique de l'Ouest

<sup>80</sup> Agence nationale de lutte contre la traite des personnes

<sup>81</sup> Commission nationale de coordination de la lutte contre la traite des personnes

<sup>82</sup> Trafficking in Persons Report, US Department of State, 2014

**(DST)**,<sup>83</sup> under the authority of the National Police, is responsible for the entry, stay and removal of foreigners.

In relation to the ECOWAS Protocol on Free Movement of Persons, infringements are reported at border posts, particularly in terms of harassment and corruption and expulsion. Some factors can help to explain this: the low capacity of The Directorate of Territorial Surveillance (DST),<sup>84</sup> which comes under the Ministry of Interior and under the authority of the national police and is responsible for border management and the entry, stay and removal of foreigners specifically. Also, the fact that Niger borders three countries that are currently experiencing on-going political turmoil and conflict (Libya, Nigeria and Mali), creates a concern for national security.

### LABOUR MIGRATION

Access to the labour market is not defined by specific rules for foreigners.<sup>85</sup> According to the ordinance of 1981, foreigners can access the labour market with a work authorisation. The National Agency for Promotion and Development is responsible for its delivery and should be subject to the absence of national competences according to the article 48 of the Labour Code, edited in 2012. Yet in practise its role is more to register the foreigners than to proceed to selection.

Regarding ECOWAS nationals, the legislation does not include specific provisions; in practise, the administration delivers an ECOWAS residence permit for one year, which is automatically renewable.<sup>86</sup>

### ASYLUM

Niger is party to the 1951 Geneva Convention relating to the Status of Refugees as well as the 1967 Protocol. Niger also signed the 1969 Organisation of African Unity (OAU) Refugee Convention. At the national level, a national law was adopted in 1997 regarding the status of refugees and a National Commission for Refugees under the authority of the Ministry of the Interior is in charge of status determination.<sup>87</sup>

## 8.2.2 NIGERIA

### GENERAL MIGRATION POLICIES

Immigration in Nigeria is governed by the **Immigration Act of 1963 (chapter 171)** that focused on national security, admission rules and expulsion procedures.<sup>88</sup> The Act is outdated, however, as it does not really address the problems of residence, for instance, and some of its provisions conflict with Nigeria's obligations under the ECOWAS protocols. Following the 2008 ECOWAS Common Approach on Migration document, Nigeria endorsed a National Migration Policy which was ratified by the Federal Executive Council in May 2015.

<sup>83</sup> Direction de la Surveillance du Territoire

<sup>84</sup> Direction de la Surveillance du Territoire

<sup>85</sup> "A Survey on Migration Policies in West Africa", Alexandre Devillard, Alessia Bacchi and Marion Noack, IOM and ICMPD, March 2015, p240-256

<sup>86</sup> Ibid

<sup>87</sup> Commission nationale d'éligibilité au statut de réfugié

<sup>88</sup> "A Survey on Migration Policies in West Africa", Alexandre Devillard, Alessia Bacchi and Marion Noack, IOM and ICMPD, 2015, p260-261

As expressed by the IOM office in Nigeria, *“The policy provides, inter alia, a framework to strengthen the linkages with Nigerians abroad and their contribution to the development of the country and a framework to better integrate migration into the development and poverty reduction agenda of Nigeria.”*<sup>89</sup> It will provide an appropriate legal framework for both internal (within Nigeria) and international migration; proper collection and dissemination of migration data; will address issues related to diaspora mobilisation and border management; decent treatment of migrants internally displaced persons, and asylum seekers and the role of civil society in migration management; in order to ensure a more efficient management of migration in Nigeria.<sup>90</sup>

Among other things, the new policy gives more rights to migrants by establishing clearly the rights of residence and better addressing trafficking and smuggling activities.

Residence rules have been defined by administrative practices that filled the gap left by the 1963 Immigration Act. Residence in Nigeria distinguishes between ECOWAS citizens that are entitled to the ECOWAS Residence Card and other foreigners that can request the Combined Expatriate Residence Permit and Aliens Card (CERPAC).

### LABOUR MIGRATION

In addition to the National Migration Policy, the Federal Ministry of Labour (MoL) also developed a Labour Migration Policy, adopted in 2014. The Labour Migration Policy creates equality between Nigerian nationals and migrants in Nigeria and seeks to protect the rights of migrants by encouraging them to enter the formal labour market where their rights can be protected.

