SETTING UP A ROAD MAP FOR MIXED MIGRATION IN WEST AND NORTH AFRICA

High-Level Expert Meeting
The views expressed in this report are those of the participants of the high-level expert meeting, which took place between the 16th and 18th June 2019, working on the joint development of a roadmap for mixed migration in West and North Africa.

These opinions do not necessarily represent those of the International Organization for Migration (IOM). The designations employed and the presentation of material in this publication do not imply the expression of any opinion whatsoever on the legal status of any country, territory, city or area, or of its authorities, or concerning its frontiers or boundaries.

IOM strongly believes that human and orderly migration is beneficial to migrants and society. As an intergovernmental organization, IOM works with its partners in the international community to help solve the operational challenges posed by migration; to increase understanding of the challenges; to promote economic and social development through migration; and to preserve the human dignity and well-being of migrants.
SETTING UP A ROAD MAP FOR MIXED MIGRATION IN WEST AND NORTH AFRICA
High-Level Expert Meeting

Aswan, Egypt
16th to 18th June 2019
IOM would like to thank all the participants who were able to attend these three days of exchanges as well as those who contributed remotely:

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IOM would like to thank all those who made this event possible and this publication a reality, including: Ms. Sophie Nonnenmacher, Mr. Yvain Bon, Ms. Josra Riecke, Ms. Kristina Mejo, Ms. Mervat Elshafiey, Ms. Salma Elsaid and Ms. Amira Abouzeid.

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This report is the result of three days of dialogue and exchange of experiences, knowledge and opinions of high-level experts that met in Aswan in June 2019.

The number of migrants reached 258 million in 2017, up from 173 million in 2000 worldwide. This increase is also due to the socio-political tensions in the West and Central African (WCA) and Middle East and North African (MENA) region. Migrants come from diverse cultures, social and economic classes, which motivate migration at various scales.

The positive impacts of migration cannot be denied. Migrants represent about 3% of the world’s current population, but they produce more than 9% of the world’s GDP; some US$3 trillion more than if they remained in their countries of origin\(^1\). Statistically, we can predict that migration will allow GDP per capita to rise from USD 2,008 in 2016 to USD 3,249 in 2030, an annual increase of 3.5% over the same period. Migration is a driver of cultural wealth and diversity. Remittances to Africa increased from USD 38.4 billion in 2005-2007 to an average of USD 64.9 billion in 2014-2016. This represented 51% of private capital flows to Africa in 2016, compared to 42% in 2010\(^2\).

This report presents these new migration dynamics analysed by representatives of governments, academics and international experts, with a view to familiarizing themselves with new concepts on modern migration and highlighting relevant proposals and practical solutions maximizing the benefits of migration for migrants and societies.

The report highlights these new perspectives, which remind us of the importance of translating economic and societal mobility into a positive perspective of mutual enrichment.

\*Mr. Laurent M.J. de Boeck\*
Chief of Mission
International Organization for Migration to the Arab Republic of Egypt

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During the deliberations of the African Union (AU) over the past two decades, discussions on migration issues have been extremely rich and relevant. The continent’s approach to migration management and governance has been defined by key policy documents, reflecting the perspective of Member States and their proactive approach to these issues. These include: the African Common Position on Migration and Development, the Ouagadougou Action Plan to Combat Trafficking in Human Beings, Especially Women and Children, and the Migration Policy Framework for Africa adopted in 2006.

To date, the vision of the International Organization for Migration (IOM) and its approach to dealing with mixed migratory flows are set out in two Council information documents. The first discussion document dates from 2008 and is entitled “The Challenges of Irregular Migration: An Approach to Mixed Migration Flows.” This note focuses on conceptual issues related to mixed migratory movements by proposing definitions to improve understanding of this phenomenon. In 2009, a second document was published under the title “Irregular Migration and Mixed Flows: IOM’s Approach.” The latter describes the Organization’s practical approach in setting up direct assistance projects for vulnerable categories of migrants involved in such movements.

IOM is implementing a wide range of activities in the region to improve the protection of migrants in the face of the many challenges they face. Through flow monitoring points, IOM regularly collects and publishes important data on the nature of these flows as well as on the profiles of migrants in the region. IOM also seeks to promote and improve other existing sources of data on migration, including institutional and academic data, with a view to encouraging the formulation of public policies based on sound and reliable information.

In North Africa, the Migration Hub (MHub) is the result of the collaboration of the Working Group on Mixed Migration in North Africa, which brings together eight key actors working on various aspects of migration (IOM, Office of the High Commissioner for Human Rights [OHCHR], Regional Mixed Migration Secretary [RMMS], Danish Refugee Council [DRC], Save the Children, Office of the High Commissioner for Refugees [UNHCR], United Nations Children’s Fund [UNICEF] and United Nations Office on Drugs and Crime [UNODC]). MHub promotes a human rights-based approach to the protection of people whose mobility is part of mixed and complex flows to and from North Africa.

In West Africa, IOM continues to support ECOWAS in its commitment to encourage well governed and secure migration between its member states. The Organization also implements initiatives that spans across all countries in West Africa and encourage the same standards of protection for all migrants and return migrants. The increasing mobilities between West and North Africa requires indeed more connexions between policy dialogues and programmes to stay relevant to the way people move and experience challenges to their security and well-being.

Although significant progress has been made in the framework of the Working Group on Mixed Migration in North Africa, there is a need for North African countries, as countries of origin, transit and destination, to adopt a collaborative approach to managing migration flows to and from the region. Governments would benefit greatly from increased cooperation and a common understanding. This will enable them to improve the coherence of migration policies in the region and to advance regional and interregional integration in line with national priorities.

Ms. Carmela Godeau  Mr. Richard Danziger
Regional Director  Regional Director
Regional Office for the Middle East and North Africa  Regional Director for West and Central Africa
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## ACRONYMS

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<th>Acronym</th>
<th>Full Form</th>
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<tr>
<td>AU</td>
<td>African Union</td>
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<tr>
<td>Ecowas</td>
<td>Economic Community of West African States</td>
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<td>EU</td>
<td>European Union</td>
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<tr>
<td>GCM</td>
<td>Global Compact on Safe, Orderly and Regular Migration</td>
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<td>GCR</td>
<td>Global Compact on Refugees</td>
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<tr>
<td>GDP</td>
<td>Gross Domestic Product</td>
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<tr>
<td>IGAD</td>
<td>Intergovernmental Authority on Development</td>
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<td>ILO</td>
<td>International Labour Organization</td>
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<td>IOM</td>
<td>International Organization for Migration</td>
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<td>MENA</td>
<td>Middle East and North Africa</td>
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<td>MIDWA</td>
<td>Migration Dialogue for West Africa</td>
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<td>MMC</td>
<td>Center on Mixed Migration</td>
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<td>NGOs</td>
<td>Non-governmental organizations</td>
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<td>NYD</td>
<td>New York Declaration for Refugees and Migrants</td>
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<td>OCHA</td>
<td>Humanitarian Affairs Coordination Office</td>
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<td>OHCHR</td>
<td>Office of the United Nations High Commissioner for Human Rights</td>
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<tr>
<td>RMMS</td>
<td>Regional Secretariat for Mixed Migration</td>
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<tr>
<td>Sar</td>
<td>Convention on Maritime Search and Rescue</td>
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<tr>
<td>SDGs</td>
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<td>UN</td>
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<td>United Nations Convention against Transnational Organized Crime</td>
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<td>USD</td>
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<td>WCA</td>
<td>West and Central Africa</td>
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Over the past two decades, the International Organization for Migration (IOM) has worked regularly with its partners to discuss the concept of mixed migration and how to operationalize it according to the challenges identified. In West Africa, IOM, together with the United Nations High Commissioner for Refugees (UNHCR), the Office of the High Commissioner for Human Rights (OHCHR) and the Economic Community of West African States (ECOWAS), have worked together towards a common definition.

According to this definition, mixed migration refers to the movement of complex populations composed of people sharing the same routes and using the same means of transport but moving for different reasons and motivations. These factors are multiple and often interconnected, and do not always make it possible to identify a migrant in a specific category. It is the membership in one category (as in the case of refugee status) or another that will give him or her access to certain protection mechanisms. However, this categorization can have the effect of masking the complexity of migrants’ journeys and profiles. Indeed, a migrant may fall into one or more categories of analysis traditionally employed to define migration flows. This makes it very difficult to link reasons, motivations and context to a category and protection needs, which highlights the difficulty of reporting on migrants’ vulnerabilities.

In recent years, migratory movements in West Africa, within the ECOWAS region and to North Africa have increased for reasons related to the growing instability in the Sahel, climatic reasons and the search for economic opportunities. These movements are becoming more complex and are faced on the one hand with increasingly marked vulnerabilities and, on the other hand, with public policies that make it difficult to provide inclusive protection for migrants, regardless of their status.

The current context is marked by the Global Compact for Migration (GCM), the Global Compact for Refugees (GCR) and the Sustainable Development Goals (SDGs) which aim to “reduce the risks and vulnerabilities to which migrants are exposed at different stages of migration while promoting the respect, protection and fulfilment of their human rights.” It is in this context of greater diversity of migration flows and renewed interest on the part of decision-makers in addressing this complexity of mobility and status that IOM wishes to deepen the debate on mixed migration on how to operationalize this concept in order to protect migrants and leave no one behind.

From the 16th until 18th June 2019, a high-level expert meeting was held in Aswan, Egypt, bringing together experts mainly from the academic world. IOM brought together lawyers, demographers, political scientists, economists, sociologists and geographers who have a good understanding of mixed migration flows in West and North Africa. The analyses produced and shared at this high-level meeting focused mainly on West and North Africa. However, the proposed analyses have not been limited to this area and provide a framework for reflection on a holistic approach to mixed migratory flows.

This dialogue, led by IOM, was able to launch a more in-depth reflection on the notion of “mixed migration” among experts from African areas. Although the operational definition of what is referred to as mixed migratory flows still varies, the experts present stressed the need to work together for a better understanding of these mobilities. In particular, they identified the various vulnerabilities faced by migrants and the need to ensure adequate protection.

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EXECUTIVE SUMMARY

Over the past two decades, the International Organization for Migration (IOM) has worked regularly with its partners to discuss the concept of mixed migration and how to operationalize it according to the challenges identified. In West Africa, IOM, together with the United Nations High Commissioner for Refugees (UNHCR), the Office of the High Commissioner for Human Rights (OHCHR) and the Economic Community of West African States (ECOWAS), have worked together towards a common definition.

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4 For ease of reading, it should be noted that the use of the male form includes all genders, women, men, transgender, intergender and queer.
5 www.un.org/fr/conf/migration/global-compact-for-safe-orderly-regular-migration.shtml (last access: 26/07/2019)
This meeting provided an opportunity for experts to discuss the following topics:

- The difficulties of framing the notion of "mixed migration";
- The links between migrants' vulnerability and the need for protection;
- Existing gaps between migration policies and the challenges posed by mixed migration;
- Coherence of public policies with regards to mixed migration and cooperation mechanisms.

During the first two days, the experts presented their research and analyses on mixed migratory flows according to their specialities. These presentations provided different insights into these mixed migration issues and the ability to report on complex migration flows. The third day was an opportunity to synthesize the various panels and the recommendations that emerged from them to move towards a common roadmap for operationalizing mixed migration as a tool for analysis and advocacy to better meet the needs of migrants.

Through this document, the objective is to summarize the discussions and conclusions that took place during this meeting while allowing each of the experts to share their analyses and recommendations. The document will therefore be divided into three main parts, preceded by a general introduction on "Mixed Migration: Returning to a Humanitarian Perspective?".

The first part will summarize what was discussed during these three days by presenting the recommendations for each of the themes to present the roadmap that emerged.

The second part will allow the exchanges and recommendations to be translated into a roadmap. It will present measures to be taken to operationalize the management of mixed migration in West and North Africa.

The third part will report on the proposed analyses by each of the stakeholders. They will be grouped thematically.
MIXED MIGRATION: GOING BACK TO A HUMANITARIAN PERSPECTIVE?

Sophie Nonnenmacher, Senior Liaison and Policy Officer, IOM

Introduction

Changes in migratory patterns over the last decades have increasingly blurred the line between forced and voluntary migration. This is reflected in research, which increasingly shows mixed drivers of movements, which associate economic factors of mobility to human rights abuses and violence, making what was formerly considered as voluntary movement not so voluntary anymore. Furthermore, legal forms of migration have increasingly become restricted, with more border surveillance forcing refugees as well as migrants to increasingly rely on irregular routes, forcing them to take more risks and sometimes to resort to smugglers, whereby both groups are facing the same vulnerabilities along the way. To capture the mixed migratory flows of people of different categories moving for different reasons often using the same (irregular) routes and aiming at the same destinations whereby relying on the same (irregular) migration infrastructure, the term ‘Mixed Migration’ is increasingly used today.

Over the last decade, ‘Mixed Migration’ has been employed in many different policy papers and international documents with different meanings. As such, the notion has increasingly become nebulous. This paper aims at contributing towards a shared understanding of the notion of mixed migration, which would capture the situations faced by persons on the move in West Africa and of its citizens moving beyond the region, in view of operationalizing what is designated through these flows for a better protection of migrants and refugees in vulnerable situations in the course of their journey.

Why are we talking about Mixed Migration?

Human mobility today is highly regulated, and the territory one person can or cannot access will depend mainly on normative frameworks adopted by individual States, as well as on individual citizenship (or the lack thereof). There are a few principles of international law interfering with the principle of national sovereignty with regards to the right of movement across borders. One of them is the right to leave one’s country. No person can be forced to stay in his or her country of nationality or any other country. However, this is challenged by the lack of an appertaining right to enter another country. The jurisdiction over the definition of the right of entry lies with each State and at its discretion, unless limited by multilateral or regional agreements they signed, or when non-refoulement consideration are involved.

The opinions expressed in this paper are those of the author and do not necessarily reflect the views of the International Organization for Migration (IOM). The author, Ms. Sophie Nonnenmacher, would like to thank Ms. Josra Riecke for her research assistance and contributions in the elaboration of this paper and Mr. Richard Danziger, Mr. Yvain Bon and Ms. Florence Kim for their valuable inputs.


Which itself is established by international law.


e.g., General Agreement on Trade in Services (GATS) Mode 4, ECOWAS Protocol relating to Free Movement of Person, Residence or Establishment or the signature of other international conventions, etc.

Protection against non-refoulement is an important principle not only embedded in refugee instruments but under international human rights, humanitarian and customary law as well. It prohibits States from transferring or removing individuals from their jurisdiction or effective control when there are substantial grounds for believing that the person would be at risk of irreparable harm upon return, including persecution, torture, ill treatment or other serious human rights violations. Under international human rights law the prohibition of refoulement is explicitly included in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), and the International Convention for the Protection of All Persons from Enforced Disappearance (ICPRED); see OHCHR (2018): The Principle of Non-Refoulement under International Human Rights Law. www.ohchr.org/Documents/Issues/Migration/GlobalCompactMigration/ThePrincipleNon-RefoulementUnderInternationalHumanRightsLaw.pdf (last access: 06.08.2019).
The principle of non-refoulement is enshrined in the United Nations’ Convention Relating to the Status of Refugees (1951) and its Protocols (among other instruments). It allows to overcome the legal gap between the existence of a right to leave and the lack of a right of entry to some extent, by establishing the right to ask for asylum and for protection from persecution as a refugee. However, this approach in practice often creates a dichotomy between refugees (forced migration) and other migrants (voluntary migration) which too often paints a picture in which only refugees seem to be the ones in need of protection. This said, the reality is that migrants in vulnerable situations may be in need of some form of protection, even if not qualifying for international protection.

This clear-cut distinction does not adequately reflect the changes in migratory patterns of the last decades and the effect this is having on protection needs: mixed root causes blur the line between what was considered as voluntary movement and forced migration, and people of different (legal) categories often use the same (irregular) routes creating exposures to similar vulnerabilities and thereby similar protection needs. The notion of Mixed Migration attempts to capture these observations.

What is behind the notion of Mixed Migration?

The UNHCR first advanced this term in debates in multilateral fora during the 1990s and early 2000s. One of the aims was to counteract populists raising ideas that most asylum seekers were economic migrants abusing the system of high-level economies. By putting the emphasis on the heterogeneous composition of the groups of people on the move, the objective was to ascertain that, if some migrants in a group were economic (or have motivations other than the fear of persecution), individuals in that group may have a legitimate fear of persecution. Furthermore, this was also recognizing that motivation can be multifold and does not prevent a genuine need for international protection to be called for. A “10-Point Plan of Action on Refugee Protection and Mixed Movements” was developed by the UNHCR to capture these issues by:

- Ensuring better data on the characteristics of the movements and the composition of these groups;
- Developing or strengthening the protection sensitive entry systems, of (existing) reception arrangements to enable new arrivals to be registered and provided with temporary documentation; of the mechanisms for profiling and referral of new arrivals, with differentiated processes and procedures for persons in need of international protection and others, who are not refugees but nonetheless do present specific needs, such as victims of trafficking;
- Developing solutions for refugees and for addressing secondary movements,
- Assisting in return of non-refugees and offering alternative migration options for them, either on humanitarian ground, for labour, or through family reunion.

It stressed the importance of information campaigns raising awareness as to the danger of irregular migration and providing information on eventual alternative options. The focus was on addressing the needs of refugees and maintaining the protection sphere by ensuring that comprehensive responses were put in place to address the needs of all persons moving as part of mixed migration flows. At stake were

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14 International protection defines obligations by the international community based on international law. It is “is accorded by the international community to individuals or groups who are outside their own country and are unable to return home because their return would infringe upon the principle of non-refoulement, and their country is unable or unwilling to protect them”, stressing that it is mostly accorded to refugees. The UNHCR concurs but adds individuals who are outside their country of origin “who may not qualify as refugees under international or regional law, may in certain circumstances also require international protection, on a temporary or longer-term basis: [...] In such situations, a need for international protection would reflect the inability of the country of origin to protect against serious harm.” IOM (2019): International Migration Law n° 34, Glossary on Migration. Geneva: IOM, p. 111; UNHCR (2017): Persons in Need of International Protection. Online under: www.refworld.org/pdfid/596787734.pdf (last access: 01.08.2019), p. 1, 4.
persons on the move putting their ‘lives at risk and “obliged to travel in inhumane conditions “and who may be “exposed to exploitation and abuse” 17.

Over the years, different stakeholders used the notion differently in order to further their own priorities, depending on their main concerns and areas of work (academia, practitioners, etc.). The notion, after having been mainly used for defending the legal specificity of refugees when moving in broader migratory flows, was increasingly mobilized to ascertain that not only refugees require protection, but also that some migrants along the same hazardous routes present specific needs too and require a form of protection.18 The views were that such protection should not be restricted to just victims of trafficking and unaccompanied and separated children but also should also be made available to other migrants confronted by vulnerable situations merely due to their irregular status, or even to others such as migrant workers facing poor working conditions or discrimination. The core message was that assistance and protection should be provided not on the basis of legal status or categories but on needs. This humanitarian perspective was often used by national, international agencies and NGOs with an operational focus in order to provide immediate assistance to persons in vulnerable situations.19 Other actors, in particular human rights advocates, also used the notion to remind States of their obligation to protect the population within their territory, and that all migrants as human beings had human rights and fundamental freedom to be protected.20

At the same time, the more academically minded adopted the notion as a way to have a fresh eye on the as ‘old as humanity’ migration phenomenon. They used it to capture the complexity of new patterns, or to express the fluidity of the situation of a migrant that can evolve over time on the verge of voluntary and forced movements; or again in order to focus on the heterogeneity of motives that are not captured by one-dimensional legal categories (migrants workers, refugees, etc.).21

As a result, the same term ended up used as: (1) An analytical tool to embrace new trends, the complexity of flows and the fluidity of situations; (2) At an operational level to try to identify persons on the move requesting assistance in order to address their immediate needs; and (3) At a legal level to advocate for universal human rights for all migrants whilst upholding specific rights for refugees under international law and national normative frameworks, as well as for protection understood broadly (from decent work, to access to basic health, education social services or situations covered by refugee, humanitarian, maritime bodies of law), rounded off with a call for more legal pathways and for addressing the adverse drivers of migration including climate change. Although all these goals are highly legitimate, the fact that they were supported by the same notion led to an increased confusion of what mixed migration was really about in terms of whom it covered and for what purposes it was to be employed. It also seemed that mixed migration was becoming a mere synonym of migration and migration governance, losing any kind of operationality of its own, thereby contradicting the original reasons it was created for in the first place: Upholding the specificity of the refugee status and focussing on movements of mobile populations putting their life at risk along hazardous routes, underpinned with a view of ensuring access to international protection and attendance of the specific needs of new arrivals22.

I argue in this paper for the value of coming back to the fundamental and the rationale behind the 2007 UNHCR 10-Action Plan and its notion of mixed migration, in order to be able to share again a common understanding of mixed migration, as well as supporting humanitarian responses. In this endeavour, I will first try to clarify the notion of mixed migration in relation to the concept of migration. In doing so, I will cover new developments related to the adoption of the two Global Compacts for Safe, Orderly and Regular Migration (GCM) and on Refugees (GCR), to finally identify the key elements that could be central to the notion of mixed migration in order to make it an operational tool for humanitarian assistance.

17 See ibid, n.p.
22 The above makes no claim to completeness in the overview of the development of the notion and its usage but is based on reflections conducted during discussions at the high-level experts meeting in Aswan, reported in this publication.
The difference between Mixed Migration, Migration and other related terms such as migrants

International migration is not defined by international law. The IOM definition for international migration states: “The movement of persons away from their place of usual residence and across an international border to a country of which they are not nationals”. This definition covers all type of movements including forced movements. Mixed ‘migration’ seems aligned with this conception as the adjective ‘mixed’ is used for reinforcing the idea of the potential diversity of composition of flows.

However, a difficulty arises when we proceed to the definition of ‘migrants.’ Regarding ‘migrant’, the IOM Glossary reminds us that it is “an umbrella term, not defined under international law, reflecting the common lay understanding of a person who moves away from his or her place of usual residence, whether within a country or across an international border; temporarily or permanently, and for a variety of reasons. The term includes a number of well-defined legal categories of people, such as migrant workers; persons whose particular types of movements are legally defined, such as smuggled migrants; as well as those whose status or means of movement are not specifically defined under international law, such as international students.”

It further specifies that two approaches are generally adopted to define the term “migrant”; The inclusivist approach, followed among others by the IOM, considers the term “migrant” as an umbrella term covering all forms of movements. The residualist approach excludes from the term “migrant” those who flee wars or persecution (e.g. refugees).

In recent years, stirred by the sentiment that asylum systems were at risks due to increased xenophobia and difficulties for refugees in accessing protection, refugee advocates and in particular the UNHCR felt that addressing refugees as a sub-category of migrants may undermine their specific rights derived from the fact that they cannot avail themselves from the protection of their State of origin. They favoured a residual approach which is, for instance, reflected in the approach chosen in the development of two separate Global Compacts adopted by the international community: one on refugees and one on migration.

At the origin of these two Compacts is the ‘New York Declaration for Refugees and Migrants’ (NYD) adopted on 16 December 2016 by UN member States which reaffirms the importance of upholding the human rights of “refugees and migrants” and a humanitarian approach. It paved the way for the creation of the GCM and GMR. Despite the fact that the two categories are more fluid than it may appear from this distinction, and that they face similar challenges, the distinction was maintained as a way to reiterate the particular legal status of refugees and the specificities of refugees’ legal protection. Although the GCM does not define migration and migrants, the existence of another Compact on refugees and the absence of reference to refugees and asylum seekers in the GCM seems to indicate a clear residual approach (while not referring to ‘migrants’ in the title but instead to the broad term of ‘migration’). The decision of a GC on ‘Migration’, that does not define the term ‘migration’ or ‘migrant’, lets the terms ‘migration’/ ‘migrant’ remain in a nebulous sphere, where it can either be referred to from an inclusivist (including refugees) or residual (excluding refugees) point of view, thus leaving unclear who is being addressed.

The two Compacts aim at fostering international cooperation and human rights. The GCR seeks in particular to enhance more equitable responsibility sharing when confronted with large scale of refugee movements and protracted displacement, and to make a difference in the protection of refugees. The GCM brings a particular focus to safe migration which shall also be more orderly and regular through the adoption of a comprehensive framework with common principles on improving migration management and the rights of migrants.

24 Ibid. p. 130-131.
26 Ibid.
28 Only the Preamble of the GCM mentions refugees, by stating that refugees and migrants are both entitled to universal human rights, but that both categories are governed by separate legal frameworks, repeating the NYD. Asylum is not addressed once. UN General Assembly (2019): 73/195. Global Compact for Safe, Orderly and Regular Migration. Resolution adopted by the General Assembly on 19 December 2018, A/RES/73/195, and Pr. 4.
Although certain provisions refer to saving lives and the importance of reducing the vulnerabilities of migrants only, others refer specifically to mixed migration.29 This is consistent with the NYD, which called for addressing issues valid for both refugees and migrants in terms of challenges and similar vulnerabilities, in particular in the context of large movements30. It is to remember that the Declaration was in large part a reaction to the 2015 “migration crisis” with unprecedented number of arrivals in Europe (around 1,046,599 persons) with a sharp increase in the number of persons perishing at sea or along hazardous itineraries.31 This large-scale phenomenon was seen by the international community as a worrisome phenomenon by its very amplitude, suddenness, the capacity of States to respond and in terms of impact on communities. Big numbers were also ruling the risk of an undifferentiated approach towards all persons on the move, therefore a reminder in the NYD that: “Large movements may involve mixed flows of people, whether refugees or migrants, who move for different reasons but who may use similar routes”.32

In the GCM, under Objective 7 (‘Address and reduce vulnerabilities in migration’), Action 23 reads:

“We commit to respond to the needs of migrants who face situations of vulnerability, which may arise from the circumstances in which they travel or the conditions they face in countries of origin, transit and destination, by assisting them and protecting their human rights, in accordance with our obligations under international law. We further commit to uphold the best interests of the child at all times, as a primary consideration in situations where children are concerned, and to apply a gender-responsive approach in addressing vulnerabilities, including in responses to mixed movements”.33

Moreover, under Objective 12 (‘Strengthen certainty and predictability in migration procedures for appropriate screening, assessment and referral’), the Action 28(e) aims to:

“Ensure that, in the context of mixed movements, relevant information on rights and obligations under national laws and procedures, including on entry and stay requirements, available forms of protection, as well as options for return and reintegration, is appropriately, promptly and effectively communicated, and is accessible”.34

It is worth noting that the NYD and GCM refer to mixed ‘flows’ and ‘movements’ and not to ‘mixed migration.’ This seems to stress even more how it ensured that no confusion between refugee and migrant could matter: the avoidance of the word migration as an additional precaution to prevent confusion by its closeness to the word migrant in order to keep refugees and migrants in two radically separated spheres. The GCM does not define the word migration, but the absence of any mention of asylum seeker and refugee matters seems to exclude them from its scope.35 The exception to this approach is the reference to mixed flows, also described as “mixed movements.”36 In the GCM, “mixed flows” are not defined either but in the preceding NYD, as we saw, the notion encompasses migrants and refugees.

It makes a lot of sense to have such a reference of mixed movements in the GCM as it can be seen as a subset of broader migration issues with migration policy and governance generally encompassing mobility in all its dimensions and for all categories (including entry, stay, return access to social and health services

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29 See Objective 7 and 12 that address mixed migration directly. See ibid.
30 “Large movements” may be understood to reflect a number of considerations, including the number of people arriving, the economic, social and geographical context, the capacity of a receiving State to respond and the impact of a movement that is sudden or prolonged. The term does not, for example, cover regular flows of migrants from one country to another. [...] UN General Assembly (2016), Pr. 6.
32 ibid. emphasis added.
33 UN General Assembly (2019), Pr. 23, emphasis added.
34 UN General Assembly (2019), Pr. 28 (e), emphasis added.
35 See Footnote 23.
36 UN General Assembly (2019), Pr. 23.
and to the labour market etc.)37. This is also relevant given that border controls and the way to approach irregular migration have a direct impact on the capacity of asylum seekers in accessing a refugee status and receiving adequate protection and assistance. This reference to mixed movements echoes the NYD paragraph 23 calling for addressing the special needs of “all people in vulnerable situations travelling within large movements of refugees and migrants.”38 To have such a reference in the GCM seems to underline the limit of a too radical separation of the issues of migrants and refugees. It further highlights the value of using ‘migration’ as an all-encompassing term with mixed migration as a reference to a subset of issues in specific situations faced jointly by migrants and refugees.39

**Key elements generally included in the notion of Mixed Migration**

Five main components are usually identified as being central to the notion40.

**First,** the motivations at the origin of the migration process are often varied and entangled, which makes a clear-cut distinction between forced and non-forced migrants difficult if not impossible. Not only are many people forced to leave or choose to leave their country of origin for more than one motivation, but motivations are becoming more blurred. Economic reasons of migration for example are often intertwined with some form of discrimination or even violence. Climate change plays an increasing role, affecting the livelihoods of people in various ways, which is not properly reflected in existing international law and national legislations. In the case of refugees, it shall be reminding to States that their obligations are not diluted because of that heterogeneity of drivers when there is a case of fear of persecution.

**Secondly,** different categories of migrants and refugees use the same migratory routes and channels. These movements are generally irregular and can involve the use of smugglers and the risk of being trafficked. Migration flows could for example include refugees, unaccompanied children, victims of trafficking and labour migrants. This leads to a proximity of experiences of migrants and refugees in countries of transit and destination, where both groups can face exploitation and vulnerability.

**Thirdly,** the situations of migrants and refugees can evolve during the journey, often triggered by various experiences of vulnerability, such as the exposure to human traffickers, influencing the requirements of protection and assistance migrants have. Conditions in destination countries sometimes may be resulting in secondary movements of refugees with a loss of status. Migrants and refugees can simultaneously fall in several categories at a one point of their journey or change category at a later stage (e.g. a refugee can be a victim of trafficking at the same time, etc.).

**Fourthly,** upon arrival in the country of destination, the communities are often mixed. This is important to keep in mind to ensure that different groups of migrants can access different rights they have under national frameworks and international law, such as for example the one availed to refugees.

**Fifth,** different individuals on the move have different and specific needs. Some may pertain to protection, others to international protection (see Footnote 9).

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37 For instance, the Migration Governance Framework promoted by IOM member States as a reference for national framework includes the following three objectives (O) and principles (P): “(O1) Advance the socio-economic well-being of migrants and society, (O2) Effectively address the mobility dimension of crises, (O3) Ensure that migration takes place in a safe, orderly and dignified way; (P1) Adherence to international standards, (P2) Formulates policy using evidence and ‘whole-of-government’ approach, (P3) Engages with partners to address migration and related issues”. IOM (2016a): The Migration Governance Framework: Defining and Measuring SDG target 10.7.Geneva: IOM.

38 UN General Assembly (2016), Pr. 23.

39 It is worth noting that the GCR does not refer to mixed movements, mixed migration or mixed flows. However, Part II of the Global Compact on Refugees is about the Comprehensive Refugee Response Framework (CRRF) (Art. 12). It refers to “composite movements”. It reads: “While the CRRF relates specifically to large refugee situations, population movements are not necessarily homogenous, and may be of a composite character. Some may be large movements involving both refugees and others on the move; other situations may involve refugees and internally displaced persons; and, in certain situations, external forced displacement may result from sudden-onset natural disasters and environmental degradation. These situations present complex challenges for affected States, which may seek support from the international community to address them. Support for appropriate responses could build on the operational partnerships between relevant actors, including UNHCR and the International Organization for Migration (IOM), engaging their respective mandates, roles and expertise as appropriate to ensure a coordinated approach.” Composite movements seem to potentially include mixed flows. However, it refers as well to internally displaced persons, when mixed migration generally refers only to international migration. Nevertheless, this reference together with the one included in the GCM could be explored for further partnership between UNHCR and IOM on mixed migration.


In other words, the notion of mixed migration tries to capture the complexity and fluidity of population movements, with persons of various motivations who can face similar vulnerabilities and risks. The governance of these mixed characters of migration flows poses policy challenges as most policy regimes are still based on distinct categories of migrants and refugees, based on a single motivation of migration, which are not reflecting the reality and in particular the vulnerabilities that can exist in various situations regardless of the categories. Van Hear describes this as follows: “The key challenge lies in the tension between the character of migration policy and the nature of migratory movements”.

However, left at this level of generality, mixed migration can basically cover all situations of migration flows in which persons can be in situations of vulnerabilities, not only persons in need of international protection, or humanitarian assistance, but also migrant workers facing exploitation at work, migrants having difficulty accessing decent housing or children of irregular migrants in accessing education, etc.

While the protective treatment of all migrants and refugees in vulnerable situations is important to equate mixed migration to addressing vulnerable situations in general may dilute the specific issues that mixed migration seem to have tried to capture at the origin. These are difficulties jointly faced by refugees and migrants, that may include victims of trafficking, unaccompanied and separated minors, etc., who are exposed to particularly life-threatening circumstances, with a response aiming at saving life and providing humanitarian assistance while ensuring access to refugee status for those qualifying.

Narrowing the notion and its usage may also have value at the analytical level, when another risk deriving from simply substituting the term migration to mixed migration in the analysis of the flows is to imply that all flows are always mixed, that is detrimental to both categories of migrants and refugees as it dilutes them both as well as prevents the understanding of migration patterns.

