The challenge of labour migration flows between West Africa and the Maghreb

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Foreword

This report comprises part of the ILO working paper series *International Migration Papers* that disseminates current research findings on global migration trends and seeks to stimulate dialogue and policy development on issues of regulating labour migration.

The importance and immediacy of better regulating labour migration in Africa motivated the ILO to establish a programmatic *Africa Labour Migration Initiative* in 2002. The evident starting point for this initiative was to expand the knowledge base as a proper foundation for effective technical cooperation and practical activity. As a result, this report comprises one of a special series of 31 regional and national studies from East, West and Maghreb Africa being published in 2006 as International Migration Papers starting with IMP number 76, and/or posted on the Project website¹.

Migration has come to the top of the political and social agenda across all of Africa. In recent years, regional integration initiatives have made considerable progress in development of frameworks, legislation, and mechanisms for increased economic and social integration among concerned states. At the continental level, the African Union and the Economic Commission for Africa have both taken up the challenges of exploring greater labour mobility across the region.

Migratory flows from sub-Saharan Africa towards European Union States via the Maghreb have recently gained particular visibility. Although cross-border movements between sub-Saharan Africa and the Maghreb have existed since centuries, the situation is different today: these displacements are more important, come from a greater number of countries, reflect new migration dynamics, and far too often involve human dramas. This more recent sub-Saharan migration is often of an irregular nature, exposing migrant workers to precarious living and working conditions during their transit. The increasing presence of sub-Saharan migrants on their territories obliges Maghreb countries to address issues of being host as well as transit and origin countries of migrants, and developing appropriate policy responses in context of international norms as well as external political pressures.

This report is the product of a process initiated by the ILO and supported by the European Commission on the basis of explicit constituent recommendations and requests for engagement. Following consultations with ILO constituent governments and social partners since 2001, project activity in West Africa has been ongoing over the last three years. A pilot phase was begun in 2003, followed by implementation of the project “Managing Labour Migration for Integration and Development in the Euromed Region, East Africa and West Africa” established in 2004, supported by the European Commission budget line for cooperation with third countries administered by DG Justice, Freedom and Security. Main programme aims are:

- to enhance the capacities of ILO tri-partite constituents for managing labour migration as an instrument for development

¹ ILO-EU Project “Managing labour migration for integration and development in Africa” Website: http://migration-africa.itcilo.org
• to promote social dialogue and to raise awareness among stakeholders regarding regional labour migration issues
• to obtain knowledge and data essential for governments and social partners to effectively set policy and regulate labour migration
• to enhance cooperation between East Africa, West Africa, North Africa and Europe on labour migration.

This paper analyses the challenges of managing inter-regional labour migration, both regular and irregular, between West Africa and the Maghreb. It identifies prospects and options for the development of regional and sub-regional migration policies and greater inter-regional cooperation between West Africa and the Maghreb, and offers some specific recommendations to enhance cooperation on managing inter-regional migration while ensuring protection for migrants rights and dignity.

This report builds on a series of three sub-regional research studies covering West Africa countries on one side and three regarding Maghreb countries on the other side conducted by ILO. One set assessed the current state of data collection and its use in policy formulation, a second set analysed existing national legislation on labour migration, and a third examined key linkages between migration and development.

This paper was presented at the “Inter-regional tripartite seminar on migration flows, between Sub-Saharan Africa, Maghreb and Europe”, held in Rabat, from 26 to 27 April 2006, following sub-regional conferences in Algiers (April 2005), Dakar (July 2005) and Tunis (September 2005), which gathered selected representatives of governments and social partners of the Maghreb and West Africa.

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3 Morocco, Algeria, Tunisia, Libya.
4 Burkina Faso, Cap Vert, Gambia, le Mali, Mauritania and Senegal. Ghana and Nigeria as well included in some activities.
1. Introduction

The last ten years have witnessed a series of remarkable changes in migration configuration globally, West Africa included. One of the dramatic changes and challenges is the increasing migration through, and pressure on, transit countries of the Maghreb by irregular migrants. These migrants come, among others, from West Africa en route to European Union (EU) countries.

The numbers and, especially, the desperation of these youths is fuelled by several factors: demographic pressures of a rapidly growing but unemployed labour force, poverty, the feeling of a dismal economic and political future in several of the Economic Community of West African States (ECOWAS) member states, the tightening of the migration regime, the so-called closed door migration policy in Europe, distorted information on labour market conditions in European countries and the increasing professionalism of traffickers, scams and bogus travel intermediaries with promises of passage to Europe, encouraged by the recent regularisation of the status of irregular immigrants in Spain, among others.

Below we focus on labour migration policy challenges in ECOWAS with an emphasis on recent patterns and trends in inter-regional labour migration between West Africa and the Maghreb, as well as on existing challenges related both to the vulnerable situation of regular and irregular migrant workers in North African transit and/or destination countries and to the prevention of abusive practices. Further we highlight on prospects for the development of regional and sub-regional migration policies as well as greater harmonisation and the exchange of data on inter-regional migration flows – through enhanced policy dialogue, including bi- or multi-lateral agreements between regional economic communities. We conclude with recommendations for national or bilateral policy measures for an improved inter-regional framework for the management of labour migration as well as greater recognition of migrants’ rights.

The term ‘irregular migrants’ or ‘migrants in irregular situation’ is used instead of ‘illegal migrants’ throughout this document. This is in conformity with the recommendation of the Global Commission on International Migration report (GCIM, 2005b) which also concludes that such persons are better regarded as ‘migrants with irregular status’, thereby clarifying the legality (or otherwise) of migration and migrants’ status. The point should be made at the outset that many West African migrants may have left their countries of origin in irregular situations, by failing to obtain national passports and/or other travel documents before commencing their journey through unofficial routes. They may also enter transit and host countries (Maghreb and Europe, respectively) through unrecognised routes and/or without appropriate entry documentation, especially entry visas.
2. Labour migration: a growing policy challenge for ECOWAS

West Africa is a sub-region of considerable migration. Migrants historically considered this space as an economic unit for the free flow of persons, goods and services, and, to this day, intra- and inter-country movements continue to be a central feature of life of the people. Much of the movement takes place in diverse political, economic and ecological settings but remains essentially intra-regional. Migrants from and within the sub-region include temporary cross-border workers, clandestine workers, professionals and refugees.

Most of the countries of the Sahel are land-locked. Lacking any viable resource base, they are prone to droughts and their economies are fragile. The sequences of drought and rainy periods have in fact moulded migrations in the Sahel: dry season migrants migrate to the coastal countries to look for work soon after the rainy season, returning thereafter to plant seeds. At the same time, families sponsor adult male members to go to the cities to secure stable salaried jobs as alternative sources of income.

Increasingly, undocumented migrants find their way clandestinely to the North through intermediate countries and are to be found in ‘new’ destinations – southern Europe, the USA, the Middle East, and central and southern Africa. The attraction of Côte d’Ivoire has been strong: even in the informal sector, migrants from hinterland countries – Mali, Burkina Faso, Niger, and Chad – could earn three times more than working in similar situations at home (Findley, 1997).

The principal countries of emigration in West Africa were, and still remain, Burkina Faso, Mali, Togo and, most recently, Ghana. Since the beginning of the twentieth century, workers from Burkina Faso have been attracted to the plantation and construction industries in Côte d’Ivoire, and to cocoa farms in Ghana – the traditional resource-rich migrant-receiving countries of the sub-region. While earlier migrations were short-term, recent migrations have become medium-to-longer-term and migrants are, in general, illiterate persons with low-status jobs, especially in agriculture, which is the principal economic sector. The other major immigrant-employing sectors are mining, commerce and services which do not require highly educated workers (Adepoju, 2003). Circular, commercial and cross-border migration has been fostered by close cultural affinity among the population, and by porous and artificial borders.