In parallel, the Federal MoL has mandated a labour migration survey to understand the current number of labour migrants in Nigeria, their location and main occupation. The assessment will aim at filling the gap in statistical data on migration, including trying to better understand the dynamics of the labour market to assess sectors in need of workers and those that are saturated. This assessment has been approved and should be undertaken in the near future.

The Labour Migration desk at the Federal MoL is also trying to dissuade high-skilled Nigerians from migrating to Europe, the US or the Gulf (typical countries of destination for Nigerians), in particular doctors, engineers or IT technicians that are in demand in Nigeria.

### ASYLUM

Nigeria adopted a National Law for refugees in 1989 and thereby incorporated the 1951 Geneva Convention and the 1969 OAU Convention governing specific aspect of Refugee problem in Africa into national law. Through this law, a national asylum framework was created.

In 2002 and 2009 the mandate of the law was extended and there are plans to further amend the law, demonstrating the on-going efforts of the Nigerian state to refine its asylum framework in accordance with international law. Policy makers and in particular the National Commission for Refugees, Migrants and Internally Displaced Persons (NCFRMI) are working closely with UNHCR in this regard.

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<sup>89</sup> Nigeria adopts National Migration Policy, IOM, 2015

<sup>90</sup> Ibid

### 8.2.3 MAURITANIA

Migration issues in Mauritania are governed by three important texts:

- 15 December 1964 Decree on Immigration Regime, modified in 1965;
- 2009-224 Decree that created the work license for foreign workers;
- 10 February 2010 Law on illegal migrant trafficking.<sup>91</sup>

#### GENERAL MIGRATION POLICIES

Mauritania has designed and adopted a National Strategy for Migration and Border Management<sup>92</sup> in 2011 with the support of the EU, which replaced the out-dated 1964 Immigration Decree. In addition to updating and improving the legal framework for migration in Mauritania, it aims to strengthen border management, increase the statistical data available on migrants, and create synergies on the labour market in an effort to link migration with development.

Mauritania increased its capacity for controlling its borders considerably with a full transition towards a biometric data collection system in 2008-2009, and the development of 47 official border posts all over the country. Border Management is a key concern for Mauritania, given its proximity to countries in political turmoil. The reinforcement of security measures, with the support of the EU, has been integrated into national law but with specific provisions to safeguard free movement for migrants. That is, it aims at enhancing legal border movements and protecting the rights of regular migrants in Mauritania.

Since the year 2000, Mauritania is no longer an ECOWAS member state (it instead joined the Arab Maghreb Union) and thus, does not provide free movement to nationals of the 15 member-states. It did, however, engage in bilateral agreements with Senegal, Mali, Niger, Côte d'Ivoire, and Gambia in order to allow nationals from these countries to enter Mauritania for 90 days without a visa requirement. After the 90 days, all foreigners must apply for a residence permit that costs 30,000MRO per year (USD 92). After a bilateral agreement signed between Cote d'Ivoire and Mauritania in March 2014,<sup>93</sup> Ivoirians are now exempt from the residence permit. Senegalese migrants are obliged to pay an entry fee (as are Mauritians entering Senegal), called '*devise*,' of EUR 50 (USD 56).

#### LABOUR MIGRATION

Labour migration is governed by the 1974 collective convention and **law n°2004.017 and n°2009.224**, which set working conditions for foreign workers and the requirement of work permits for foreigners, respectively.

Under law n°2009-224, foreigners require either an "A" or "B" work permit, which are only issued if there are no Mauritians who can fulfil the role that the foreigner is being hired for. The work permit "A" is more likely to suit foreign workers that come to Mauritania for a specific position and is granted for two years with restriction of previous residency in Mauritania or any current professional activity. Conditions for the work permit "B" are more restrictive as foreigners that

<sup>91</sup> "*Document de Stratégie Nationale pour une Meilleure Gestion de la Migration*", République Islamique de Mauritanie, 2010, p17

<sup>92</sup> "*Document de Stratégie Nationale pour une Meilleure Gestion de la Migration*", République Islamique de Mauritanie, 2010

<sup>93</sup> Accord cadre de libre circulation des personnes, des biens et services, 16 March 2014

request it must have had previous residence and worked in Mauritania. A residence permit is a prerequisite to obtaining a work permit.<sup>94</sup>

Mauritania does not currently have a comprehensive law addressing the specificities of labour migration outside administrative issues, and rather are looking at labour migration as an opportunity for the country and developing a holistic strategy around it. Unlike Nigeria for instance, Mauritania has a small population of only 3.5 million and is in need of foreign labour in some specific sectors where skills are missing, particularly for the hotel, catering, fishing, construction and oil sectors.