At the policy level, the absence of a clear-cut agreement on what is mixed migration – and on the contrary making it almost all-encompassing - bears the risk of substituting the development of comprehensive migration policies with mixed migration policies, forgetting that in this context, the phenomenon is addressed mainly from the prism of irregular migration and the need for immediate protection, and by the same token to reduce migration issues and policies to these two dimensions. The migration spectrum is far broader: it is about development as acknowledged in different SDGs. It is about exchange of ideas, trade, remittances, family, access to knowledge, medical services, demographic and labour market considerations, inflows and outflows and considerations from a perspective of a country of origin, transit and destination that most countries cumulate, etc.

To sum up, I would argue that the concept of migration could capture many of the general observations and policy objectives at stake, instead of resorting to and expanding the notion of mixed migration with the risk of diluting it. I would suggest restraining the use of the notion of mixed migration for the sake of attending immediate protection and specific needs of individuals in vulnerable situations during their journey along hazardous routes including upon arrivals. Such an approach may be particularly important in regions, where States have limited financial, human resources and administrative structures to deal with complex migratory movements such as in West Africa, in order to ensure that the most acute needs of humanitarian assistance are covered within the region and offered to its citizens beyond the ECOWAS space.

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41 Van Hear: p. 53.
42 It can also go as far as encompassing any migration patterns. This is a particularly valid statement when ‘mixed’ is not taken as flows of migrants AND refugees but, as sometimes the case, covers any flows involving more than one category of persons (e.g. labour migrants and students), with or without reference to special vulnerabilities.
43 Migration is addressed directly or indirectly by a variety of the SDGs, such as Goal 3: Health, Goal 4: Education, Goal 5: Gender Equality, Goal 8: Decent Work, Goal 10 Reduced Inequalities, Goal 13 Climate Action, and Goal 16: Peace, Justice and Strong Institutions. See Overseas Development Institute (ODI) (2018): Migration and the 2030 Agenda for Sustainable Development: an interactive tool. www.odi.org/opinion/10492-migration-and-2030-agenda-sustainable-development-interactive-tool (last access: 01.08.2019).
How should we be talking about Mixed Migration in and from West Africa?

In the context of West Africa and its citizens moving beyond the region, there is a value to come back to a narrower and humanitarian perspective of mixed migration to provide better assistance to persons involved in vulnerable situations. This includes the dramatic situations arising from movements across seas and deserts, but also through countries in crisis such as Libya, due to the increased prevalence of trafficked and stranded migrants, as well as circumstances of forced returns among other issues.

This would allow to clarify the situations that the notion of mixed migration is trying to address, to document the categories of persons on the move involved and their various needs, to share a common understanding on the changes of patterns and itineraries, as well as to clarify the roles of different administrations and stakeholders in the provision of a response and assistance.

Therefore, in addition to the five elements mentioned previously, there could be a further emphasis on the below elements, for movements to be qualifying under the notion of mixed migration.

Mixed migration shall be about:

• *Irregular hazardous movements:* by opposition to migrants and refugees using regular pathways and safer route;
• *On the move:* the focus shall be on vulnerabilities during the journey and on new arrivals as particularly vulnerable, by opposition to persons having settled into a country;
• *‘Mixed’* understood as movements in which there is at minimum a *strong* presumption that persons in need of international protection move along with migrants;
• *Protection and immediate humanitarian assistance* according to specific needs and regardless of legal categories and status.

Conclusion

There is a need to reassess the possibility of a common understanding of mixed migration. In this endeavour, it is useful to go back to certain elements underlined in the UNHCR’s “10-Point Plan of Action on Refugee Protection and Mixed Movements.” The multiplicity of definitions makes it difficult to improve migration management and address specific needs of different categories of persons on the move, in particular their humanitarian needs. Restricting the definition can also to a certain extent reduce the amalgam between migration and irregular migration (while mixed migration is often about irregular movements, migration is mainly regular) which leads to the impoverishment of the debate on migration and accentuates its polarization. In the context of West Africa, it shall also allow a better recognition that most movements in the region are not just South-North but to a large majority are intraregional and play a positive role in the region culturally, socially and economically. Finally, a better common understanding shall also allow to clarify the responsibilities of different actors that are involved in addressing mixed migration issues.
Truck packed with migrants heading to Libya crosses Agadez on its way to Tourayat, Nigerien village. The town of Agadez in the Sahara is a hub for West African migrants travelling to Libya, Algeria and Europe. The trip on this type of truck from Tourayat to Libya can take more than two days. In 2015 IOM registered and assisted more than 7,000 migrants (Nigerien and Third Country Nationals). © IOM 2016/Amanda Nero
Over the past decade, Mixed Migration has been included in many policy and international documents, at the same time, its meaning has become increasingly nebulous. For this reason, the IOM wishes to deepen the debate on mixed migration in the West and North African region in order to make it operational with the aim of protecting migrants and placing the human rights of migrants at the heart of the priorities.

The discussions focused on the notion of mixed migration of people on the move. The realities faced by migrants during their travels can lead to protection needs. The use of the same routes for all categories of migrants, including refugees, economic migrants and victims of trafficking and their irregularities at border crossings, complicates and increases their vulnerability risks. States (both origin, transit and host) are aware that migration policies and public policies must increasingly be holistic in order to provide an appropriate response to the vulnerabilities faced by migrants.

This synthesis reviews the main conclusions reached during the debates and then defines a roadmap. First, the content of the notion of Mixed Migration has been widely discussed and needs to be discussed in order to understand the whole debate that is (re)emerging around this notion (part 1). In a second step, the specific context of mixed migration flows in West and North Africa will be recalled (part 2).

Once the framework has been established, steps three (3), four (4) and five (5) will reflect the challenges posed by mixed migration at the individual migrant level (part 3). In step four (4), the risks related to security concerns and State developments that may be carried out at the expense of migrant protection will be debated. Step five (5) addresses more generally public policies to be adapted to mixed migration issues and opportunities for cooperation at different international, regional, national and local levels.

The proposed synthesis is based on the arguments advanced at the high-level meeting. To make the text more fluid and avoid systematic reminders from each speaker, links are provided in brackets and the reader will be able to access the full presentation in the third part.

Figure 1: Presentation of the different axes of the synthesis
PART 1: SUMMARY OF DISCUSSIONS AND RECOMMENDATIONS

1. TOWARDS A DEFINITION OF MIXED MIGRATION? CONTENT OF THE NOTION AND FRAMING OF THE DIFFICULTIES

1.1. FROM MIGRATION TO MIXED MIGRATION: THE NEED TO ADDRESS LEGAL GAPS

From the beginning of the discussions, the notion of mixed migration was introduced as an echo to migration. (See Obiezu, E. X.; Zohry, A.) For the IOM, a migrant is “a person who leaves his or her place of habitual residence to settle temporarily or permanently and for various reasons, either in another region within the same country or in another country, thereby crossing an international border.” Migration covers the entire process: origin, travel/transit, and destination. These components are often well identified, but this definition is not as clear as that of refugee, associated with a particular legal status.

1.1.1. A right to leave to be put into perspective by the recognition of a legal status of entry

Migration in today’s world is based above all on the right to leave one’s country. No one can be forced to remain in their country of origin or in any other country. However, this is challenged by the absence of a declared right to enter another country. The responsibility for defining the right of entry lies with each country. There can therefore be no general right to migration.

1.1.2. Strict and recognized legal regimes for refugees, asylum seekers and victims of trafficking

The 1951 Geneva Convention relating to the Status of Refugees and its Additional Protocols correct this legal gap between the existence of a right of exit and the absence of a right of entry to a certain extent by establishing the right to seek asylum and the principle of “non-refoulement.” (See Obiezu, E. X.) This is a situation described as forced migration caused by various external factors. Some legal forms and forms of specialized protection exist and have been presented as the specific cases of victims of trafficking covered by the Palermo Protocol (2000). The strength of these legal regimes lies in the wide adherence of States to these Conventions and regulations. (See Vidal Terrazas, I.)

By elimination, all other migrants who do not fall into these categories belong to the voluntary migrant group. This restrictive interpretation of the right to protection is shared by States. (See Ouakka, S.) Indeed, this dichotomy created between refugees, victims of trafficking and migrants, paints a picture where a clear distinction is made between forced and voluntary migration and the need for protection is attributed only to the group of forced migrants.

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45 Ibid.
48 The United Nations Convention against Transnational Organized Crime, also known as the Palermo Convention or UNCITRAL, was signed in 2000. It is accompanied by three Protocols: Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2000); Protocol against the Smuggling of Migrants by Land, Sea and Air (2000); and Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition (2001).
49 It is important to note that other mechanisms for the protection of certain categories, such as migrant workers exist. The Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990) is a very clearly defined tool, but its scope is limited by the small number of States that have ratified it. These specific protection regimes in West Africa concern only a small proportion of migratory flows. (See Fall, P.D.)
Figure 2: Links between vulnerability and protection in the context of mixed migration

In the New York Declaration of the United Nations General Assembly for refugees and migrants of September 2016, States recognized that “massive movements of refugees and migrants must be fully supported, assisted and protected, in accordance with the obligations of States under international law”50.

The term protection cannot be understood if it is detached from the term vulnerability, especially in the context of mixed migration. According to IOM, vulnerability results from a “low capacity to avoid, resist, cope with or recover from harm, due to the particular interaction of individual, household, community and structural characteristics and conditions.”51 Vulnerability is characterized by the absence or presence of factors or circumstances that increase the risk of exploitation or abuse at the individual or group level.52

International protection is granted to “persons or groups of persons who are outside their own country but cannot return home because their return would violate the principle of non-refoulement, and their country cannot or will not protect them.”53 Migrants in vulnerable situations that do not fall within the scope of international protection related to refugee rights, trafficked persons or smuggled migrants may also need assistance.

1.1.3. A legal framework that is not adapted to current migration trends

Nowadays, migration flows are increasingly composite, and it is often difficult to identify the legal status of the migrant. Protection needs can be as great for a refugee or a trafficked person as for a person forced to leave his/her country for economic, social and climatic reasons that make daily life almost impossible. (See Sangli, G.; Fall, P.D.) The distinction defined by international standards does not adequately reflect the changes in migratory flows in recent decades and therefore does not address protection needs. (See Obiezu, E. X.; Zohry, A.) The following observations were made:

- The factors leading to a person’s mobility cannot be limited to a simple explanation. In addition to the economic factors of mobility, very often other factors must be taken into account to have a precise understanding of these mobilities. Effects of climate change on the environment, social obligations, human rights violations and violence can be combined to trigger human mobility. Failure to take these elements into account can lead to policies or programmes that address only one component of such mobility.
- Voluntary migration can be a mobility justified by economic factors, but it can become forced migration if other justifications are added (such as generalised violence, etc.).
- Legal forms of migration are increasingly restricted. Refugees and voluntary migrants find themselves following similar routes, using irregular ones. Both groups then face the same vulnerabilities and a lack of protection. This protection gap has not been legally defined.
- A person’s migration path is not linear and clearly defined. A person may evolve in its status during his/her mobility from refugee to regular or irregular labour migrant, etc.

The legal framework makes it possible to determine the needs for protection for certain categories. The identification of a migrant’s vulnerability and the need for personal protection goes beyond the current legal framework. It is in this respect that the notion of mixed migration has its place.

1.2. THE ARTICULATION OF THE NOTION OF MIXED MIGRATION AROUND THE STATUS/PROFILE OF THE MIGRANT, MOTIVATIONS AND CONTEXT

The separation that still predominates today is the division between forced migrants/refugees on the one hand and voluntary migrants on the other. This legal delimitation may not be appropriate to the realities of migrants and their protection needs. This is why mixed migration is of interest for a better definition of a migrants’ situations. The discussions identified gaps between the human rights of all migrants, the vulnerabilities they face and international standards that do not cover all these vulnerabilities. (See Khachani, M.; Ouakka, S.; Vidal Terrazas, I.)

Indeed, mixed migration makes it possible to address the situation of a migrant by trying to take all the contextual dimensions of that person into account. This notion makes it possible to better understand the realities of all forms of traffic, but the main shortcoming remains its lack of a legal framework. However, governments and the international community are struggling to properly make use of this concept. In North Africa, it is clear that leaders do not want this notion. (See Zohry, A.)
The exchanges between the experts made it possible to highlight three structuring elements of mixed migration that facilitate the definition of a migrant’s situation. To better frame a mixed migration situation, it is important to analyse several elements justifying the mobility of the person and framing the risks of vulnerability:

1. The profile of the person (gender, age, status, etc.) and the status of the person (forced/migrant voluntary);
2. The motivations/factors driving the person from (economic reasons, reasons related to climate change, socio-political context, etc.) and
3. The context of the country in which the person moves and settles.

1.2.1. Go beyond the analysis of legal status to better understand the profiles of people on the move

Mixed migration is intended to be more inclusive in defining a migrant’s situation and seeks to overcome this distinction between forced and voluntary migration. From the international point of view, this distinction persists, as shown by the double discussions on the GCM on the one hand and the GCR on the other. The fact that migrants and refugees use the same routes illustrates the connection between this legal division of voluntary and forced migrants. (See Obiezu, A. X.)

This notion of mixed migration should not be limited to the categorization of persons in movement according to certain classifications and statuses related to human rights (international, regional and national standards), but should include profile analysis. (See Zohry, A.) A migrant’s profile concerns sex (gender of the person), age of the person, mode of travel (person travels alone, with family or in a group), level of education.

These elements of the profile will provide a better understanding of the vulnerable situations faced by migrants. As described in the figure below, a person travelling alone with a level of primary education and male gender will be more likely to be exploited on the Central Mediterranean route to Europe.

**Figure 4:** Characteristics increasing the risks of vulnerability and exploitation or trafficking of migrants on the central Mediterranean route to Europe

![Figure 4: Characteristics increasing the risks of vulnerability and exploitation or trafficking of migrants on the central Mediterranean route to Europe](source: IOM DTM Flow, Monitoring Surveys, December 2015-November 2016.)

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1.2.2. Increasingly varied, evolving and multiple motivations during migration

Mixed migratory flows include people whose reasons for leaving are not the same. These motivations are also push and pull factors related to economic, political, security and environmental changes that lead a person to make the decision to migrate. (See Fall, P.D.) In many cases, this is not a single motivation, but a set of elements that justifies the choice. The notion of mixed migration incorporates this plurality of motivations to define a migrant’s situation.

The reasons for leaving may change during a person’s migratory journey and other reasons may complement those for leaving. These motivations are changing, tangled and unclear, making it increasingly difficult to classify.

International law is currently unable to characterize these increasingly decisive issues in mobility. Indeed, as pointed out by several speakers, certain factors such as climate change add to the complexity of a clear distinction between refugees and voluntary migrants. (See Sangli, G.; Zohry, A.; Fall, P.D.)

Finally, the various motivations do not prevent people on the move from being exposed to the same vulnerabilities and risks. It is for this reason that the third element - the examination of the context - is important.

1.2.3. Examining the context allows us to better take into account the realities faced by people in mobility

During their mobility, people will undertake border crossings, but also face all that concerns the particular contexts related to countries, cities and areas of crossing and settlement. All these contextual elements influence the definition of the migrant’s situation.

Difficulties related to border crossings and the lack of travel documents lead people on the move (refugees or not) to use alternative means to reach transit and destination countries. Mixed migration flows are therefore associated with the vulnerabilities that result from this irregular entry and the use of networks that can lead to an operational situation. As explained by Dr Bell, maritime border crossing in the context of mixed maritime migration makes migrants particularly vulnerable. Migrants have no choice but to rely on what smugglers and what they demand from them to have a chance to cross. This is done at the risk of their lives in boats that are not adapted to carry so many passengers. (See Bell, C.)

Contexts at the national and local levels must also be well understood as they can influence a migrant’s situation. (See Landau, L) Indeed, migrants who transit and settle in certain cities and countries will find themselves more vulnerable because of the context. For example, Libya’s socio-political context increases the risk of a migrant’s vulnerability and at the same time increases his/her need for assistance.

Finally, migrants in transit or settling in, are often criminalized in their status as irregular, further increasing their vulnerabilities. These situations were developed in different presentations. For example, in Morocco, where migrants from sub-Saharan Africa are subject to xenophobic and racist attacks. (See Khachani, M.) In Algeria, the State has revised the Penal Code, adopting a position that tends to criminalize migrants who enter or leave through irregular channels. (See Labdelaoui, H.)

It is through these elements that a more precise framework for the protection of migrants in mixed migration can be identified. Through understanding the situation of a migrant, characterized by the profile/status, motivations and context, it would be possible to better understand situations of vulnerability and the resulting needs for assistance and protection.
**Figure 5: Table of issues and recommendations related to the definition of mixed migration**

<table>
<thead>
<tr>
<th>Issues identified</th>
<th>Recommendations</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Not a definition of mixed migration, but definitions;</td>
<td>• Use the notion of mixed migration as the analysis of migration motivations, profiles and contexts, to identify their vulnerabilities and protection needs;</td>
</tr>
<tr>
<td>• A right to leave to put into perspective by the lack of recognition of a legal status of entry;</td>
<td>• Encourage research projects around these axes;</td>
</tr>
<tr>
<td>• A strict legal delimitation of protection around the Geneva Convention (1951) and the Palermo Convention (2000);</td>
<td>• Centralize, develop and enhance the collection of data providing information on these indicators;</td>
</tr>
<tr>
<td>• A legal framework that is not adapted to current trends in migration flows;</td>
<td>• Develop a research platform/network on mixed migration in West and Northern Africa to enhance the sharing of analyses on these issues by mobilizing different analytical tools: demographic, environmental, legal, etc.</td>
</tr>
<tr>
<td>• Regardless of status and motivations, migrants use the same migration routes.</td>
<td>• Translate these reflections into operational recommendations for governments and supranational institutions to enable them to act on the constitutive elements of such mobility, and guide policies and strategies for managing mixed migration adapted to protection needs.</td>
</tr>
</tbody>
</table>
PART 1: SUMMARY OF DISCUSSIONS AND RECOMMENDATIONS

2.1. TRENDS IN INTERNAL MIGRATION FLOWS IN WEST AFRICA

Migration in West Africa is characterized by mainly intra-regional mobility, whose main motivations are the search for economic opportunities, adaptation to climate change and insecurity. As Professor Demba Fall has formulated, mobility in the West African region is not a new phenomenon. Migratory movements are concentrated in the regional space, which it characterizes by “mandate area”. Very often the belonging to a space does not reflect the dimensions of territorial boundaries between States. (See Fall, P.D.) Between July and December 2018, 80% of all observed migratory flows are internal to the region\(^5^5\). Migration flows within West Africa are facilitated by the free trade agreement of the Community of West African States (ECOWAS) and the ECOWAS free movement protocol, but for many people, the lack of documents such as passports or travel certificates makes them irregular. All ECOWAS countries are also countries of departure, transit and destination for internal migration.

Intra-regional labour mobility constitutes the majority of migration in the region. These predominantly professional movements (temporary, seasonal, permanent) follow the main transport axes, in particular the Dakar-Agadez axis linking Senegal, Mali, Burkina Faso and Niger.\(^5^6\) It is important to note that most intra-regional labour migration is low-skilled and takes place in the informal sector. On several occasions, experts mentioned mobility related to the informal and semi-organized mining sector as a widespread phenomenon in Niger, Burkina Faso, Mali, Chad and Senegal. (See Sangli, G., Kossi, S.D.)

Another characteristic is the flow of intra-regional forced displacements in the Mali, Burkina Faso, Niger and Lake Chad Basin regions. In the Lake Chad Basin region, 4.3 million people are directly affected by the situation leading to the internal displacement of 2.4 million people and 224,000 refugees.\(^5^7\) In the area north of Burkina Faso bordering Mali and Niger, more and more attacks are reported and are directly targeting civilians. In Burkina Faso, 1.7 million people are affected by the situation and 170,000 people are internally displaced.\(^5^8\) Travel flows mainly circulate within the countries concerned or to neighbouring countries. These different contexts have a direct impact on the labour mobility that passes through the Dakar-Agadez axis.

Finally, we can highlight the role of cities. In these mobility patterns, cities play an important role as migrants and refugees’ transit through them to accumulate sufficient resources to go further or to settle more sustainably.\(^5^9\) (See Landau, L.)

These observations indicate that intra-regional migration is characterized by diversified migratory flows influenced by multiple factors and that most migrants must rely on intermediaries to move. In this context, public policies and border governance complicate pre-existing mobility and challenge a simplified understanding of a “South-North” exodus of West African populations.

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2.2. TRENDS IN INTERREGIONAL MIGRATION FLOWS BETWEEN WEST, CENTRAL AND NORTH AFRICA

Overall, complex migratory movements out of the ECOWAS region are physically concentrated at crossing points, particularly on the desert routes between Mali and Niger and between Algeria and Libya. In the south, the crossing points are articulated around the Togo, Benin and Nigeria axis to transit to Central Africa by land or sea.

Routes to Central Africa were mentioned to present land routes to Cameroon and sea routes to Gabon, Equatorial Guinea and Angola. Although data is lacking on these routes, migration flows are composed of migrant workers, displaced persons who settle in urban areas before continuing their journey through smugglers. (See Kossi, S.D.; Bell, C.)

Desert roads have been concentrated in recent years around Niger; the most important transit country to Libya. 80 % of migratory flows in West and Central Africa pass through Niger.\(^60\)

In 2015, Niger adopted a law on the smuggling of migrants that addresses migration issues from a law enforcement perspective, and gives priority to the repression of irregular migration over measures to prevent the smuggling of migrants, to the detriment of the protection of the human rights of these persons.\(^61\) This is in contradiction to the ECOWAS principle of freedom of movement. Following political instability and the increasingly uncertain situation of West African migrants in Libya, new interregional routes are gaining value, such as roads linking sub-Saharan Africa to Tunisia or Morocco. Migration flows to North Africa consist of migrant workers, displaced persons and refugees who transit through cities to continue to Europe or settle more sustainably. (See Labidi, L; Labdelaoui, H)

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North Africa is divided on how to approach these migratory flows. In Libya, political instability weakens the State and increases the vulnerability of migrants. Algeria adopted a security policy towards these mixed migratory flows, while Tunisia and Morocco seem to be moving towards public policies aimed at protecting the human rights of migrants. (See Khachani, M.)

Beyond North Africa, as stated in the 2018 World Migration Report, “some of the largest migration corridors involving African countries lie between North African countries such as Algeria, Morocco and Tunisia to France, Spain and Italy.”

The Western Mediterranean route has taken precedence over the Central Mediterranean route, followed by the increasing use of the Eastern Mediterranean route. These changes and the sharp increase in the number of West African migrants arriving in Spain are explained by a decrease in departures from Libya, which in 2018 was 26% below the figure calculated for 2017.

2.3. TRENDS IN TRAFFICKING IN PERSONS AND SMUGGLING OF MIGRANTS

Whether intra-regional or more distant, migrants and refugees find themselves resorting to smugglers and smuggling networks to reach their destinations. In mixed migratory flows, the use of trafficking networks is the norm, leading people on the move to be increasingly vulnerable and subject to exploitation and trafficking in persons risks during their journey. The legal and physical difficulties of border crossing and the fragility of some States facilitate the development of this activity.

Trafficking and smuggling networks are most active when leaving the ECOWAS region for North Africa (through the desert) or by sea from Nigeria to reach Central Africa.

The regional context of free movement within the ECOWAS region does not guarantee the protection of migrants. Indeed, migrants and refugees’ knowledge of these free movement modalities is low and they often have no travel documents and resort to smuggling and smuggling networks. On the other hand, trafficking in human beings is a phenomenon that remains mainly within ECOWAS. In total, 99% of victims detected in West Africa are trafficked in their own country or a neighbouring country. These are mainly children and especially girls and young women for sexual exploitation and forced labour. (See Kossi, S.D.; Vidal Terrazas, I.)

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## Figure 8: Table of identified issues related to the West and North African context

<table>
<thead>
<tr>
<th>Issues identified</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Migration profiles related to mixed migration flows are not sufficiently developed;</td>
</tr>
<tr>
<td>• Labour migrants, refugees, displaced persons, seasonal, temporary, permanent and/or voluntary migrants use the same migration routes;</td>
</tr>
<tr>
<td>• Migrants have very limited access to travel and identity documents;</td>
</tr>
<tr>
<td>• Migrants often use smugglers;</td>
</tr>
<tr>
<td>• Irregular border crossings make migrants more vulnerable;</td>
</tr>
<tr>
<td>• States do not systematically provide identity documents;</td>
</tr>
<tr>
<td>• It is difficult to identify which status a migrant corresponds to.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Recommendations</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Researchers, States, civil society and international organizations must improve their collaboration to develop mixed migration profiles in West and North Africa;</td>
</tr>
<tr>
<td>• States should develop strategic guidelines for monitoring mixed migration and improve their operational skills in identifying and responding to situations of vulnerability in mixed migration;</td>
</tr>
<tr>
<td>• ECOWAS States should seek to enforce the principle of free movement in the area by seeking to ensure security and develop legal migration channels.</td>
</tr>
</tbody>
</table>
The previous section has put into perspective the context of mixed migration in West and North Africa. It is important to review the risks faced by migrants (due to their profiles and contexts) as well as new protection concerns in these irregular situations.

3.1. ATTENTION TO THE DIFFERENTIATED PROFILES OF MIGRANTS HELPS TO BETTER IDENTIFY THEIR PROTECTION NEEDS

3.1.1. The importance of adopting a gender-sensitive approach in the analysis of mixed migration

In mixed migratory flows, all the individuals (although having different profiles, status and motivations) face risks throughout their migratory paths. The profile of the person migrating may increase his/her vulnerability and the protection needs he/she presents. Some groups can therefore be identified as likely to suffer greater harm during their journey. These are women, girls, children in general and unaccompanied minors. (See El Jack, A.)

In situations of irregularity, women and children are highly exposed to gender-based violence, exploitation, trafficking, slavery and deprivation of liberty both during the journey and upon arrival. (See El Jack, A.) Women find themselves in informal, hard-to-find jobs (domestic work) and are therefore vulnerable.

For women and girls, motivation to leave can be built around discriminatory social norms. In addition, gendered expectations, such as the fact that they are more likely to send remittances lead women and girls to leave voluntarily to escape social or forced control by relatives. (See El Jack, A.)

3.1.2. Improve data collection to better integrate the gender-sensitive approach

The lack of reliable data on these realities does not allow a better understanding of these vulnerabilities and the protective responses to address them. (See Kossi, D.) It is essential to work towards a better knowledge that would make it possible to guide public policies that integrate gender issues, while respecting human rights for all and non-discrimination. The study of mixed migratory flows must include a gender-sensitive framework.
3.2. THE INCREASE OF IRREGULAR MIGRATION
SITUATIONS EXPLAINED BY THE COMPLEXITY OF
MIXED MIGRATION FLOWS

3.2.1. Understanding the motivations to leave in order to cope with the different mixed migration flows

In West Africa, mobility must be placed in its historical context where movements take place in areas detached from the State system. It is a social process that must be put in perspective with the person's profile. This profile includes the person's motivations for moving. The motivations reflect new realities, such as climate change, insecurity in some areas and human rights violations. Seasonal and cross-border labour migration are added to older forms of mobility. In many cases, these movements are carried out without identity or travel documents.

This explains why travel can be classified as irregular by States without being perceived as such by people on the move. (See Adetula, V.)

These movements are often poorly documented with no regulatory framework. An interesting example on seasonal work between Ethiopia and Sudan pointed out how these new movements are becoming more complex without an appropriate and joint response from both States. People in mobility find themselves in a vulnerable situation. (See Eldin, G. A.) These situations exist with the seasonal movements that take place between Burkina Faso and Côte d'Ivoire, and Mali and Côte d'Ivoire. These two corridors are among the first twenty migration corridors involving African countries.66

3.2.2. The problem of irregularity results in the difficulty for migrants to use legal migration channels

A common feature of mixed migratory flows is the predominance of irregularity, which constitutes a major obstacle to the protection of migrants. The high levels of irregular migration in the region have multiple origins.

- Most migrants in the ECOWAS region do not possess passports or other travel documents necessary for legal migration. The lack of access to the required documentation leaves many migrants - whether displaced, migrants, motivated by the desire for family reunification or a multitude of drivers - with no other possibility than irregular migration. Having no documentation, making migrants irregular in the eyes of existing policies, brings together migrants with different motivations.
- Restrictive migration and border policies impose a very strict assessment of who is a refugee while reducing legal migration channels. (See Ouakka, S.) Migrants are therefore often forced to travel irregularly.

3.3. ACCESS TO PROTECTION AND RESPECT FOR THE HUMAN RIGHTS OF MIGRANTS ARE DIFFICULT BECAUSE OF THEIR IRREGULAR SITUATION

3.3.1. The irregularity accentuates the need for protection

Migrants who travel irregularly are considered “illegal”, which implies limited access to protection services, the asylum process and other forms of social services. In some countries, they may even face sanctions or expulsion. (See Ouakka, S.) People involved in these mixed migratory movements are at risk and often need assistance to defend their human rights and meet their basic material needs in transit and destination countries.

Mixed movements often weaken people and expose them to risks of economic exploitation, abuse of all kinds, physical violence (including gender-based violence), detention, deprivation and sometimes even death. (See Bell, C.) The concept of security must go beyond State security to ensure that migrants are protected from the dangers and threats they face during their journey and regardless of status. (See Adetula, V.)

3.3.2. Protection needs are difficult to identify

Irregularity exposes migrants to a greater risk of vulnerabilities and to protection needs as a result. In the State’s view, these vulnerabilities may be difficult to identify and the resulting protection difficult to guarantee. Indeed, many States provide assistance and protection for individuals who fall within the strict definition of a refugee. An approach based on the protection of the human rights of migrants should be adopted going beyond the simple division of refugees, victims of trafficking and vulnerable migrants.

3.4. SITUATIONS OF TRAFFICKING IN PERSONS AND SMUGGLING OF MIGRANTS ARE FACILITATED BY IRREGULARITIES

3.4.1. The development of networks of smugglers or organised criminal groups results in difficulties in crossing borders in an irregular manner

Irregular modes of travel lead migrants and refugees to use the same migratory channels. Without identity and travel documents, using the networks of their entourage, migrants seek all possibilities to cross borders.

In these situations, migrants are exposed to border crossings through smugglers and organized groups. Border crossings within ECOWAS or beyond to North Africa and Europe, for example, are mainly carried out through organized criminal groups that rely on cross-border links and take advantage of porous borders, instability in some areas, and the difficulty of crossing certain natural borders (the desert or the Mediterranean Sea). (See Kossi, S.D.; Vidal Terrazas, I)

To avoid detection, smugglers and traffickers who use increasingly sophisticated means can take advantage of migrants’ vulnerable situations. Depending on the migrant’s profile, smuggling of migrants may push him or her into a situation where the person will have to pay additional costs for his or her passage through sexual exploitation or forced labour. In these situations, it is very important to adopt a gender-sensitive approach to assess these situations since women and children will be more exposed to these exploitative situations. (See El Jack, A.)
3.4.2. National legal frameworks that are not aligned with the United Nations Convention against Transnational Organized Crime (UNCITRAL) facilitate the development of situations of trafficking or exploitation

For many States in West and North Africa, national legal frameworks are not in conformity with the United Nations Commission on International Trade Law (UNCITRAL) and its additional protocols on trafficking in persons and smuggling of migrants (Palermo Convention). The poor translation into national law of these international standards does not allow for a common understanding of the terms related to the smuggling of migrants and trafficking in persons. In some countries, migrant smuggling is not perceived as a crime in other it is, the convention seeks to criminalize smugglers’ activities. (see Kossi, S.D.)

The very nature of migrant smuggling cases requires a transnational element with irregular movement between at least two countries. The difficulties of translating international standards into national law make it difficult to cooperate with other States. (See Vidal Terrazas, I.)

Smugglers and traffickers find themselves with little concern for prosecution because of the non-aligned domestic normative frameworks, the need for capacity building of immigration officers to identify victims, and the technical and cooperation needs. (See Kossi, S.D. and Vidal Terrazas, I.)

In many cases, the vulnerabilities faced by the migrants are therefore not identified by States. States do not have sufficient expertise to identify these cases and propose appropriate solutions in terms of protection. (See Vidal Terrazas, I.)

**Figure 9: Table of identified issues and recommendations relating to the complexity of the journey, vulnerability of migrants and protection needs**

<table>
<thead>
<tr>
<th>Issues identified</th>
<th>Recommendations</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Some profiles such as women, children and people living in vulnerable conditions are more likely to find themselves in vulnerable situations (violence, harassment, intimidation...);</td>
<td>• Develop tools to raise awareness at the local level (duty bearers and rights holders) on the risks associated with trafficking and smuggling of migrants and the challenges of mixed migration;</td>
</tr>
<tr>
<td>• Irregular migrants are more likely to find themselves in a vulnerable situation;</td>
<td>• Integrate the gender approach transversely into operational protection responses;</td>
</tr>
<tr>
<td>• Identifying situations of vulnerability and protection needs is difficult in the event of irregularities;</td>
<td>• Improve access to civil status and travel documents.</td>
</tr>
<tr>
<td>• The human rights of irregular migrants are often not guaranteed by States.</td>
<td></td>
</tr>
</tbody>
</table>
4.1. GAPS BETWEEN MIGRATION POLICIES AND THE CHALLENGES OF MIXED MIGRATION

4.1.1. The difficulty of taking into account the protection needs of migrants does not allow for migration policies adapted to mixed migration situations

Mixed movements obviously pose many challenges for the people concerned, but also for governments, international organizations and the civil society in general. As migration flows become increasingly complex, States have an active role to play in how access to existing protection mechanisms could be made possible or not for migrants, especially those who do not fall within the legal definition of refugees, but who face similar vulnerabilities and forms of exploitation.

Yet one of the difficulties that has been discussed is the gap between a migrant’s real need for protection and the State’s ability to identify this need for human security. As Professor Adetula has pointed out, religious violence (e.g. Boko Haram), criminal border violence in Nigeria is often characterized by the State as the act of migrants. While Nigeria supports its economic development through migrant workers, the migration management framework adopts this approach of national security rather than the security of people who also include migrants. (See Adetula V.)