The Economic Community of West African States (ECOWAS) was founded in 1975 to enhance free trade and facilitate free movement of factors of production in the sixteen Member States. Its Protocol on Free Movement of Persons and the Right of Residence and Establishment of May 29, 1979 is explicit on the free mobility of labour. The rights of entry, residence and establishment were to be progressively established within fifteen years from the date at which the protocol came into force. Articles of the Protocols also include provisions in favour of equal treatment and against “collective and arbitrary expulsion” and call for full recognition of the fundamental human rights of all migrants regardless of status (Addy, 2005).
The implementation of the first phase over the first five years abolished requirements for visas and entry permits. Community citizens in possession of valid travel documents and an international health certificate could enter member states without a visa for up to ninety days. The removal of national barriers to economic activity within the community ensured free movement of nationals of member states, who are regarded as community citizens (ECOWAS, 1999). These rights do not however displace the laws which govern the admittance of aliens into a foreign state. Member states can thus refuse admission into their territory of immigrants deemed ‘inadmissible’ under their laws. In the case of expulsion, the migrant is to bear the cost and each state undertakes to guarantee the security of the citizen concerned, his family and his property (Adepoju, 2002).

The delayed second phase (Right of Residence) of the Protocol came into force in July 1986, but the Right of Establishment of the Protocol has not been implemented till now. In mid-1999, the ECOWAS travellers’ cheque was inaugurated to facilitate commercial transactions and travel within community states. Nationals of ECOWAS countries have taken advantage of these developments to migrate in larger numbers within the Community, but especially to Côte d’Ivoire and Nigeria, the major economic hubs and centres of attraction for immigration in the sub-region.

The formation of ECOWAS was a bold attempt to stimulate the kind of homogeneous society which had once existed in the sub-region. The free movement of persons ushered in by the Protocol on Free Movement accelerated a labour migration momentum that would have occurred anyway (Adepoju, 2002). The meeting of heads of state and government, held in Abuja at the end of March 2000, had as its major agenda the creation of a borderless sub-region. The abolition of the mandatory residency permits and the granting of the maximum 90-day period of stay to ECOWAS citizens by immigration officials at entry points took effect from April 2000. Border posts and checkpoints on international highways, which had till that time menaced free movement of persons and goods, were scrapped and the Nigerian government dismantled all checkpoints between Nigeria and Benin. Border patrols were set up to monitor and police national frontiers, and closer collaboration and information-sharing between the police and internal security agents was set in train.

The Heads of State Summit approved the ECOWAS passport as a symbol of unity to progressively replace national passports over a transitional period of ten years (ECOWAS, 2000). The elimination of rigid border formalities and the modernisation of border procedures through the use of passport-scanning machines were designed to facilitate free and easier movement of persons across borders, the ultimate goal being the creation of a borderless West Africa. In effect, ECOWAS countries have only a common external border, which facilitates the internal movement of persons, goods and services.
In spite of these policy developments, the full adherence to the provisions of the second and third phase of the Protocol in practice has been hampered by the different levels of implementation of the project at the national level and the limited monitoring mechanisms at the Community level (Addy, 2005). The revision of the ECOWAS treaty in 1993 notwithstanding, the poor linkage between migration and development processes; inadequate administrative and institutional capacity for effective migration policies and management; the lack of protection for migrant workers; the poor quality of migration statistics and faltering political support hindered effective intra-regional mobility of labour (Robert, 2004)

Since social security remains a matter of national competence, migrant workers risk being excluded from work-related benefits. In part to remedy this, the Social and Cultural Affairs Commission for ECOWAS adopted the General Convention on Social Security in 1993 “to ensure the equality of treatment for cross-border workers and the preservation of their rights when living abroad”. The agreement ensures that Community citizens residing in any ECOWAS country have the same rights and obligations under the social security laws as do the nationals of that country (Robert, 2004).

The migratory configurations in West Africa remain complex and dynamic. Countries are no longer neatly classifiable as ‘countries of origin’ or ‘of destination’ of migrants but have become a mixture of these, as well as being transit countries. Senegal has become a transit country for migrants seeking to enter Europe via the Canary Islands; Ghana, and in later years Nigeria, are now emigration countries as a result of deteriorating economic conditions in Ghana in the late 1960s and in Nigeria in the mid-’80s. In recent years, Ghana has, however, experienced a flow of return migrants emboldened by the improved economic situation in the country (Adepoju, 2005b).

As economic instability has deepened, fewer emigrants from West Africa have stable and remunerative work in traditional destinations. Consequently, circulation and repeat migration have expanded to a wider group of alternative destinations, often to places without historical, political, or economic links to the countries of emigration (Adepoju 2005b). Many migrants are thus exploring a much wider set of destinations, and there is also some evidence to support the notion of a pattern of replacement migration, in which migrants of rural origin move to towns to occupy positions vacated by nationals who emigrate abroad. This seems to be occurring in Mali, Burkina Faso, Côte d’Ivoire and Senegal.

Countries that were once immigrant-receiving have metamorphosed into migrant-sending countries. Since the late 1980s, traditional labour-importing countries (Côte d’Ivoire, Ghana) and attractive destinations for migrants (Ghana, Nigeria, Senegal) have experienced endemic political and economic crises, which also spur out-migration of their nationals. Nigeria, the sub-region’s demographic and economic giant, assumed both situations between 1975 and 1990, within a time span of a less than a generation. This was due to several interlocking factors – the collapse of oil prices and sharp
declines in oil revenue, rapid deterioration in living and working conditions, devalued national currency, wage freeze, inflation and protracted authoritarian military rule. These fuelled a large-scale emigration of workers, both skilled and unskilled, to developed regions such as the Gulf and the Maghreb states. Côte d’Ivoire today is a country divided, again spurring the emigration of both non-nationals and indigenes (Adepoju, 2005a).

The setting for migration outside the ECOWAS sub-region: In most ECOWAS countries, the public sector – the dominant employer – has not been able to provide viable employment opportunities to meet the demands of the rapidly-growing labour force, thus generating large numbers of unemployed youths. Mismanaged economies and human rights abuses, especially under military regimes across the sub-region, have spurred the exile of both skilled and unskilled persons. Conflicts and environmental degradation further aggravated the pressure for migration from poorer to relatively prosperous regions, within and, increasingly, outside the sub-region. In the Sahel in particular desertification and cyclical famines have triggered waves of environmentally-displaced persons across national frontiers within and outside the sub-region.

The retrenchment of public sector workers in Senegal, Togo, Sierra Leone, Guinea and Nigeria in response to structural adjustment measures, coupled with sharp increases in the number of annual entrants into the labour market have fuelled the job crisis, creating a sustained pressure for labour emigration. Such a stressful socio-economic environment, coupled with declining real incomes, has combined to create the perception of a dismal economic future and has exacerbated the exodus of, especially, young, educated – but mostly unemployed – persons.

Widespread poverty and human deprivation, and the deterioration of the well-being of the vast majority of the population has fuelled clandestine migrations. Landless farm labourers, deprived of the means of improving their living conditions, are pressured to abandon work and life in the rural areas and to emigrate in search of wage labour in the urban areas. In recent years, macro-economic adjustment measures and huge increases in the number of entrants into the labour market have created a sustained pressure for labour emigration.

Conflicts, family dislocation and disintegration expose many children – especially young girls – and women to traffickers and bogus agents who exploit the dire situations of these women with promises of lucrative work abroad. Trafficking syndicates obtain travel documents and visas for the women; on their arrival at the destination, they take custody of the victims’ documents and link them up with sex industry operatives (Adepoju, 2005a).

Liberia’s contagious civil war, which started in 1989, soon engulfed Sierra Leone, Guinea Conakry, Guinea Bissau and Côte d’Ivoire. This lattermost almost turned to a regional conflict, destabilising the entire West African sub-region. Nearly 70 per cent of Liberia’s population was displaced, and thousands who fled the war to seek refugee in
Sierra Leone, were soon dislodged as conflict broke out there in March, 1991. Refugees were dispersed to Guinea and Côte d’Ivoire, only to be embroiled in another flight for safety in Mali, Ghana and Burkina Faso. This occurred when Côte d’Ivoire, once one of the sub-region’s, and indeed Africa’s, most stable countries, was engulfed in civil war in late 2002. About 750 000 people were displaced within the country and another 500 000 ‘foreign’ residents, mostly Burkinabes, were rendered homeless and in desperation fled to their countries of origin (UN, 2004). Before the crisis, about half of the labour force in the cocoa farms came from Burkina Faso.