Nonetheless, Mauritania has a high unemployment rate, which pushed it to prompt policies that protect the access of Mauritians to the local job market, such as the work permit and other administrative procedures and fees for foreign workers. As was mentioned previously, the green licence was introduced in 2013 which imposes a new administrative procedure and fees for foreigners wishing to work in the public transport sector, including taxis. It effectively gives priority to Mauritians in a sector that was strongly dominated by foreign drivers (mainly Senegalese).

### ASYLUM

Mauritania has ratified the 1951 Convention on Refugees and its 1967 Protocol and to the 1969 OAU Convention. The Mauritanian Ministry of Interior and Decentralisation, with the support of the UNHCR, developed its own national strategy on asylum in May 2015. It is yet to be presented to parliament. This law marks a new phase for the treatment of refugees in Mauritania and will be followed by the development of a national system for RSD, which was previously conducted by UNHCR.

The National Strategy for Migration and Border Management also encompasses better protection for asylum seekers and vulnerable people in the country.

Image 2: Senegalese stranded migrants, IOM's centre of transit, Niamey, Niger



<sup>94</sup> "Document de Stratégie Nationale pour une Meilleure Gestion de la Migration", République Islamique de Mauritanie, 2010, p18

## 8.2.4 SENEGAL

### GENERAL MIGRATION POLICIES

Senegal has officially launched the process of defining a migration policy framework, with a kick-off workshop that was held in Dakar in July 2015. The Ministry of Economy, Finance and Planning is in charge of designing the framework and six focus groups have been created for this purpose.

Senegal has put great emphasis on emigration as evidenced by the creation in 2002 of the Directorate of Senegalese Abroad (DGSE), which is integrated into the Ministry of Foreign Affairs and Senegalese Abroad. The DGSE is currently working on an action plan for 2015-2018. Its main objective is to include the Senegalese diaspora into the country's development in accordance with the latest national strategic plan developed in 2014 (Plan Sénégal Emergent). This emphasis can be explained by the high level of remittances flowing back to Senegal through Senegalese living abroad, which is around EUR 1.3 million through formal channels and estimated at more than EUR 2.5 estimated through informal channels.<sup>95</sup> This emphasis was also reflected in the government's election campaign when it stated that it aimed *"to make the diaspora the 15th region of Senegal."* Whilst not a priority, addressing irregular migration is also in the scope of DGSE's work.

Other ministries are also involved in migration issues. A national taskforce on child trafficking was created in 2010 under the authority of the Prime Minister and administratively linked to the Ministry of Justice. This taskforce, operating since 2012, is in charge of the implementation of the 2005 Law Against Child Trafficking, which was passed after the ratification of the 2003 Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, which supplements the United Nations Convention against Transnational Organized Crime (a chapter of which is dedicated to smuggling of migrants). This focus stems from the fact that child trafficking is quite widespread in Senegal. It is estimated that there are 30,000 child beggars in Dakar, coming from various countries of West Africa, who are vulnerable and at risk of trafficking.<sup>96</sup>

Law No. 71-10 of 25 January 1971 on The Conditions of Entry, Stay and Establishment of Foreign Nationals and its decree of application indicate that admission is subject to the delivery of a visa and a guarantee of return. As is the case in Niger, a distinction is made between immigrant and non-immigrant. The Senegalese legislation does not match the ECOWAS Protocol and there is no provision made on the status of nationals from ECOWAS member states nor for the status of long-term residents. There is also an absence of provisions regarding the duration of validity of the residence authorisation.<sup>97</sup>

### LABOUR MIGRATION

Access to the national labour market in Senegal is governed by the **1997 Labour Code**. It indicates that the General Direction of Labour and Social Security within the Ministry of Public Service, Labour, Social Dialogue and Professional Organisation has to approve work contracts that include *"the establishment of the worker outside of his/her place of habitual residence."* Art. L224 foresees the possibility of adopting a secondary legislation to *"forbid or limit the employment of*

<sup>95</sup> "Cartographie des zones de migration et des entreprises rurales soutenues par les migrants sénégalais", R.M.D.A for IFAD, 2015

<sup>96</sup> KII interview with the permanent secretary of the task force in Dakar

<sup>97</sup> "A Survey on Migration Policies in West Africa", Alexandre Devillard, Alessia Bacchi and Marion Noack, IOM and ICMPD, 2015, p275-290

*foreigners for specific occupations or professional qualification levels*" in order to ensure full-employment of the national workforce.<sup>98</sup> The labour code also guarantees equal treatment between foreigners and nationals.