4.1.2. The problem of the interpretation and transcription into national law of international standards

There are many international standards to promote the protection of migrants. States will rely mainly on the 1951 Geneva Convention and its supplementary protocols, as well as the United Nations Convention against Transnational Organized Crime and its protocols on combating trafficking in human beings and the smuggling of migrants. Beyond these best-known standards, there are also other conventions such as the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990) presented in the table, which address protection needs in a broader approach. This Convention has mainly been ratified by countries considered as countries of departure and transit as well as few European States. Other tools and provisions at the level of the African Union and the sub-regional level address human rights, basic services and legal provisions to which people in mobility can access.

Most international standards have been ratified by West and North African States. Difficulties then arise in the interpretation, transcription into national law and application of these standards at the national level. (See Vidal Terrazas, I.) As Sofia Ouakka pointed out with the European example, host countries are moving towards increasingly protectionist migration policies, symbolizing a retreat. In addition, many destination countries are increasingly applying a residual approach to the definition of migrants and their corresponding sovereign powers to reduce migration flows by implementing restrictive migration and border policies. (See Ouakka, S.)
Figure 10: International standards and commitments of West and North African States

<table>
<thead>
<tr>
<th>Country</th>
<th>Year of Ratification or Signature</th>
<th>Year of Accession or Signature</th>
<th>Year of Ratification or Signature</th>
<th>Year of Ratification or Signature</th>
<th>Year of Ratification or Signature</th>
</tr>
</thead>
<tbody>
<tr>
<td>Morocco</td>
<td>1956</td>
<td>1971 (R)</td>
<td>2011 (R)</td>
<td>1993 (R)</td>
<td>1993 (R)</td>
</tr>
<tr>
<td>Tunisia</td>
<td>1957</td>
<td>1968 (R)</td>
<td>2003 (R)</td>
<td>1992 (R)</td>
<td>1985 (R)</td>
</tr>
<tr>
<td>Algeria</td>
<td>1963</td>
<td>1967 (R)</td>
<td>2004 (R)</td>
<td>1993 (R)</td>
<td>1996 (R)</td>
</tr>
<tr>
<td>Libya</td>
<td>2004</td>
<td>1993 (R)</td>
<td>1989 (R)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Benin</td>
<td>1962</td>
<td>1970 (R)</td>
<td>2004 (R)</td>
<td>1990 (R)</td>
<td>1992 (R)</td>
</tr>
<tr>
<td>Burkina-Faso</td>
<td>1980</td>
<td>1980 (R)</td>
<td>2002 (R)</td>
<td>1990 (R)</td>
<td>1982 (R)</td>
</tr>
<tr>
<td>Cape Verde</td>
<td>1967</td>
<td>2004 (R)</td>
<td>1992 (R)</td>
<td>1980 (R)</td>
<td>1997 (R)</td>
</tr>
<tr>
<td>Ivory Coast</td>
<td>1961</td>
<td>1970 (R)</td>
<td>2017 (R)</td>
<td>1991 (R)</td>
<td>1995 (R)</td>
</tr>
<tr>
<td>Gambia</td>
<td>1966</td>
<td>1967 (R)</td>
<td>2003 (R)</td>
<td>1990 (R)</td>
<td>1993 (R)</td>
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<tr>
<td>Ghana</td>
<td>1964</td>
<td>1974 (R)</td>
<td>2012 (R)</td>
<td>1990 (R)</td>
<td>1986 (R)</td>
</tr>
<tr>
<td>Guinea</td>
<td>1965</td>
<td>1968 (R)</td>
<td>2004 (R)</td>
<td>1990 (R)</td>
<td>1982 (R)</td>
</tr>
<tr>
<td>Guinea-Bissau</td>
<td>1976</td>
<td>1976 (S)</td>
<td>2000 (R)</td>
<td>1990 (R)</td>
<td>1985 (R)</td>
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<tr>
<td>Liberia</td>
<td>1964</td>
<td>1980 (R)</td>
<td>2004 (R)</td>
<td>1993 (R)</td>
<td>1984 (R)</td>
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<tr>
<td>Mali</td>
<td>1973</td>
<td>1973 (R)</td>
<td>2002 (R)</td>
<td>1990 (R)</td>
<td>1985 (R)</td>
</tr>
<tr>
<td>Mauritania</td>
<td>1987</td>
<td>1987 (R)</td>
<td>2005 (R)</td>
<td>1991 (R)</td>
<td>2001 (R)</td>
</tr>
<tr>
<td>Niger</td>
<td>1961</td>
<td>1970 (R)</td>
<td>2009 (R)</td>
<td>1990 (R)</td>
<td>1999 (R)</td>
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<tr>
<td>Nigeria</td>
<td>1967</td>
<td>1968 (R)</td>
<td>2001 (R)</td>
<td>1991 (R)</td>
<td>1985 (R)</td>
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<tr>
<td>Senegal</td>
<td>1963</td>
<td>1967 (R)</td>
<td>2004 (R)</td>
<td>1990 (R)</td>
<td>1985 (R)</td>
</tr>
<tr>
<td>Sierra Leone</td>
<td>1981</td>
<td>1981 (R)</td>
<td>2014 (R)</td>
<td>1990 (R)</td>
<td>1988 (R)</td>
</tr>
<tr>
<td>Togo</td>
<td>1962</td>
<td>1969 (R)</td>
<td>2010 (R)</td>
<td>1990 (R)</td>
<td>1983 (R)</td>
</tr>
</tbody>
</table>


Refugee status is clearly defined and based on the principle of “non-refoulement”. The powers of States over forced migrants are therefore governed by the legal status of refugees. States must submit to specific international protection mechanisms related to refugees. Regarding the so-called voluntary or economic migrants, States have more flexibility. They can override a person’s protection and assistance needs on the grounds that they are not in the refugee class. Irregularity has become the key element in reducing States’ obligations to provide protection. The passport or lack of a passport is decisive for the future of migrants (see Fall, P.D.).
4.2. MIXED MIGRATION AND SECURITY APPROACHES TO PROTECTION

4.2.1. The identification of migrants’ protection needs within the context of national security focused approaches

For many States, irregular movements raise questions about respect for the principle of sovereignty and their obligation to regulate the entry and stay of foreigners on their territory. These movements may also give rise to real, or perceived, threats to national security. This can be defined as the security approach to migration management.

In Algeria, while they abstained from the GCM, work is ongoing in efforts to enhance migration management and migration policy. This approach must be seen in the context of the Arab spring, instability in the Sahel and an increasingly growing number of migrants in Algeria. (See Labdelaoui, I.)

In West Africa, situations of instability between borders (Burkina Faso-Mali Niger; Niger-Nigeria) lead States to adopt legislative protection measures that make it more difficult for movements within ECOWAS and also outside the ECOWAS region (to North and Central Africa). Migration policies are often interpreted in a more restrictive way. In other words, the measures taken focus on the protection of borders and nationals, making it more difficult to determine the human rights protection needs of migrants and may even go against the protection of migrants. (See Ouakka, S.)

In Niger, the 2015 law on the smuggling of migrants has been identified by the United Nations Special Rapporteur on the Human Rights of Migrants as contradicting the principles of free movement in the ECOWAS region, as well as the international obligations of States. Other countries in West Africa, such as Nigeria, are adopting a security approach and criminalizing migrants. The context of instability and the presence of the Boko Haram group in northern Nigeria facilitate the development of such policy. (See Adetula, V.)

4.2.2. Take better account of the problems of trafficking in persons and smuggling of migrants

The security approach described above leads migrants to turn to alternative mechanisms for movement. Indeed, many West African States do not have mechanisms in place to respond in a systematic manner to the demand for identity and travel documents. Migrants use increasingly well-organized networks of smugglers and traffickers who can issue them false travel documents. Migrant smuggling is becoming an increasingly important issue for the management of mixed migratory flows.

It is important to make a clear distinction between the notion of protection and public security. Situations of trafficking in persons and smuggling of migrants are clearly defined by international law. The international legal framework and most national laws guarantee the highest level of assistance and protection, but interpretation and practical application do not primarily address the need for migrant security, but rather national security. In some cases, States may consider migrants to be committing a crime against the State. (See Vidal Terrazas, I.) By identifying a situation of smuggling of migrants, some States are disengaging from the obligation to protect migrants making them complicit in the situation. Yet these migrants should be protected. (See Kossi, D.)
4.3. NEED TO ADDRESS MIXED MIGRATION WITH A FOCUS ON THE PROTECTION OF THE HUMAN RIGHTS OF MIGRANTS

4.3.1. The importance of having migration policies oriented towards the human rights-based approach of migrants

It is in an approach focused on the protection needs of migrants that States must address the issue of mixed migration. In mixed migration flows, migrants are more easily targeted by violations of human rights and are at greater risk of discrimination, exploitation and marginalization, as migrants often live and work in the shadows. Indeed, a human rights-based approach to migration management promotes a better protection of migrants.

The approach based on the protection of the human rights of migrants puts the migrant in the midst of migration policies and governance and ensures that migrants are included in all relevant national action plans and strategies, such as social housing projects or national strategies to combat racism and xenophobia.

According to Sofia Ouakka, the European security shield promotes human rights violations of vulnerable migrants who are not identified as refugees. Access to health care is made difficult. Illegal migrants are stigmatized and victims of violence. In situations of marginalization, poor reception conditions and lack of care adapted to the needs of the migrant can have serious psychosocial impacts. These migrants find themselves on the margins of these host countries. (See Ouakka, S.)

Morocco has shown positive signs of further integrating the human rights approach into its migration management policy. This approach reduces the gap between the protection needs of migrants and their identification by the host or transit State. Waves of regularization have been launched to make this important policy a reality. This policy requires a comprehensive and integrated approach to the economic and social integration of migrants and refugees and their families. (See Khachani, M.)

4.3.2. The importance of having migration policies that integrate the safety of migrants at risk

Natural border crossing situations (e.g. Mediterranean Sea, Gulf of Guinea and Sahara Desert) push migrants and refugees to use means of transport that can put them at risk during their crossings. Given the difficulties in controlling these areas, the situations of danger faced by migrants are not always easy to identify. However, migration policies must include mechanisms that seek to preserve the security of migrants when they find themselves in danger, without the need for an analysis of the migrant’s status. Dr. Bell’s example of the regulation of marine search and rescue provides a good illustration of the principle of safety overriding status determination: according to the 1974 Convention for the Safety of Life at Sea as amended (SOLAS) and the 1979 Convention for Maritime Search and Rescue (SAR), the rescue at sea of any person in need of assistance is independent of his / her profile and is therefore above the determination of a status validating a need for protection. (See Bell, C.)

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68 Violations may take the form of deprivation of civil and political rights such as arbitrary detention, torture or lack of due process, as well as economic, social and cultural rights such as the right to health, housing or education.
4.4. FRAGILITY OF STATES AND LACK OF RESPONSES TO MIXED MIGRATORY FLOWS

4.4.1. The risks of vulnerability of migrants is exacerbated by crisis contexts in some transit countries

In some situations, it is the very context of the country through which the migrant transits that increases his or her vulnerability without it resulting in recognition of his or her protection needs.

Libya has neither signed nor ratified the 1951 Geneva Convention on Refugees. The fragile context in which the country finds itself further increases the risks of vulnerability and protection needs. This situation is recognized by international maritime law, which then incorporates these mixed migration issues by taking an interest in the socio-political context of the countries concerned by this form of migration: migrants in danger must be rescued at sea in accordance with the 1974 SOLAS and the 1979 SAR. Agreements between States make it possible to delimit the areas to be covered and introduce the concept of a reception port. Libyan capacities are too weak and do not allow such a rescue centre to be managed, thus justifying a principle of protection that takes precedence over the national migration policies of States. (See Bell, C)

As Dr Ahmed Mohamed pointed out, the political crisis situation in Sudan since December 2018 overshadows any consideration of the risks taken by migrants and the recognition of their protection needs, while inter-State discussions continue on the issue of migration management. (See Ahmed Mohamed, A.)

4.4.2. Risks related to the lack of interest of States in paying attention to certain situations of mixed migration

The absence of regulations also poses difficulties outside the context of the crisis. To enable migration to have a positive impact on migrants and their host and origin countries, States of departure, transit and host, must work together to provide a framework for protection. Some labour migration takes place in West Africa via mixed migration flows. Yet migrants find themselves in a situation of marginalization working in the shadows, exclusion and risk of exploitation.

Dr. Eldin gave the example of the seasonal labour migration situation between Ethiopia and Sudan, which leads to extremely varied mixed migratory flows, using informal networks that go unnoticed by State services. The Sudanese State does not see a national security issue and therefore allows these migratory flows to continue. The lack of regulations penalizes Ethiopian migrants who find themselves without access to basic services such as social protection, access to health care, guaranteed payment of wages, etc. (see Eldin A.G.)

This same situation occurs with labour migration to Nigeria, where the issue will become increasingly important and require a real interest on the part of the West African States in order to be able to respond in the future to labour migration issues. (See Adetula, V)
Figure 11: Table of issues and recommendations related to the protection of migrants

<table>
<thead>
<tr>
<th>Issues identified</th>
<th>Recommendations</th>
</tr>
</thead>
</table>
| • The protection offered by States to migrants is often limited to obligations under the Geneva Convention and the Palermo Convention;  
• Many States are increasingly adopting a security-oriented position in the management of migration;  
• Despite the increased number of vulnerabilities faced by migrants not covered by protection schemes associated with refugees or victims of trafficking, access to health, social protection and psychosocial support services seems increasingly inaccessible to these migrants;  
• The situations of danger faced by migrants when crossing difficult natural borders are not always easy to identify;  
• Discussions to strengthen the security capacities of fragile and crisis States in migration management continue, without taking into account the protection needs of migrants and the limited capacity of these States to address them. | • Migration strategies and policies based on a human rights approach can better take into account the complexity of new forms of mobility and the protection of migrants, without abandoning security imperatives  
• The legal framework of States must reflect international commitments in national legislation and protection services by ensuring that these provisions apply to migrants.  
• Legal, psychological, medical and social support tools must be developed and generalized with special attention to women, children and people in highly vulnerable situations (victims of trafficking, unaccompanied minors, etc.), regardless of their legal status;  
• Several innovations in protection are being promoted by civil society organizations and local authorities that can be fully integrated into strategic development and mechanisms to address the protection needs of migrants;  
• Dialogue is needed with West and North African States to strengthen their position on migration management, particularly with a view to internationally negotiated inter-State agreements. This broadens the issue of migration beyond security approaches and raises awareness of the opportunities offered by migration and the minimum protection needs of migrants. |
At the national, regional and international levels, there is a difficulty to dialogue between States, civil society and international organizations, due in particular to the way in which the management of migration flows is understood. Working on the issue of mixed migration, would make it possible to reconcile the different approaches and specific concerns related to each type of actor, and thus better respond to the challenges faced by migrants in the field in terms of protection.

### 5.1. PUBLIC POLICIES TO ADAPT TO THE CONTEXT

#### 5.1.1. Taking into account local realities to build appropriate migration policies

Starting from Sustainable Development Objective 10.7 “Facilitate migration and mobility in an orderly, safe, regular and responsible manner, including through the implementation of planned and well-managed migration policies,” States must build their migration policies considering concrete, local and updated situations. The principles of sovereignty and territorial security give States a central role in the development of migration management policies and strategies. However, the realities of mixed migratory flows are increasingly manifesting themselves at the local level. Traditional approaches to migration management face a challenge between the scale at which decisions are made and how they are manifested in the field.

Cities have become places of departure, transit and destination. In sub-Saharan Africa, many factors explain why cities are key areas for migration. Professor Landau describes these spaces as urban estuaries where migrants transit and settle in, whether or not they are sustainable, and live together. These marginal areas are the subject of particular attention by international organisations. The objective is to achieve more inclusive cities. (See Landau, L.)

In some situations, increasing cross-border movements are clearly identified by local actors. Labour migration between Ethiopia and Sudan has illustrated this situation where the State has been informed of these cross-border movements but does not consider it necessary to provide a response to ensure the protection of these temporary labour migrants. (Eldin, A.G.)

#### 5.1.2. Migration policies based on a multi-stakeholder dialogue at local and national level

Institutional actors on the ground, from civil society to international organizations, are all working together. Very often, these different actors intervene by working more specifically with one target group of migrants or another. This situation poses the risk of not covering all migrants in vulnerable situations and also of having a compartmentalized approach between actors.

Migration policies must be initiated with all stakeholders in order to integrate all visions and responses. This more inclusive approach across sectors and not limited to specific migrant groups ensures the human rights of all migrants. Local actors, civil society and actors from other sectors that influence migration (education, economy, agriculture..) must be included in this process. For some, this response can only come from civil society, while for others, local authorities must play this role.
Migration policies must integrate these new realities where cities play a central role in a person’s migratory journey, but also by integrating all sectors that influence migration. Therefore, local authorities and municipalities should increasingly participate in the policy response at national level and develop (where possible and within their means) local policies. (See Landau, L.) As Professor Landau has pointed out, in cities in sub-Saharan Africa, migrants are often excluded and marginalized from cities. Local public authorities often lack the means and will to propose an adequate local response to migration issues.

5.1.3. Better knowledge of the effects of migration for integrated migration policies

As Dr. Sangli highlighted, migration policies should not be limited to one sector but should be integrated into all the sectors that impact migration and that migration impacts. Only if the beneficial economic and social effects of movements are better identified will migration policies integrate other sectors such as education, health, etc. in broader ways. (See Sangli, G.)

5.1.4. Migration policies accompanied by concrete measures in capacity building

The lack of resources, adequate and sufficiently trained human resources at the local level, and the lack of interest at the national level, explain these gaps between migration strategies/policies and the protection realities/needs of migrants.

The global approach of the migrant makes it possible to go beyond the “forced migrant” or “voluntary migrant” division, in order to better take into account, the protection needs and enable them to enjoy all human rights. In this way, migration policies will go beyond protection needs to better take into account the potential implications of other policy areas in a more holistic approach to mixed migration.

It is interesting to note Morocco’s political and strategic response in this backdrop. The 2011 National Immigration and Asylum Strategy (SNIA) and subsequent waves of regularization have led to a more comprehensive approach to integrate migrants and seek to provide them with protection adapted to their needs. Following these waves of regularization, Morocco has bypassed an increasingly restrictive international framework for refugee protection to work with all migrants. (See Khachani M) This approach has required capacity building and institution building. While further efforts are still needed, Morocco’s progress and orientation are to be noted.

5.2. MIXED MIGRATION AND COORDINATION NEEDS

5.2.1. Strengthen cooperation between the different actors to ensure the protection of migrants

The border crossing caused by the mobility of people raises the question of cooperation between States. The irregularity of some of these crossings and the resort of some groups facilitating the smuggling of migrants increase the risks and vulnerabilities of these migrants. Throughout mixed migration routes, States and non-State actors (NGOs, civil society, international organizations) must work together in a coordinated manner to ensure the protection of these migrants.

Non-State actors have developed coordination and collaboration initiatives around mixed migration. International organizations, including IOM, UNHCR, UNODC and others, have already decentralized coordination mechanisms at the regional level. NGOs also participate in initiatives to improve knowledge, share innovative practices. These are key actors to be included for the effective management of mixed migration in an approach based on the protection and guarantee of the human rights of migrants.
5.2.2. Existing international and regional collaborative mechanisms to strengthen and better operationalize

At the level of collaborative mechanisms, a number of initiatives include mixed migration. At the global level, the two Compacts (GCM and GCR), the SDGs 2030, focus on strengthening the collaboration and cooperation of all State and non-State actors for an effective and inclusive strategy to address migration issues. (See Obiezu, A. X.) The GCM and the GCR once again show the division between certain categories of people. It has been recalled on several occasions that it is important to seek to overcome this distinction between “forced migrant” covered by refugee status, and “voluntary migrant” who does not benefit from an adequate protection framework.

In Africa, the AU is moving towards the idea of free movement throughout the continent with the Protocol establishing the Economic Community of Africa. The Protocol states that the free movement of persons must take place at the sub-regional level. As Dr Obiezu pointed out, this trend towards better regional cooperation is interesting, but we must remain cautious since it is not always easy to make it operational and avoid having structures that are empty of content. Structures at regional level, such as the Intergovernmental Authority on Development in East Africa (IGAD) can serve as an example, particularly for West Africa, to improve these coordination and support mechanisms for national initiatives. In addition, there are statements specifically targeting situations of particular vulnerability for migrants within mixed migration flows and the need to provide them with assistance. (See Obiezu, A. X.)

In West Africa, the ECOWAS Protocol on Free Movement could serve as a basis for addressing gaps in the protection of migrants. By granting all citizens of the ECOWAS region the same rights of entry, stay and establishment, the needs of the too clear-cut distinct categories of forced and voluntary migration are circumvented and the sovereign powers of States are aligned. Migrants can legally enter countries; refugees can then seek asylum and migrants with diverse motivations are always recognised. In addition, the services of smugglers and traffickers are becoming obsolete.

Free movement within ECOWAS is not yet fully achieved and different regimes are still in place, and migration to or beyond the ECOWAS region is not covered by it. Delays and national political decisions run counter to this principle.

As developed by Pr. Ahmed Mohamed, pushed from the outside, increasingly restrictive policies are undermining this principle of free movement. As some cooperation mechanisms show, the EU is increasingly outsourcing the management of irregular migration. The Khartoum process, launched in 2014, between the Horn of Africa States, North Africa and Europe is moving towards greater border security. (See Ouakka, S. and Ahmed Mohamed, A.)

Traditional migration policies have focused on borders, without considering the main areas affected by migration. The current outsourcing of borders poses new challenges for North African countries as Europe continues its efforts to ensure that its borders are not reached by those who move. (See Zohry, A.)

Free movement of persons within the ECOWAS region

- Protocol on the Free Movement of Persons, Residence and Establishment (1979);
- Additional Protocol (1985) obliges States to provide travel documents and lists protections for illegal migrants;
- Additional Protocol (1986): right to reside and settle for professional reasons;
- Additional Protocol (1989): Right of establishment to facilitate entrepreneurship;
- Launch of an ECOWAS passport (2000)


72 IGAD works with its Member States on the mixed migration issues facing them. IGAD has a regional policy framework on migration and various committees and working groups between States have been developed to facilitate exchanges and cooperation.

5.3. Vulnerability and border crossing: essential cooperation to ensure the protection of migrants

In the fight against the smuggling of migrants and the trafficking in human beings, it is essential to improve cooperation between States and with international organizations in order to punish those responsible and ensure the protection of migrants and trafficked persons. It is essential to work upstream on the prevention of these crimes. (See Vidal Terrazas, I.)

Smuggling of migrants and trafficking in persons require extensive research based on the concept of mixed migration. High levels of restriction tend to add value to the skills and resources of smuggling networks. Border protection mechanisms encourage greater organization and resources to overcome obstacles. This is further reinforced by the lucrative nature of the economy surrounding trafficking, in particular, rendering irregular migration even more dangerous and a challenge for the effective implementation of anti-trafficking measures. (See Kossi, D.)

In West Africa, ECOWAS plays a central role in protecting migrants from trafficking. Tools have been developed at the regional level to support West African States in the fight against trafficking. An action plan for West Africa (2001 Declaration and Plan of Action against Trafficking in Persons and 2006 Abuja Agreement) adapted and operationalized the Palermo Protocol, complemented by the establishment of an Anti-Trafficking and Victim Assistance Unit in West Africa. (See Kossi, D.) Measures to prevent these situations and to protect migrants who find themselves in situations of smuggling and trafficking must be developed and strengthened to avoid an escalation of the risks taken by migrants.

Figure 12: Table of issues and recommendations on the coherence of public policies and cooperation mechanisms

<table>
<thead>
<tr>
<th>Issues identified</th>
<th>Recommendations</th>
</tr>
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<tbody>
<tr>
<td>Migration policies often do not take enough into account the commitments and needs identified by local authorities and civil society; Migration policies do not take enough account of local realities and do not include enough other sectors (urban policy, employment policy, etc.).</td>
<td>At the State level: Integrate migration issues (positive effects) across development policies; Harmonize existing migration policies by integrating local realities into a participatory and inclusive process; Strengthen coordination mechanisms on issues related to mixed migration; Create and develop mechanisms to support the initiatives of local actors (institutional and non-State); Improve the operationalization at the national and local level of agreements and policies on migration management at the regional and international levels. At the level of regional and international instruments: Raise awareness among policy makers on the need to work at different scales and strengthen the participation of local actors in migration management mechanisms at international and regional level; Develop or improve mechanisms for regional and international cooperation (with different stakeholders, States, civil society, United Nations agencies, etc.) for better management of mixed migration in order to achieve safe, orderly and regular migration.</td>
</tr>
</tbody>
</table>


IOM/UNHCR (2012): Protection of refugees and other persons moving within ECOWAS. Dakar: IOM/UNHCR.


UN General Assembly (1948): Article 13 Universal Declaration of Human Rights. General Assembly Resolution 217 A.
PART 1: SUMMARY OF DISCUSSIONS AND RECOMMENDATIONS


Van Hear, Dr Nicholas (2011): Mixed Migration: Policy Challenges. Migration Observatory. Online under: https://migrationobservatory.ox.ac.uk/resources/primers/mixed-migration-policy-challenges/ (last access: 01.08.2019).

Locals and IDPs in Pulka enjoy a brief but much needed spell of rain at the tail end of the harmatan season when sand storms become more frequent as the rainy season comes in. IDPs here in Pulka come from surrounding villages razed by Boko Haram.

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PART 2
TOWARDS A ROADMAP
FOR MANAGING MIXED MIGRATION
IN WEST AND NORTH AFRICA
PROPOSAL FOR A DEFINITION OF MIXED MIGRATION

There should be more initiative to create a common understanding on mixed migration in order to address the protection needs of people on the move, which have been identified in Part 1. In the meantime, from the discussions and as a contribution to the debate, the following central elements\(^4\) are proposed as a working definition for the West, Central and North African contexts:

1. Migration is increasingly mixed, because the motivations at the origin of migration processes are often varied, multiple and entangled, making a clear-cut distinction between forced and non-forced migration difficult to impossible. ‘Mixed’ is understood as movements in which there is at minimum a strong presumption that persons in need of international protection move along with migrants.

2. Mixed migration describes the development that migrants of different categories use the same migratory routes and channels. These movements are generally irregular and can involve the use of smugglers and the risk of being trafficked. As we suggest that mixed migration focuses on the persons most in need of protection, it can thus be further specified that mixed migration is about irregular hazardous movements.

3. The situations of migrants and refugees can evolve during their journey, often triggered by various experiences of vulnerability, such as the exposure to traffickers. This influences the needs for protection and assistance migrants may have. Therefore, the focus of mixed migration shall be particularly on vulnerabilities during the migratory journey and upon new arrival in the host communities. Mixed migration is about people on the move.

4. The communities in the countries of destination are often mixed. This is important to keep in mind to ensure that different groups of migrants can access different rights they may have under national frameworks and international law.

5. Mixed Migration calls for the protection and immediate humanitarian assistance according to specific needs and regardless of legal categories and status.

**General position**

In a mixed migration approach aimed at ensuring the protection and respect for the human rights of migrants, all actions taken to achieve this roadmap must be in line with Sustainable Development Objective 10.7 and the objectives defined in the Global Compact for Migration.

<table>
<thead>
<tr>
<th>Objective</th>
<th>Description</th>
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</thead>
<tbody>
<tr>
<td>Objective 1</td>
<td>Collect and use accurate and disaggregated data as a basis for evidence-based policy</td>
</tr>
<tr>
<td>Objective 3</td>
<td>Provide accurate and timely information at all stages of migration</td>
</tr>
<tr>
<td>Objective 7</td>
<td>Strengthen consular protection, assistance and cooperation throughout the migration cycle</td>
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<tr>
<td>Objective 14</td>
<td>Strengthen consular protection, assistance and cooperation throughout the migration cycle</td>
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<tr>
<td>Objective 15</td>
<td>Ensure migrants’ access to basic services</td>
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<tr>
<td>Objective 23</td>
<td>Strengthen international cooperation and global partnerships for safe, orderly and regular migration</td>
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</table>

GENERAL OBJECTIVE

The operationalization of mixed migration management in West and North Africa makes it possible to improve protection mechanisms adapted to migrants regardless of their legal status.

Figure 13: Axes of the roadmap to operationalize the management of mixed migration in West and North Africa

The current dynamics and changes in mobility in West and North Africa call for a better ability to consider the diversity of migration flows in the region. The categories currently used to talk about migration struggle to account for multiple causes and emerging situations. To achieve this general objective, the roadmap is structured around four main axes as shown in the diagram.
AXIS 1: DEFINE A TOOL FOR ANALYSIS TO ADDRESS THE REALITIES OF MIGRANTS FOR AN APPROPRIATE POLICY RESPONSE

There is no common definition of mixed migration. For some, mixed migration is an empirical phenomenon. For others, mixed migration refers to the legal framework of migration and the different statuses attached to it. This lack of a common definition creates a situation of legal ambiguity where the responsibilities and mandates of institutions are not clear, making it difficult to respond effectively to people’s protection needs. A common understanding of the concept of “mixed migration” will make it possible to identify gaps between the multiplicity of migratory routes and the need for protection.

It is imperative to advance further in the reflections on mixed migration in order to better define the challenges and complexity of this notion. It is the purpose of this first axis of the roadmap to move towards a definition of this concept that is better understood by the various stakeholders and operational stakeholders involved.

Sub axis 1.1: Develop knowledge to define mixed migration

Orientations

Develop common definitions. Research projects must be developed at the West and North African level with teams of researchers from the transdisciplinary academic field (sociology, demography, law, geography, etc.) and the civil society. This work aims to frame the notion of mixed migration in order to:

- Better understand the essential elements of mixed migration: the causes and motivations of the migratory movements, the variety of migrants’ profiles, and the analysis of the contexts of these mobilities.
- Better understand situations of vulnerability and protection needs.
- Better understand the links between national security, public safety and protection.
- Better integrate the positive effects of mixed migration (economic, socio-political, link between migration and development).

Improve knowledge and data collection through a multi-stakeholder approach. Academic actors, institutional actors, international organizations and non-governmental organizations (NGOs) shall develop data collection tools to better report on migration movements. It is essential to take into account the actors already active and the tools already developed.

Improve trade mechanisms. Researchers must be able to exchange among themselves and have access to research, studies and data carried out by their peers in West and North Africa.
Actions

For West and North African States, the proposed actions are to:

• Support the academic development of research programs focused on mixed migration;
• Carry out an analysis of specific needs in terms of data collection, surveys and analysis, to better understand the realities of mixed migration and work with the academic sector;
• Take into account research on mixed migration to guide public policies and migration management policies.

For universities and research centres, the proposed actions are to:

• Integrate a cross-cutting gender approach into research and analysis, with particular attention to migrants in vulnerable situations (unaccompanied minors, victims of trafficking and smuggling, etc.);
• Develop research programmes (also integrating civil society) on mixed migration on the lines of work presented above to develop a common definition;
• Create research chairs on mixed migration in several research centres to stimulate student interest and develop a network of researchers;
• Create a tool for analysing mixed migration - to be developed with all the stakeholders, including international organisations, civil society and States - by developing a technical guide on the essential criteria for analysing mixed migration and identifying situations of vulnerability.

For donors and international organisations, the proposed actions are to:

• Develop and finance research programmes, with universities located in West and North Africa, focusing on the notion of mixed migration and the lines of work presented above to develop a common definition;
• Integrate action research activities into development programmes, focusing on mixed migration and development in West and North African countries;
• Integrate analyses of the impact of mixed migration on development and the SDGs and the influence of public policies on migration into the preparation of development programmes;
• Strengthen the actors already involved in the collection of data on mixed migration flows, with particular attention to situations of vulnerability related to the smuggling of migrants and trafficking in human beings;
• Facilitate the collection of data required for impact assessments (programming, monitoring and evaluation of development programmes) and academic research in the field, particularly at border crossings and in transit cities, by informing and involving local authorities and government officials.
• Create an online platform bringing together researchers from West and North Africa, bringing together existing and new research, and making resources available to relevant stakeholders.75

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75 The KNOMAD tool set up by the World Bank focuses on the theme of Migration and Development. This platform accompanies and proposes a scientific review of the analyses on this topic. It is based on academic articles and contributes to improving knowledge on this topic.
Sub axis 1.2: Fostering political dialogue on mixed migration

**Orientations**

Create spaces for political dialogue on mixed migration. A participatory and inclusive policy dialogue should be proposed for a common understanding of mixed migration between different stakeholders. It is essential to involve researchers, civil society, non-State actors, other forms of popular mobilization, citizen’s local authorities, communities and community actors.

Analyse and plan a transversal integration of mixed migrations. Policy dialogue on mixed migration must be informed by the research and analysis developed.

**Actions**

For ECOWAS and West and North African States, the proposed actions are to:

- Hold a forum on mixed migration between IGAD RMMC/ECOWAS (meeting between researchers, public institutions and civil society actors) to work on existing experiences and good practices in the Horn of Africa at the level of States and regional structures in order to launch a broader network on mixed migration at the West African level.
- Create two regional observatories (in North and West Africa) bringing together researchers, policy makers and practitioners working on mixed migration movements. The regional observatories will have to be supported by local observatories.
- Organize regular forums, conferences and seminars to link research and empirical analysis with public policy issues in mixed migration to facilitate State decision-making.
- Develop capacity building programmes for ministries to mainstream migration into public policies and development strategies, taking into account protection needs.