Several countries have enacted laws which in effect restrict ‘foreigners’ – including nationals of community states – from participating in certain kinds of economic activities. As economic conditions worsened and unemployment among nationals in the receiving countries intensified, immigrants became targets for reprisals through expulsion. In the case of Nigeria, in early 1983, the government revoked Articles 4 and 27 of the Protocol on Free Movement of Persons and expelled between 0.9 and 1.3 million irregular aliens, mostly Ghanaians (Adepoju, 2002).

The implementation of the second phase of the ECOWAS Protocol in July 1986 coincided with the implementation of the structural adjustment programme in Nigeria. As the economic crisis deepened, about 200 000 irregular aliens were again expelled, in June 1985. Aliens are usually the scapegoats when governments are confronted with economic and political teething problems. Apart from the deteriorating economic situation in Nigeria, the government’s expulsion order of January 1983 derived partly from a fear of the possible effects of large numbers of undocumented aliens on voting patterns, as was seen in the violence and civil disorder during the bitterly-contested general election later that year. This, and several other similar incidents, turned immigrants into targets of hostility from the native population, blamed for whatever economic, social and political problems arise in the country.

The case of Côte d’Ivoire necessitates some elaboration. Most migrants there originate from the Sahelian zone, especially from Burkina Faso. The country’s domestic labour force is small and about a quarter of its waged labour force are foreigners. The country’s first post-independent president, ignoring the arbitrary borders drawn by colonial powers, encouraged immigration from the country’s poor neighbours. Immigrants from Burkina Faso, Nigeria, Liberia, Senegal and Ghana flooded the plantations and did menial jobs shunned by the local population. They brought their families and were allowed to marry cross-culturally, settle and vote. Immigrants constituted 17 percent of the total population in 1965, 22 per cent in 1975, 28 percent in 1988 and 25 per cent in 1993. By 1995, there were four million such immigrants out of a population of 14 million (Touré, 1998).

The government’s liberal immigration policy of over three decades has now been jeopardised by political expediency and immigrants now enter the country clandestinely. Borders are porous, difficult to police, and many families and communities often live on adjacent sides of national frontiers. The economic downturn
and the increasing unemployment among young nationals have been used as excuses for the government policy of registering and issuing special identity cards to foreigners, a development widely viewed as aimed at deporting (now classified) irregular immigrants. The bitterly divided Côte d’Ivoire is still reeling in a situation of uneasy calm and many Ivorians are emigrating, in fear of fratricidal warfare and its aftermath.

Many nationals in West Africa do not possess national passports, in part because of illiteracy, poverty, and the corruption of officials, but also because the centralised issuing of passports in national capitals is out of reach of the majority of rural dwellers. Precisely for the same reasons, very few Community citizens are aware of the existence of the ECOWAS passport, and far fewer have access to, or incentives to use, the passport.

A variety of interrelated factors – rapid growth of the population and the labour force, decades of stunted development, the so-called lost decade, the debt overhang, deregulation and restructuring of the economy – have rendered high proportions of the work force unemployed while wages for those in employment have plummeted dramatically. The sub-region’s rapidly-growing population places tremendous strains on the development process, and creates conditions for migration through its linkages with labour force growth and unemployment. Unemployment has deepened, in part because of the rapid growth in the labour force in the face of contractionary fiscal and monetary policies which resulted in the retrenchment of workers in the public service (Adepoju, 2003).

The limited capacity of the labour market to absorb productively the annual cohorts of job seekers turns them into potential emigrants. The current unemployment rate of one-third or more among secondary school and university graduates signals a crisis of migration. In several countries, especially Senegal, Mali, Burkina Faso and Togo, the push of abject poverty is as compelling as the pull of enhanced living conditions in the countries of the North.

Political instability resulting from conflicts is a strong determinant of migration in the sub-region. The political landscape is unstable, unpredictable and volatile. Dictatorial regimes often target, harass and intimidate students, intellectuals and union leaders, spurring emigration of professionals and others. The loss of state capacities in Liberia and Sierra Leone and breakdown of states rooted in the precarious democratisation process, the vacillating effects of structural adjustment programmes and human insecurity have also prompted a variety of migratory movements, including refugees (Adekanye, 1998).
3. Recent trends in labour migration between West Africa and the Maghreb

Stressful economic conditions, especially the absence of sustainable livelihood opportunities, poverty and unemployment, endemic conflicts, the perception of a bleak future, coupled with widening disparities in incomes and living standards between the North and the South, have been compounded by political factors, especially poor governance and human rights abuses, fuelling the emigration of young educated persons in a desperate venture to enter the European Union. In recent times, many youths have entered the Maghreb in the hope of crossing to Europe via southern European outposts, especially the Spanish Canary Islands and the Italian island of Lampadusa (GCIM, 2005b).

One significant recent development of migration in West Africa is the diversification of destinations by migrants eager to explore opportunities in countries where they often have limited historical, cultural, political, or even economic links. Examples include Senegalese and Malian migrants to Zambia and more recently to South Africa and the USA. This development has mushroomed as a response to the limited opportunities for migration into the traditional labour-receiving countries of the North, where opportunities for regular labour-migration, especially for unskilled and semi-skilled persons, have been virtually closed except for family re-unification purposes. The ‘closed door’ policy of the North has moreover inadvertently boosted irregular migration by migrants bent on securing entry into these more prosperous countries (Adepoju, 2002). Recent incidents of trafficking in migrants and desperate attempts by individuals to enter the countries of Europe stowed away beneath ships’ decks or in the luggage compartments of commercial aircraft are manifestations of the desperation of youths to emigrate from poor countries to those of the North.

Since the European Union eliminated internal borders between its members in recent years and extended its reach into Eastern Europe, it has become a particular magnet for immigrants. The political backlash that followed the increase in immigration forced the EU to tighten controls at its external borders, especially on the Mediterranean coast. As has already been mentioned, the introduction of tougher rules regarding entry and residence of foreigners in Europe for regular migration, has since the mid-1990s, inadvertently pushed irregular West African migrants to use complex routes to reach the Maghreb as a transit region to enter Europe clandestinely. In the process, Morocco has become a major transit-migration country for these migrants from West Africa and beyond who enter the country at the border east of Oujda from Algeria, after crossing the Sahara through Niger, hoping to enter the EU countries via Spain (Seyni, 2000).

Irregular migrants from West Africa often travel from Agadez to Dirkou, an oasis in the north of Niger, and a gathering point before crossing the Libya border. The demand for seasonal labourers in Sicily during the late 1990s made this route attractive. In 1998 the extradition treaty signed between Italy and Tunisia resulted in intensified border controls by Tunisian authorities and made the passage by fishing boat from Tunisia to
Lampedusa or Malta more difficult for irregular migrants. Consequently, irregular immigrants from West Africa and Asia shifted to the Libya–Lampedusa–Malta route that was more patronised by North African migrants (European Commission, 2004).

Migrants without official documents sometimes manage to enter Europe by applying for political asylum. Irregular migrants normally combine a variety of modes of transportation – trains, lorries, buses, inflatable rafts, rickety fishing boats, speed boats, and of course going on foot. They manoeuvre their way in precarious conditions through bush paths, desert and creeks to avoid authorities and check points. Some dig tunnels under border fences, or cut a hole in them – sometimes with the assistance of corrupt or sympathetic guides. Many migrants carry false passports, and are assisted by agents – a network of traffickers and of migrant communities who have settled along these routes. The would-be migrants face a series of dangers along the route, including shipwreck and dehydration during the long trek across the Sahara desert (Byrne, 2004).

De Haas (2005a) notes that since the mid-1990s, intensified border patrolling at the Strait of Gibraltar has prompted migrants to cross from more eastern places on the Mediterranean coast as well as exploring new crossing points such as via the Canary Islands. In 2001, half of the interceptions of irregular migrants by the Spanish authorities took place off the Canary Islands, but by 2004, the figure had rocketed to 90 percent (ICMPD, 2005).