### ASYLUM

Senegal ratified the 1951 Convention on Refugees and its 1967 Protocol. Senegal also ratified the 1969 OAU Refugee Convention and was an early adopter of a domestic law for refugee protection: on 24 July 1968, Senegal enacted the law 68-27 on Refugee Status. This law along with its implementing decree in 1978 and its 1989 revisions, established the National Commission of Eligibility (CNE), which is composed of representatives of various ministries and tasked with granting or revoking refugee status.

#### Focus box 11: Organisation of African Unity (OAU) Refugee Convention

Established in 1963, the OAU enacted the OAU Convention Governing the Specific Aspects of Refugee Problems in Africa in 1969 and is commonly referred as the OAU Refugee Convention. The Convention came into force in 1974.

The OAU Convention expanded the refugee definition found in the 1951 United Nations Convention relating to the Status of Refugees to include *"every person who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order."*

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<sup>98</sup> "A Survey on Migration Policies in West Africa", Alexandre Devillard, Alessia Bacchi and Marion Noack, IOM & ICMPD, 2015, p275-289

## 9. Recommendations

The study has demonstrated that the majority of migration in the region takes place within ECOWAS, fuelled by cultural and tribal ties across borders and a search for livelihood opportunities (due to seasonal natural phenomena, income disparity across ECOWAS countries, and in some areas, conflict and instability).

A growing phenomenon is the smaller flow that ends up moving on to North Africa or Europe through the use of irregular means. Social, economic, and demographic inequalities are also amongst the underlying factors for this movement, compounded by limited regular migration channels. The consequence is hazardous journeys that sometimes end in fatalities and great risks for all people on the move.

The situation requires a comprehensive response that focuses both on the immediate need to save lives and protect the human rights of the people on the move, as well as addressing the longer term drivers of irregular migration that fuel the demand for smuggling services.

### 9.1 ON THE PROTECTION OF MIGRANT'S RIGHTS

#### 9.1.1 AT THE ECOWAS LEVEL

While the majority of migration from the region remains in the region (over 80% occurs within ECOWAS), the majority of these migrants are moving across borders without the required ECOWAS documents and entering the informal labour market in the countries of their migration. This means that many of them remain outside of the formal economy, which prevents them from being able to access any rights or safeguards and keeps them in a position vulnerable to abuse and exploitation.

A number of interventions are proposed to protect the rights of migrants at this level:

1. **Greater awareness-raising on ECOWAS rights and responsibilities:** and the safeguards that they provide migrants in order to encourage them to move more regularly even within ECOWAS countries.
2. **Streamlining national procedures within ECOWAS countries** in terms of accessing work permits and long-term stay in order to facilitate migrants remaining within regular and formal sectors and channels so that their rights can be protected.

#### 9.1.2 AT THE EU/NORTH AFRICA LEVEL

In addition to the risky, and often fatal, boat journeys across the Mediterranean, migrants are also exposed to a number of other risks at other points in the journey to North Africa and Europe. These include the dangerous desert crossing, detainment at particular points and in particular countries, xenophobia and harassment in transit countries, and violence and abuse at the hands of smugglers and traffickers.

In view of the high numbers of persons travelling through countries such as Niger and Libya in order to reach Europe, assistance and protection to migrants in transit countries in North Africa is also imperative.

A number of interventions are proposed to protect the rights of migrants at this level:

1. **Information and awareness-raising** on the risks of irregular migration (including trafficking in persons) and the available channels for legal migration.
2. **AVRR in transit countries** is another key part of the rights-based response to irregular migration, providing needed assistance to the affected countries as well as stranded migrants who are in distress and often destitute and express willingness to return home.

### 9.1.3 AT ALL LEVELS

1. **Direct assistance to migrants**, which includes health care; food; non-food items (e.g. hygiene kits); psychological support; temporary shelter for the most vulnerable and counselling services as required. This would have a particular focus on the most vulnerable, such as unaccompanied minors and children; women; migrants vulnerable to trafficking and abuse; migrants with health and psychosocial-related needs; as well as persons in need of international refugee protection. It would be delivered within a coordinated response that brings together a number of actors within each country.
2. **Greater focus and allocation of resources to addressing trafficking**, particularly women trafficked for sexual exploitation, which is increasing (particularly in terms of Nigerian women moving to Europe) and child trafficking, and integrating this into other national programs such as poverty alleviation. This could involve greater efforts to identify profiles and areas at risk and providing alternative livelihoods in these areas.
3. **Migrant Resource and Response Mechanisms (MRRM)** to be established along key migration routes and areas, in conjunction with authorities. MRRM aims at strengthening or establishing protection frameworks in countries of origin, transit and destination along the migratory routes by integrating immediate response (such as direct assistance, assisted voluntary return and reintegration, data collection and analysis) with longer-term development priorities that address the root causes of irregular migration.