For universities and research centres, the proposed actions are to:

- Analyse the policy and legislative frameworks of West and North African States to identify gaps, good practices in the transcription of international standards and the capacities of States.

For donors, international organisations and civil society, the proposed actions are to:

- Ensure that all stakeholders (migrants, refugees, citizens, field workers, etc.) participate in the policy dialogue;
- Develop operational recommendations (based on research findings) for practitioners (government officials, social workers, civil society) working with migrants to improve the protection of migrants at local, national and regional levels;
- Highlight good practices (capitalisation sheets, operational analysis documents, and toolbox) from West and North African States relating to the legal, political and operational level of mixed migration management and protection needs.
AXIS 2: ENSURE THE PROTECTION OF PEOPLE ON THE MOVE FOR GOOD MOBILITY MANAGEMENT

Regardless of the reasons for leaving, migrants find themselves taking roads where different profiles intersect. Without valid travel documents, people resort to alternative and irregular means to continue their mobility (smuggling networks, trafficking networks). The links between irregularity, vulnerability and protection are very important. Measures should be proposed to work upstream and during the migratory journey to limit the risks of vulnerabilities.

**Orientations**

**Prevent the risk of vulnerabilities.** States, institutional actors, international organizations and NGOs must improve people’s knowledge of the risks associated with an irregularity context, and at the same time work to reduce departures in situations of hazard and irregularity.

**Reduce the risk of vulnerabilities.** Measures to limit the risks of vulnerability must be proposed for migrants and refugees in transit and host countries, in order to reduce the search for invisibility linked to the irregularity. It is often the irregularity that criminalizes the migrant and forces him or her to engage in risky behaviour. Recommendations must be made to limit the risks of vulnerability.

**Actions**

**For ECOWAS and West and North African States, the proposed actions are to:**

- Develop awareness-raising campaigns - working with local authorities and other community or civil society actors - to inform future migration candidates of the different issues related to migration flows, the risks of vulnerabilities during their journey as well as the opportunities for legal migration;
- Conduct information campaigns – working with local authorities and other community or civil society actors – on the smuggling of migrants and trafficking in human beings, while promoting regular modes of migration (e.g. ECOWAS information campaign on free movement);
- Develop awareness-raising campaigns aimed at the populations of transit and host countries against racism, xenophobia and develop a welcoming culture;
- Develop activities to facilitate the integration of migrants and work against the criminalization of migrants;
- Facilitate the preparation of identity documents for all nationals of West and North African countries;
- Integrate migration and development across the board into public policies related to employment, agriculture, education and investment;
- Develop and support programmes and projects - implemented by public officials and other actors in the field - aimed at the prevention, identification and care of victims of trafficking or exploitation;
- Strengthen State control mechanisms over recruitment agencies and structures that can lead migrants to be exploited.

**For donors, international organizations and the international community, the proposed actions are to:**

- Support States to systematize the registration of persons and improve access to civil status documents;
- Develop tools (manual, toolbox, training modules) - for government officials at local level, but also for other community or civil society actors - to inform and guide migrants during their migratory journey;
- Develop tools for migrants (e.g. mobile application listing practical information to meet their needs during their mobility) aimed at reducing the risk of vulnerabilities and facilitating access to basic needs in transit and host countries;
- Develop specific training on search and rescue at sea from a practical and operational point of view, but also from the point of view of the obligations under international law, for State agents working at sea attached to the Ministry of the Interior, the Ministry of Fisheries or any other administration working in maritime areas;

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76 An example is the ECOWAS project to set up a common biometric identity card for all ECOWAS States.
77 The “migapp” application launched by IOM provides practical information. This tool must be adapted to the specific context of West and North Africa.
• Develop a clear protection policy, anchored in international human rights law, to be applied for interventions in the field of migration and which would have been developed jointly between the various United Nations agencies and the main donors;
• Strengthen programmes to identify, assist and protect human rights for migrants in vulnerable situations (irregular migration, victims of exploitation, trafficking, unaccompanied minors, etc.);
• Support States in ensuring that reintegration programmes are human rights-based, and that migrants receive psychosocial, socio-cultural and economic support.

AXIS 3: INTEGRATE THE HUMAN RIGHTS APPROACH AND THE PROTECTION NEEDS OF PEOPLE ON THE MOVE INTO MIGRATION MANAGEMENT POLICIES

States have a central role in the development of migration management policies. The gaps between the protection needs of migrants on the one hand, and the sovereignty of States on the other, require particular attention. The approach based on the protection of the human rights of migrants must be integrated into the development of migration management policies. To propose policy responses accordingly, it is essential that West and North African states adopt a holistic approach by consulting stakeholders at different levels (local authorities, community groups, migrants, etc.).

Orientations

Develop appropriate migration management policies. National migration policies in West and North African countries must incorporate an approach based on the protection of the human rights of migrants and refugees. Not all countries have such political guidelines. It is important to develop, modify and strengthen them so that they are built on the same international standards and foundations as those resulting from the Global Compact for Migration and the Sustainable Development Goals.

Improve access to basic services to ensure the protection of migrants. Whatever the profile, context, status of a person, his or her human rights should be guaranteed as soon as a need for protection is identified. It is essential to provide an effective system with the cooperation of State actors, civil society and international organizations to direct the individuals concerned to the appropriate services, including legal assistance, listening and counselling, specialized medical treatment or any other specific type of assistance, etc.

Actions

For ECOWAS and West and North African States, the proposed actions are to:
• Adopt a cross-cutting gender and culturally sensitive approach in migration management policies and the implementation of measures, without seeking to victimize specific groups, but with a differentiated approach. The analysis and identification of protection needs must be done without prejudice;
• Ensure that all regional and national migration management strategies comply with international human rights standards and norms, and focus on the protection of the human rights of migrants;
• Strengthen the West African Joint Regional Action Plan on Trafficking in Human Beings (2016-2020) by assessing good practices and mistakes, and develop a new plan for West and North Africa by combating all forms of organisations promoting the recruitment, transport or exploitation of irregular migrants, particularly women and children;
• Develop or strengthen information exchange channels between the central and local levels of institutions, but also with civil society and community organizations, taking into account field realities and in an approach based on the protection of migrants’ rights, for holistic migration management policies;
• Facilitate dialogue between the different ministries dealing with migrants in order to provide a broader vision for the inclusion and protection of migrants;
• Raise awareness and build capacity for respect for the human rights of migrants and refugees and the identification of vulnerabilities through the training of immigration services, border police, social workers, health care providers, educators, magistrates and all actors working with migrants from civil society;
• Strengthen firewall mechanisms between public service and immigration services so that all people on the move can access their human rights without fear of being criminalized;
• Stimulate civil society and community initiatives to facilitate access to education, social protection, health care and all other basic services;
• Enhance initiatives by local authorities to facilitate access to education, social protection, health care and all other basic services.

For donors, international organizations and the international community, the proposed actions are to:

• Encourage ratification (if necessary) and support the transposition of international\(^{78}\) instruments into domestic law as well as legislative mechanisms to operationalize existing measures to protect migrants; seek to ensure that the adverse risks of migration laws are limited;
• Encourage central ministries to work more effectively with the local level - local authorities and field workers - to operationalize protection mechanisms in border crossing areas (with special attention to sanctuary cities) and borders in a human security approach;
• Support the transcription of existing international and national standards into known and disseminated operational mechanisms for different stakeholders such as local government officials, but also other community or civil society actors.

AXIS 4: STRENGTHEN COOPERATION AND COLLABORATION TOOLS BETWEEN ACTORS INVOLVED IN THE PROTECTION OF MIGRANTS

It is essential to strengthen and develop cooperation mechanisms between the various actors, States, local authorities, international organizations and NGOs. These tools need to be clarified and cooperation mechanisms discussed and better known to enable a comprehensive approach to the protection of migrants.

Orientations

Enhance cooperation between West and North African States. Border crossings between two countries and between two regions can render challenging at times. During these crossings, situations may become more vulnerable for migrants crossing. States equally always seek to guarantee their sovereignty and human security.

Strengthen cooperation between stakeholders (States, local authorities, civil society, NGOs, international organizations, etc.). The operationalization of protection should not be seen horizontally from State to State, or from international organization to international organization, but in a multi-actor approach involving both State officials and community associations as well as international organizations that collaborate to operationalize the protection of persons in mixed migration situations.

\(^{78}\) At the African level, there is the African Charter on Human and Peoples’ Rights; the African Union Convention on Refugees; and the African Union Convention on the Protection and Assistance to Internally Displaced Persons. At the international level, there is the Geneva Convention (1951) and its additional protocols; Palermo Protocols (2000-2001); Convention on the Protection of the Rights of the Child (1989); Convention against Discrimination against Women (1979); International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990); ILO core conventions.
Actions

For ECOWAS and West and North African States, the proposed actions are to:

- Enhance the cooperation between West African States to strengthen the mechanisms for the free movement of persons and support the protection of migrants in vulnerable situations, particularly for migrants who are exploited and/or trafficked; by strengthening existing bodies (Anti-Trafficking Unit, Migration Dialogue for West Africa, etc.), with the support of international organizations (IOM, UNHCR, ILO and UNODC);
- Develop a complete mapping at local and national level of the actors working with migrants, specifying the services, types of target group, types of actors and geographical coverage in order to better identify the needs and ensure the coordination of the different actors not always recognized as such;
- Strengthen the existing coordination mechanisms at the ECOWAS level, including those related to the fight against trafficking in persons and the fight against the smuggling of migrants.

For donors, international organizations and the international community, the proposed actions are to:

- Standardize referral mechanisms between key actors (national authorities, IOM, UNHCR, NGOs, etc.) to ensure the protection and assistance of victims of trafficking, considering the specific needs of each victim;
- Integrate local actors - local authorities, community groups, traditional or religious groups and local civil society - into the intervention areas of the international community (NGOs and international organizations) in order to ensure a better understanding of the political and socio-cultural contexts and the psychosocial needs of people on the move;
- Develop a local mixed migration network. Like the network of sanctuary cities (cities hosting migrants), and the migration and development network created around local actors (ICMD), a network of transit cities subject to the problems of mixed migration could be developed first at the West African level and then between North African cities;
- Organize a technical seminar for policy makers from West and North African States (central and local level) on mixed migration management tools used and developed by IGAD;
- Develop operational and coordination platforms for multisectoral and multi-agency interventions for populations in mobility and vulnerability and determine the modalities of responses. For example, multi-agency teams that could be mobilized quickly (including UNHCR, UNICEF, IOM and UNODC) could be deployed as needed by States at key mixed migration crossing points that are identified as sensitive;
- Support the creation of a working group between West and North African states (with one representative per country) on public policy, migration governance and legal translation of legal texts.
PART 3
STAKEHOLDER CONTRIBUTIONS
The various presentations analyse the issue of mixed migration around the migration management mechanisms proposed by governments and authorities of transit and host countries. Looking at the issue from different angles, the objective is to better understand how States respond to a need for protection at sea (see Bell, C.), international labour migration movements in Nigeria (see Adetula, V.) and between Ethiopia and Sudan (see Eldin, A. G.). In the light of the “refugee crisis” in Europe (see Ouakka, S.), and the National Immigration and Asylum Strategy developed by Morocco (see Khachani, M.), these two case studies have highlighted different approaches to migration management and the difficulties of operationalizing an adequate response to migrants. Finally, the responses to migration management in West and North Africa must include a better understanding of mobility flows (see Fall, P. D.).

At all levels, from social workers or border police officers to migration management authorities, the understanding of migrants’ needs (psychological, socio-economic, health, security...) must be improved and tools developed to meet them. Indeed, there is a need to better understand the complex profiles and vulnerabilities of migrants in order that migration management policy responses better integrate the security and human rights protection of migrants. In this context, analyses related to mixed migration can highlight vulnerabilities and initiate discussions to develop more comprehensive strategies and frameworks.

The various arguments also support the need to develop institutional definitions of migration protection, to improve cross-border cooperation, to include non-state actors and civil society organizations in order to develop and implement legislative and operational tools to protect migrants.

**Figure 14: Table of hypertext links for articles**

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<td>The seasonal migration of agricultural workers as an emerging and expanding form of Mixed Migration. Example of Sudan</td>
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1.1 WEST AFRICAN MIGRATION DYNAMICS AND GOOD GOVERNANCE OF MOBILITY

Pr. Fall Papa Demba, Senegal/University Cheikh Anta Diop Dakar (UCAD)

A. Introduction

Between ruptures and continuities, West African migration calls for a better understanding of the current dynamics. Indeed, optimal flow management is fundamentally linked to a better knowledge of the challenges of the phenomenon. The survey conducted in Senegal on migration aspirations indicates that the recomposition of the Sahelian regional system is closely linked to factors that go beyond the limits of the African continent. As a result, the good governance of mobility in general and international migration must be part of regional and even continental cooperation and consultation.

B. Context

The proposed analysis is based on research work carried out on mobility in Senegal. This long-term research indicates a sustained increase in the complexity of West African migration flows. In the face of border crossing difficulties that are becoming the norm, the strong migratory aspiration noted among both young people and women is very difficult to achieve. The result is migration strategies whose common feature is the increased vulnerability of candidates to migration both on the African continent and to new migration horizons.

Since traditional concepts cannot account for the multitude and diversity of observed flows, good governance of contemporary African mobility requires a more informed reading of the process.

C. Analysis

C.1. West African migration dynamics and good governance of mixed mobility

For West Africa, what is defined as mixed migration is a recent development. Conventional mobility routes concern departures from Sahelian areas considered the least rainy to coastal cities (Abidjan, Lomé, and Cotonou). These pathway patterns must be repositioned in the contemporary period and the period of the end of colonization. This period influenced several migratory movements and during the period of colonization, a number of migratory patterns developed that continue to influence current movements.

In West Africa, the mental construction of belonging to a geographical area transcends the existence of borders. The Senegambia zone corresponds to all the countries that are linked by the Senegal and Gambia rivers. The groups that live there belong to the same region. In cases of local migration, migrants move within their region. These are mobilities in what can be called a “mental space.” On the border between Senegal and Mali, the populations on both sides of the border are linked to an ancient history and belong to the same territory. They do not integrate this border which comes from a construction resulting from colonization.

Today, we are witnessing a disruption of migratory fields. Migration patterns are different. There are new mobilities that are linked to a new context and to increasingly diversified and constantly evolving external factors. The first migratory movements presented were built on the exploitation of the land. In the 1980s, climate change caused disruptions and changed traditional migration flows. Migration southward has evolved towards a diversified south-north migration with, for example, some Burkinabe moving up to Côte d’Ivoire. These migrations can also be characterized by mobility on an east-west axis.
There is a very strong migratory aspiration. This demand for mobility remains mainly within the African continent but is also increasingly spreading outside the continent. In the case of Senegal, the survey that served as a reference for this synthesis shows that in four regions of Senegal, discriminated against on the basis of the importance of migratory flows, both men and women want to leave. Indeed, both women and men are thinking of leaving their territory for more than 70%. On the other hand, few young people see a future at home. If we look at the recommended destinations, France is considered an important destination because of migratory traditions and therefore the networks that have been created.

C.2. New configuration of the West African migration field: disruptions and continuities

Today, taking into account this new migration pattern based on climate change, more than 70% of West African migrants go to the neighbouring country. It is therefore essential to address the issue of mobility not only in relations with Europe as is often done, but in relations between West African countries, but also in a broader sense. How to make African migration an alternative. With ECOWAS, the freedom of movement guaranteed by the 1979 Protocol is not easy to implement. Security issues related to the rise of religious fundamentalism and terrorist groups make it increasingly difficult to guarantee this freedom of movement. All these people who are looking for mobility and jobs thus become vulnerable categories that are difficult to identify.

If we look at the territory of the Senegal River between Mali, Mauritania and Senegal, the area located at the junction of these three countries is characterized by a strong migration towards Europe. The area further downstream of the river, people migrate more towards Central and West Africa. In the river delta area, people go to Mauritania and Gambia. The construction of networks in areas where migrants settle facilitates the migration of those who decide to leave later. Migration has always been guided by belonging to certain groups and building transnational networks that facilitate future migration. Beyond the diversification of flows, it is important to think about the operating methods and strategies specific to those people who decide to leave.
Mixed migration also means the interweaving of migratory routes that differ according to context and time. The reality is complex since there is a great diversity of migrants and each migrant can be led to be an economic migrant and then become an environmental migrant and vice versa. There are developments related to deteriorating economic conditions and climate change.

In West Africa, gold panning is a reason to justify mobility. People move to mining areas creating a whole economic fabric and related activities related to the development of mining activity.

D. Conclusions and recommendations

These migratory movements linked to West Africa can be better appreciated and documented to identify categories of migrants. It is necessary to set up a permanent exchange network.

It is important to look at mobility in a broader sense and go beyond international migration. International migration is only the culmination of internal migration.

The debate must be taken to the level of Africa itself. These are complex processes where movement dynamics must be studied in a holistic way.

The recommendations are therefore:

- Improve the understanding of the different forms of mobility and develop the quantitative collection of these phenomena;
- Frame the challenges related to the management of African mobility at regional and international level in a continental approach;
- Capitalizing on the benefits of migration.
1.2 LABOUR MIGRATION AND SECURITY IN NIGERIA

Dr Victor Adetula, Nigeria/Sweden, The Nordic Africa Institute, Uppsala, Sweden and Department of Political Science University of Jos, Jos

A. Introduction

Labour migration implies a dimension of the larger subject of population movement or mobility across international boundaries, whereby the migrants are working people in the broadest sense, including workers, sharecroppers and traders. In this paper labour migration is discussed within the framework of ‘mixed migration’, which presents a better framework for understanding contemporary movements.

Migrant workers contribute to growth and development both in countries of destination as well as countries of origin. In addition, migration is rightly a development agency. In the context of human security, migrant workers can contribute towards internal security both in the countries of origin and as well in the receiving countries. Migration is a social phenomenon and indeed a complex process with high prospects for prosperity but not without its own challenges and risks. Labour migration in West Africa and its implications for security in Nigeria is used to explain the links between labour migration and security in a migrants-receiving country. In doing that we take due cognisance of the growth and expansion of West African labour migrants, and their transnational activities including their social, economic and political networks since the 1980s.

We challenge the perspective that blindly and indiscriminately associates labour migration with security threats and seeks to explain the process and consequences of labour migration in relation to human security. In this case, our analysis considers the socioeconomic systems at both national and regional levels. For instance, the increased involvement of some West African migrants in criminal activities has been attributed to the failure of the state in their home countries. The failure of the state to deliver public goods to the citizenry has led, in several instances, to a ‘flight from the state’. The people have resorted to exercising new forms of sovereignty that bypass and challenge the state system even where they have to resort to unorthodox means of livelihood including crime.

B. Conceptual issues and background context

‘Mixed migration flows’ refers generally to irregular movements and the multiple factors driving such movements, including the different and diverse needs of those involved. It is ‘complex population movements including refugees, asylum seekers, economic migrants and other migrants’. Through the lens of ‘mixed migration’, we are able to understand migration in a broad and holistic context. This is in turn sets the stage for policies, programmes and interventions to be framed with ‘an appreciation of the phenomenon as a whole’. Thus, even though ‘the term cannot capture all the passions, tragedies and criminality associated with the phenomenon, mixed migration does offer a critical and necessary framework to understand and respond to the complex characteristics and protection imperatives that defines contemporary human mobility.

Mixed migration framework challenges conventional theories of migration and promotes a broad conceptualisation that appreciates the various aspects and dimensions of migration alongside their benefits, opportunities, challenges and risks. For instance, in the microeconomic analysis, the ‘cost-benefit’ effects of migration are overemphasised, especially in the identification of the benefits expected to accrue to both regions of emigration and immigration. Microeconomic analysts normally expect that the availability of cheap labour will lead to increased productivity in labour-importing countries, and that labour-exporting ones will benefit from sizeable remittance flows, increased domestic savings and investment, and lower unemployment. As the case of West Africa has shown, the absorptive capacity of export-oriented economies, their vulnerability in the face of trade-of-term changes in a globalising market, as well as changes in political situations, can seriously limit such expectations.

By presenting labour migration beyond the ‘cost-benefit’ framework, mixed migration framework migration as a social phenomenon that is embodied with its development potential as well as the challenges associated with it. There are situations in which the activities of migrant workers can constitute threats to security in the receiving countries. The challenges of migration are enormous as recent events and developments across the world with respect to managing international migration have shown. Take for instance, the dominant perception within the European Union (EU) about migrants from the global South particularly in Africa, and the corresponding official policies that focused exclusively towards securing Europe from the invasion by migrants.82

C. Analysis

C.1. West African Labour Migration Manifestations

Changes in the general conditions for political and economic development in West Africa have implications for population shifts. Both the causes of labour migration and their far-reaching consequences have become increasingly differentiated over time. While we recognize the influence of the age-long mobility of specific professional groups, and the migrations associated with colonial forced labour on the contemporary inflows of labour migration in West Africa particularly in the postcolonial period, we have focused on the latter in our analysis. Sufﬁce to say here that many patterns of population distribution and composition in present-day West Africa attest to the historical importance of population movements. Prior to the modern state system, neighbours who shared cultural and religious values moved among themselves and across community boundaries with little or no restriction. Religious activities and the transfer of goods—slaves, gold, and salt—was the motor of their activities. The trans-Sahara trade linked the Mediterranean Sea to West African cities such as Timbuktu, Jenne, Kano, Kintampo, and Kumasi. Most of these cities were located at the junction of ecological areas: desert, savannah and forest. Until now, the crossing of ecological areas remains a factor in determining the direction of labour migration within the sub-region. A structural movement from the Sahel in the north to the humid areas in the south can be observed.

Migratory movements in contemporary times have in many respects followed these age-old patterns of mobility. It should be noted that the new political and economic order that European colonisation introduced in the nineteenth century created the conditions for massive population movements in West Africa. The British, French and Portuguese colonialists needed soldiers for their armies and manpower for their plantations. Where labour was needed but not locally available, they brought it in from distant areas. While the flows of international labour migration have been much reduced in recent years, the spatial patterns that originated during the colonial period have continued to date with their attendant problems. Notably, the displacement of labour continues to be determined by the differences between countries of unequal economic weight, and by the rapidly varying success of their development strategies.

The intensity of economic crises since the 1980s influenced the presence of migrant labour in the formal sectors of the economy of receiving countries in West Africa and caused significant fluctuations. Meanwhile, informal transborder trade and regional business transactions and networks have flourished, most especially as aspects of the border economy that have become consolidated as variants of ‘free trade areas’83.

Figure 17: Various areas with links to Nigerian towns

<table>
<thead>
<tr>
<th>Countries</th>
<th>Cities and axes</th>
<th>Main market centres</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nigeria-Benin</td>
<td>Badagry-Porto Novo, Imeko-Illara-Ketu and Chikanda-Tchicandou</td>
<td>Lagos, Abeokuta and Ilorin Cotonou, Bohicon-Abomey and Parakou</td>
</tr>
<tr>
<td>Nigeria-Niger</td>
<td>Katsina-Maradi and Illela-Birni Konni sector</td>
<td></td>
</tr>
<tr>
<td>Nigeria-Niger-Benin</td>
<td>Kamba-Gaya-Malanville</td>
<td></td>
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</tbody>
</table>

82 Such responses have not only demonized international migration, it has denied its development potential and wrongly frame it risk as a factor for insecurity. This explains the adoption of a number of seemingly panic measures such as the EU Trust Funds for African, the Global Agenda for Migration and Mobility and the new European Fund for Sustainable Development (EFSD). It is not unexpected if the EU comes up with further stringent measures based on its member states, perceptions on the risks associated with migrants, refugees and asylum seekers.

83 The use of the expression ‘free trade areas’ to refer to West African border economy is credited to John Igue of National University of Benin (Cotonou) and Johnny Egg of the Department of Rural Economics at the National Institute of Agricultural Research (INRA, Montpellier, France).
A. I. Asiwaju considers some of the currently vigorous networks of informal economic activities to be ‘survival elements’ of pre-colonial regional trade. This is illustrated, for instance, by the east-west trade route linking Benin City, capital of present Edo State of Nigeria, with Kumasi in present-day Ghana via Ketu in present-day Benin. Another well-documented example is the city of Kano in northern Nigeria, an important centre for cross-border trade and the parallel currency market, which is still providing the link with northern West Africa, notably Niger, Chad and Benin.

Nigeria became a major receptionist of West African migrant labour in the early seventies. The 1970s was a period of oil boom in Nigeria. The crisis in the Middle East especially the Arab-Israeli Yom Kippur War of 1973 and the consequential Arab oil embargo came as ‘blessing’ to Nigeria. The country reaped increased foreign revenues during this period that witnessed expansion of production and oil prices. The oil wealth inspired the confidence behind the ambitious Third National Development Plan (1975-80). The buoyancy of its economy made the country attractive. Also, Nigeria was then recovering from the Biafra War (1967–1970). The government had decided on a policy of good neighbourliness in West Africa, in order to ward off any form of third-level threat. The drought that affected the Sahel throughout the 1970s contributed to a steady flow of immigrants from Mali, Upper Volta and above all Niger. Oil prices were high. Migrant labour was needed, and it was welcome.

The growth and spread of migrant networks in West Africa are usually woven around unofficial (or parallel) economic activities. These activities represent, in the words of A. I. Asiwaju, ‘an enormous movement of men and material across the boundaries’. They are intimately linked to the quest of human security by the migrants who challenge the official modes of West African integration. Migrant networks in West Africa contribute to the dynamism of a series of market centres, ‘which normally attract business transactions from remarkably extensive areas without much regard for international boundaries’. It is in the same regard that we note the growing cross-border spread of cultural, religious and linguistic solidarity in the sub-region.

C.2. Labour Migration and Perceptions of Insecurity

The insecurity of lives and property in Nigeria has gained much ground since the 1980s and it continues to deepen. Courtesy of media reports, all sorts of crimes are revealed even to a day visitor. The notion that foreigners are responsible for Nigeria’s high levels of crime and violence is stereotypical. Yet, without any recourse to crime statistics, some political leaders, law enforcement officials, and local media, especially government-owned media houses, have found easy scapegoats in West African migrants. The three main areas in which West African migrants allegedly threaten the security of Nigeria are economic ‘disorder’, criminal violence, and religious sectarianism:

• **Economic ‘disorder’** revolves around everything that aggravates the unemployment crisis in the formal sectors of the economy. There is no doubt that the networks of parallel trade along Nigeria’s porous borders, the non-payment of taxes and tariffs, and illegal foreign exchange transactions, contribute to this crisis. Additionally, the illegal mining of solid materials has gained much ground in parts of Central Nigeria, notably Plateau, Nassarawa and Taraba States and nationals of Guinea, Niger, Mali and Senegal were found to be involved in this activity.

• **Violent crimes** such as armed robbery, car theft and smuggling in north-eastern border regions are allegedly linked with the presence of immigrants from neighbouring countries, especially Niger and Chad around the fringes of the Lake Chad Basin and in cities like Jalingo, Jimeta-Yola, Gashua, Dikwa, Mubi, Gembu, Damaturu, and Maiduguri etc. Involvement of West African migrants in cattle rustling and other related crimes including complicity in heart farmers conflicts have been recently reported in the local media.

84 A. I. Asiwaju (1992) 'West African History: The Significance for the Consolidation of ECOWAS; paper presented at the national seminar on Research Priorities and Integration in ECOWAS, Nigerian Institute of International Affairs, Lagos.
The Kano, Maiduguri and Kaduna religious disturbances in the 1980s are usually cited as instances of lawless activities by immigrants. The leader of the Islamic movement that started the Kano disturbances in December 1980 was an irregular immigrant named Muhammadu Marwa (alias Maitatsine) from Cameroon.88 Amid the break of ethno-religious crises in parts of Northern Nigeria in October 2001, officials of the Immigration Department again arrested some foreigners in Benue State capital with fake immigration documents. They were suspected of planning a religious crisis.

These trends and patterns have continued largely today. For example, recent incidents of religious extremism in Nigeria have been linked to aliens, mainly from countries in the Sahel and Western Sahara. Increasingly the notion that immigrants contribute to religious conflicts has gained ground especially in official circles. It is possible that the involvement of immigrants in internal conflicts in Nigeria may have been exaggerated. However, the findings of the various tribunals and other official agencies of government that investigated incidents of religious unrest indicate that there were traces of external influence and the involvement of immigrants from neighbouring countries. Apart from the views in the official circles, public perception in Nigeria, measured by media reports, supports the view that some members of the Boko Haram insurgent group were trained by Islamist groups in Mauritania and some countries in North Africa and the Middle East. One narrative that has spread widely across the country is that with the demise of Muammar Gaddafi regime (Libya) and the dispersion of fighters loyal to him across Africa and the Middle East, some of Gaddafi’s men came into Nigeria as mercenaries and joined the militant Islamic groups already operating in the country. Already it has been reported that some of Gaddafi’s loyalists are in Chad and Niger.

There are many instances of threat to security in Nigeria reportedly caused by migrants from neighbouring West African countries. However, in the absence of systematic data to determine the proportion of foreigners who are actually engaged in activities that constitute security threats, there is the tendency to exaggerate, overgeneralise and high prospects of merely relying on xenophobic stereotypes.

C.3. Response to Perceived Security Threats

How to define security threats?

Security is a condition of freedom from danger and risk of threat that transcends military threat to include other forms of threat. Threat can be referred to as ‘a feeling, whether real or imagined, by one country that another country, person or group of persons, has hostile intentions against it’89.

Threats are derived from ‘public opinion’ and the psychological environment of the decision-making process and referred to any form of interference with security in any of its spheres (economic, social, military, territorial, political, cultural, etc.).

Threats to national security are risks that endanger the pursuit of a country’s national interests or any of its attributes— territory, population, government, and sovereignty.

Security of a country is based on the ability to initiate, accommodate and effectively respond to threats and is built to the protection and extension of national values against existing potential adversaries.

The way the term security is routinely used by governments has, however, a narrower meaning. With security conceived ‘in geopolitical terms as spatial exclusion of threats’90, emphasis is mostly on military threats, maintenance of the instituted order, and regime security. The social counterpart of this conception of security is the human security embodied, for instance, in employment security91.

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88 His followers rejected the authority of the state and demanded absolute obedience to Marwa. Thousands of deaths resulted, including that of Marwa. Over 1,000 people were arrested, among which 224 foreigners.
How best Nigeria has managed its security in view of mixed migration flows in the West African sub-region is an important question. In what ways are the activities of West African labour migrants contributing to insecurity in Nigeria? Admittedly, the movement of labour and population across frontiers does have political, social and economic implications, but in most cases, host governments have used immigration as a cheap excuse to cover up their own failure to advance the well-being and human security of their citizens.

When the economy of Nigeria started to decline in real terms in the 1980s and undocumented migrants became perceived as a problem, the government evolved a new perception of immigration and cross-border dynamics. Successive Nigerian governments sought various means to curb the effects of the economic crisis including the declaration of a state of national economic emergency. The mass expulsion of 1983 was just one of the early measures that were supposed to help economic recovery. The Shagari government officially targeted ‘illegal aliens’, meaning immigrants who had outstayed the permissible period of ninety days and in the majority of cases had taken up employment without the necessary papers. Most of them were unskilled labourers. Some trade unions, complaining of cheap labour, welcomed the expulsion order. The National Union of Construction and Civil Engineers Workers (NUCCEW), for instance, was in the lead in rationalising the action, adducing economic and security reasons.

However, the expulsion order made no noticeable impact on crime and disorder. It did not stop nor diminish the unemployment crisis either. The Nigerian government continued to carry out periodic expulsions, although with less publicity and much caution towards ECOWAS immigrants. This said, the resentment against foreigners remained. Two questions arise from the above. First, to what extent are Nigeria’s perceptions of immigration and practices of immigration control consistent with her policy of good neighbourliness? Second, how can a regional ‘giant’ like Nigeria be or feel threatened by her neighbours? Also, on the claim by some Nigerians that West African migrant workers are job stealers, the ECOWAS Treaty recognizes citizens of ECOWAS countries as community citizens with certain rights and privileges, including the right of entry, residence and establishment. Thus, the competition for jobs in any ECOWAS country by community citizens cannot be considered as a security threat in Nigeria.

Since the return to civil rule in 1999, the discourse on national security has again become more comprehensive. The Obasanjo administration introduced a ‘Grand Strategy for National Security’ based on a concept of national security that aggregates the security interests of the individuals, political entities, human associations and ethnic groups in the country. Conceived in this way, the primary objective of national security is ‘to strengthen the Federal Republic of Nigeria, to advance her interests and objectives, to contain instability, control crime, eliminate corruption, enhance genuine development, progress and growth, improve the welfare and well-being and quality of life of every citizen. The importance accorded to sub-regional integration in the Grand Strategy for National Security has historical antecedents in Nigeria’s efforts at floating the ECOWAS in the 1970s. In principle, official policies and pronouncements on defence and national security including the National Defence Policy (2006) National Security Strategy (2014) and the Review of National Defence Policy (2015) have all alluded to the link between the security of Nigeria and sub-regional security.

94 An estimated 35,000 teachers, doctors, lawyers, accountants, engineers and other qualified personnel were actually exempted from expulsion (West Africa, 7 February 1983, p. 245).
D. Conclusion, Projections and Policy Recommendations

The complexities of strategies and modalities for effective migration management and governance including addressing the consequence of labour migration requires in-depth and concerted efforts that have been given undertaken by Nigeria and other stakeholders in West Africa. One can argue with the conviction that a development oriented and people-centred migration management and governance framework are required.