Two major routes are highly patronised by irregular migrants: the Dakar–Bamako–Timbuktu–Gao–Casablanca–Tanger–Ceuta route, and the route via Gao–Niamey–Tammarasset–Algiers–Oujda–Tanger to the Spanish mainland. Among other places, these migrants come from Nigeria, Senegal, Mali, Ghana, Sierra Leone, Cote d’Ivoire, Gambia, in West Africa, and beyond (see Map 1). The journey is often made in stages and spread over many years, with migrants working along the way to finance their journey.

Irregular migrants heading to Spain by avoiding the Ceuta and Melilla entry points and the Strait of Gibraltar, where security has been tightened in recent times, opt for the Rabat–Agadir–Western Sahara–Fuerteventura (Canary Islands) route. From Fuerteventura, these migrants make their way to other islands in the Canaries and/or travel directly to the Spanish mainland. Other routes from West African capitals crisscross Agadez–Dirkou–Al Quatrún–Tripoli–Lampedusa–Malta, or pass through Gaya–Agadez–Djanet–Ghat–Benghazi–Zuwarah to Italy. Alternatively immigrants converge in Ouagadougou and from there link the Gao–Timiaouine–Tamaarasset–Djanet–Ghat–Sabhah route. Once in Morocco, they often attempt to enter the Spanish cities of Ceuta and Melilla by scaling the tall border fences separating these enclaves from Morocco.

In 1999 the Spanish authorities gave permission to the Red Cross to build camps outside Ceuta and Melilla to accommodate the growing numbers (over 5,600) of irregular migrants, and later erected a high barrier to stem the influx of immigrants.
Because Spain has few repatriation agreements with sub-Saharan countries, many irregular migrants who manage to sneak into the country and are apprehended are eventually released to stay on.

Many irregular migrants use Morocco as transit, and many of those who fail to enter Europe settle in there rather than face the humiliation of returning home. They do odd jobs in Casablanca, Tangiers and Rabat simply to survive – in spite of the xenophobia and aggression from both Moroccan and Spanish border authorities. Between January and September 2004, 1,860 irregular migrants from Mali, 1,094 from Gambia, 332 from Guinea, 226 from Côte d’Ivoire, 220 from Ghana, 173 from Liberia, 171 from Mauritania, 163 from Nigeria and 158 from Guinea Bissau were apprehended in Spanish territorial waters, while seeking to enter EU territory. During the same period, 429 Moroccans were apprehended in Melilla and 681 in Ceuta (European Commission, 2005).

Smuggling people has become a large and lucrative business for the cartels in Libya which specialise in transporting Africans through the Sahara Desert and then across the Mediterranean Sea. It is a very dangerous venture for irregular migrants who often fall into the hands of bogus agents who swindle them off their money with the promise to secure safe passage by boat to Italy – but in the process many die.

Following the announcement in 1999 by Libya’s leader of a new organisation – the Community of Sahel Sahara States – linking Libya with Sudan and the former French colonies of Chad, Mali, Burkina Faso, Niger and Central African Republic, immigrants from these countries have been attracted to Libya, including 500,000 from Chad. Over time, Sub-Saharan immigrants have become significant in number and now account for one-sixth of Libya’s population. During September and October 2000, a general crackdown on immigrants by Libyan authorities led to clashes with local residents who allegedly attacked them in their homes and on the streets. About 500 died. Over 6,000 Nigerians and Ghanaians were subsequently repatriated (Obisesan, 2000).

Libya has also emerged as a major transit country towards Europe for irregular immigrants, through the Strait of Sicily, thus increasing pressure on EU external borders in the Mediterranean Sea (Adow, 2003; European Commission, 2004). This is due in part to the length of its borders with neighbouring countries, the free movement of people between Libya and the non-Arab countries and Libya’s pan-African policy. The towns of Sebha, Tamanrasset, Layoune, Agadès, and Abéché have emerged as transnational crossroads for both regular and irregular migrants between West Africa, the Maghreb and Europe. As Boubakri (2004) argues, ‘the free movement of people between Libya and Tunisia, and between the Maghreb and Sub-Saharan African countries has been fuelled in large part by the proximity between Morocco and Spain and between Tunisia and Italy that turned the Strait of Gibraltar and Sicily into ‘bridges’ for irregular crossings to Europe.’ The increase in irregular migration by nationals of the Maghreb to the European Union countries was soon followed by an increased flow from West Africa either in transit or moving in stages to countries of the
European Union (Fargues, 2004). This condition intensified as Europe increasingly fortressed its common borders against immigrants.

4. Challenges regarding immigrant workers in North African countries

Irregular immigrants face double jeopardy: they risk or even lose their lives when crossing the Sahara Desert and then again when crossing the sea from West Africa to Europe – via the Strait of Sicily (which separates Tunisia from Italy), or the Strait of Gibraltar (separating Morocco from Spanish Andalusia), and, increasingly, via the 240 kilometres that separate the Canary Islands from the Spanish mainland (Boubakri 2004). About 2,000 Africans are believed to drown in the Mediterranean each year while attempting illegal crossings to Europe.

The challenges posed by this trend are enormous, and solutions must be sought jointly by the countries of origin, transit and destination, human rights agencies and other stakeholders. So far, a number of measures have been put in place: the tightening of controls on the southern borders of the Maghreb and revised rules on the entry, residence and employment of nationals of African countries. Others include the tightening of border controls at departure points to Europe (Boubakri, 2004). In the first eight months of 2005, Spain’s Ministry of Labour reported that there had been a 40 percent drop in immigrants reaching Spain from the African coast (European Commission, 2005).

In recent years, the countries of the Maghreb have been cooperating with Italy and Spain to combat irregular migration. This cooperation is manifested in the signing of readmission agreements, and the policing of international borders with the countries of destination (Italy in the case of Tunisia, and Spain in the case of Morocco). Other measures include the training of coastal surveillance staff, the provision of logistical support for maritime security forces and joint police and naval patrols with Italy in Tunisian territorial waters.

At the same time, legal instruments are being established in some countries to punish those guilty of organising and participating in irregular migration. One example of this was the passing of a law by Morocco in 2003 to regulate the entry and residence of foreigners, imposing heavy sanctions against undocumented immigration and human smuggling (de Haas, 2005a). Critics argue that the law ignores migrants’ rights and accuse Morocco of bowing to pressure from the EU to play the role of Europe’s ‘policeman’ in North Africa (Belguendouz, 2006). Irregular migrants, lacking legal status, and probably carrying false travel documents, are vulnerable to social and economic marginalisation and rarely have access to or enjoy decent work. Moroccan media have heightened sentiments by comparing these people to ‘black locusts’, prompting the authorities to round them up to be deported to the Algerian border.
Some irregular migrants in Morocco en route to Europe are indeed asylum seekers but the authorities summarily classify them as ‘economic migrants’ who are rejected at the border or deported as ‘illegal economic immigrants’. Even the 2,100 migrants recognised by the UNHCR office in Morocco have not been granted that status and lack rights to employment, education, and health care (de Haas, 2005a).

Following months of fruitless attempts to enter Spain before all avenues are closed, six irregular immigrants died in September 2005 while scaling a six-metre fence surrounding Ceuta. Jeremy Landor (BBCNEWS, 2005) gave a graphic picture of the situation: He reported that ‘at least 11 refugees from Sub-Saharan Africa died in late September and early October after being shot or crushed during a number of mass attempts to enter Europe by breaching the fences which encircle the Spanish enclaves of Melilla and Ceuta in northern Morocco. Five men were shot dead while attempting to penetrate the fence around Ceuta on 29 September, leading to rioting among the homeless migrants camped on the Moroccan side of the fence. The attempts intensified in the following days, despite both Rabat and Madrid despatching additional security forces to the scene. Some 700 people stormed the barrier outside Melilla on 3 October, two hundred of them getting through, and another five hundred made the attempt two days later. Clashes the following day between migrants and Moroccan troops led to six Africans being shot dead; another thousand tried to breach the perimeter fence.’