## 9.2 ON THE LEGAL FRAMEWORK

### 9.2.1 AT THE ECOWAS LEVEL

ECOWAS is a promising example of regional integration and free movement. The ability to move freely between ECOWAS countries has almost eradicated smuggling in the area due to a lack of demand for irregular pathways. However, despite the great benefits that have been accrued for individuals and governments, the fact that national policies and legislation have not been fully integrated or streamlined as yet does create some challenges. Some migrants remain unaware of the need to formalise their stay and movements and others choose to avoid particular requirements due to their cumbersome nature.

A number of interventions are proposed:

1. **Continue the process of updating national legislation** on the entry and stay of foreigners on the state's territory in order to fully transpose the 1979 Protocol relating to the Free Movement of Persons, the Right of Residence and Establishment and supplementary protocols into law and to remove any contradictions in law.
2. **Streamline national laws in relation to work permits and long-term stay** across ECOWAS countries.
3. **Harmonize relevant national legislation with ECOWAS legal frameworks**

4. **Build the capacity to implement and develop evidence-based policies.** This should be done through continued support to data collection and analysis on all elements of irregular migration (routes, conditions, profiles, criminal networks etc.) and on a regular basis and in light of the substantial gaps that exist at the regional level in terms of data-collection.
5. **Create a regional statistics institute** that engages in regional data collection, as well as data analysis.
6. **Create the framework for on-going regional dialogue and discussion** that is not necessarily reliant on MIDWA.

### 9.2.2 AT THE EU LEVEL

While the number of people on the move across the Mediterranean is increasing the legal alternatives to these risky journeys are not increasing at the same rate. Part of the task requires addressing the demand for irregular pathways, which will not only serve to dismantle the smuggling industries, but also prevents migrants and asylum seekers from undertaking life-threatening journeys.

Legal options could include:

1. **Circular migration schemes** that promote temporary jobs at the low-skilled and high-skilled level and in industries that demonstrate a demand for foreign labour (for example, agriculture). Such schemes could target communities or individuals that are vulnerable to smugglers.
2. **The promotion of private sponsorship schemes** that could potentially target diaspora communities already in Europe. Private sponsorship schemes also have the potential to divert money away from smugglers as they provide migrants and their families alternative legal pathways to channel their economic resources into.

**Promoting regular migration has the potential to generate revenue streams** that would divert money away from the very large economy that has been born out of irregular migration and smuggling. This would lead to migration benefiting not only migrants but also the countries involved. For example, revenue streams could be created in the form of visa fees, through increases in cross-border trade and in the form of increased income tax. That is, as migrants enter the formal economy (as opposed to the informal economy, which is where most migrants find themselves when they have an irregular administrative status) they will pay taxes to the national government on income gained.

Moreover, promoting regular migration and integrating migrants into gaps that exist in local labour markets (which fills the gap in terms of labour supply in certain industries), if managed effectively, has the potential to increase **skills development amongst migrants, which often encourages them to want to return home** at some point and put their newfound skills into use in their home country.

**However, it should be noted that legal means for migration are often balanced against the time required for them to be realised.** That is, if they are not executed in a speedy manner, then migrants and asylum seekers are still likely to opt for quicker irregular pathways. For example, if it takes some years for a legal pathway to be realised and the migrant in question has the option to move to his/her desired destination quite immediately with the help of a smuggler, then he/she will be more likely to take the irregular pathway than wait for the legal process to be completed.

### 9.3 ON ADDRESSING THE DRIVERS OF IRREGULAR MIGRATION AT ORIGIN

Creating greater economic opportunities and livelihoods at origin, and within ECOWAS countries, particularly for youth and particularly for young men, will serve to address the drivers of irregular migration to North Africa and Europe over time. Such an approach works best, however, if it is accompanied by greater means for regular migration to Europe, as discussed above.

Creating greater economic and livelihood opportunities in countries and region of origin could involve:

1. **Labour market assessments** in countries of origin that determine gaps in local labour markets.
2. **Skills development programs** that match the skills of the local labour force with the gaps on the local labour market.
3. **Identifying industries at the national level that could benefit from foreign labour** in the form of migrants from other ECOWAS countries and facilitating the matching of the two through more efficient work permit acquisition.
4. **Community stabilisation approaches** in areas prone to displacement.

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