The migration of labour across West African borders will certainly continue for a long even amid the erection of restrictive state policies to curb it. One major feature of market globalisation is skill exchange across the globe. It is unlikely that the majority of people in West Africa will be able to take advantage of the opportunities for skilled personnel to move relatively freely worldwide. Also, the exciting tough immigration control measures in place in most countries in the global North with some of them seemingly targeted at African migrants is another bottleneck. Of course, there are other social and cultural factors to contend with. For indeed many reasons, the continuation of intra-regional migration is the likely option for the majority in West Africa who will not be lucky with globalisation. This makes the need to review the policies and programmes on labour migration and population movements’ imperative.

Obstacles to labour migration are a key dimension of geography from above. The material well-being and economic security of West African labour migrants have not been effectively protected within the official framework of sub-regional integration programmes but through an endogenous migration culture. The responses of the latter to official neglect have often been criminalised and interpreted as causing “disorder” in Nigeria and the sub-region.

In dealing with the question of labour migration in West Africa, a new conception is required—a conception that would bridge the human security of the migrants and the national security of receiving states. On the one hand, large numbers of migrant workers in a country place an inordinate burden on the state, adversely affecting its ability to promote human security for the people—whether national or migrants—and thus national security for the whole country. On the other hand, labour migrants do not really want to leave their countries of origin but feel compelled to because they find that the “push” factors are so great that it leaves them with no option but to cross state borders.

The problems associated with international labour migration in West Africa are far too broad for a narrow strategy that cannot address the structural crisis of the sub-region, especially those conditions which propel labour to move to areas with low levels of socioeconomic development in areas with higher levels. Meanwhile, it is our observation that most of the time, domestic policies, national laws and political conditions run in conflict with the provisions of regional schemes like the ECOWAS. Reasons of “national security” or protection for the domestic economy can indeed be advanced by any state, not only Nigeria, to restrict labour migration.

The competitive nature of the economies of the ECOWAS sub-region further compounds the problem. As Ralph Onwuka has rightly observed, “The conflict between national interests and community aspirations in the liberalisation of the movement of persons is generated by the competitive nature of the labour market.”96 Thus, while it is plausible to argue that most of the contemporary labour migration in West Africa remains outside the framework of the ECOWAS treaty and protocols, the continuous initiation and application of discriminatory policies against non-citizens (including community citizens) by the various ECOWAS countries, at best, ridicule the claims on the liberalisation of population movement.

The importance of effective regional-national partnerships in the management of intra-regional migration cannot be overstressed. To effectively address the consequences and fallouts of the inflow of labour migrants in West Africa, there is a need to engage in a network of regional and local actors as opposed to a single unilateral nation approach. There are a few examples of national-regional initiatives. However, there is much to be done to improve the performance of some of the regional-national partnerships.

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Research on the relationship between regional economic integration and intraregional migration is still largely underdeveloped in Africa. But thoughts on the specific conditions of regional integration in West Africa in the 1970s viewed migration as a crucial aspect of the international division of labour. To the founders of ECOWAS, migration was the result of unfair distribution of income. Free movements of factors of production among integrating units were expected to optimise the utilisation of resources, to accelerate economic growth and to foster development at the sub-regional level. The limitations of this microeconomic vision may explain, at least to some extent, why the actual implementation of the relevant ECOWAS provisions and protocols has dragged far behind the ideals.

The ECOWAS treaty, migration rules and other related decisions leave out very fundamental issues that make the actualisation of microeconomic prescriptions irrelevant to West Africa. Microeconomic analysts assume a state of “perfection” of the labour market since the sellers of migrant labour are more than the buyers. The latter have historically enjoyed state support—especially through contradictory immigration policies, which in every country tend to favour the national elites and employers who are the actual beneficiaries of the surplus value extracted from the labour migrants. A rectification of the situation requires a broader understanding of the relationship between labour migration and regional integration in a less developed region. That this requirement should at the same time tame the rules of the market is no doubt an enormous task in West Africa, given the fact that recipient countries are those most permissive towards international capitalism, especially in the form of export-oriented economy whereby labour demands have to be initiated outside the ECOWAS sub-region.

The major migrant labour sending countries in West Africa are landlocked Sahelian countries with relatively low levels of economic and industrial production, higher levels of illiteracy and poor infrastructure. Worst still, their “gift” of cheap labour has continued to ensure stagnation in their development, and their stagnation has in turn perpetuated the conditions for the reproduction of the pattern of unequal development in West Africa. In this way, the inequality in the allocations of factors is produced and reproduced socially. Indeed, there is little or no hope for as long as the internal and external dynamics in West Africa are not disposed towards evolving appropriate means or mechanisms for challenging and destroying the structure of dependency and underdevelopment in the sub-region.

Finally, we advocate an in-depth understanding of the effects of migration in terms of structural transformation. There is a need to examine the dynamics of dependence on both source areas and destinations in West Africa to improve our theories, understanding, and integration policies. In other words, it is not enough to focus attention on regimes and institutional frameworks for migrant labour management and control without adequate consideration of other dimensions of the migratory phenomenon.
1.3 THE NEW MIGRATION POLICY IN MOROCCO: FROM THE SECURITY ISSUE TO THE HUMAN RIGHTS APPROACH

Dr Khachani, Morocco/Mohammed V Agdal University of Rabat

A. Introduction

Morocco, a country of emigration, has become a transit country and increasingly a country of immigration. Migration flows are mixed, consisting of different profiles (economic migrants, refugees, victims of trafficking, minors, etc.) from more than 100 mainly sub-Saharan countries.

This new context has led the Moroccan authorities to adopt a number of regulatory and legislative measures, culminating in the adoption of a new law in 2003: Law 02-03 and a new migration policy in 2013, which marks a definite qualitative advance in the handling of this issue by giving priority to a human rights approach.

This new migration policy was adopted after the publication by the National Council for Human Rights (CNDH) of a report on the migration issue, entitled “Foreigners and Human Rights in Morocco: for a radically new asylum and immigration policy.”

One of the pillars of this new policy, two regularisation operations designed to enable these migrants to participate in the life of the city. This said, this participation faces certain constraints related to their integration into Moroccan society.

The examination of this question will be carried out in five points: 1. the migratory context; 2. the legal framework: the national reference framework: law 02-03; 3. the universal reference framework: the international conventions ratified by Morocco; and 4. the new migration policy: from the security issue to the human rights approach. 5.

B. Context

The data presented in this article come mainly from the survey coordinated and carried out in 2008 by the Moroccan Association for Migration Studies and Research (AMERM) in partnership with the Italian NGO, Comitato Internazionale per Lo Sviluppo Dei Popoli (CISP). The survey is called AMERM/CISP.

C. Analyse

C.1. Irregular migration: from transit to settled immigration

C.1.1. Profiles of sub-Saharan migrants

Migrants and sub-Saharan refugees/refugees are citizens of more than 30 African States. The most numerous among these migrants are Nigerians, Malians, Senegalese, Ivoirian’s, Guineans, Cameroonian and Congolese, etc. As of 1 December 2018, UNHCR had found refuge in Morocco for 5,735 refugees, one third of whom were minors, since the implementation in 2013 of the National Immigration and Asylum Strategy (plus 1,808 asylum seekers).

Sub-Saharan migration has become visible in Morocco, particularly in cities such as Casablanca, Rabat, Tangier, Oujda, the Saharan provinces and the occupied presidents of Ceuta and Melilla.

According to the AMERM/CISP survey, this is a young population: the average age is 27.7 years and 95.4% are under 36 years of age. The gender structure reveals a male predominance, but with a pronounced tendency towards gender diversity. Migrant children are estimated at 10% of the migrant population, 35% of whom are girls. It is an educated population: 21% of candidates for regularization have a higher level of education and only 37% have no diploma.
This is a population that tends to settle down with an average stay of 2.5 years. This period has probably increased in recent years as a result of control measures taken on both sides of the Strait.


Sub-Saharan migrants of both sexes live in sometimes difficult conditions and engage in various activities to survive, some of them are forced to beg (19%). These living conditions make these migrants particularly vulnerable, but without deterring new candidates. Sub-Saharan women are sometimes trafficked and forced into prostitution.

According to the AMERM/CISP survey, which remains highly relevant, only 2.3% of sub-Saharan migrants report having a regular job. The most frequently cited sectors are construction (20.8%), followed by petty trade (18.8%) and domestic work (18.8%), where women are much more represented than men (37.5% and 14.6% respectively). 16.7% of sub-Saharan Africans report working in the handicraft sector. More and more sub-Saharan migrants are working as agricultural workers: 2500 in the Souss Massa region and a probably large number in the Oriental region.

C.1.2. Determinants of sub-Saharan migration

i. The failures of African economies (according to an UNCTAD report 97, 33 of the 48 least developed countries in the world are African);
ii. High demographic pressure: the synthetic fertility rates in Africa are the highest in the world;
iii. High unemployment rate (in 2013 there were 75 million unemployed young people in the world, 38 million of these unemployed young people live in Africa);
iv. A resurgence of poverty concentrating half of the world’s poor (413 out of 736 million people in 2015)
  - Precarious ecological conditions aggravated by a recurrence of years of drought;
v. Insecurity and political conflicts in Africa.

In Morocco, this migratory context and the importance of the presence of irregular migrants and refugees have forced the government to adopt a new migration policy.

C.2. The new immigration policy in Morocco: from the security issue to the human rights approach

C.2.1. the legislative dimension: the security issue: Law 02-03 on the entry and residence of foreigners in the Kingdom of Morocco, illegal emigration and immigration.

This law defines the conditions of access to Morocco, regulates the conditions and procedures for obtaining a residence permit and the cases in which these permits may be challenged. However, foreigners are guaranteed legal remedies against these decisions.

The law severely punishes the offence of smuggling illegal migrants. Fines and prison sentences of ten to fifteen years are provided for those who organise or facilitate such trafficking. The penalty may be 15 to 20 years if the transported migrant is incapacitated as a result. This penalty may extend to life imprisonment if such trafficking causes the death of the persons transported (article 51).

While the drafting of this law undoubtedly represents a step forward in terms of legal culture in Morocco, the fact remains that the content of this text raises certain questions. This law seems to respond, at least in part, to external pressures within an international and regional framework that favours the security dimension to the detriment of human rights.

The security option of this law appears in various articles arguing for measures taken by the threat of security or public order as in articles 4, 16, 17, 21, 25, 27, 35, 40 and 42.

Despite the fact that it introduces into Moroccan law protections and guarantees provided by international law, in particular with regard to the rights of children and pregnant women (Article 29) and refugees, or protection against torture, this law does not refer to the political, economic and social rights of foreigners, as stipulated by the “Conventions ratified by Morocco, in particular by the “International Convention on the Protection of All Migrant Workers and Members of Their Families.”

C.2.2. International standards: International conventions ratified by Morocco

Morocco has ratified all 9 conventions relating to the different categories of human rights. Those specifically aimed at migration focus on three main categories of people: refugees, smuggled or trafficked migrants and migrant workers.

Figure 18: Table of international standards and the position adopted by Morocco

<table>
<thead>
<tr>
<th>International standards</th>
<th>Current situation in Morocco</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>Convention for the Protection of Refugees (1951)</em></td>
<td>Morocco ratified each of these two key treaties in 1956.</td>
</tr>
<tr>
<td><em>Additional Protocol to the Status of Refugees (1967)</em></td>
<td>Morocco ratified each of these protocols in 1971.</td>
</tr>
<tr>
<td></td>
<td>A draft law on asylum is being adopted.</td>
</tr>
<tr>
<td></td>
<td>In order to adapt to the international standard, a law on the fight against trafficking in persons and the protection of victims of trafficking (Law 14-27) was adopted in May 2016.</td>
</tr>
<tr>
<td></td>
<td>The implementation of the new national strategy could provide an opportunity to ratify the Protocol against the Smuggling of Migrants, which has been ratified by 138 States. This Protocol is indeed a key instrument in the fight against the smuggling of migrants.</td>
</tr>
<tr>
<td></td>
<td>It is the main universal treaty governing the protection of migrant workers, including those in an irregular situation. In 2018, there are 47 States Parties to the Convention. Apart from Libya, no signatory country belongs to the countries receiving migratory flows, which ultimately deprives the impact of this legal instrument on the condition of migrants in the countries of residence of its substance.</td>
</tr>
<tr>
<td><em>International Labour Organization Conventions</em></td>
<td>Morocco has been a member of the ILO since its independence in 1956, and has ratified 62 ILO conventions, including the fundamental ones. These include the recently ratified Migrant Workers Convention, No. 97 (revised) (July 2014). This Convention obliges each Member State to apply to immigrants lawfully in its territory treatment no less favourable than that which it applies to its own nationals.</td>
</tr>
<tr>
<td></td>
<td>Morocco has also ratified Convention No. 143 on Migrant Workers. This Convention provides measures to combat illegal emigration and employment and encourages any State that has ratified it to respect the fundamental rights of all migrant workers.</td>
</tr>
</tbody>
</table>
In the light of these international commitments, the new context implies the development of an appropriate migration policy that can guarantee the rights of migrants, regardless of their gender, age and administrative situation, and the harmonization of Moroccan immigration legislation with international standards.

C.3. The new Moroccan migration policy: the human rights approach

This new policy is of interest to foreigners residing in Morocco, particularly those in an irregular situation. As a sign of this interest, at the institutional level, the powers of the Ministry of Moroccans Residing Abroad have been extended to foreigners residing in Morocco. In addition to Morocco’s international commitments, several other factors have supported this interest in the migration issue:

C.3.1. The 2011 Constitution

The Preamble to the Constitution recalls Morocco's commitment to human rights values through “the primacy of international conventions over the country's domestic law”, and the need “to harmonize the relevant provisions of its national legislation accordingly”. On the other hand, it underlines the prohibition of any discrimination against anyone on the grounds of sex, colour, creed, culture, social or regional origin, language, disability or any personal circumstances whatsoever.

In Article 30, the enjoyment of fundamental freedoms is recognized for foreigners and asylum-seekers.

C.3.2. Geopolitical considerations:

Morocco is seeking, through its new policy of openness to Africa, to consolidate its “geopolitical and historical depth” in the continent. This regional solidarity is reflected in the development of cooperation with sub-Saharan partners on the political (the many royal visits) and economic (a sustained presence of Moroccan companies) levels. In this process, Morocco proposed the creation of an “African Alliance for Migration and Development” whose objective is to deepen a “common African vision” on migration based on the principles of international human rights law.

Other proposals were made, such as the creation of an African Migration Observatory under the leadership of the African Union, but based in Rabat, to develop observation and information exchange among African countries and to promote the controlled management of migration flows. Furthermore, the creation of a post of Special Envoy for Migration at the level of the African Union was proposed, who will be mainly responsible for coordinating the Union’s policies in this field and working with Member States to implement the African Agenda for Migration.

D. Perspectives for action

D.1. Measures taken by the Moroccan State

The Moroccan state has created new structures and made arrangements for the implementation of SNIA. Two bodies have been created:

- The Moroccan Bureau for Refugees and Stateless Persons (BMRA) in charge of processing refugee cases.

Two regularization operations were launched in 2014, enabling 23,096 migrants to be regularized (representing more than 85% of the applications submitted). A relatively equivalent number was reached during the second regularization in 2016 (out of 28,400 requests). These two regularisation operations remain a first step in the processing of this case. The success of this policy depends on the adoption of a comprehensive and integrated approach to the economic and social integration of migrants and refugees and their families.
**Figure 19: Regularisation criteria adopted by Morocco during regularisation operations in 2014 and 2016**

Regularisation is carried out on the basis of certain criteria and with a view to:
- Foreign spouses of Moroccan nationals with at least 2 years of living together;
- Foreign spouses of other foreigners legally residing in Morocco and having at least 4 years of cohabitation;
- The children from the two cases mentioned above;
- Foreigners with effective employment contracts of at least 2 years;
- Foreigners with 5 years of residence continue to live in Morocco;
- Foreigners with serious illnesses.

**D.2. The challenges: the integration issue**

Integration remains a very broad and complex issue. Migrants and refugees are a heterogeneous group whose heterogeneity lies at several levels: nationality, background, age, gender; education level, etc. This complexity appears at the level of the four integration spaces: the economic, social, political and cultural spaces.

**The economic space:** Sub-Saharan migrants work in different sectors. Some are setting up on their own in the informal as well as in the formal for those who can afford it. For graduates, migrants are sought in certain sectors such as call centres for their mastery of the French language.

In general, migrants work in the sectors that are less attractive to the local workforce. These are generally unskilled or very low-skilled jobs, highly dependent on the economic situation (construction), seasonal jobs in certain regions such as Souss and Oriental (agriculture...) or which do not always offer legal guarantees and work (domestic services, despite the adoption of a law in this area).

In addition, and with regard to the case of refugees in Morocco, UNHCR reports that, since 2007, 600 refugee microprojects have been supported with the support of its partners, including Switzerland, Monaco and the European Union.

**Social space:** In the integration process, housing, health and education play a major role: the transition from labour immigration to settled immigration has the effect of making housing a key point of integration. While for legal migrants, the housing issue does not pose major problems, this is not the case for irregular migrants and in particular sub-Saharan migrants. According to the AMERM/CISP survey, the latter suffer from a major deficit in this area: 63% live in collective rooms, 10% in the wild (homeless), 8% in single rooms, 3% in slums....

In the field of health, several circulars provide migrants and refugees with access to health care, including joint circular No. 33, dated 15 February 2017, between the Ministry of Migration, the Ministry of the Interior and the Ministry of Health, organizing medical assistance for immigrants and refugees in Morocco.

Education, a place of knowledge accumulation and reasoning learning, is also a place of socialization. Since the publication by the Ministry of National Education of a circular on 9 October 2013, children of sub-Saharan origin, regardless of their administrative situation, have had the right to attend school in Morocco. Other actors are called upon to ensure integration in this field, namely NGOs working in the field of informal education to teach the Moroccan language and culture to migrants and refugees and to provide support courses for their children. At the level of vocational training, many sub-Saharan migrants and refugees benefit from training in different disciplines.

**Political space:** In Morocco, article 30 of the Constitution recognizes political rights for migrants and asylum seekers.

**Cultural space:** Sub-Saharan migrants and refugees are sometimes confronted with both social (labelling, stigma...) and spatial segregation (residential areas...) and this is reflected in discriminatory behaviour in public space and access to housing.
E. Conclusion and recommendations

The migration issue requires a comprehensive approach that takes into account other parameters than security considerations. In Morocco, the legal arsenal seems to be evolving according to this logic. The new migration policy calls for an upgrading of this legal arsenal with international commitments in order to be consistent with a human rights-based approach.

Given the importance of migration in Africa as an issue in inter-African relations and with the various host countries, defining a roadmap for the management of mixed migratory flows requires consultation between the various countries of origin, transit and destination. Due to its geographical position, Morocco remains an important link in the mixed migration routes. Despite the fact that the volume of migration is still relatively modest, the Moroccan model can be considered as an example to follow in defining a roadmap for the management of mixed migration in West and North Africa.

Several recommendations can be made to support this roadmap:

• Further reflection on mixed migration to inform evidence-based policies. The proposal to create an African observatory remains a relevant idea; it would benefit from support through the creation of national and regional observatories.
• Adopt policies based on human rights approaches to reduce migration vulnerabilities.
• The material and legal care of unaccompanied foreign minors and migrant women, including psychological and medical assistance for victims of violence and trafficking.
• The banning of all forms of violence against migrants in an irregular situation during arrest operations.
• Development of training and awareness-raising programmes for staff of administrations dealing with migration issues (law enforcement, border police, prison staff, judges, medical staff, etc.).
• Ensure better protection of refugees by adopting asylum legislation in line with the Geneva Convention and the New York Protocol.
• Promote better integration of regular migrants.
• Promote balanced analyses of immigration, also focusing on its positive aspects.
• Concerning trade union action: Encourage trade union organisations to take into account the vulnerability of migrant workers, integrate this issue into their trade union action and develop awareness-raising campaigns to encourage migrant workers to join trade unions.
• Contribute actively to raising public awareness against racism and xenophobia in order to better accept the “Other”.
• Develop regional and international cooperation for better management of mixed migration in order to achieve safe, orderly and regular migration.

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98 A first trade union section for sub-Saharan workers has been created in Morocco within the Democratic Labour Organisation.
1.4 MARITIME MIXED MIGRATION: UNDERSTANDING AND GOVERNMENT RESPONSES

Dr Curtis Bell, USA/Stable Seas

A. Introduction

The International Organization for Migration and many others working on the welfare of migrants, asylum seekers, refugees, and victims of trafficking have recently adopted the term ‘mixed migration’ to refer to large and complex movements of these populations across international borders. This is a valuable term. Because the applicability of domestic and international legal frameworks is usually contingent upon the identification of a person in transit with one of these classifications, narrower terms used to describe some but not all migrants often serve to distinguish and exclude. Economic migrants do not receive the same rights as asylum seekers. Voluntary migrants may not receive the same sympathies as involuntary victims of transnational trafficking. Using more inclusive terminology like ‘mixed migration’ simultaneously acknowledges the complexity of international population movements while also allowing for more holistic approaches that are not contingent upon the legal status of the person in transit. At Stable Seas, we have adapted this terminology by creating the term ‘maritime mixed migration’ to refer to large international movements of migrants by sea.

B. Context

Stable Seas, a program of the United States-based One Earth Future Foundation, works with global partners to eliminate the illicit maritime activities that finance and facilitate organized political violence. This work takes different forms in different contexts. In Latin America, drug trafficking by sea funds cartels and transnational organized criminal networks. Recently, such networks have expanded into sex trafficking by sea from Venezuela. In Southeast Asia, piracy, armed robbery, and kidnappings for ransom at sea dominate the headlines, but the maritime movement of economic migrants across the Southeast Asian archipelago and endemic involuntary labour in fishing fleets add to the complexity of the insecure maritime environment. We see similar trends around parts of Africa, where violent non-state actors are active participants in migrant smuggling, human trafficking, child soldiering, and even slavery. In the Gulf of Aden, we have seen that transnational criminal networks active in the smuggling of migrants are also active in the trafficking of small arms and light weapons, migrants have been caught in the crossfire around conflict zones.

Our work has sought to better understand when groups operating on coasts or in the maritime domain are more or less likely to turn to maritime trafficking and smuggling to fund their operations. We are also keen to help partners understand the vulnerabilities of mixed migrant populations moving through conflict zones and the unique vulnerabilities these migrants face once they are offshore and completely at the mercy of those transporting them by sea. To this end, we have worked to create the first measures of mixed migration in the maritime domain with a product we call the Stable Seas Maritime Security Index. This valuable tool illustrates the extent of the program in 30 countries along the African coast. In late 2019 this will expand to 70 countries in Africa and Asia.

C. Analysis

We have several key messages pertaining to mixed migration in the maritime domain:

• The vastness of the world’s oceans and weak state presence at sea means voluntary migrants are uniquely vulnerable to becoming trafficked involuntarily in the maritime space. Few countries have adequate maritime domain awareness and once beyond swimming range, migrants are exceptionally exposed to exploitation by those transporting them. Sex trafficking of women and girls is common, while many men and boys are forced into labour in illicit fishing fleets. As these problems occur offshore out of sight of most law enforcement authorities, these crimes tend to be under-reported and under-appreciated.
For example, one of the world’s most important resources for understanding the prevalence of human trafficking, the US State Department’s annual Trafficking in Persons report, analyses activity occurring within the borders of nation-states, but does not analyse what occurs on the high seas.

• Because migrants are so vulnerable to change in status while they are underway at sea, we find that it is especially important to use inclusive terminology such as ‘maritime mixed migration.’ Economic migrants who pay to be transported have little or no control over their fates, so we discourage treating economic migrants in distress at sea any differently from those moving involuntarily or those moving to seek asylum. Furthermore, international maritime law obliges seafarers to provide assistance to persons in distress at sea regardless of their legal status or the motivations for their movement across international waters. Countries that do not wish to be responsible for persons in distress at sea sometimes label these people as voluntary and reckless migrants travelling illegally, but in the eyes of international maritime law these labels are meaningless as soon as they are in distress on the water.

• Migrant vulnerabilities are amplified by the significantly weaker international laws governing the sea beyond territorial waters. On land, state sovereignty fairly clearly delineates national jurisdictions of responsibility for mixed migration populations. At sea, severe misunderstandings of maritime law problematize the effective management of mixed migration populations.

The United Nations Convention on the Law of the Sea (UNCLOS) divides the world’s high seas into several kinds of maritime zones, including Exclusive Economic Zones (EEZs), which generally extend 200 miles from shore. These zones give states rights to the exploitation of offshore economic resources (fisheries, offshore oil and gas, seabed mining, etc.), but they do not demarcate zones of responsibility for migrants or other persons in distress at sea. We find that this misunderstanding is pervasive, even among law enforcement authorities.

Figure 20: MAP: The formal demarcation of exclusive economic zones often leads many refer to these zones as ‘Italian waters’ or ‘Libyan waters,’ et cetera, yet these zones pertain to economic rights and have little to do with responsibilities for migrants at sea.

Instead, the Law of the Sea dictates that states must make ‘mutual regional arrangements’ for the purpose of “the establishment, operation and maintenance of an adequate and effective search and rescue service regarding safety on and over the sea” (UNCLOS, Article 98). These regional arrangements need not align with exclusive economic zones, and in most cases they do not. For example, compare the previous map of EEZs to the map of Search and Rescue Regions (SSRs) created for the Mediterranean Sea region:
Here one can see many incongruences. France takes responsibility for a large share of the Italian EEZ to the west of Sardinia, while Malta provides search and rescue functions for parts of the Maltese, Italian, Libyan, Tunisian, and Greek EEZs. For the purpose of protecting migrants at sea, these zones are much more relevant than exclusive economic zones.

Two other international conventions, the Safety of Life at Sea (SOLAS) and Search and Rescue (SAR) conventions, demand that states running a Search and Rescue Region are responsible for assuring that rescued persons are disembarked in a ‘place of safety.’ Importantly, this means that the welfare of a person rescued at sea is not the responsibility of the country claiming the EEZ in which that person was rescued or the nationality of the vessel doing the rescuing. The country recognized in a mutual regional search and rescue agreement as the manager of a particular SSR must find a suitable place of safety.

In the context of mixed migration, this is why recent developments at sea have been so troubling. With the recent recognition of a Libyan SSR, European states now have a diminished responsibility to migrants in distress at sea, even if they are rescued by vessels flying European flags. If migrants are rescued within the newly declared Libyan SSR, then Libya is ultimately responsible for where migrants and disembarked. To this point, they have declared Libya a satisfactory place of safety, despite the well-documented abuses of migrants being held near the Libyan coast.

D. Conclusion: best Practices and Way Forward

Migrants are vulnerable in transit and this is especially true when they move by the sea and are at the mercy of their smugglers. Unfortunately, the place where migrants are most vulnerable to being involuntarily trafficked is also where international law provides the weakest protections and requires the least of capable nearby states. What can be done?

- Amend the SOLAS and SAR conventions to better define ‘place of safety.’ The safety of migrants in distress at sea hinges upon one’s definition of a ‘place of safety’ for disembarkation. Vague language around this important stipulation, when combined with intense domestic political pressure to turn away migrants, makes migrants vulnerable to being forcibly disembarked in places that are anything but safe.
- Provide humanitarian assistance training to Maritime Rescue Coordination Centres, navies, and coast guards. The complexity of maritime mixed migration is driven by the diverse economic, legal, and psychological needs of different types of migrants. Maritime law enforcement authorities are often the first representatives of host and transit country governments to interact with these populations. Stronger training in topics like legal protections for asylum seekers, migrant vulnerabilities to trafficking, and signs of involuntary transit could help these authorities provide the best assistance to migrants at sea.
- Finally, engage the private industry, including shipping companies and legitimate fishing fleets, as these entities have more eyes at sea than governments and intergovernmental organisations. The Law of the Sea requires that any ship, regardless of whether it is a government or private vessel, has legal obligations to persons in distress at sea. It is therefore in the interest of private firms to increase maritime safety and decrease the chances of unforeseen rescues and deviations from standard operating procedures.
1.5 PHENOMENA OF RUPTURES IN MIGRATORY ROUTES: INSTITUTIONAL VIOLENCE AND SOCIAL MARGINALIZATION. SOCIO-LEGAL STUDY OF THE “REFUGEES” CRISIS

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A. Introduction

The so-called “refugee” crisis has been shaking European countries since 2015. These waves of arrivals are part of the history of migration, but their management remains unprecedented due to the feeling of mass, the health and social consequences, and the inertia of the public authorities. These forms of migration are specific and complex. The interconnectedness of departure contexts and autarkic European convergence contribute to the essentialization of migrants as invasive refugees.

Against a backdrop of rising populism, identity withdrawal and sovereigntist demands, migrants are confronted with a series of amalgams and rejections that the public authorities are institutionalizing.

Solidarity, the increasing complexity of reception and support conditions, and the restriction of fundamental rights are all standard practices that have a significant impact on migrants’ life trajectories.

This context makes migrant populations vulnerable: the psychosocial resonance of institutional violence is measured by the fractures encountered throughout the migration process and contributes to prejudices about the deviance and violence of African migrants.

Alongside vulnerable populations (due to gender or age) who benefit, a priori, from specific protection mechanisms; “neo-migrants” fall into self and/or heterodox practices that are poorly or poorly managed: addictions, delinquency, violent radicalities, psychiatric ruptures... These phenomena of rupture sometimes combine and are often accompanied by long episodes of wandering without any prospect of ending the crisis or returning to the country.

The European Union is facing a major crisis in migration policy, the common is being questioned right down to the very foundations of Europe. This crisis of legitimacy widens the gap between migrants (all generations combined) and distorts relations with locals. The treatment of these flows seems to be in contradiction with domestic and international human rights instruments.

After four years of crisis, there is an urgent need to rethink the world of meaning of a humanist and protective rhetoric that needs political, legal and social materialization more than ever.

B. Context and Analysis

B.1. The socio-political figure of the foreigner in Europe

Throughout the 20th century, migratory waves not chosen by States were perceived as an attack on the country’s cultural and linguistic unity. Thus, migration projections summarize the foreigner as a dangerous individual, an offender who, in numbers, risks permanently altering national identity or even replacing the indigenous population.

This relationship abroad is even more pronounced for migrants from former European empires. In a movement of negotiations on colonial fantasies, a European standard of emancipation is applied to these migratory waves on which a series of racist and sexist prejudices are projected.

From the 1970s onwards, a populist shift began to take hold, linked to the economic crisis and against a backdrop of entrenched stereotypes. In addition to the violence mentioned above, migrants are also perceived either as idle (they take advantage of the system) or as opportunistic (they steal the work of nationals).
It is in this context of crisis, which persists with periods of varying degrees of tension that States have begun to produce protectionist regulatory texts (voluntary return of legal migrants, fight against illegal immigration, tightening of legislation on migrant labour, etc.). At the same time, the relationship to the right of asylum has become more humanistic and empathetic with the ambition of protection chosen by States of a vulnerable population that implement dedicated reception and relief policies (e.g.: “boat people”).

B.2. The treatment of mixed African migration in a European context

As European integration has taken place, Member States have addressed asylum issues while maintaining an internal protectionist framework for ordinary migration. The political, philosophical and historical differences between States in their relationship to migration, combined with the expansion of the EU’s competences and the opening up of new countries, have not facilitated the adoption of a common protective framework. Rather, the result has been a stalemate in European migration policies.

Thus, the “asylum” package (Dublin III - Regulation 604/2013), the EURODAC and FRONTEX regulations aimed at facilitating the processing of asylum applications, relocations and avoiding “asylum shopping” have proved counterproductive. This situation symbolises the political rupture between Member States, the lack of solidarity and the strictly security shift in migration policies in a context of rising extremes and misunderstanding of new forms of migration. The European Union is failing and pushing its borders further and further in terms of controlling asylum seekers.

The third countries around the Mediterranean, among others, form a security shield. The EU outsources its asylum procedures and consequently centralises the reception and return areas in these territories.

Far from responding to humanist challenges, European policies lack ambition and realism. Unable to anticipate and regularize these mixed migrations in humanity, the EU is sinking further into a policy of hunting migrants, consolidating the fantasies of a major replacement for extremist identity groups. Mixed migration is not analysed and ultimately not understood. Among the pitfalls of the institutions is the lack of understanding of the departure and arrival contexts. Geopolitical upheavals (Arab Spring, war in Syria, etc.) are transforming these movements into global social facts in a context of ultra-connectivity that reinforces the feeling of a mass effect. In this continuum of European identity withdrawal, it is no longer possible for public policies to be welcoming, protective and respectful of international values and treaties. The stigmatization of migrants is intensifying with a series of confusion (migrant/refugee), prejudices about forms of migration (perceived as opportunistic and delinquent).

De facto, local policies are increasingly liberticidal. States assume this responsibility by passing laws or by using administrative circulars to circumvent it. The objective is no longer to control or even regulate migration, but to discourage it by limiting or even prohibiting access to basic social rights. It is also sometimes a question of circumventing the rules of the right of asylum in order to exclude migrants from protective measures, even though they may be entitled to them.

The adoption of the asylum immigration law in France, in a context of porous social reception, police violence and the instrumentalization of the crime of solidarity (which does not exist in the texts) offers at least a European atmosphere note. The Italian case is also symptomatic of the rejection of the foreigner who turns into abuse (criminalisation of solidarity, multiplication of temporary protection and then abolition, determination of access to asylum without a dedicated procedure and sometimes on the basis of nationality alone).

B.3. Psychosocial impacts on migrants

Mixed migrations are identifiable by the multiplicity of departure and arrival contexts, which make the understanding by wave/thematic more complex as it could have been before. More importantly, it is also about migration during which the migrant’s status evolves (economic migration at departure, asylum seekers on arrival, etc.) because the journey itself, made more complex by States, will subject the migrant to multiple forms of symbolic and real violence.