This incident prompted the Spanish government to double the height of the metal wire fence barricade (built in the late 1990s) and reinforce it with watch posts, sensor pads, security video cameras and fibre-optic sensors, and defend it with Spanish Legion soldiers and the Civil Guard. The government also stepped up its anti-immigrant collaboration with Moroccan security forces: an agreement had been signed between Spain and Morocco in 1992, but was not implemented until early October 2005 – after the Melilla incident. In terms of this agreement, those who make it into Spain and are arrested are usually sent back to Morocco – no matter what their nationality might be.

Activists say that the decision by Spain to legalise about 700,000 irregular immigrants emboldened those stranded in Morocco to make the dare-devil attempt to breach the perimeter fences in Ceuta and Melilla. The good news is that the policy reflects the reality in the labour market; it was employer-led, and was the result of extensive consultation with other constituencies that acknowledge the labour market need for such migrants, who mostly worked in the underground economy.

An earlier example of violent incidents was the clashes between Libyans and West Africans in Tripoli and Ezzouiyia, in September-October 2000. This crisis was blamed in part on the vacillating effects of decades of international embargo on Libya, the tightening of the domestic labour market, social tension and increased anti-foreigner sentiment among the Libyan population. During the ensuing mass expulsion of migrants, often in inhumane conditions, many were reportedly killed (Obisesan, 2000).
The lesson to be learnt from reinforcing security around Europe’s borders is that the problems of irregular migration are simply pushed further south. Europe seems to be using Maghreb states to keep irregular African migrants and refugees out of Europe (Belguendouz, 2006). The authorities in Libya and Morocco bully and expel them, often sending them to desert border posts to face death, torture and hunger. In a forest near Morocco’s border with Ceuta, encampments have been set up by destitute Africans, who are reported to be attacked and arrested by Moroccan police. In mid-October 2005, the Moroccan government – which has deportation agreements with Senegal and Mali – began transporting nationals of Mali and Senegal home. Between November 2004 and March 2005, Morocco chartered five planes to deport African refugees to Nigeria, and new measures have been proposed to increase penalties for those who try to enter, or leave, the country illegally. The over 500 Senegalese who had arrived in the capital, Dakar, and about half of the 630 Malian expellees arriving in the capital, Bamako, complained of the high-handedness of the Moroccan law enforcement agencies (irinnews.org, 2005). The local NGOs in the Dakar and Bamako were so appalled by the report of maltreatment of their deported compatriots that they urged their national authorities to refer Morocco to the United Nations Special Rapporteur on Human Rights.

Initially, Libya dismissed repeated calls by Italy and other EU countries to put an end to irregular migrants forcing their way through Libya to Italy and then to Europe, arguing that stopping irregular immigration would require cooperation between Africa and the EU. It has nevertheless stepped up efforts to crack down on irregular migrants from North and sub-Sahara African states, in part in order to appease the North. Libyan authorities have now started to take action against the human smugglers and the migrants, by meting out heavy punishments for both parties involved in the illegal trade, including imprisonment and deportation.

In June, 2005, Libya signed an agreement with Italy to hold African refugees and irregular immigrants in detention camps – to prevent them from crossing to Europe. The head of France’s Information and Support Group for Immigrants called the policy ‘the most symbolic example of European cynicism… externalising its asylum and immigration policy by getting third countries to take responsibility for the flow of migrants before they arrive at its borders.’ Libya has probably not signed the Geneva Convention on refugees and the UN High Commissioner for Refugees has no official status there. Non-Libyans, including refugees, are likely to be picked up by police, thrown into camps and expelled en masse, prompting Amnesty International (2005) to lament the lack of human rights protection in Libya. The UNHCR too emphasised that the country was ‘not safe’ for asylum-seekers. The European Parliament noted that Libya ‘practises arbitrary arrest and detention’, and speaks of ‘the detention, [and] massive repatriation of foreigners in conditions which do not guarantee their dignity or survival’ (European Commission, 2004).

Although the search light by the media, the general populace and policy makers is focussed on irregular West African migrants using the Maghreb as transit countries to
enter Europe clandestinely, in reality there are several thousand others resident and working in regular situations or studying in tertiary institutions in these countries. Statistics are imprecise on the number, qualification, employment status, nationality and duration of residence of such regular migrants in especially Libya, Morocco and Tunisia. In Morocco, for example, there were over 1,200 Senegalese, 800 Ivoriens, 576 Malians, 1,225 Mauritanians, 620 Guineans, 410 Nigerians resident in regular situations as at the end of 2003 (Musette, 2005). These migrants often face hostile reactions by local population fuelled by the illegal activities of their compatriots in irregular situations – trafficking, crime, drug peddling, and so on. The challenge of the host countries is how to ensure that these migrants’ right are ensured, abuse minimised and progressive programmes are launched to effectively integrate them into the host societies. The challenge is made more urgent because these countries, apart from concurrently serving as countries of destination and transit, are also facing migration pressures on their unemployed youths (see section 7).

5. Prospects for the development of regional and sub-regional migration policies

The focus of this section is on prospects for the development of regional and sub-regional migration policies, greater harmonisation, and the exchange of data on inter-regional migration flows through enhanced policy dialogue including bi- or multi-lateral agreements between regional economic communities.

The growing number of irregular migrants and the complexity of the migratory configurations within and across the West African sub-region necessitate a more coherent co-operative inter-state approach to migration management; so does the need for clear objectives, and opportunities for the exchange of experiences and best practices. One way of easing the pressure on Europe’s borders in the future is to put in place mechanisms that allow for increased legal immigration as a means of improving immigrants’ lives, and through remittances, those left behind. This also resonates with the intervention programmes to reduce the emigration pressures at the source regions.

In the wake of the deaths of irregular migrants in the outposts of Spain discussed above, the EU Commission’s technical mission to Morocco visited Ceuta and Melilla in early October 2005. Its objectives were: to assess and better understand the size and characteristics of irregular migration from Africa via Morocco to the EU; to assess the situation at the Northern border of Morocco, in particular the present state of illegal immigration channels both by sea and via the land borders, and to listen to Moroccan and Spanish authorities about their ideas for measures which could increase the cooperation between the EU and Morocco in preventing and combating irregular migration (European Commission, 2005).

The mission concluded that the mounting migration pressure from Africa on Morocco and the EU will intensify in the coming years. Although Morocco and Spain are
making efforts to control this challenge, the EU is enjoined to provide substantial assistance to ensure the long term sustainability of the control efforts; intensify cooperation with and assistance to Morocco, launch a dialogue and cooperation with Algeria, and develop a comprehensive migration policy for the main countries of origin and transit in West, and indeed in sub-Saharan Africa.

The fourteen major regional economic groupings in Africa are considered as the building blocks of the African Economic Community, and are expected to develop gradually under the terms of the 1994 Abuja Treaty. The goals of that treaty have been reinforced by the adoption in 2001 of the New Partnership for Africa’s Development (NEPAD) and the establishment in 2002 of the African Union. The Economic Commission for Africa rated ECOWAS as ‘above average performance’ with respect to regional integration, and the Arab Maghreb Union (AMU) as ‘stagnant’. The rating is based on progress made in regional integration, including the aspect of free movement of persons, which is especially muted in the AMU (UN, 2004).

In many ECOWAS and Maghreb countries, the institutional capacity required to manage migratory flows and for effective policy formulation and implementation is weak, and must be strengthened through training and retraining of key officials. Capacity-building of officials – customs, immigration, police and security – to deal with managed movement of persons and goods, as well as the rights and obligations of migrants, is most crucial and urgent and should be a continuing process. Training of officials, exchange of information, and networks should all be institutionalised to replace on-going ad hoc arrangements. Presently functioning as border control and security officials, their role has to be transformed into that of migration management. The training should also include a component addressing ways of identifying people in need of international protection, and respect for the rights of migrants and refugees in accordance with international norms and conventions. Greater institutional strengthening will, however, require human and financial resource input, and minimising of unnecessary bureaucracy.