99 The European Union has adopted various measures and guidelines in this direction, such as MEDA I and II, the Valetta Summit 2015 and the EU-Turkey Agreement 2016.
Mixed migration provokes state responses above ground, violent on the substance of the law and on the forms of reception that increasingly marginalize claimants.

In recent years, this institutional violence has had a psychosocial impact with the identification of high-risk behaviours or endemic delinquent practices that have hitherto been marginal. Against a backdrop of wandering, increasing impoverishment and lack of public support, the following are identified:

- Addictive driving (unfamiliar consumption of alcohol and drugs on the public road);
- Rise in street crime (theft, damage, deliberate violence, intergroup fights);
- Self-destructive and heterosexual behaviour: identified psychiatric disorders with violent acts (mutilation, suicide...). A grip and a shift into violent radicality with the passage or attempted passage to the terrorist act are also identified.

C. Perspectives for action

Field expertise first calls for the question of how to deal with groups that are currently in a situation of marginality, weakened by a series of structural and systemic violence. Wandering routes marked by breakdowns and violence must be dealt with in an appropriate manner and within a coordinated and binding framework for the States concerned.

The emergency is health and social and the response must be collectively determined with commonly determined standards of care. These actions must be carried out on both sides of the Mediterranean. Transit and host countries have the same social responsibility and adhere to the same international conventions.

The coaching approach must be based on:

- **Risk reduction**: in the same format as the practice initiated in social work to combat and prevent drug addiction.
- **Low-threshold support**: starting from the situations and practices of users to adapt social reception do not condition accommodation on a charter that would prohibit their practices when users do not have the capacity to leave. Do not make care conditional on obtaining status.
- **Monitoring in victimology and ethnopsychiatry**: the trajectories described make it possible to identify acts of violence and trafficking on several "migratory routes". Polytraumatised, users are unable to put words to these facts and can therefore have less access to and benefit from appropriate psychological care. Street experiences refer them to other forms of violence... Care therefore seems to be the gateway for several profiles.

D. Conclusion and recommendations

**Define a common binding legal framework**

Without reform, migration crises can accompany the institutional decline of the European Union, which must determine what it includes/excludes from these public policies. These prospects are not easily achievable in the European context of withdrawal, crisis and dissociation (or even decline of the European project).

In a constructive approach to migration policies, the recommendations are based on the following points.

- Both migration policies and implementation modalities must be made more binding on States. These texts must be precise and therefore avoid over-interpretation of the texts. Indeed, minimum standards often leave more room for interpretation of the texts in order to constrain reception conditions to a greater or lesser extent.
- Such a policy also requires a scale of sanctions for offenders.
- The challenge, in the interest of migrants and the countries concerned, lies with the African States, which now have better control of flows and circuits and benefit from structured and structuring normative impetus (Moroccan legislation, prospect of extending regional unions, exchanges with other State partners, etc.).
- A reorientation of policies around internal displacement or even an exit from the security shield accompanied by the co-production of protective standards (inclusive legal framework on access to employment, studies, nationality, etc.) would allow regional coherence and an exit from south-north dependency relationships that are unfavourable and disqualifying in terms of mixed migration.
1.6 THE SEASONAL MIGRATION OF AGRICULTURAL WORKERS AS AN EMERGING AND EXPANDING FORM OF MIXED MIGRATION. EXAMPLE OF SUDAN

Dr Ahmed Gamal Eldin, Sudan/Ahfad University for Women

A. Introduction

The study of the Seasonal Migration Management System on the Sudan-Ethiopia Border was conducted by two consultants working for CDS-Saaf Global during the period from April and June 2018. The study was commissioned by GIZ/Better Migration Management Programme (BMM) under EU funding.

The assessment focuses on the case of Gadaref state in Eastern Sudan, which shares a 260 km land border with the Amhara and Tigray regions of Ethiopia, with only two official border points in Gallabat and Lukdi. Gadaref State is a main hub for agricultural production and has largely mechanised and rain-fed farms that cover an area of over 6.7 million feddans. There is a large-scale demand for seasonal agricultural labour, especially for planting and harvest season. After South Sudan's independence in 2011, the availability of seasonal agricultural labour in Gadaref state was radically reduced. Other factors, such as rural-urban migration, the civil conflicts in Darfur, Nuba Mountains and Southern Blue Nile and their associated internal displacement into urban areas and influx of refugees into neighbouring countries besides the expansion in traditional gold mining in Sudan have compounded seasonal labour shortage situation. The result of all these factors was a sharp increase in Ethiopian labour immigration, with unofficial estimates stating that up to half a million Ethiopians cross the border into Sudan annually to work as seasonal labourers in agricultural projects.

B. Context

The main purpose of the study was to provide an in depth understanding of phenomenon of seasonal agricultural labour migration from Amhara or other regions of Ethiopia to Gadaref State in Sudan, including processes and procedures in place to manage it and produce evidence-based recommendations that help reform the system to manage, ensure the protection and dignity of migrants and regularize the flow of seasonal labour migrants from Ethiopia to Gadaref state in a way that maximize gains and mutual economic benefits for all, and facilitates safe and secure migration.

The assessment was conducted through desk review and consultations with government officials, partners and stakeholders including farmers and migrant workers in both countries and at federal, regional and border post. Field data was collected using in-depth interviews (IDI) and focused group discussions (FGDs).

The findings and recommendations of the assessment were meant to be used by the GIZ and the partners and stakeholders of the Better Migration Management Programme in the Horn of Africa, especially the governments and other stakeholders in Sudan and Ethiopia.

C. Analysis

C.1. Main findings

The main findings of the assessment can be summarised as follows:

- Seasonal labour migration from Ethiopia (SLM) is driven, shaped and sustained by real and present conditions of supply and demand in the two countries and areas from which workers come and are employed (real push and pull factors).
- The total estimated demand for seasonal labour in Gadaref state is estimated as 648,000 workers, of which only 216,000 (mostly family labour and local workers) are available within the state. The remaining balance of 432,000 workers has to be sourced from outside the state including from Ethiopia.

100 The Consultants were Ahmed Gamal Eldin as Team Leader and Tadele Ferede.
101 One feddan = 0.42 hectare.
Most requests for recruitment of Ethiopian seasonal worker are made during the period from the beginning of the harvest of sesame which represents one of the two main peaks of demand for labour; the other is the beginning of the harvest of the sorghum. The exact dates for the two peak periods vary from one year to the another, but August, September and October are months of high demand for labour.

SLM is important for the livelihood of workers and their families and for the continuation of mechanised farming and for the economies of both countries.

There is a general consensus in both counties and all levels on the importance of SLM.

While some form of process has been established to recruit, transport, monitor and return these workers, the management of seasonal labour migration flows remains unsystematic, with the majority of workers entering and working in Sudan irregularly.

The current legal, institutional and coordination frameworks regulating SLM are inadequate and contribute to the overall challenges. Current laws in the two countries make no explicit reference to the SLM and the limited attempt to regulate these migrations are regional provisions that are based on powers that are constitutionally questionable; as they are mostly federal rather than regional powers). Such regulations often to introduce policies or legitimise practices that exempt seasonal agricultural workers from national migration and employment laws, policies and procedures.

An adequate regulatory framework and better coordination mechanisms are necessary and possible (reducing risks and maximise benefits).

Contrary to the perception of most officials in both countries, most workers do have official IDs issued by Ethiopian regional authorities (known as Meta Waka). Yet these IDs were rarely asked for or used during the exit or entry process, which largely rely on self-reporting. This was the case even when workers used the two official border posts.

The overwhelming majority of migrant workers cross the border irregularly. Those who are officially registered in the two official border post of Gallabat and Lukdi are estimated to be 20% to 30% only. The highest recorded number of formally recruited workers over the last three seasons (2015–2018) was 84,305 (during 2016/17 season).

The level of informal crossing is increased by a number of factors including the availability of informal facilitators, the bureaucracy and financial cost of formal crossing, familiarity with the area and knowledge of alternative safe routes, and the existing networks with farmers, agents and brokers (Dallas).

The reliance of Gadaref mechanised farming (MF) on Ethiopian migrant workers is likely to continue, or even expand, in the short to medium term (supply and demand factors).

**C.2. Multiple Circular Movements**

Although it emerged as a simple, seasonal and linear/circular form of migration of young men from the rural and semi-urban areas adjacent to the Sudan border and from the Ethiopian highlands into Gadaref and back, evidence from this assessment indicate that the migration of seasonal agricultural workers into Gadaref is no longer a single linear movement to and from Sudan in a form of seasonal circle. Instead several intertwine patterns of seasonal and circular movements that often spread throughout the year have emerged. As shown in Figure 8 below, it is possible to discern at least seven circular movements that are interwoven and largely shaped by the seasonal calendars of various agricultural labour markets within which these labours are integrated through their quest for regular employment and better incomes throughout the year.

The first circular movement is largely within Ethiopia but involves joining other movements and crossing over to Sudan. The workers involve are mainly poor villagers and landless farmers, mostly from the highlands, who spend the rainy season in their own farms or working with local farmers, and as soon as the harvest season starts in the commercial agricultural sector in Western Ethiopian they move to seek employment there for a few weeks or a few months, depending on the season. There are also significant numbers of university students and graduates and school dropout who are involved into this movement. Once the harvest season is over, many of these workers go back to their villages for a while or to remain there until the next season. Others, however, undertake the longer journey towards Metema/Gallabat, hoping for employment across the borders in Gadaref mechanised schemes. In doing so, they join other cross border seasonal circular movements of Ethiopian workers.
The second circular movement is a rather straight movement of workers between Western Ethiopian and Gadaref commercial farms. It largely involves the so-called Gofar workers who move to Gadaref through either Gallabat or Lukdi at the beginning of the harvest of sesame and continue to work, often with the same farmer up to the end of the sorghum harvest then they move back straight to their homelands. Similarly to other groups, they can cross either regularly through the procedures in place for seasonal migrant workers (i.e. ‘up the bridge’ in the case of Gallabat or ‘through the rope’ in the case of Lukdi) or irregularly (i.e. ‘down the khor’ in the case of Gallabat or ‘beyond the rope’ through the wide open, rather flexible and unguarded borders of Fashaga around Lukdi post. It is important to mention here that the flow of workers through and around the Lukdi post is severely affected by the fragility of the security situation is the Fashaga area and the longstanding unresolved border issues between Sudan and Ethiopia.  

The Gofar occasionally travel to the border towns in order to transfer money to their families (often between the end of the sesame harvest and beginning of the Sorghum) or send some of their colleagues with remittances straight into their villages.

The third circular movement is dominated by those who worked in Ethiopian commercial farms, then move back to their villages and head to Gallabat (or Lukdi) in order to seek employment in Gadaref mechanised farms. While many of the people involved in this movement enter regularly through the formal arrangement in place, unknown numbers head straight into farms that they used to work in, without passing through formal entry post and seeking licences to enter. This often happens at the beginning of the sesame harvest or the beginning of the sorghum season. While some of the people engaged in this movement return to their home land following the end of the harvest season, many remain within Sudan and join one of the four circular movements outlined below, which all share the characteristic of continuous circular movement throughout the year without a clear beginning or end.

The fourth circular movement involves worker who simply finished their agreed work farmers in the scheme, and either the farmer returned them to the border post as part of their obligations or they returned on their own because they prefer to return back to the main labour market in Gallabat in order to negotiate a new work arrangement, rather than simply move into another farm or move to the urban agricultural labour market of Jingirra at the outskirt of Gadaref town. While in Gallabat some of these workers join the daily circular journey described below.

The fifth circular moment is transitional and almost daily movement of seasonal workers. It involves three main groups of workers. The first are workers freshly coming from Ethiopian, spend the night in Metema and cross in the morning to Gallabat waiting or an opportunity to be recruited into the mechanised farms (often formally). If they failed for that day, they retuned back to Metema for the night and repeat the same journey once again until they succeed. The second group are workers who finished with their work in the Gadaref mechanised scheme but wanted to find another opportunity in another farms, so they come back to the main labour market in the state, hoping to find another employer. The third group in this circle can be referred to as the ‘resting and fun seeking boys. They are a group of young men who have made some good sums of money by working in Gadaref commercial farms, and they come back to Metema in order to exchange and send some money home or deposit it into their saving accounts, or often simply to rest and have fun in the vibrant night life of Metema and spend the day meeting colleagues and friends in Gallabat and exploring possibility for another chance of recruitment back into Gadaref commercial farms.

This day and night journey of workers engaged into this rather small circle movement follows the policy of the border post arrangements involves crossing into Gallabat at the opening of the border gate (at 6 am) and returning back to Metema for the night just before the closure of the borer entry point. It is worth mentioning here that, beside the seasonal agricultural labourers, there are an estimated 500 men and women from Metema area who are employed at different informal sector jobs inside Gallabat who also make this daily circular movement. Some of the workers involved in this circular movement may proceed further deep into Ethiopia. The case of Gallabat, they may proceed up to Gonder, Gojjam or Bahir Dar; while in the case of Lukdi this may extend up to border town of Mai Khadra some 30 KMs away.

102 The insecurity situation is caused by cases of land grabbing and disputes between Sudanese and Ethiopian farmers, the criminal activities of Ethiopian gangs (known as Shiffa) and attacks on farmers, farm workers and occasionally on Sudanese troops. For details see for example, Sudan tribune 13 October 2015; TesfaNews 28 May 2017; Reliefweb 6 July 2016; All Africa 27 June 2017 (https://allafrica.com/stories/201706280217.html); Ethiopian Satellite TV (ESAT) 3 July 2018 (https://reliefweb.int/report/sudan/ethiopian-gunmen-attack-farmers-witness-eastern-sudan).
The **sixth** circular movement involves a large number of agricultural workers who hoped to prolong their employment in the commercial agricultural sector in Gadaref for as long as they can and if possible, throughout the year. Thus, they continuously move between the mechanize farming schemes, and as soon as they finish work or disagree with their employer, they move to the Jingirra market and wait there until another opportunity of employment shows up. Some of the workers in this groups becomes vulnerable to exploitation, abuse or arrest, due to their ambiguous legal status. For those who enter regularly as seasonal works, their initial permit is a group rather than individual one, and it remains with the farmer. In order to get an individual permit, these workers need to pay SDG 202 for a one month permit. There is also widespread perception that some of these workers will eventually move into other urban areas and other type of work in places like Khartoum or simply planning to save money for a journey to another country, often Europe through Libya.

The **seventh** group of circular migrants involve workers who simply move around different farms and villages of the mechanize farming in Gadaref state for several seasons or years, without moving back to Ethiopia, back to the border areas or move to the Jingirra market in Gadaref.

The above circular movements represent the dynamic of the continual mobilities of Ethiopian migrant workers in and around the areas of mechanised farming schemes in Gadaref state. as stated earlier the circles are interweaving and worker often move from one to the other at different time of the year, due to the very nature of the movement and also because of largely irregular nature of this migration trends and the general lack of reliable data, it is not possible to estimate the number of workers involved in each of the seven circular movements outlined above.

**Figure 22: Circular movements between Sudan and Ethiopia**

![Circular movements between Sudan and Ethiopia](image)

Source: Drawn by the authors based on fieldwork data

**D. Treatment, Concerns and Challenges**

- Ethiopian workers involved in SLM choose to work in Gadaref commercial farms as it offers those better incomes, free food and lengthy and diversified work opportunities. They are also are generally preferred by employers as cheap and hard-working labourers, not difficult to recruit in large numbers. They are often treated well and provided with free transport to farms (but not back), free food and water but no healthcare services.

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103 Issued for 8 persons in one paper that the farmer keeps throughout their stay and hand it over to the IPO on their return.
While mindful of the importance SLM and supportive of its continuation, many officials in Sudan are concerned that SLM may increase TIP and SoM into and through Sudan, the lack of registration and monitoring, increased pressure on public services, increased public health risks, increase in crime and smuggling of goods and economic impact of migrant remittances.

One of the main concerns of many of the concern’s bodies in Sudan about Ethiopian seasonal migrant agricultural workers is fear about what many refer to as ‘leakage’ into urban areas such as Gadaref and Khartoum and proceeding across the desert towards Libya and Europe. This assessment was not able to establish the extent to which these fears are founded or reach any reliable estimates of the number of workers involved. Nevertheless, this study has seen no evidence that indicate that such ‘leakages’ are significant in number. Available evidence indicate that rather than simple migration to Sudan and return to Ethiopia, with those who failed to return are considered by the authorities as a ‘leakage’, the patterns of SLM seem to be characterised by multiple interconnected circular movements that spread over wide areas within and beyond the borders and the commercial schemes and often extends from a few months to throughout the year. Nevertheless, since most of the entry and recruitment of Ethiopian agricultural workers into Sudan is regular, there are indeed multiple interconnections between SLM and with other forms of regular and irregular migrations, with the legal and illicit cross-border trade and with widespread human trafficking in the region.

The main challenges that workers face in Sudan are the ambiguity of legal status and lack of immigration official documents, access to health services and legal aid, translation, change in employment conditions delays in payment and harassment by employers and some officials.

There are a significant number of cases of Ethiopian workers losing their lives in Gadaref. For example, in 2017 there were 62 cases of deaths that were reported to the Ethiopian Consulate in Gadaref. The causes of death in these cases include disputes and tribal/ethnic revenge for crimes committed back home, disputes among workers, traffic and other accidents, robbery and murder and natural death.

Lack of safe homes in Gadaref state makes it difficult to adequately deal with survivors of abuse, exploitation and human trafficking, especially if they are minors.

Shortage and high salinity of water and lack of medical care and sanitation facilities represent the major challenges facing seasonal workers who gather at border posts and FM scheme areas in very large numbers for most of the year.

Security officials are concerned about the large concentration of works waiting for recruitment opportunities in Gallabat and Lukdi posts, with very limited security presence in these areas.

E. Conclusion and recommendations

The main recommendations of the study can be summarised as follows:

- Ethiopian and Sudan should introduce legal reforms at both federal and state level that amends existing laws that explicitly address the issue of temporary and seasonal entry of migrant workers.
- The Ethiopian and Sudanese authorities must coordinate and share information to ensure all workers crossing are regulated and documented (IDs).
- The introduction of well regulated, adequately supported and well-integrated recruitment agencies system.
- Ministries of Labour should be closely involved in SLM and Labour Office in Gadaref State should be equipped to conduct regular inspection visits to the workplaces and recruitment areas/agencies at the border.
- The establishment of regular police and IPO posts, checkpoints and presence along farms and travel routes
- The establishment of a seasonal labour migrant information centres and arbitration committees
- The provision of adequate and affordable health services and free interpreting, legal advice and aid services or workers.
- Awareness raising among Sudanese host community to curb xenophobia, racism and exploitation and highlight the positive effects of seasonal labour migration
- Advocacy in Sudan and Ethiopia for policy and legal reform for better seasonal labour migration management
- Investment in advanced agricultural techniques and extension services to reduce the demand for unskilled labour
- Development of free movement and labour exchange protocols (IGAD) and coordination mechanism that focus specifically on seasonal migrant labourers.
Mobility in West and North Africa raises questions about the need to protect migrants and respect their human rights. The diversity of migrants makes it difficult to identify an appropriate protection response. During their migratory journey, the protection needs of a migrant or refugee may vary. What is the need for protection? What are the typical situations? What is changing this need for protection? What answers to give? The various articles decipher the need for protection with regard to the profile, context and status of the migrant.

It is important to go beyond the legal framework attached to the international status of migrants (refugees, irregular migrants, victims of trafficking or smuggling, etc.). It is known that according to the profile of the person (woman, man, child, etc.), the risks of vulnerability will not be the same. It is therefore important to analyse the profile beyond status to gain a better understanding of the context in which migration takes place. Analyses of mixed migration must integrate the gender approach across the board and therefore provide a definition of protection based on the needs of the individual. (See El Jack, A.) The context of the country in which the migrant is located can contribute to increasing his or her needs (see Kandilige, L.). Yet States can approach the issue in different ways. In some cases, the State’s migration management policy can increase migrants’ vulnerabilities without reducing mixed migration flows. (See Labdelaoui, H.) In other situations, the question arises of how social policies integrate the care of vulnerable migrants (see Labidi, L.).

The irregularity in which migrants find themselves forces them to find alternative solutions to cross borders, earn money to continue their journey, remain in the shadows so as not to be arrested. By being exposed to vulnerability in this way, people may find themselves in situations of trafficking or exploitation. The specific context of the person may identify protection needs in these situations, but data are lacking. The example of Togo shows the lack of existing data on these situations and highlights the need for transnational responses to ensure better protection of people in these situations. (See Kossi, S.D.) There are binding international standards through the two Palermo protocols on trafficking in human beings and smuggling of migrants. These two concepts must be better understood and must be accompanied by measures to ensure the proper transcription and application of these international standards (implementing laws and decrees, training of professionals working with migrants in the fields of justice, health, etc.). (See Vidal Terrazas, I.).

**Figure 23: Table of hypertext links for articles related to theme 2**

| 2.1 | Mixed Migration: Why Gender Matters | Dr Amani El Jack |
| 2.2 | Psychosocial aspects of migration/social policies | Pr. Lassaad Labidi |
| 2.3 | The reconfiguration of mixed migratory flows in Algeria: The case of sub-Saharan migrants | Dr Hocine Labdelaoui |
| 2.4 | Migrants in countries in crisis: Migrants’ experiences and multi-stakeholder responses | Dr Leander Kandilige |
| 2.5 | The Role of Smuggling and Trafficking of Human Beings in Mixed Migration: a case study of Togo within ECOWAS | Dr Sénamé Dodzi Kossi |
| 2.6 | Enhancing the legal frameworks on Trafficking in Persons and Smuggling of Migrants: preventing, protecting and promoting cooperation | Mr. Irving Vidal Terrazas |
2.1 MIXED MIGRATION: WHY GENDER MATTERS

Pr Amani El Jack, the USA/Qatar, University of Massachusetts, Boston and Qatar University

A. Introduction

‘Men and women migrate for similar reasons, such as the desire to receive a better education, to find work, to improve the quality of life for themselves and their families, and to reunite with family members. Migration can also be caused by duress, such as the need to flee conflict and persecution, or economic precariousness. In addition, drivers of migration are a lack of opportunities for young people, food insecurity, environmental degradation and natural disasters.’

This article wants to bring to light the gender-sensitive analysis in the broader framework of mixed migration. All findings are based on analyses and previous works done during the last twenty years.

B. Context

The gender-sensitive analysis has been done through three patterns of migration. The first area of work has been focused on protracted refugee situations in the context of war and conflicts. Horn of Africa was the geographical zone where researches were done particularly in Kakuma Refugee Camp and Dadaab Refugee Camp. Studies were specifically focused on women and men experiences in war context and how they live it, they react and vulnerabilities they face. Secondly, research carried on situations of development-induced displacement. Development projects such as oil, mining, infrastructural projects cause forced displacements of local communities without compensation (Infrastructures projects in Sudan). Research was oriented on local communities’ impacts in their new settlements as there is any specific international protection framework for those situations. Finally, the third pattern has been centralised of labour migration in the Middle East and North African region and specifically in Arabian Gulf region. The focus is on domestic workers and different experiences of males and females within Qatar. Females are used to working as nannies, cooks while men work for instance as drivers, gardeners or security guards. Women are used to being confined into the households under the control of families with frequent exploitations and strong vulnerabilities. Indeed, they have few opportunities to interact with outside and so they are more subject to exploitations.

One comment should be done in the absence of correlation of academic and policy sectors. Policy makers and researchers address those subjects separately. These migration patterns cannot and should not be treated as isolated patterns. Mixed migration approach should be really treated in an integrated way and trying to find where the similarities and distinctions are on those different patterns and how to integrate a gender-sensitive approach.

C. Analysis

There is a global backlash in different parts of Africa, in the Gulf region where refugees and migrants arrive with their culture and interact with communities already settle in the country. For nationals of the hosted countries in the Gulf region, because there are a small number of locals, there is a phobia or an obsession that migrants and workers are affecting this national cohesion. This fear is visible as well in the global north of for instance the United States of America and the situation at the Mexican border, with the EU external policy.

After the gender mainstream era in the ‘80s, everything was considered, and international community thought that gender was not any more a challenge. In reality, there are still important gaps to reach. In the context of migration, research findings reflect some gender misconceptions in migration. Those misconceptions are

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• Gender means women. The distinction is centred on male and female but it’s important to integrate women, men, girls, boys and all people who share the experience of vulnerability as a result of migration whether they are refugees, migrant workers and internal displaced persons.
• Some women activist groups have some resistance to some gendered frameworks. There is a need to focus on women and women’s issues to try to find resources that enable women and girls. They want to be sure that governments are addressing lack of training, education for women and girls.
• Reinforcing gender stereotypes. Development projects should not be focusing on training programs that reproduce gender stereotypes teaching women for instance how to cook.
• It’s crucial to stop assuming that displaced men and women are only victims and going further that moves beyond victimisation.

Gender-sensitive framework of migration should be understood in a comprehensive, integrative multinational frame. It’s important to have determination of needs in a context-specific view. Needs and priorities for refugees in one region or another should be different but also different from a group of internal displaced people or a group of refugees or migrant workers. The framework has to be flexible and there is a need to focus on power in relation that goes beyond sex and classes but as well ages, nationalities and religions for examples. Power relations may inform experiences of persons and influence international assistance.

**Gendered Impacts of Migration**

When someone leaves her or his home whether it’s war, conflict or seek for better opportunities, education, this person is escaping dangers. Material deprivation is a common threat to those different types of migration studied.

Another of the common threat is Gender Based Violence (GBV) and violence that migrants (male, women and children) across their different realities and experiences are victims (physical and sexual violence, particularly towards women and children). We have to be careful that both men and women experience violence and gender-based violence by different kinds of degrees. Although men are the primary perpetrators of violence towards women and children, it is important to note that refugee men/boys are subject to victimization and violence, including sexualized. Many of the female migrant workers talk a lot about the experiences of sexual violence. Women experience rape and forced pregnancy, forced sex work and sexual slavery.

There are shifts in gendered roles and responsibilities for both women and men. For example, in refugees’ camps, humanitarian organizations launch some programs on women’s empowerment and income generative activities of women. This kind of programme can create certain problems in household traditional visions.

An important factor causing the migration of women and girls is gendered expectations, as families may send abroad their daughters rather than their sons if they believe that their daughters are more likely to send home remittances.\(^\text{105}\)

The breakdown of family units has led to more women becoming heads of households. This has contributed to changes in the division of labour that have created new opportunities for women but in some respects further marginalised them. For women, it has to be a good opportunity but also contributes to marginalising them from the traditional gender role. This shift in responsibilities represents a move away from stereotypically ‘masculine’ and ‘feminine’ roles. Some men may react to these changes with depression, alcoholism and an escalation of violence against women and girls. At the same time, it is important to move beyond victimisation.

D. Conclusion and Recommendations

Displacement does not only displace persons, but it also displaces value systems, which opens room for transformation. Transformation could be defined as a process of contestation, negotiation and evaluation for some of the gender roles and relationships that were never open to discussion before. Paradoxically, this very upheaval has also paved the way for re-evaluating and transforming their individual, collective and institutional gender roles and relationships.

Below, there are some examples of transformation in migration context as identified in research presented.

- Changes in Marriages/Family Relations: ‘In the old days the Dinka and Nuer men in South Sudan used to marry many wives. Polygamy used to solve family problems. The system has completely collapsed due to the destruction brought about by the conflict and displacement. Nowadays, the majority of our men are no longer able to provide for their wives and children’ (Mama, a Dinka woman, age 65).

- Inter-Generational Confrontations: ‘We have a saying back home that old trees have deep roots. And it was these deep roots that kept the young growing. But here in a foreign land, refugee camps and big cities, our young are losing their roots. They no longer benefit from the skills and knowledge that we learned from our grandparents and from our traditions and social values.’

- Education: ‘As, Adut, one of the activist Dinka interviewees said: “the skills, values and attitude that we have acquired as women in exile have changed us. We will NEVER [her emphasis] be the same individuals again, and there is no going back to old Sudan … the values we have now acquired do not make us less Sudanese” (Adult, Dinka woman, age 39).

- Individual, collective and institutional transformations: Based on the findings of research presented, they examined patterns of migration have not only destroyed the displaced homes, cattle and resources but also destroyed families, kinship, traditions, cultural institutions and practices that shaped their lives for centuries.

Some general recommendations are

- Break the division between academic and policy world.
- Work on a bottom-up approach. People need tools to hold agents accountable, their voices need to be heard.
2.2 PSYCHOSOCIAL ASPECTS OF MIGRATION/SOCIAL POLICIES

Pr Lassaad Labidi, Tunisia/National Institute of Labour and Social Studies of Tunis

A. Introduction

Due to their legal status relating to their stay on Tunisian territory, but also due to the regulations in force organising access to work for foreigners in Tunisia, some immigrants, particularly those from Sub-Saharan Africa, have no chance of filling a formal employment position. The Tunisian Labour Code provides for rigorous, even rigid procedures that do not promote immigrants’ access to their right to organized and protected work. This is a code that has not been revised to suit the new conditions of the Tunisian labour market and to meet the country’s new economic requirements.

B. Analysis

To meet their labour needs, some employers do not respect the current law on the employment of foreigners and recruit migrant workers informally without considering their status and the nature of their residence in Tunisia and with small efforts to ensure their protection.

Sub-Saharan migrants, in order to meet their basic needs, to be able to pay the penalties for their irregular stay and unable to find formal jobs within the framework of full compliance with current standards, are moving towards the informal labour market. By doing so, they find themselves in jobs that require few qualifications and are at the bottom of the social ladder. Very often, these are professional jobs that do not attract Tunisian workers. On the other hand, these sub-Saharan migrants find themselves performing functions that do not correspond to their qualifications, some of which hold professional or university degrees.

Moreover, even if the informal jobs that immigrants occupy and the services, they provide meet in one way or another a labour need, for some individuals or employers, their living and working conditions are very difficult. They are characterized by a lack of socio-economic rights that can affect their psychosocial balance.

Indeed, migrants are victims of several forms of exploitation and abuse in the workplace, which can take the form of ill-treatment and discrimination. They are paid less than nationals and take on the difficult tasks. Working conditions do not always respect safety standards that constitute moral and material aggression for them. Workplace abuse can result in acts of aggression and violence, unpaid wages and confiscated personal documents.

Due to the nature of the jobs they hold and the low wages they receive, migrants in informal employment often find themselves in difficult living conditions. Due to their limited income, they choose to live in popular areas to find cheap housing, but by making this choice, they are exposed to several racist acts and are unable to integrate into the local community. The language problem accentuates the difficulties of integration since the majority of Tunisians, especially those belonging to the working-class neighbourhoods, only speak Arabic and find it difficult to communicate with foreigners. This communication problem is not limited to local communities, but immigrants also face it with the Tunisian administration. Finally, it should be noted that due to their poverty, immigrants in informal employment have great difficulty in accessing health services when needed.
C. Prospects for action

In short, we can conclude that despite the services they provide and the efforts they make, immigrants in informal employment lead difficult living and working conditions, hence the need for public authorities to intervene to guarantee them access to a dignified standard of living and decent work.

- Knowledge of the profiles of migrants and their needs in each of the countries concerned;
- Knowledge of the legal systems of each country;
- Dissemination of information on living and working conditions in each country of the region;
- More coordination between countries and more information exchange;
- More place for migration in the social dialogue between the social partners;
- Implementation of a regional migration strategy involving all countries;
- Harmonization of the legal framework for the employment of migrants in the countries concerned.

D. Recommendations

- Dissemination of information on living and working conditions in each country of the region;
- More coordination between countries and more information exchange;
- More place for migration in the social dialogue between the social partners in the different countries concerned.
2.3 THE RECONFIGURATION OF MIXED MIGRATORY FLOWS IN ALGERIA: THE CASE OF SUB-SAHARIAN MIGRANTS

Pr Hocine Labdelaoui, Algérie/Université Alger 2 — CREAD

A. Introduction

By its geographical position between Europe and sub-Saharan Africa, Algeria, like the countries of North Africa, is a space conducive to the circulation and mobility of mixed flows both at the inter-African level and between Africa and Europe. This phenomenon is not new. This said, it is undergoing a reconfiguration in the new geostrategic context in the Sahel and Maghreb region that requires: - i. The deconstruction of the concepts composing the semantic field of mixed flows - ii. The development of new approaches to understand new mixed migration situations - iii. The implementation of new policies for the management of mixed migratory flows.

Observation of recent data on migration flows in the Sahel and Maghreb region in recent years shows that updating knowledge on mixed migration is a prerequisite for meeting the expectations of States in regions of departure and the concerns of governments in transit and destination countries.

The case of sub-Saharan migratory flows in Algeria is a field of study to propose elements for reflection that fit into this perspective. As part of a process of restructuring modes of mobility, circulation and settlement, the reconfiguration of mixed migration announces a recomposition of profiles, the emergence of new causes and reasons for migration, the construction of new migration projects and the use of new modes of migration. This evolution of migratory movements draws the profile of the new migrant who tends to become a rational and utilitarian actor capable of perverting State policies and adapting to situations of restrictions on the mobility of populations between the South and the North.

In this contribution, we propose a two-level reading of mixed migratory flows:

i. A review of knowledge on the nature of flows undergoing change (status, density and mobility space); ii. Then, at a level of evaluation of the Algerian policy on the management of these flows as an example.

B. Context

This analysis is based on the observation of sub-Saharan migratory movements over the past twenty years in Algeria. The observations are mainly based on the survey initiated in 2019 by the Algerian Ministry of Health and Population and Hospital Reform in collaboration with the Global Fund to Fight AIDS, Tuberculosis and Malaria 106 on the behaviour of sub-Saharan migrants in an irregular situation in Algeria with regard to sexually transmitted infections and HIV AIDS. The main aim is to provide elements for reflection on new data on migration flows. In addition, there are the results of a baseline survey carried out by an Italian NGO (the International Council of Solidarity between Peoples, CISP) that will make it possible to observe developments between 2006 and 2019.