According to a 2005 European Commission report, most of the 2 000 young irregular immigrants who had spent years in camps or were living in forests near the border with Melilla, were well-educated: 38 per cent had finished secondary school, while a further 24 per cent had been to university. By 2003, the number of sub-Saharan African clandestine migrants (23 850) crossing the Strait of Gibraltar was almost double the number of Moroccans (12 400). Since 2004, however, the number caught attempting the crossing has fallen because patrolling and electronic monitoring have become more effective. Nevertheless casualties continued to rise. In mid-May, 2005, for instance, at least fourteen African migrants heading to Italy drowned when their boat sank off the coast of Libya; three other passengers were reported as ‘missing’ (European commission, 2005).

Cooperation between EU, ECOWAS and Maghreb governments, in particular Ministries of Labour, as well as social partners, is crucial in combating irregular
migration and trafficking in persons, more so because strict immigration policies in
developed countries can actually fuel markets for trafficking and smuggling and
irregular migrations. In the same vein, cooperative research and information-sharing
between countries of origin, transit and destination, and increased operational contact
between law enforcement authorities to share information on numbers and nationalities
of trafficked persons, smuggling routes and methods of interdiction should be
encouraged. Cooperation between researchers in origin, transit and destination
countries with focus on tracer studies of trafficked victims is desirable (Adepoju, A,
2005a). In other words, linkages between countries of destination, transit and origin
must be established and reinforced, with information-sharing being a major component
of cooperation.

The issue of trafficking has engaged the attention of political leaders. The Foreign
Affairs Ministers of ECOWAS countries adopted a Political Declaration and an Action
Plan against Trafficking in Human Beings in West Africa in Dakar in December 2001.
The Action Plan commits ECOWAS countries to take urgent action against trafficking
in persons; to set achievable goal and objectives; to ratify and fully implement crucial
international instruments of ECOWAS and the United Nations that strengthen laws
against human trafficking; and to protect victims of trafficking, especially women and
children. The Plan calls for the setting up of special police units to combat trafficking
of persons; training for police, customs and immigration officials, prosecutors and
judges in the prevention of trafficking, and prosecution of traffickers; protection of the
rights of victims, and protection of the victims themselves from traffickers. Importantly,
the Action Plan called on ECOWAS countries to set up direct
communications between their border control agencies and to expand efforts for
gathering data on human trafficking (Sita, 2003). These recommendations, which are
forward-looking and comprehensive, need to be implemented forthwith.

6. Bilateral agreements between West African and European
countries

As part of the Berne Initiative, in July 2002 Portugal signed a series of bilateral and
multilateral agreements on immigration with Lusophone African countries with
colonial, cultural and historical ties to Portugal. These included a Multilateral
Agreement between Portugal and Angola, Cape Verde, Sao Tome and Principe on the
‘Establishment of Specific Desks in Border Entry Gates for the Reception of African
Portuguese Speaking Countries’ Nationals’ (Pedroso, da Fonseca Quá and Costa,
2004).

Spain has signed bilateral agreements with some African countries for the readmission
of irregular immigrants and for the management of migratory flows. These include a
draft agreement signed with Ghana in Madrid in February 2003 which led to the
repatriation of 370 such immigrants. The terms of the Agreement on Immigration,
signed with Guinea Bissau in Madrid in February 2003, are being provisionally
implemented, pending its ratification. A similar Agreement on Immigration was signed with Mauritania in Madrid in mid-2003, and with Nigeria in Abuja in November 2001. In the latter case and pending ratification, more than a thousand irregular immigrants were repatriated in 2002, and again in 2003, and about nine hundred in 2004. Such agreements tend to focus on entry control and repatriation, but emphasis should also be placed on the reintegration of migrants on return (Casado, 2004).

After Nigeria criticised Morocco for summarily deporting her nationals and other migrants into desert regions along the Algerian border, the two countries later organised free flights for Nigerians stranded without money Morocco. By the end of 2004, about 1 460 Nigerians, including 200 women and 50 small children, had been flown home. The incident was portrayed as voluntary repatriation but in reality took the form of forced evacuations, and many migrants complained bitterly of harassment, and blatant abuse of their rights. The official reaction of the Nigerian authorities was muted; in public, they expressed the hope that the repatriations would dissuade their compatriots from planning to follow their path (Byrne, 2004).

Morocco and Spain, as well as Tunisia and Italy have mounted jointed naval patrols aimed at catching migrants smuggled by boat to Spain and Italy. In July 2003, Libya signed an agreement with Italy for financial support in combating smuggling and in providing sea-rescue operations. This is one outcome of talks between the two countries on collaborative efforts to curb irregular migration (Delicato, 2004). A few other EU countries have also entered into bilateral agreements with countries of emigration in West Africa, to facilitate the return and reinsertion of migrants into their home communities (Magoni, 2004). For example, the Franco-Senegalese Protocol Agreement, initially signed in 1975, and revised several times thereafter, encourages the voluntary return of Senegalese migrants in France, to enable them to contribute to the development of their home communities (Diatta and Mbow, 1999).

In all, bilateral agreements and cooperation in coastal areas and along land borders, aimed at curtailing and controlling irregular migration and readmission of repatriated immigrants, remain the dominant strategy between European countries bordering the Mediterranean and the Maghreb countries of migrant transit and origin.

7. Recommendations regarding labour-migration management and migrant rights

A major development issue during the next decade will be the productive employment of the millions of educated youths who will scramble for work in the formal sector, or join the lengthening queue of potential emigrants, ready to migrate clandestinely to do any kind of job anywhere, but increasingly outside of their countries. Irregular migrants are expending tremendous resources – both physical and financial – and are determined to force their way into Europe. West African governments should tap into these resources and support these youths in self-employment rather than allowing them to
perish in the desert or the sea in a desperate search for the illusory Golden Fleece. Concerned stakeholders should heed the alarm cry raised by Mr Ould-Abdallah, special African envoy of the UN Secretary-General, that the recent events were ‘insignificant compared to what we may be facing in a few years’ time’, adding that ‘I dread to think of the scenes we may be contemplating in, say, twenty years, if we do not make a massive, consolidated effort to create jobs and opportunities in West Africa.’ (Mutume, 2006).

Poverty reduction is now the most urgent task facing many ECOWAS, and indeed African countries. Unemployment is a key factor in poverty, and the millions of youths who are unemployed are socially and economically dependent, and disillusioned. In many countries of the sub-region, the incidence, depth and severity of poverty are such that poverty reduction strategies have to be synonymous with economic growth and development strategies. It is for these reasons that development programmes have to be pro-poor and pro-jobs, to provide livelihoods for the youth. In doing so, governments must put poverty issues at the top of the political agenda, rather than treat it as a residual social issue, and accept the private sector and civil society as partners in development. Political stability is a precondition for peace and development but, beyond that, governments must provide an enabling environment for participation of other actors in the pro-poor development process, and mobilise and strengthen self-help capacities and individual initiatives at the local level.

Persistent political unrest and fragmented, weak national economies make regional and sub-regional economic groupings most relevant. Economic integration offers a long-term prospect for stimulating intra-regional labour mobility that could provide viable local and regional alternatives to the attractions of Europe. Existing groupings need to be revitalised, to serve the roles for which they were set up – and many more – in a globalising world.

Dialogue and cooperation on migration matters between the countries of the Maghreb is weak; it is equally generally weak or non-existent between the EU, Maghreb and West African countries. Policy dialogue is a useful mechanism to engage all stakeholders – policy makers, politicians, civil society, the media, migrant associations etc. – in matters of migration management, and this must be institutionalised rather than simply being organised on an ad hoc basis. In this context, dialogue and cooperation between Morocco and Algeria is required, to combat irregular migration and the trafficking and smuggling of human beings – in a coordinated way. In spite of the shared responsibility for border management by these countries, there appears to be no bilateral cooperation between them on migration flows. It is important for them to engage in dialogue, train their border guards, exchange information and ameliorate the conditions of irregular migrants stranded in the vast desert areas. Cooperation and capacity-building would enable these and other countries of the Maghreb and ECOWAS to better manage cross-border migration in regular and irregular situations.
It was suggested by the West African Regional Ministerial Meeting on the participation of migrants in the development of their countries of origin – held in Dakar in 2000 – that it is imperative to create mechanisms of consultation and dialogue between ECOWAS and the EU in order to foster collaboration on migratory issues (Adepoju, 2004). An example of such is the permanent working group on immigration, consisting of high officials and senior experts from Spain and Morocco, set up in Spain in November 2003, involving the Ministries of Labour, Home Affairs and Foreign Affairs. It meets regularly in one country then the other. The composition of the officials should be extended, as well as incorporating various interest groups and stakeholders. There should also be in place a mechanism for the reporting and monitoring of decisions taken.