C. Analysis

C.1. Reconfiguration of mixed migratory flows

The presence of sub-Saharan populations on Algerian territory has changed. It has gone from transit migration to status waiting migration. The context of the closure of European countries’ borders and the strengthening of mechanisms to control migratory movements towards Europe largely explains this situation. While the composition of mixed migratory flows is structured around three traditional categories, economic migrants, border migrants and refugees, stock composition, the nature of migration projects and

106 The Global Fund to Fight AIDS, Tuberculosis and Malaria.
Setting up a Road Map for Mixed Migration in West and North Africa

High-Level Expert Meeting

Settlement status are now being reconfigured to herald a new sub-Saharan migrant. Migration projects can evolve during the same journey and the migrant can move from the situation of transit to Europe, to that of waiting installation in transit status, to that of waiting for access to settlement status and, finally, to that of movement between the country of origin and the territories of settlement in Algeria.

Observation of the profiles of migrants in mobility situations reveals that flows are now driven by rather young migrants. Women are becoming actors of irregular migration in Algeria. Single status is more important for men than for women. In addition to these characteristics, there is a trend towards an increase in the number of migrants with educational capital.

Figure 24: Table of the evolution of migrants’ profiles between 2007 and 2019

<table>
<thead>
<tr>
<th>Rate of Migrants Aged 20 and 34</th>
<th>2007</th>
<th>2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>(for category 26-40 years old)</td>
<td>66%</td>
<td>68.5%</td>
</tr>
<tr>
<td>Rate of Migrant Women</td>
<td>14%</td>
<td>16.6%</td>
</tr>
<tr>
<td>Rate of Single Migrants:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Men</td>
<td>49%</td>
<td>61.5%</td>
</tr>
<tr>
<td>Women</td>
<td>28%</td>
<td>30.8%</td>
</tr>
<tr>
<td>Rate of Migrants by School Level:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Primary school</td>
<td>25%</td>
<td>15.2%</td>
</tr>
<tr>
<td>Medium</td>
<td>13%</td>
<td>15.7%</td>
</tr>
<tr>
<td>Secondary school</td>
<td>13%</td>
<td>30.1%</td>
</tr>
<tr>
<td>Rate of Migrants with a Higher Level of Education</td>
<td>5%</td>
<td>8.9%</td>
</tr>
</tbody>
</table>

Source: studies and surveys presented in the context.

Everything indicates that we are facing a significant change in irregular migration. Indicators of such a mutation can be observed within the framework of the trends described below.

- **The evolution of traditional migratory** routes towards new traffic objectives such as large and medium-sized urban areas. The presence of sub-Saharan migrants concerns the whole country and its volume changes according to the opportunities for residence and the prospects for carrying out migration projects;
- **The modes of mobility** have seen the strengthening of the action of smuggler networks and the emergence of installation workers. In this context, we observe a phenomenon of reconstitution of transnational networks of smugglers and a communitarization in the mechanisms related to the stay and movement of persons;
- **The evolution towards diversity of profiles:** in addition to the single men who constituted the bulk of the workforce, there was also the presence of families, single women, women with children. The share of illiterate workers is declining, giving way to the emergence of educated migrants with diplomas and qualifications. The share of young people and singles has increased, resulting in a recomposition of socio-demographic profiles;
- The presence is no longer expressed in terms of the supply of labour, but also in terms of the provision of services and the solicitation of solidarity from the population of the host country.
C.2. Evolution of Algerian policy on the management of mixed migratory flows

Faced with this evolution of mixed migratory flows, Algerian policy has shifted from a rather flexible management of migratory flows to the implementation of repressive measures under the pretext that the mixed flows entail risks of infiltration by terrorist groups into arriving migrants who wish to obtain a right to settle.

The adoption of the 2008 law on the stay of foreigners in Algeria announces a tightening of the management of migratory movements. Subsequently, the revision of the Penal Code in 2009 even “criminalizes” the entry and exit of the national territory through irregular channels.

Secondly, the effects of the Arab spring since 2011 will require a strengthening of Algeria’s security system in the face of migratory movements that are linked to cross-border crime. At the same time, migrant smuggling has become a very lucrative business in North Africa.

Finally, the Algerian authorities are not totally insensitive to mixed migratory flows. A draft law on refugees has been launched, but it is taking a long time to come into being. Then the Algerian Red Crescent resolutely committed itself to the protection of migrants’ rights. Significant progress has been made, particularly in access to health care and education for irregular migrants. At the moment, the political crisis in Algeria calls for caution.

C.3. what lessons can be drawn from the Algerian case?

An analysis of sub-Saharan migrant flows in Algeria and its recent developments reveals two observations.

First, it can be observed that the situation of irregular migrants who settle permanently or permanently is becoming more widespread. Indeed, these choices are made in a context of a lack of prospects for the realization of their plans to pursue their projects towards Europe, the possibility of legal settlement, inter-African mobility and return to their country of origin.

Secondly, we can also observe the acquisition of the autonomy capacities of communities in an irregular situation with regard to the action of the Algerian authorities, thanks to the establishment of an effective community organization that ensures an equitable distribution of the occupation of transit and settlement areas (permanent or waiting).

This evolution is little known and little explored, which constitutes a handicap to the elaboration of a roadmap adapted to the current migration situation and its evolution; it is important to deepen the knowledge of this situation, which will be carried out at the same time as the examination of the prospects for the reconstruction of States’ policies.

The analysis of Algerian policy on the management of mixed migratory flows reveals four elements:

i. Algerian politics is a humanitarian and security mix that evolves according to the circumstances and events that present threats to the country’s stability.

ii. It is and remains intransigent on national sovereignty in the management of migration flows. For example, it has distanced itself from the Global Compact on Migration (2018), in the same way that it has raised reservations about the AU Protocol on the Free Movement of Persons in Africa (2018).

iii. It opposes becoming Europe’s policeman in Africa, even if it means sacrificing any benefit (economic, financial and political) from the EU. For example, it has adopted reservations on the Valletta Action Plan (2016) between the EU and Africa.

iv. It is presented as a force for proposals in negotiations where the bilateral takes precedence over multilateral agreements.

These four elements form the basis of a policy of principle that guides Algeria’s relations with its partners. Due to the absence of an asylum law and instruments to manage the presence of foreign workers on the labour market, the Algerian government must follow a migration management policy that responds to
changes in flows that are difficult to control and to the forced displacement of populations fleeing conflicts and bad weather conditions.

D. Perspectives for action

In the light of the general assessment of the current state of mixed migratory flows in Algeria in recent years, three avenues of reflection need to be addressed.

• To ensure better knowledge of mixed migratory flows, it is essential to increase in-depth work on mapping, diagnosis of migration projects and mobility;
• Improve the research framework and promote transdisciplinary expertise mobilizing skills from countries of origin, transit, settlement and destination;
• Ensure the principle of a fourfold winner: countries of origin, transit countries, host countries and migrants through mechanisms for dialogue and concrete actions.

E. Conclusion and recommendations

By way of conclusion, here are the two observations to be taken into account for a good understanding of future mixed migration flows.

• Mixed inter-African flows will increase in the coming years as a result of the conversion of departures to Europe to mobility, circulation and settlement waiting projects in African countries. Climate factors will become more important in the reconfiguration of routes and the map of mobility and settlement on the African continent.
• African States will be obliged to implement migration and asylum policies that reconcile security imperatives with the protection of human rights since they will have to manage massive flows and not individual arrivals and small groups.
PART 3: STAKEHOLDER CONTRIBUTIONS

2.4 MIGRANTS IN COUNTRIES IN CRISIS: MIGRANTS’ EXPERIENCES AND MULTI-STAKEHOLDER RESPONSES

Dr Leander Kandilige, Ghana/University of Ghana-Centre for Migration Studies

A. Introduction

The expulsion of Ghanaian migrants from Nigeria in the mid-1980s increasingly made other African countries desirable destinations for a mixture of migrants—including Libya. There, however, they occupy very low socioeconomic positions and experienced racism or discrimination, including physical attacks and arbitrary arrests. The crisis situation in Libya (2011) worsened the precarious existence of Ghanaian migrant workers and many returned forcibly, unprepared, to Ghana. Using mainly qualitative research and engaging an adaptation of Cassarino’s ‘returnee’s preparedness framework’, we argue that this crisis setting created an unbridled situation throwing migrants’ carefully tailored plans into disarray. The paper unearths challenges to multi-stakeholder coordination at different spatial levels, of returns in crisis situations and negative effects on reintegration of forcibly returned migrants. This presentation makes recommendations on steps that need to be taken to enhance the protection of migrants’ rights in crisis situations.

B. Context

Rather than abject poverty, a degree of access to economic and social resources, combined with intrinsic global inequalities in income and development, have driven Ghanaian migration to countries such as the United Kingdom but also oil-rich North African ones such as Libya. Since international migration is characterised by substantial costs and risks, it is important to note that Ghanaian migrants are not typically from the poorest households in society. This paper, however, suggests that Ghanaians who migrate to Libya through the Sahara Desert are mostly among the poorest in society who scrape together the little resources they have in order to realise their migration aspirations—enhancing their socioeconomic livelihoods.

Since the 1990s Libya saw increased migration from other Sub-Saharan African countries such as Ghana, and not mostly as prior to the 1990s, from the immediate southern neighbours (Mali, Chad and Niger), Libya as a destination was necessitated by the expulsion of Ghanaians from Nigeria in 1983 and 1985, forcing their migration to other parts of the continent including Libya. This was enhanced by a budding relationship between President Rawlings and Ghaddafi, stemming from their common interest in Pan-Africanism as well as by a bilateral agreement to send Ghanaian teachers to teach English in Libya in 1983. Even though the agreement was abrogated in 1986, both skilled and unskilled Ghanaian migration to Libya continued on its own. In the initial stages, the Libyan authorities offered employment to only highly skilled Ghanaian migrants, but the awareness of livelihood opportunities for other low-skilled migrants further increased the number of Ghanaians entering Libya through formal and informal routes such as the Sahara Desert. Later, Libya transformed from a destination country into a transit country to Europe for some Ghanaian migrants.

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107 This contribution is based on: Kandilige, L. and G. Adiku (Forthcoming): The quagmire of return and reintegration: challenges to multi-stakeholder coordination of involuntary returns, International Migration: Geneva: IOM.
112 Ibid.
114 Bob-Miliar, G. M. (2012), Ibid.
115 Ibid.
In response to the UN sanctions (1992–2000), Libya attracted more African nationals by replacing impediments such as residence permits or visas for non-citizens\textsuperscript{118} with a Medical Certificate as the only requirement. Although the government of Libya relaxed its stringent immigration laws, irregular migration into the country was on the increase. As a result, the Libyan authorities intensified the implementation of immigration control policies by clamping down on irregular migration.\textsuperscript{119} Thus, prior to 2011, the Libyan authorities were already countering irregular migration via forced repatriation\textsuperscript{120} and the 2011 political crisis only coincided with these practices\textsuperscript{121}. Our research reveals cases of racism, discrimination, name calling, robberies and casual attacks by Libyan youths, arbitrary arrests and detentions, lack of access to rental accommodation, the formal banking system and to protection by Libyan security services\textsuperscript{122}. Ghanaian, like many sub-Saharan African, migrants in Libya, mostly occupy very low socioeconomic positions relative to the native population partly due to their irregular migration statuses and differences in cultural, religious and linguistic characteristics\textsuperscript{123}. This paper is focused on these migrants and the coordination attempts and challenges of multi-stakeholders in their return and reintegration processes.

C. Analysis: Return and reintegration amid unpreparedness

C.1. The role of state agencies

The role of the Ghanaian state involved arranging for the safe return of Ghanaians from Libya and reintegrating them into their communities. The lack of a policy and institutional framework for the evacuation and repatriation of migrants from countries in conflict, however, meant that Ghanaian migrants were among the last sub-Saharan African migrants to be evacuated from Libya. The Ghanaian embassy in Libya and the National Disaster Management Organization (NADMO) were ill-prepared and lacked funds for the extraction of migrants from Libya. After trapped migrants resorted to social media and live radio appeals, the Ghanaian government was compelled to eventually organize chartered flights to evacuate migrants.

According to statistics from NADMO, by July 2012, a total of 18,445 nationals had returned home\textsuperscript{124}. Consistent with our own findings, statistics in Bob-Milliar’s (2012) work show the vast majority of Ghanaian returnees from Libya were male, between 20 and 40 years old. Some 132 returnees were females, 96 minors, 2 adult males described as mentally ill as well as over 90 freed prisoners\textsuperscript{125}. These diverse returnees had low or no return preparedness and almost all lost property and savings during their flight from the conflict. As a result, they required maximal reintegration support from a range of stakeholders.

The Embassy in Libya faced major challenges around a trust deficit between migrants and embassy staff. Some migrants contested claims by the embassy to have coordinated assistance to support the evacuation and repatriation of trapped Ghanaians from Libya. Abraham (a 52-year-old return migrant) described officials at the Ghanaian embassy as ‘useless, they don’t help anybody. The officials in Libya do not help at all.’ Also, NADMO does not have a mandate to evacuate trapped nationals from abroad. This limits its ability to provide effective support until such nationals have physically arrived in Ghana. These fundamental challenges were compounded by the lack of a formal reception centre for the purpose of receiving large numbers of distressed individuals and the completion of immigration, healthcare and security assessments. This necessitated the hosting of returnees in a military sports stadium (Elwark Stadium) that is largely exposed to the elements. Logistical challenges constrained thorough assessments of returnees against the effects of

\textsuperscript{120} Bob-Milliar (2012); between 2000 and 2012, f; ex; 12,201 Ghanaians were deported to Ghana from Libya.
\textsuperscript{121} Kleist, N. (2017): Disrupted migration projects: the moral economy of involuntary return to Ghana from Libya. Africa, 87(2), pp. 322–343. The Ghana Immigration Service reported that in 2014 alone, Ghanaian deportees from Libya reached 1,415 making Libya the country that deports Ghanaian migrants the most
\textsuperscript{124} NADMO (2012), as cited in Bob-Milliar (2012). The total figure could be greater than reported since it does not include those who returned home without government or institutional support.
\textsuperscript{125} NADMO (2012), as cited in Bob-Milliar (2012).
trauma and the delivery of therapies for psychosocial and post-traumatic stress disorders. The health of staff of NADMO was also compromised due to prolonged exposure to very ill returnees who were not diagnosed quickly.

C.2. The Role of Civil Society Organisations and Community Leaders

Community leaders and some civil society organisations played a critical role during the return and reintegration phase for returnees from Libya. Their level of preparedness is judged to be higher than key state agencies. The director of Dormaa FM station, for instance, used the medium of radio to establish regular communication between migrants in Libya and their families in Ghana prior to their arrival in the country. This was achieved through phone-in programmes where migrants shared their distressing experiences with the local community. Trapped migrants also lobbied their members of parliament and government officials by phoning into live broadcasts at the peak of the crisis and making direct appeals for help in evacuating them and galvanising public opinion in favour of government action. Dormaa also ran sensitisation programmes to help the community appreciate the circumstances surrounding the unplanned return of their relatives. This was meant to minimise incidents of rejection, feeling of humiliation and possible tensions between community members and returnees.

Community leaders coordinated a range of other services for returnees such as the provision of health screening and interventions for newly arrived returnees. They facilitated interactions among government healthcare providers, return migrants and non-governmental organisations. This was important, because as Tanle notes, migration to Libya via the Sahara Desert poses serious health risks for migrants including dehydration, HIV/AIDS and even death. Community leaders were concerned about the health of the returnees to ensure that they were in good health and to prevent the spread of diseases like HIV/AIDS. Though laudable, targeting returnees for health screening had the potential of stigmatising them as carriers of HIV/AIDS.

Moreover, the community leader used his radio station to solicit support from the community towards the provision of humanitarian relief to returnees. In addition, the community leader used his social networks to access educational opportunities for the children of some returnees. Unplanned returns are associated with loss of income, which has the potential to jeopardise retention rates in education for the wards of returnees. For instance, he appealed to a successful voluntary returnee from Libya who owned a private school to admit children of returnees who had been impoverished by their unplanned return. He subsequently mobilised funds to pay their heavily subsidised fees by instalments (community leader/director of local radio station). The quantum of support rendered helps paint a picture of the critical role of community leaders in facilitating return and reintegration of migrants returning from countries in crisis.

Civil Society Organizations (CSO) such as ‘Scholars in Transit’ collaborated with IOM and UNDP to deliver limited reintegration support to returnees but the support tended to be ad hoc and on a limited scale. For instance, only fifty beneficiaries out of nine hundred registered returnees in Nkoranza benefited from training and distribution of start-up kits (CEO of a Civil Society Organisation; Staff of IOM, Ghana). Though laudable in its intentions, ‘scholars in transit’ was accused by some returnees of favouritism because of the formula it applied in selecting the few beneficiaries of the reintegration support package. The organisation gave ten percent of support to poor community members who were not returnees. This angered many of the returnees considering that resources were already scarce. The rationale behind such an action is to minimise the likelihood of stigmatisation of returnees and antagonism between returnees and non-migrants. This approach is increasingly being adopted by most institutions that implement community interventions. Given the fact that civil society organisations tend to have in-depth local knowledge as well as presence, there is the need for them to be better resourced to enable them to play a more prominent role in reintegration programmes and be able to reach out to the community at large.

128 Anarfi et al. (2003)
C.3. The Role of Intergovernmental Organisations

Intergovernmental organizations, such as IOM and the UNPD [in Ghana] were constrained in their ability to help evacuate and reintegrate return migrants due to challenges with accurate data on the number of Ghanaians in Libya and limited access to financial resources. This inhibited their ability to prepare adequately to receive returnees.

Nonetheless, IOM played a leading role in supporting the evacuation of Ghanaian migrants from Libya. Upon return, IOM also provided training and equipment towards business start-ups in agriculture and trading activities to returnees from Libya. Reintegration packages did not include direct cash payments but rather logistical support, partly as a means of dissuading beneficiaries from possibly using such cash to fund a return trip to Libya (CEO of a Civil Society Organisation; Staff of IOM).

The IOM initiated two reintegration projects aimed at promoting the socioeconomic reintegration of returnees, using vocational and micro-business skills training, business counselling, provision of basic start-up kits and access to health insurance. In order to eschew possible frictions between host community members and returnees, these projects extended beyond returnees to include vulnerable community members in high migrant-sending areas such as Nkoranza. Moreover, the IOM and its partners, such as NADMO and ‘Scholars in Transit’, spearheaded educational activities and advocacy work. The second project run by the IOM was known as the ‘emergency reintegration assistance for Ghanaian migrants affected by the 2011 Libyan crisis’ and it was funded by the Japanese government.

In a similar way, the UNDP participated in the reception and reintegration of Ghanaian returnees from Libya even though that is not its core mandate in Ghana. The main challenge was that funding towards such interventions was not centralised and had to be raised from donor agencies (Programme Specialist at UNDP). On a whole, intergovernmental organisations seemed better prepared and resourced than state agencies in managing return and reintegration challenges, even though the breadth of coverage was minimal due to funding constraints.

C.4. The Role of Family Members and Private Actors

Family members are both beneficiaries of remittances and bearers of the burden of hosting forced returnees. Unplanned returns from countries in crisis abruptly curtail sources of remittance income and sometimes exact expectations of unaffordable reciprocal benevolence on family members. Adverse effects, recorded in this study, in families included loss of social standing and respectability, being saddled with caring for mentally and emotionally distressed returnees, sharing limited family resources with persons who no longer generated income and coping with the stigma associated with ‘return of failure’.

In this study, family members served as critical stakeholders in the reintegration process. They provided accommodation, shared parcels of farmlands with returnees to be used for subsistence farming as an alternative source of livelihood and negotiated relations between returnees and the local community in order to minimise incidents of rejection and stigmatisation. The curse of returning home empty-handed brought psychological and emotional stresses to both returnees and their families. Nieswand and Akyeampong discuss the toll on migrants who return empty-handed and how their relatives’ strife to keep up appearances in the face of stinging social judgement because they are unable to meet expectations associated with being a ‘burger’.

133 ‘Burger’ was coined from the Germany city of Hamburg, which was a popular destination of Ghanaian migrants in the 1980s. The term was originally used to refer to migrants from Germany and the ‘West’ more generally. The term is now used to refer to returnees more broadly.
C.5. Re-Emigration Due to Institutional Failures

The absence of a policy and institutional framework in Ghana for the evacuation, repatriation and reintegration of migrants from countries in crisis as illustrated by the above examples, resulted in poor reintegration outcomes for returnees, demonstrated by six out of eleven returnees interviewed re-emigrating to Libya at least on one occasion since 2011. Notwithstanding the fact that re-emigration is not necessarily an anomaly in practice, unemployment and attendant poverty have compelled returnees (with the blessing of their family members) to consider re-emigrating to a country in conflict as a viable alternative to resettling into their home country. Analysing problems faced by returning migrants and their families, Lepore134 argues that the antecedent of migration and the level of success or failure that migrants experienced abroad often serve as incentive for re-emigration. A similar argument could be made for these migrants. Having returned abruptly and faced with lack of socioeconomic prospects, many returnees regarded re-emigration to Libya as a livelihood strategy of last resort, in spite of the physical attacks, racism and discrimination they experienced.

A. Best Practices and Way Forward

• There is the need for clear national policies on evacuation of migrants implicated in crisis situations abroad. Such policies need to be costed and budgeted for, with clearly delineated mandate assigned to relevant stakeholders and adequate training provided to facilitate quick and efficient response in crisis situations.

• The collation of credible migration data and real-time access to migrant stock as well as migrant flow figures are critical to international responses to crisis situations where migrants are implicated. In addition, the evacuation, repatriation and reintegration of return migrants are shown to be collaborative tasks that need to be executed by diverse stakeholders at different spatial levels.

• It is imperative for origin countries to develop programmes that facilitate sustainable reintegration of forcibly returned migrants into their home communities. Programmes should seek to capitalize on the skills migrants acquire abroad rather than embark on ‘one size fits all’ types of generic projects that win governments and IOs/NGOs political capital without necessarily empowering the targeted beneficiaries.

• There is the need for the extension of rights and protections to migrants to be considered as central to the migration-development nexus debate, as migrants should not be perceived only as remittance ‘cash cows’ that are devoid of protection entitlements/rights.

• There is the need for the creation of regional evacuation units for example. Regional economic groupings across Africa that are specifically mandated to manage the evacuation and repatriation of migrants in times of political/social crises. This minimizes the onus on impoverished member states (which might not have the logistics and expertise) to extract their nationals at short notice.

• Adequate subventions, emotional and psychological support should, be provided by governments of countries of origin to aid migrants and their families who may have been distressed by crisis events in destination countries. Providing reintegration support will lessen, if not eliminate, the trauma faced by returnees and their relatives.

2.5 THE ROLE OF SMUGGLING AND TRAFFICKING OF HUMAN BEINGS IN MIXED MIGRATION: A CASE STUDY OF TOGO WITHIN ECOWAS

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A. Introduction

Trafficking in persons in Africa is complex and covers multiple dimensions, including historical, cultural, political, judicial, etc. Almost all countries are affected by this phenomenon, whether nationally or internationally, as countries of origin, transit or destination. Due to the political, social, economic and cultural instability in the areas of departure, the increasing demand for cheap labour in cities and some northern countries, the Gulf, and the sophistication of trafficking networks, trafficking in persons has increased significantly in recent years. According to the United Nations, trafficking is one of the most “profitable” illegal activities and generates about USD 150 million per year135.

In the West African subregion, this is a phenomenon with regional dimensions, deeply rooted in the context of poverty and deplorable socio-economic conditions that impede human security and the effective protection of the rights of the most vulnerable social groups.

This analysis takes stock of the situation of human trafficking and smuggling and interactions with mixed migration in Africa and particularly in West Africa before proposing perspectives and courses of action for better management of mixed migration.

B. Context

West Africa is an area of origin, transit and destination for victims of trafficking.136 The profile of victims is diverse and the phenomenon mainly concerns women and children, but also young men and adult men.

Figure 25: Operational start-up process

- False promises;
- Recruitment in the victim’s immediate environment (not suspected by the victim);
- The most well-known forms of exploitation: sexual exploitation (pimping networks), forced labour (domestic work, gold mining, agriculture, fishing, construction, manufacturing, livestock), exploitation of begging by others and removal of organs.

In the subregion, the work of the United Nations Office on Drugs and Crime (UNODC) has shown that the Abidjan-Lagos trade corridor (Côte d’Ivoire, Ghana, Togo, Benin and Nigeria) is an important route for migration and prostitution or sexual exploitation in West Africa.137 Many women from these five or more distant countries are victims of sexual exploitation in cities along this trade route or at the borders: in Cotonou (Benin), for example, almost 90% of women involved in prostitution are from other countries in the corridor (Nigeria, Ghana, Togo).

Case study of Togo

Togo is not immune to trafficking and smuggling. Land of origin, destination and transit for victims from different countries138, Togo has a significant smuggling and trafficking activity facilitated by its geographical position, which makes it a favourable area for the illicit movement of migrants to Africa, Europe and elsewhere. Traffickers use land, sea and air routes that can change rapidly if detected by border authorities.

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At the regional level, Ghana, Côte d’Ivoire, Benin and Nigeria are the countries that attract the most Togolese youth due to their economic weight in the sub-region. Gabon is the country in Central Africa with the highest number of Togolese migrant workers. They are more active in personal services and as resellers in markets. The exploitations of all kinds of which they are victims and the many tragedies that occur during their migration to Gabon regularly cause emotion and consternation within Togolese society.

This traffic is also and above all facilitated by the porosity of the borders, the rudimentary system of land and maritime border management (1700 km of maritime land border shared with Ghana, Benin and Burkina Faso).

In addition, there is the absence of specific laws, the persistence of corruption, insufficient coordination between the services concerned, the proliferation of false documents, weak regional and international cooperation and the ease of obtaining visas on arrival at the borders. In addition, in the absence of effective control and regulation mechanisms for employment agencies, irregular labour migration poses a significant risk to many young people, especially girls and children, who are often trafficked into the domestic and sex work sectors both in Lomé and outside the country, particularly in various countries of the Economic Community of West African States (ECOWAS), Central Africa, the Middle East, etc.

C. Analysis

C.1. Trafficking and smuggling of human beings and mixed migration

The analysis of trafficking and its role in mixed migration requires taking into account the diversity of profiles and motivations.

C.1.1. Diversity of profiles

The flow analysis shows that children (boys and girls) are among the most important targets. There are unaccompanied minors (girls aged 14 to 18, out-of-school or out-of-school boys aged 14 and over, orphans, abandoned children, children in labour situations, so-called witch children, etc.), generally destined for Lomé, Hilakondji, Cotonou, Nigeria, etc.

In 2015, 1,600 children were victims of cross-border trafficking according to information collected from child protection structures (49.4% boys and 50.6% girls). Most of the children trafficked across borders come from rural areas: 77.6 per cent. In 2015, 1,162 children were victims of internal trafficking according to information collected from child protection structures. Out of ten child victims, six (63.4%) are girls and three (33.6%) are boys139.

Overall, their movement is voluntary or forced, domestic or cross-border, with or without family members or other peers. While some of them flee, in search of safety, many other children leave for social, economic or religious reasons. The exploitation and abuse that affects these children can take many forms, with girls being particularly vulnerable to gender-based violence and boys to physical, but sometimes also sexual, abuse. It is also highlighted the presence of children in foster care, foster care, etc.

In addition, there is a strong feminization of the flow of victims of trafficking and smuggling. In most cases, they come from rural areas and are generally either without basic education or without basic qualifications or vocational training. Often domestic workers or economically and sexually exploited, they are attracted with promises of respectable jobs in houses, bars and restaurants in Burkina Faso, Niger, Benin, Gabon, etc. The desire to leave the farms for a more suitable environment in which they can earn better wages serves as bait for these naïve victims. Finally, many end up prostitutes in these big cities.

Apart from children and girls and women, young men and adults are also affected. We note the prevalence of flows of young people who have dropped out of school or not, who are part of short- or medium-term projects and for various reasons, and the presence of adults fleeing drought (especially in the northern part of the country), political reprisals, precariousness, family pressure, and who also fall into trafficking networks, or even trafficking.

139 ONUDC (2015).
C.1.2. Diversity of motivations

It is necessary to take into account the diversity of factors, the complexity of the trafficked persons’ trajectories and above all to consider that victim status can be an emerging status linked to the failure of a mobility that, a priori, can be “chosen” and not “forced” upstream. Mary girls and women recruited as part of labour migration for Gabon, Nigeria, Lebanon, Kuwait, etc., are recruited through legal channels. It is only once on the spot that the situation turns into trafficking or processing. The same is true for children whose parents are often deceived by third parties, traffickers. The method of operation is simple: it is either fosterage or placement for various reasons leading to exploitation, etc. At the root of their mobility, whether voluntary or forced, victims of trafficking are driven by a variety of cultural and sociological, security and economic motives.

**Socio-cultural motivations:** The “desire for the outside world” generally makes potential candidates to leave, easy prey for human trafficking networks willing to facilitate their movement to various ECOWAS countries, Central Africa, the Middle East, the Gulf countries, etc. Thus, the initial motive is immaterial, philosophical, and cultural.

Social and cultural representations are also characterized by the need to leave since “only those who have travelled are valued”. From this perspective, migration also implies economic and social success to the point where those who have failed refuse to return home fearing the mocking eyes of society.

Moreover, in some cultures, young girls must constitute their own gifts in order to prepare for their marriage. Social recognition is achieved through marriage. This is not only a cultural issue, but also a matter of prestige and honour. In these contexts, most girls’ obsession is to carry out income-generating activities to prepare for this event. Migrating becomes one of the ideal ways to achieve such a project. We see here two integrated mobiles (tangible and intangible mobiles).

At the socio-cultural level, it is also necessary to identify repulsive factors such as violence against women, violence against children, particularly orphans, street children, so-called witch children, etc., who are forced to leave their communities for other horizons, thus presenting real risks of exposure to trafficking and smuggling.

**Security motivations:** Chronic instabilities linked to conflicting and unsuccessful democratic processes lead to political violence of all kinds. Fleeing repression, some refugees easily find themselves in the traffickers’ nets, which make them promise the possibility of exile to more golden horizons.

**Purely economic motivations:** the inability of States to create opportunities of all kinds for young people, the precariousness of life in rural areas and the low resilience of populations to climate shocks are all reasons that drive people to leave.

C.2. Trafficking and smuggling actors

The actors involved in smuggling and trafficking are diverse and are part of the solution to the problem.

**Employment agencies:** They play an important role in these transactions. The lack of control and regulation of these agencies means that they operate in an informal environment that encourages trafficking and smuggling.

- **Formal employment agencies:** responsible for facilitating the placement of workers on the national labour market, but also abroad, their activities are subject to little control by the competent authorities. They themselves do not have the capacity to follow people placed mainly abroad.

- **Private agencies:** there is a lack of clarity about the role of these private agencies as intermediaries in the placement of workers abroad. It should be noted that the authorities are unable to control them, as legislation on this point is limited. There is also a lack of an accreditation system and an inability of public authorities to ensure upstream that these agencies have the capacity to operate with respect for human rights.

- **Clandestine agencies:** They play an important role in smuggling and trafficking. They recruit, transport and place both internally and internationally.
Returning victims: They acquire skills from their experience and replicate the practice. They generally operate from the rural environment and especially in their localities of origin, presenting themselves as the providential man.

Families: They are often at the origin of the decision to migrate, entrust or place one of their own. For them, it is an investment and a bet on the future. Only the terms of the contract are rarely clear between the trafficker and the trafficked person’s parents, who are rarely informed of the living and working conditions of their children in their destination areas.

Bar, brothel, hotel and taxi and motorcycle taxi drivers: They are key players in recruitment and placement. Networks have been dismantled in Togo built around these types of actors. The method of operation here is also simple: they will look for girls in rural areas with the promise of paid work in the city. Everything seems normal at first, but then they easily switch to exploitation, including sexual exploitation.

D. Perspectives for action

In view of the context and challenges in the fight against trafficking and smuggling of human beings, the responses must be multi-level. They must be political, legislative and programmatic.

At the state level:

- States are therefore called upon to strengthen the existing situation through the adoption, ratification, domestication and, above all, the implementation of agreements, treaties, charters, conventions, etc. aimed at intensifying the fight against the organized crime of trafficking and smuggling.
- States should seek to implement programmes and projects aimed at the prevention and care of victims.
- The fight against trafficking and smuggling suffers from weak national policies and institutions and a lack of awareness of the risks posed by trafficking, child labour, forced labour, smuggling of migrants and irregular migration among certain vulnerable communities. For example, few countries have a national migration management policy.
- It will be necessary to support countries in adopting a migration policy that takes into account international commitments, Community instruments and internal issues and challenges. Particular emphasis should be placed in these policies on the adoption of legislation criminalizing trafficking in persons; the prevention of trafficking and smuggling by setting up mechanisms to inform and raise public awareness of the scourges of trafficking and smuggling; the adoption of measures to protect and assist victims; cooperation between immigration and border control agencies and the collection and sharing of data and information.
- In addition, following the example of Togo, which in 2017 developed, with the support of IOM, an action plan to combat the smuggling of migrants, all countries should be encouraged to develop and effectively implement an action plan to combat trafficking and smuggling of human beings.

At the international level:

- It is a question of domesticking and translating into deeds, the main international treaties, protocols, specific protection measures, UN resolutions to strengthen the fight against trafficking in human beings.