Spain’s pilot project ‘Immigrant Voluntary Return Programme from Spain’ that took off in September 2003 focuses on immigrants at risk, integration problems, and victims of trafficking. Those who qualify are entitled to training for their return, a free plane ticket from origin to destination, and seed money in the home destination to help them reintegrate in the country of origin (Casado, 2004). The project provides a framework for similar schemes with West African countries that have large concentrations of immigrants in Europe.

At the multinational level, the EU should support relevant regional initiatives such as the dialogue on migration in the western Mediterranean Sea. Migration issues should be on the agenda of the cooperation between the European Union, ECOWAS’ Parliamentary Group on Population and Development, and the African Union – especially in the context of the African Union’s Strategic Framework for a Policy on Migration in Africa in order to develop a common EU–AU work programme on migration and related subjects, as well as concrete initiatives to better manage migration, tackle irregular migration and the trafficking and smuggling of human beings.

An integrated and comprehensive approach to migration management policy development and implementation should involve all partners engaged in the migration policy arena. These include the government sector (Ministries of Labour, Trade, Home Affairs, Integration, Foreign Affairs, Justice, and so on), the private sector, civil society, trades unions, employers’ organisations, and the media. Such an approach will demand close collaboration between and among these divergent constituencies, which often have conflicting interests. New approaches must be considered within sending and receiving countries, to formulate coherent and concerted responses. Migratory policies must be congruent with those of other fields related to migration – especially trade, development, environment and human rights – but must also be comprehensive enough to include the needs and interests of sending, transit and receiving countries. Above all, such policies must recognise and enshrine the rights and obligations of the migrants themselves, for as the African Union (2006) recommended, management of irregular migration should not jeopardise the human rights of refugees and irregular migrants. Countries of origin, transit and destination have a shared responsibility to
strictly observe migrants’ human rights and human dignity, and must work in concert to secure the dignified return of their *bona fide* nationals who no longer have the right to remain abroad.

In West Africa, ECOWAS has, to a large extent, implemented the protocol on the free movement of persons; however it remains lukewarm about rights of residence and establishment. Unlike non-binding inter-state agreements, regional integration agreements are binding and often require changes in national laws. Member countries of ECOWAS cannot enter into bilateral agreements that contradict the protocol on free movements of persons and establishment. A viable entry point to ensure a comprehensive approach is to focus on the harmonised collection, analysis and exchange of data regarding labour needs in sending- and receiving-countries. These can help match labour skills with labour demands and maximise the gains from migration.

The dialogue process is an effective mechanism for authorities to provide their nationals with adequate information on conditions in receiving countries. Information on rules and regulations regarding entry, residence and employment abroad can be disseminated to potential emigrants in countries having, or likely to have, a significant potential emigrant population – countries such as Burkina Faso, Mali, Senegal, Nigeria, Ghana, and so on.

Global networks are used for trafficking in migrants and irregular migration, hence a global approach is needed to curtail them. This implies the support of international organisations and governments. There is a need for greater dialogue between African countries and the European Commission on migration matters, to implement the relevant provisions of the Cairo Plan of Action adopted at the Africa-Europe Summit (Cairo, 3–4 April 2000), as well as those of Article 13 on Migration, of the EU-Platform on Future Relations between Africa and the EU (Follow-up to the Cairo Summit, Ouagadougou, 2002). As recognised by the African Union (AUC, 2004), bilateral and multilateral efforts to strengthen cooperation on labour migration could ultimately promote systematised and regular movements of labourers, respond to the supply and demand needs of domestic and foreign labour markets, and reduce recourse to irregular movements.

Officials at transit- and receiving-countries must distinguish between asylum-seekers and ‘conventional’ migrants, and ensure the safety and dignity of migrants who may not qualify as refugees under the Geneva Convention criteria, but whose human rights nevertheless deserve to be protected. As Amnesty International remarked during a mission to Ceuta and Melilla, ‘Refugees have clear and established rights. Both Spain and Morocco must respect their obligations under international standards on the protection of refugees, asylum-seekers and migrants. They must provide them with information about their rights, including access to legal counsel, to seek asylum, and to appeal against a negative asylum decision as well as related administrative and judicial procedures and safeguards’ (Amnesty International, 2005).
The EU and Maghreb must ensure that the return of irregular migrants sent back to their countries of origin is effected in a dignified manner. In the meantime they should engage more systematically the major countries of emigration in West Africa: Senegal, Mali, Burkina Faso, Ghana, Nigeria and Côte d’Ivoire. The framework of Article 13 of the Cotonou agreement could be expanded to include issues of regular migration, migration and development, integration and anti-discrimination, return and readmission, and recognition of migrants’ rights — incorporating mechanisms for international protection in a spirit of joint responsibility. This can be done in the context of the African Union Strategic Framework for a Policy on Migration in Africa.

Irregular migrants who reach Spanish territory are likely to be heading to other European Union countries, hence the need for joint policies by all Member States of the EU. Outsourcing of the responsibility for policing of borders, and of irregular migrants, from the EU to Morocco, Libya and Algeria is unrealistic and unsustainable. The root causes of the problem must be addressed comprehensively. A system of orderly circulation or a temporary migration programme would benefit West African and European Union countries by enabling immigrants to have access to the latter’s labour market to the benefit of the migrants’ families and home communities. This view was expressed strongly during the Global Commission for International Migration Regional Hearing for Africa in Cape Town, South Africa (GCIM, 2005a).

Concerted efforts should be made progressively by all stakeholders – governments and its social partners, civil society organisations, migrant community associations, the media and so on – in migrant receiving countries in ECOWAS and the Maghreb to ensure that immigrants are effectively integrated into host societies. Elements of socioeconomic integration include efforts by stakeholders to provide equal access to opportunities, especially employment and housing; sensitize local population to the potentials, contributions and needs of migrants; educate migrants on their rights and reinforce the sense of belonging and progressively adopt progressive citizenship policy and naturalization process. Others include programmes that promote language acquisition for migrants’ insertion into the labor market, that recognize and promote efforts of migrant associations and networks in migrants’ integration processes and that ensure that migrant communities are not isolated in shanty neighbourhoods. Progressive policies to extend political rights to second and third generation migrants and promote generational integration through migrants’ children’s education, inter-marriage amongst groups, locals and migrants, and naturalisation for long-resident migrants are controversial but help, in the long run, to effectively integrate migrants in the social, economic and political life of the host communities.

Both sending and receiving countries should promote and strengthen relations between migrants and their countries of origin, by creating favourable conditions for migrants’ remittances and savings for productive use; assist migrants, who choose to return to their home country, into the economic production system; consolidate and encourage activities of migrant associations to create conditions for their effective participation in decision-making in matters concerning them in their home and host countries; and
recognise migrants' associations in promoting dialogue between these associations and authorities in the host and home countries. The receiving countries of the Maghreb should take up the challenge of integrating West African immigrants in regular situations in order first to fully realize their potentials and in the spirit of African unity. Such integration process from the basket of programmes indicated above should be undertaken in the national interest and also in consultation with the migrant communities as well as their countries of origin.

Governments, through the Ministries of Labour and its social partners (Trade Unions and Employers) have a special role to play by for instance networking with their counterparts in order to ensure readily available and unbiased information to would-be migrants in the countries or origin before departure; providing training and strengthening their capacity to deal with migration issues; and actively engaging in dialogue with migrants’ associations and ensuring integration of migrants within social partner organisations. These constituencies could launch public education and initiate campaigns to combat xenophobia and racism and by providing their members and the public at large with information on the positive contributions that migrant workers make to the economies and societies of host countries. They can also advocate for the ratification by countries of ECOWAS and Maghreb of relevant international conventions, including the ILO conventions, concerning migrant workers and ensure their strict application as a means of promoting migrant workers’ rights. Crucially, these constituencies are better placed to launch awareness campaign to inform migrant workers of their rights and where necessary help them to access legal assistance (ILO, 2006).

The example of a once-successful model of integration of immigrants in Cote d’Ivoire – where they were given the right to settle, work, vote, inter-marry and own property – aptly demonstrates how the ill-conceived concept of ivory, and the striping of immigrants of some of the rights they hitherto enjoyed sparked off discontent and mistrust among immigrants that constitute 28 percent of the population. The result is chaos and war that threaten to dismember the society and the once stable country.

The xenophobic reactions to immigrants in many parts of Europe reinforce the feeling that immigrants from West African countries are unwanted and must be returned to their countries. Accordingly, thousands of immigrants from Mali and Nigeria have been expelled, often in sub-human conditions. Yet it is also obvious that the success of restrictive migration policies depends on improving the economic situation in the immigrants’ countries of origin. Such a strategy also has the potential to stimulate the return of skilled nationals – needed for development in their own countries. This calls for cooperation between the poor labour-exporting countries (Senegal, Burkina Faso, Mali, etc.) and those of the North. Unless economic and other opportunities are created in these countries, pressures for international migration will intensify.

Regular consultations and dialogue between ECOWAS states, between them and other regional economic communities in Africa, including the Maghreb, the EU and African,
Caribbean and Pacific (ACP) states and, at the national level, among various stakeholders, would help resolve areas of friction and also place migration matters at the top of political, and indeed development agendas.

The Lagos Plan of Action and the Final Act of Lagos’s framework for establishing sub-regional cooperation unions are more relevant now than they would have been two decades ago. As envisaged, these will serve as building blocks in a functionalist and gradualist approach towards a continent-wide economic integration that would facilitate intra-regional labour mobility, and promote self-reliant development in the region. This is so because the African Economic Community treaty commits most nations to taking the measures needed for the gradual attainment of the free movement of people, and for ensuring their full enjoyment of their residence and settlement rights.

Above all, migration data management and dissemination are crucial to the formulation of relevant and comprehensive migration policies and programmes. Of special significance is the role of observatories in providing governments and other stakeholders with reliable and harmonised migration-related information. This was one of the key recommendations of the aforementioned West African Regional Ministerial Meeting. This observatory has not yet been established. It could later be linked to the Euro-Mediterranean Consortium for Applied Research on International Migration, launched early in 2004, that covers migration originating from, transiting through, or destined for the Mediterranean countries of the Middle East and North Africa. When operational, both could be linked to the European Migration Network, to provide a comprehensive picture on the origin-transit-destination migration system. The collection of up-to-date information on migration across borders will have to be factored into the data-gathering procedures, by supplementing conventional censuses with special collaborative border survey data collection.

8. Conclusion and the way forward

Globally, migration is part and parcel of human existence; in West Africa, migration was and remains a way of life. The demographic, economic and political situation in West Africa is reflected in high and rapidly-growing levels of unemployment among the young, in poverty, internal disorder, mismanaged economies, ecological deterioration and rural degradation. These factors continue to fuel migration. Responsive policy-making would have to take this scenario into consideration in designing measures relating to employment generation, good governance, conflict resolution and indeed comprehensive migration policies.

The persistent economic difficulties in West Africa and the huge economic differentials between this sub-region and the North would lure migrants there in spite of tightened entry requirements and controls. Wherever such spectacular differentials exist, migratory flows, in regular and irregular situations, are directed from impoverished to more affluent societies.
The disadvantageous terms of trade for West Africa's primary products, including cotton, and the deteriorating agricultural sector provoke different patterns of migration, traditionally directed to the cities, but increasingly to other countries. Providing productive employment for millions of West Africa’s educated youths – the increasing core of potential emigrants ready to migrate clandestinely to do any odd jobs outside of their countries – is a major challenge.

It is imperative for source countries for potential emigrant populations to provide them with adequate information on rules and regulations guiding entry, residence and employment abroad. In turn, the Maghreb transit countries and receiving countries in the European Union should endeavour to respect migrants’ and asylum seeker’s rights, and to treat them humanely whenever those in irregular situations are apprehended and deported.

The growing number of migrants and the complexity of the migratory configurations within and across the countries of ECOWAS and the Maghreb necessitate a more coherent, co-operative inter-state approach to migration management. The need is for clear objectives, opportunities for the exchange of experiences and best practices in respect of human trafficking, increasing irregular migration, migrants’ rights, and brain drain. Greater cooperation and coordination among countries of ECOWAS and dialogue with Maghreb states and European Union countries is most urgent to help the various groups to harmonise both labour migration policies and research on the labour needs of countries of origin and destination – to match labour skills with demand.

Intra-regional migration in Africa (for example between ECOWAS and Maghreb states) should be addressed within NEPAD’s framework. Recent efforts to create a borderless ECOWAS should be replicated by other sub-regional economic groupings, especially the Maghreb Arab Union, in the spirit of NEPAD. These economic units should be revamped to serve a larger role in the management of intra-regional labour migration. The Abuja treaty of 1993 proposed establishing an African Economic Community by 2025, to facilitate intra-regional labour mobility and projects within the sub-regional groupings that would, ultimately, help to facilitate economic integration in the region and labour mobility within member states.

Migration matters should no longer be handled bilaterally; a regional, or even global, approach that harmonises migration policies is required. There is also a need for dialogue and consultation among the various stakeholders, to discuss common approaches to their migration concerns and interests, to share ideas and to enhance understanding and cooperation in migration management. Such a process could lead to the development of a coherent national, intra-regional, inter-regional and international policy framework for the management of migration.
What then is the way forward? Firstly, the quality and quantity of data on migration within, from and to the countries of ECOWAS, Maghreb and Europe is patchy. Yet, good quality data is the foundation of relevant and comprehensive migration policy and programmes. Now is the time to establish a data bank based on information obtained from migration observatories and collaborative research which are designed to tap the complex dynamics and changing configurations of international migration from the source through transit and destination countries of ECOWAS, Maghreb and the European Union.

The Social Partners and other stakeholders should mount concerted advocacy to showcase the positive aspects of migration for the source and destination economies and societies, as well as for the migrants. All too often the migration discourse has been heavily tilted towards the negative perspectives, a situation that has also influenced public sentiments, and policy, towards immigrants.

A process of dialogue and consultation by various stakeholders – employers, unions, government officials, civil societies, migrant’s associations and the media - at national and regional levels and at the ECOWAS-Maghreb-EU multilateral level should be institutionalised to discuss areas of migration common interests and resolve conflicting agenda.

Social Partners should advocate for the ratification, and especially, the implementation and domestication of labour conventions and endeavour to respect the rights of migrant workers in their territories. In the same vein, countries of ECOWAS and the Maghreb should realign domestic national laws with sub-regional, regional and international laws and conventions, especially those that discriminate against foreigners in the labour market.

Sub-regional economic organisations – ECOWAS, Maghreb – need to be revamped to facilitate intra- and inter-regional labour mobility, in tune with NEPAD’s and African Economic Community’s vision, and to provide viable alternatives to migration to Europe. In doing so, capacity building of officials for migration management and policy formulation and implementation must receive priority attention.

The migrant receiving countries in Europe should explore avenues for temporary regular migration and a means of reducing the option for irregular migration by desperate youths from Africa, and all the consequences and costs of policing irregular migration. In the same vein, the root causes of migration must be comprehensively addressed through targeted development programmes at the source, and removal of subsidies and high tariffs in Europe that impoverish many agricultural workers in Africa, turning them into migrants of the last resort.
Above all, African countries should promote poverty alleviation development strategies that are pro-poor and pro-job creation to channel the energies of youths into productive activities and to also accommodate current and projected labour force size and growth in the countries of ECOWAS, and for replacement for foreseen decline in core Maghreb countries.
Map: Migration routes
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