At the community level:

- It is also a question of translating the provisions of the ECOWAS Treaty (1975) and especially those of the ECOWAS Common Approach to Migration (2007) into concrete initiatives. This common approach on migration is a good practice that shows that Member States are aware that migration issues can only be generated within a transnational framework.

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141 The ECOWAS Treaty recognizes the principle of the free movement of persons and their right of residence and establishment.
• The ECOWAS countries must revive the implementation of the Action Plan resulting from this common approach on Migration and Development.

• Especially in the field of human trafficking and smuggling, ECOWAS countries must transform into concrete actions their willingness to fight against any form of organization, in the North and the South, promoting the recruitment, transport and exploitation of irregular migrants, especially women and children.

• In order to monitor and evaluate progress, ECOWAS will need to strengthen the Anti-Trafficking in Persons Unit (TIP Unit) established in 2005 and provide it with the technical, human, material and financial resources necessary for the implementation of the Community action plan to combat trafficking and smuggling.

• Finally, all measures should be taken for the effective implementation of the Regional Strategy to Combat Trafficking in Persons and Smuggling of Migrants 2015-2020, but also for the implementation of the Regional Programme for West Africa (2016-2020), which supports the Economic Community of West African States (ECOWAS) Action Plan to Combat Drug Trafficking, Organized Crime and Drug Abuse in West Africa 2016-2020.

E. Conclusion and recommendations

Trafficking and smuggling in persons in Africa and the ECOWAS region, in particular, constitute serious crimes against individuals, who unfortunately continue to experience and fuel mixed migratory movements on the continent. The diversity of issues, victim profiles, actors and motivations underlying these phenomena requires that the fight against trafficking and smuggling be approached from a systemic perspective and that the care of victims be considered in a holistic approach. Overall, the following recommendations can be made for effective action against trafficking and smuggling, and more generally for more effective management of migration flows:

• Establish knowledge management systems on migration movements, particularly on trafficking and smuggling phenomena;

• Improve legal and institutional frameworks to combat trafficking in human beings and strengthen the repression of perpetrators;

• Improve coordination and international cooperation in the fight against trafficking and smuggling of human beings;

• Establish assistance and care mechanisms to prevent refugees, asylum-seekers, returnees, stateless persons and internally displaced persons from falling into trafficking;

• Take appropriate measures to address the specific needs for protection and reintegration of trafficked persons;

• Ensure that the international protection needs of victims of trafficking (or individuals at risk of being trafficked) arising from their experience as victims of trafficking are recognized and addressed;

• Establish referral mechanisms between key actors (national authorities, IOM, UNHCR, NGOs, etc.) to ensure the protection and assistance of victims of trafficking, taking into account the specific needs of each victim (such as trauma suffered);

• Ensure that the human rights of persons in need of assistance and protection are respected and provide an effective system to direct the individuals concerned to appropriate services, including legal assistance, listening and counselling, specialised medical treatment or any other specific type of assistance.
2.6 ENHANCING THE LEGAL FRAMEWORKS ON TRAFFICKING IN PERSONS AND SMUGGLING OF MIGRANTS: PREVENTING, PROTECTING AND PROMOTING COOPERATION

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A. Introduction

In November 2000, the United Nations Convention against Transnational Organized Crime (UNTOC), adopted by the General Assembly resolution 55/25. The purpose of the UNTOC was to become the primary international legal source in combating transnational organized crime. As a result of the high-level international conference in Palermo, Italy, in December 2000, the UNTOC entered into force on 29 September 2003. Hence, the United Nations Office on Drugs and Crime (UNODC), is the custodian of the Convention and its protocols. Consequently, the Convention gave origin to three protocols to supplement it in addressing different crimes: the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children; the Protocol against the Smuggling of Migrants by Land, Sea and Air; and the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition. Countries must become parties to the Convention itself before they can become parties to any of the protocols.

West Africa faces numerous consistent challenges related to migration due to political instability, poverty, rapid population growth, and climate change. The political unsteadiness in some countries of the region, tied with humanitarian crisis, has pushed many individuals to migrate in order to meet protection needs and improve living conditions. It further faces severe threats to the national and regional stability posed by transnational organized crime, including corruption, terrorism, money laundering. Restrictive policies related to migration, national security, create very feasible and attractive opportunities for smugglers of migrants and human traffickers, taking advantage of the multiple vulnerabilities of migrants.

Nineteen years after its adoption, there are still many countries in West Africa in which legal frameworks are not in line with UNTOC, nor its protocols. Moreover, there is still a large perplexity in West Africa over the terms ‘smuggling of migrants’ vs. ‘trafficking in persons’. Generally, the mixed concepts are related to the core elements of the crimes, as well as the nature and source of profit. In some cases, migrant smuggling is not even perceived as a crime, rather than just a common practice for smugglers over porous borders, including the ones with free movement, such as Economic Community of West African States (ECOWAS). The target of the Convention, however, is to criminalize smugglers and traffickers, and never the migrants themselves, therefore, the need to enhance the legal frameworks to align them with the convention, and most importantly, international human rights standards is imperative.

147 Interviews with national stakeholders from more than five countries in the region, while conducting legal assessment on the legal framework on smuggling of migrants and trafficking in persons.
148 Based on interviews presented previously.
B. **Analysis**

B.1. **West Africa and Smuggling of Migrants**

As in most places where smuggling of migrants occurs, smugglers in West Africa are organized with ‘hubs’ to operate in an unscrupulous way. Yet, the majority of the migrants from West Africa arrange their trip through the ‘backway’ on their own, although non-ECOWAS citizens may result in a potential ‘clientele’ to smugglers to obtain ECOWAS passports to move unreservedly within the region. According to the International Organization for Migration, since the beginning of 2016, more than 330,000 individuals transited through Niger, and most of them were smuggled towards Libya. Hence, this has a direct impact in the Sahel region in which arms and masses of returnees are received from Libya. Niger, for instance, is receiving migrants from around the region who are being expelled from the border with Libya, as well as returnees fleeing insecurity in northern Nigeria. The current condition in Mali has the most perceptible outcomes of these destabilising elements. Nevertheless, its bordering countries have also been directly affected due to the displacement of people internally and regionally, with consequences for regional migration, border management and community stabilisation.

It is important to highlight that some of the migrants travelling to northern are willing to settle in North Africa or the European continent. Instead, some people migrating from tracks intend from the Sahel region, are seasonal migrants, just heading to Libya to harvest and then returning home. The Protocol stipulates provisions related to migrant smuggling not only by land, which is the most common, however, by air and sea as well. Since 2014, intelligence has been gathered related to the new smuggling routes from West African airports heading to Europe. The sophistication of organized criminal groups has reached the level of covering the requirements to travel, such as visas, passports, tickets, etc. The travel dangers across the Sahara Desert are imminent. In most of the cases smuggled migrants are transported across the desert. Although many of these transportation means go to a fast speed to avoid detection, migrants are regularly experiencing shortage of basic supplies. Unfortunately, trafficking in persons is connected with migrant smuggling in West Africa. This situation exposes migrants in vulnerable conditions to be forced to sexual exploitation or forced labour to pay ‘extra fees’ demanded by the perpetrators. In addressing these issues related to migration flows and the protection of vulnerable migrants, it is necessary to understand with clarity the crime and its substantive distinction.

B.2. **Smuggling of Migrants vis-à-vis Human Trafficking in West Africa**

The comparative analysis between the nature of both trafficking in persons and smuggling of migrants is quite extensive. However, this presentation will brief the elements to understand the key differences. For example, migrant smuggling constitutes a serious threat to human security and remains an impediment to economic development and the rule of law. UNODC has collected information in the region related to the modus operandi of smuggling networks and their routes, and they are constantly changing. These sophisticated organized criminal groups operate to the extent of certain professionalization and cross-border links. Their capacity is ample enough to smuggle large groups of migrants, even though those areas that are controlled by rebel groups or groups affiliated with terrorist organisations.

A significant challenge to effectively addressing migrant smuggling in the region is the fact that legal frameworks in many West African countries are not consistent with international instruments related to...
the smuggling of migrants, and or human rights standards. Furthermore, efforts to aim at enhancing the capacities of law enforcement to detect and investigate smuggling networks, need to be reinforced by formal judicial cooperation, such as mutual legal assistance and extradition procedures between countries of origin, transit and destination. These efforts include, strengthening data collection and research, creating regional coordination mechanisms, and enhancing the legal frameworks related to migrant smuggling and trafficking in persons. UNODC assist governments in West Africa in examining the compliance of its national legal framework with the terms of the UNTOC, and the Protocol against the Smuggling of Migrants by Air, Land, and Sea, or the Protocol against Trafficking in persons.

In order to appropriately assess legal frameworks on these two crimes, it is crucial to understand that trafficking in persons and smuggling of migrants are often confused. In fact, they are two different crimes, with different elements that, although they could be interconnected in some occasions, they should be addressed individually with regards to the protection and entitles of trafficking victims and smuggled migrants. For the purposes of this presentation, it will be presented in three categories with the key differences such as purpose of exploitation and the source of profits, transnational, victimisation and consent.

B.3. Purpose of the crime and source of profits.

The purpose of trafficking in persons is the exploitation of the victim(s), while the purpose of migrant smuggling is the facilitation of irregular entry or stay of a person in a country in which he or she is not a national or a permanent resident in order to obtain a financial or other material benefit. The source of profits in migrant smuggling cases is obtaining a financial or other material benefit. This also requires not to criminalise the migrants smuggled, and focus on the vulnerabilities and protect their rights, while also prosecuting effectively in an effort to create a deterrent to prevent further crimes. In trafficking in persons cases, the source of profits is in the majority of cases by the exploitation of victims through sexual exploitation, forced begging, forced labour, removal of organs, or forced marriage.

B.4. Transnationality as an Element of the Crimes

Smuggling of migrants by definition requires always a transnational element in which it involves irregular movement between at least two different countries. In trafficking in persons nonetheless, the transnational element may or may not be present. Often, trafficking cases are domestic.

B.5. Victimization and Consent

For instance, trafficking in persons is always a crime against a person, the victim trafficked. Sometimes, smuggled migrants who considered that they were just being smuggled, might be coerced into situations of exploitation at some point in their movement or deceived before the trip starts. In such case, nature actus Reus and mens rea of smuggling to trafficking could potentially result in both crimes being committed at the same time. Practically speaking, however, these differences can often be blurred, and it may complicate to checkbox all the elements to make clear distinctions between both offences. In migrant smuggling, however, it affects the sovereignty of States over their borders. It is a crime against the State and therefore, it does not recognize smuggled migrants as victims. This situation does not exclude that migrants could be victims of other crimes during their journey. This comparative analysis is crucial to understand that the differences between both conducts can also easily lead to failure to identify victims of human trafficking, which would restrict them from being eligible for assistance, immigration adjustment status, and other protection measures.

It is also important to highlight that migrants are typically ‘willing’ to migrate, it could be for many different factors as indicated before [poverty, displacement, climate change, etc.]. When a migrant asks for the services of the smuggler, enters into an agreement in which voluntarily wishes to be facilitated the entry into another state for a financial or material benefit. Thus, in human trafficking victims, to the UN Protocol to Prevent, Suppres and Punish Trafficking in Persons, consent results irrelevant for victims when threat or use or force, deception, abuse of a position of vulnerability or any other of the means mentioned in the Trafficking in Persons Protocol have been used. For children victims, it is always irrelevant.

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160 Art. 3 Protocol against Smuggling of Migrants by Air, Land, and Sea.
161 This can be related to any form of financial transaction or practices such as sexual favors or transference of property or even performing an activity on behalf of the smugglers.
162 Article 3, Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.
C. Challenges in Enhancing the Legal Frameworks and its implementation.

In addition to the lack of domestication of international obligations, including human rights standards, UNTOC and its protocols, there are several challenges in addressing this issue. The differences between the legal systems from dualistic to monistic, common law and civil law, and sharia law, creates a challenge in aligning international provisions. In such case, States have the responsibility to protect migrants with a holistic approach, including prosecuting the alleged perpetrators. Yet, it results insufficient to only focusing in enhancing the legal frameworks and creating mandates for national stakeholders. There is a need to follow up with different projects targeting also enhancing the capacities to address the issues. An immigration officer fully capable of investigating smuggling of migrants according to the law, requires training in identifying the distinctive elements, in gathering information and in processing a case. Often, intelligence obtained in the region related to these organized criminal groups is good, but is not proceeding, analysed or disseminated to plan or direct the plans of action. The outcome of this is having a great law without the capacity to operate. Therefore, it is not enough harmonising regional and national legal frameworks with the Protocols, it is imperative to focus on the perpetrators who prey on people in vulnerable conditions and taking advantage of their situation.

D. Recommendations

It is imperative that a rigorous, step-by-step approach to assessing the legal frameworks, and assisting West African countries to align them with international human rights standards and conventions. Nonetheless, actions directed to sensitize local governments in protecting migrants’ results even more relevant. Sometimes, the intentions to address the issues are present by the national stakeholders, but it becomes complicated to understand even the differences between the two crimes as explained before. In addition, the terms ‘national security’ and ‘public safety’ are often confused. The differences are key to understand how to address different threats, in which the majority of the cases, results in not protecting migrants or criminalising them under the ‘national security’ issue, which in most cases derives in the discretion of the authorities how to deal with migrants. This frequently results in human rights violations.

Once states domesticate international obligations related to human rights, protection of migrants, migrant smuggling and human trafficking, it is important to have a holistic methodology in providing training to law enforcement with a human rights approach. These last recommendations can be uplifted by reinforcing the United Nations inter-agency cooperation in simultaneously implementing projects according to their mandate. This, in all senses, makes a world safer from drugs, organized crime and terrorism with human rights emphasis.
Traditional migration policies tend to focus on borders, without taking into account the challenges faced by areas affected by migration. The current outsourcing of borders poses new challenges for countries in North Africa and sub-Saharan Africa. With the articles on Sudan and the migration partnership signed with the European Union (EU) (see Ahmed Mohamed, A.) and the example of Mali (see Dicko, B. E.), researchers highlight the difficult balances that African states must find in their migration policies. The analyses highlight, in particular, the European Union’s efforts to ensure that its borders are not reached by those who move, pushing African states to adopt a security approach to migration. These studies also highlight the need for African States to support their nationals in vulnerable situations outside their borders.

These traditional approaches to migration management take the risk of dissociating policies from the situations faced by migrants on the ground and from the concrete assessment of the impacts of migration in countries of origin as well as the effects of sectoral policies on migration. The example of Burkina Faso (see Sangli, G.) sheds light on the need for migration policies that adopt an intersectoral vision and take into account migration trends. Decision-makers in West African countries in consultation with local actors must ensure the integration of migration into development strategies. These reflections must be carried out jointly with all stakeholders, giving an important place to local authorities and to specific migration dynamics in cities. Cities, the main destinations for all migrants, are often neglected. They must be better integrated into a new approach to the governance of mixed migration. (see Landau, L.)

The prospects for mixed migration governance that is better adapted to the needs of migrants in vulnerable situations require a better definition of what this means and mechanisms for action in an approach to protect the human rights of migrants. (see Zohry, A.) Various actors must interact including States, international organizations, civil society at the local and international level for effective management of mixed migration. The article on coordination mechanisms to improve the coherence of policies for governance and management of mixed migratory flows (see Obiezu, E. X.) highlights the existence of many tools, but also the risk of overlap to ensure adequate coordination between all actors.

Figure 26: Table of hypertext links for articles related to theme 3

| 3.1 | Interactions between public policies, migration and development | Dr Gabriel Sangli |
| 3.2 | Migration research and policy formulation. The case of Mali | Dr Bréma Ely Dicko |
| 3.3 | Governing Multiple Mobilities in Cities of the South | Pr. Loren Landau |
| 3.4 | “Freedom, Peace and Justice,” Chanted in Sudan: Europe’s Sudan Migration Partnership in the Context of the December 2018 Ongoing Revolution | Dr Amira Ahmed Mohamed |
| 3.5 | Mixed migration and emerging coordination challenges | Dr Emeka Xris Obiezu |
| 3.6 | The future of mixed migration in North Africa: What’s missing and what can be done? | Dr Ayman Zohry |
3.1 INTERACTIONS BETWEEN PUBLIC POLICIES, MIGRATION AND DEVELOPMENT

Dr Sangli G., Burkina Faso/Superior Institute of Population Sciences

A. Introduction

Through migration theory, the objective is twofold. On the one hand, it seeks to explain why people migrate. In other words, it aims to understand the causes of mobility. On the other hand, it is important to look at the effects of migration. In this way, it demonstrates the extent to which migration achieves its objectives. Reflecting on migration outside this framework makes it difficult to have a global understanding. However, the approach must be systemic and therefore global because of the interactions between factors, context and developments.

Based on the analysis by demography and migration, an examination is made of the challenges related to migration in general and its singular forms in order to guide decision-making that takes migration into account in most public development policies in Burkina Faso.

B. Context

This analysis is based on the results of a study carried out in 2014 by the Higher Institute of Population Sciences (ISSP) with the support of the Organisation for Economic Co-operation and Development (OECD). The objective of the study is to provide decision-makers with evidence on the impact of migration on specific sectors and, conversely, to show the impact of sectoral policies on migration. To do this, four dimensions of the migration cycle are addressed: emigration, remittances, return migration and immigration.

The results of empirical research confirm that migration contributes to Burkina Faso’s development. However, the potential of migration is not fully exploited in the country. Indeed, despite the progress achieved through the national migration strategy adopted in 2017, policymakers are not taking migration sufficiently into account in their respective policy areas. Burkina Faso must therefore adopt a more coherent programme of action to integrate migration into development strategies, improve coordination mechanisms and strengthen international cooperation. This will increase the contribution of migration to the country’s development.

Burkina Faso’s migration profile changes over time. Countries of emigration, transit and immigration in some cases, recent phenomena have made migration and mobility more complex and more pronounced. As a result of climate change, agro-climatic conditions are unfavourable due to reduced rainfall and reduced agricultural production. This situation makes it even more precarious for already vulnerable local populations who are looking for other resources. Since the early 2000s, gold mining has been developing and intensifying, leading to migratory movements. Between 2008 and 2009, this sector became Burkina Faso’s first export product, replacing cotton.

Violent extremism in Mali eventually reached Burkina Faso in 2016, following a major political crisis in 2014. This insecurity then spread and settled more or less permanently in the north and east of the country, pushing the population out of their homes to find refuge elsewhere. In these mobilities, Malian populations in refugee camps, internally displaced Burkinabe, internal migrants and other countries (Côte d’Ivoire, Ghana, Benin) coming to Burkina Faso or simply transiting cross paths in their displacement, use the same roads and settle in the same places.

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165 The specific sectors identified by the study are: labour market, agriculture, education and investment and financial services.
C. Analysis

The examination of migration has shown that the factors of influence are very varied from the intention to migrate to decision-making, to the successful or unfortunate outcome of migration. The initial migration project is not always carried out as planned or desired. It is often adjusted according to the hazards and the actors who will lead it. This complexity of mobility situations does not allow a clear understanding of who is or should be a migrant and who is or should be a refugee. This confusion is reflected in actions to assist specific groups not always perceived as a priority by States or by persons in need of assistance. All this must be put into perspective since, for States, the ideal is to annihilate irregular migration and its negative effects and to secure regular migration through the protection of the migrant. The reality is not that simple.

Based on the results of the above-mentioned study conducted by the OECD and ISSP, the work sought to answer the following questions: how migration, in its multiple dimensions, affects various key development sectors, including the labour market, agriculture, education, and investment and financial services? How public policies in these sectors strengthen, or weaken, the development impact of migration?

Figure 27: Presentation table of the results of the OECD and ISSP study

<table>
<thead>
<tr>
<th>Impact of migration on development</th>
<th>Sectoral policies on migration</th>
</tr>
</thead>
</table>
| • Immigrants contribute to the labour market; | Labour market policies and migration:
| • Return migration contributes to the diversification of rural sector activities; | • National employment agencies can reduce the incentives to migrate;
| • Remittances are used for educational purposes; | • Vocational training programmes are positively associated with emigration projects. |
| • Remittances also stimulate investment, but only in urban areas. | Agricultural policies and migration: agricultural subsidies tend to increase emigration projects, but also return migration; |
| | Education policies and migration: education programmes are linked to intentions to migrate and remittances; |
| | Investment and financial services policies and migration:
| • Migration contributes to the development of both origin and host countries; | • Access to the formal financial sector can stimulate remittances;
| • Policy makers do not sufficiently take into account the potential implications of other areas of public action; | • Migrant households are less likely to have participated in financial education programs. |
| • The potential of migration is not yet fully exploited; | Sectoral policies have an impact on several migration outcomes, but the overall impact remains limited. |

D. Perspectives for action

The prospects for action cannot be considered without revisiting research on migration and its impact on public policy directions. Research is used to identify, measure and document migration and related concerns. It thus makes it possible to provide referential with regard to the situation before and after any action according to a defined time scale.

The analysis of the data then provides a better understanding of the situation which is translated into recommendations for action. Monitoring and evaluation ensure the effectiveness of the implementation of an intervention for which mid-term and/or impact research will make it possible to assess the effects at judiciously determined time scales.

The results of the research and recommendations are used by the public authorities so that the decisions taken can be justified.
Regular meetings of actors working in the field of migration, including migrants themselves, provide a framework for dialogue, the results of which can only be beneficial. It is not about offering activities, but about ensuring that the results of interventions are effective and have a real impact on the control of forms of migration and the harm to be avoided. It appears that the protection of the migrant (physical and psychosocial integrity) as well as his or her life and integration project are taken into account.

Three major components should be remembered:

• Better integrate migration into development strategies;
• Improve coordination mechanisms;
• Strengthening international cooperation.

The above is based on the capitalization of various and multifaceted actions that contribute to the implementation of the recent National Migration Strategy (SNMig) in Burkina Faso. Indeed, the SNMig requires massive support due to the diversity of demands (migratory and migrant facts), the actors involved in the sector and according to their mode of action, both in urban and rural areas.

E. Conclusion and recommendations

To conclude by repeating the conclusions of the above-mentioned study, it can be said that:

• Migration can have both positive and negative economic and social effects on households and, more generally, on the whole country.
• Policies have a major influence on emigration, but the nature of this effect varies according to the policy concerned.

The recommendations address the areas as follows:

**Integrating migration and development into labour market policies**

• Broaden the range of activities of employment agencies. To achieve this objective, it will be essential to establish closer links between employment agencies and the private sector within and outside the countries of departure.
• Refine vocational training programmes to better target demand and improve its adequacy with supply.
• Mapping labour shortages and strengthening coordination mechanisms with the private sector.
• Address training programmes to returning migrants to help them reintegrate into the labour market.

**Benefiting from migration for agricultural development**

• Ensure that agricultural households can replace the labour force lost due to emigration by providing better coverage of rural areas by labour market institutions.
• Facilitate the orientation of remittances towards productive investment by ensuring that rural areas have accessible remittance companies, providing households with sufficient training in financial skills and investment and developing infrastructure that makes investment in rural areas attractive.
• Subordinate agricultural subsidies, instead of paying them in advance, to immigrants and returning migrants, as they would allow more investment to be directed towards promising sectors.

**Strengthening the links between migration and investment in education**

• Invest in educational infrastructure to meet the demand for education services from incoming remittances.
• Develop specific programmes to help keep young people in school in regions with high emigration rates, especially girls in households with an emigrant.

**Strengthening the links between migration, investment, financial services and development**

• Facilitate business operations by, for example, offering business management courses and providing access to credit for start-ups to encourage investment of remittances.
• Expand the supply of financial services, particularly in rural areas, by increasing competition between service providers and adapting the regulatory framework.
• Invest in financial training programmes, in particular for the benefit of returning migrants and households with an emigrant.
3.2 MIGRATION RESEARCH AND POLICY FORMULATION.
THE CASE OF MALI

Dr. Bréma Ely Dicko, Mali/specialization Migration and inter-ethnic relations, University of Bamako

A. Introduction

The 21st century is the era of migration governance based on bilateral and multilateral agreements. As shown by the signature by many countries of the Global Compact on Migration in Marrakech in December 2018, migration governance is intended to be an issue that is addressed in a comprehensive manner.

The governance of African migration has become a fundamental issue for both European and African states. Migration management is characterized by a power asymmetry between the European Union (EU), which negotiates en bloc with individual African states166. EU development aid policies are now linked to migration management and migration control policies 167.

In West Africa, migration within the ECOWAS region accounts for more than 80% of flows from member countries. These movements were made possible in part by the 1979 Protocol on the Free Movement of Persons and their Goods. In most West African States, migration involves all social categories (children, youth, the elderly, women, men, Muslims, Christians, rural people and urban dwellers).

Mali is now a country of departure, but also a transit country for those coming from West Africa and wishing to join Algeria or Libya. This article addresses the mixed migration of Malians through political governance. The text examines the context of this migration, then analyses its challenges and issues. Finally, the good practices observed in Mali will be discussed, as well as common perspectives for action. The article suggests, on the one hand, greater multilateral cooperation within and between regional and international institutions. On the other hand, legal opportunities for migration within ECOWAS must be facilitated.

B. Context

The analysis is based on research conducted over the past fifteen years in Mali and West Africa. From these results, it is clear that migration governance must take into account interactions and dynamics at different levels: international, regional, national and local.

Migration management logics are sometimes different between these different levels. For example, European states focus on combating irregular migration without a real promotion of legal migration. In the light of the aforementioned Global Pact for Migration, migration management is proposed on a global approach in a safe, legal and orderly manner.

C. Analysis

C.1. Malian migration and policy responses

Mali’s migratory traditions are ancient. Malian migrants are estimated at nearly 5 million people168, or ¼ of the population of Mali. Malian migration is protean, complex and affects all the country’s ethnic groups.

The determinants of Malian migration are multiple. There are eight main factors that determine mixed migration from Mali: economic, cultural, socio-demographic, political, symbolic, educational, and climatic and health determinants. (Economic, cultural, climatic, educational, etc.). The routes followed by Malians are very different (cross-border, intra-African and international). The profiles show that all ages are affected by mobility and both sexes (adolescents, young and old; single/married). The length of stay may vary (circular

167 The European Union has adopted various measures and guidelines in this direction, such as MEDA I and II, the Valletta Summit 2015 and the EU-Turkey Agreement 2016.
168 These are the same figures that the Ministry of Malians Abroad has been providing for the past ten years.
and/or settlement migration). The main challenges that emerge from the analyses are the protection of the social rights of migrants, unaccompanied minors; the promotion of legal migration and the fight against irregular migration and trafficking in human beings.169

The Malian State is aware of the challenges facing its nationals. It attaches importance to its nationals living abroad by setting up various institutional structures such as the creation of a specific ministry for Malians living abroad and by adopting a National Migration Policy (PONAM) in September 2014. The Malian State has also supported the creation of the High Council of Malians Abroad (HCME).170

At the regional level, Mali applies the agreements signed within the framework of ECOWAS and UEMOA on the free movement of persons, the right of residence and establishment. All nationals of the Member States of these communities can effectively enter and settle in Mali in accordance with the conventions signed and ratified.

In its migration management policy, Mali has also sought to better organize departures in a legal, safe and orderly approach to migration. In October 2008, Mali launched the Migration Information and Management Centre (CIGEM) with its technical and financial partners. This structure contributes to this dynamic of combating irregular migration by supporting legal migration channels. This centre was funded by the European Union to the tune of €10 million without the results being achieved.

Despite the development of alternatives for legal migration, departures through irregular channels continue to Italy and Spain. On the other hand, the intensification of awareness-raising campaigns and the strengthening of FRONTEX are measures aimed at ensuring the sovereignty of mainly European host countries. However, this is not enough to stem these mixed migratory flows. North African countries are increasingly becoming countries where migrants settle temporarily or even permanently. In these successful or failed migratory journeys, migrants often have to bear the brunt of suffering, violence and exploitation. These vulnerable situations do not prevent them from continuing to dream of Europe.

C.2. The challenges of mixed migration in Africa

Mixed migration poses enormous cultural, political, legislative, technical and logistical challenges).

- **The challenge of reversing the migratory imagination**: On a cultural level, migration is associated with a positive image. It is perceived as an initiation rite. Moreover, the migratory imagination is conditioned by the media as well as the migrants themselves who maintain the dream that migration offers resources, particularly financial resources, to support the needs of the family left behind. This contributes to a slight increase in the desire to leave despite the real difficulties faced by migrants. Finally, a strong symbolic dimension is attached to migration, modern goods (TV screens, telephone) and built villas are means of social distinction.

- **The challenge of popularizing and applying the texts**: In view of the scale of migration movements and the importance of the diaspora, the Republic of Mali has signed and ratified international conventions, treaties and agreements in the context of migration management. However, it should be noted that there is a lack of knowledge and a low level of implementation of ECOWAS and UEMOA texts. On the other hand, the difficulties linked to border crossing (harassment), the lack of knowledge of regulatory and legislative texts, the poor application of texts relating to the protection of unaccompanied minors, the lack of means and resources to combat trafficking in human beings, the lack of social protection are all areas of concern for African States for better management of mixed migration.

- **The technical and logistical challenge**: Mali is surrounded by 7,000 km of borders. These borders are porous and difficult to control in the north. Cross-border communities and daily unofficial crossings are all elements that put border management to the test. Mali has a border management policy. Despite the operational development at the borders, it is not yet easy to know the mixed migratory flows facing Mali.


170 It is a non-profit association with offices in 162 countries.

171 IOM and Japan have been able to develop and support Mali in the implementation of its border management policy. The implementation of the MIDAS system, the rehabilitation and even the construction and equipment of border crossings have made it possible to control daily flows.
• **The challenge of valuing the contributions of migrants**: Financial remittances from Malian migrants represent about 11% of the country’s GDP and amounted, according to the advisor to the Minister of Malians Abroad, to CFAF 532 billion in 2018. For this reason, Mali values legal migration and seeks to value the contribution of its diaspora to the country’s development. The Kayes region is emblematic in terms of migrant investment. Health centres, irrigated areas, rural roads, mosques and schools are all migrants’ contributions to local development. However, praise of migration should not hide the low level of productive investment by migrants, most of which is earmarked for consumption.

**D. Perspectives for action**

Migration is a phenomenon that mobilizes all actors at all levels: States of origin, transit and settlement, international institutions, decentralized authorities, NGOs, associations, the media, relatives of migrants as well as migrants themselves, etc.

**D.1. The establishment of dedicated structures and mechanisms for the care of migrants**

Our research has identified various good practices and prospects for improvement that allow us to better address the challenges associated with mixed migration. First, at the political level, since the 1992 National Waiting Conference, Mali has paid greater attention to migration. This commitment has been demonstrated by the establishment of structures dedicated to migrants, the most important of which are the Ministry of Malians Abroad and the General Delegation of Malians Abroad. In terms of legislation and regulations, Mali adopted Act No. 2012-023 of 12 July 2012 on combating trafficking in persons, smuggling of migrants and similar practices. In addition, since September 2014, the country has had a National Migration Policy (PONAM)\(^\text{172}\).

With regard to the role played by migrants themselves, it is important to highlight the existence of the High Council for Malians Abroad (HCME) and the High Council for the Malian Diaspora (CSDM), which has its offices in the main countries where Malian migrants settle. These two associative structures are important interfaces between migrants, States of settlement and the Government of Mali. They are the ones who are working to help migrants in difficult situations along the migration routes as well as in the countries of settlement. The two ridges also play an advocacy role with those who have the right to protect and secure Malian migrants where they are located.

**D.2. The key role of the media in information and awareness-raising**

In addition, in terms of good practices, the role of the media should be highlighted. In Mali, in recent decades, we have seen a growing interest from private radio stations and newspapers in migration, especially irregular migration. Indeed, in addition to newspaper articles describing border harassment and disastrous conditions on the roads of the Sahara, we have observed the implementation of weekly broadcasts dedicated to migrants. During the broadcasts, migrants living in African countries and/or elsewhere give news and describe their living conditions.

In short, the various initiatives of the Malian State, its migrants and awareness-raising projects such as the “Migrant Project”\(^\text{173}\) contribute to taking into account the challenges related to mixed migration in Africa.

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\(^{172}\) The National Migration Policy is structured around 8 axes: Protection and security of migrants and members of their families; The Government of the Republic of Mali the establishment of appropriate management mechanisms and mechanisms to Better organize migration; Support for the better reintegration of returning migrants; Enhancing the human, economic and financial capital of migrants; Strengthening the capacities of migrant and civil society organizations; Mali’s strategic positioning as a West African crossroads for dialogue and consultation on migration; Improving knowledge on migration; Rehabilitation of conditions for the stay and settlement of foreigners in Mali.

\(^{173}\) In 2018, the “Migrant Project” targeting the District of Bamako as well as the cities of Gao and Ménaka launched the following activities: 1. information and awareness-raising campaign on irregular migration and its legal alternatives in the West African sub-region (word-of-mouth advisors travelled to the neighbourhoods to discuss one-to-one with young candidates for migration; community events with the participation of religious leaders, associations and relatives of migrants); 2. a telephone helpline enabled the project team to reach a wide audience in French, English and, above all, in various national languages of Mali; 3. the last important element of this campaign concerns the explanation to young candidates of the legal opportunities for migration in the sub-region and the existence of texts governing the conditions of entry and residence.
E. Conclusion and recommendations

In a context marked by the rise of terrorist acts and poverty, Mali must deal with migration. For many people, migration is an alternative to the difficulties encountered and involves all relatives of migrants. Migration remains a safety valve for the relatives of migrants. The latter are not very involved in making decisions that affect them.

Moreover, at the global level, policy makers are focusing on combating irregular migration without offering real legal opportunities for migration in both countries of origin and the African continent. However, without economic opportunities, young people will risk their lives to return to Europe in search of a better life...

In order to make migration a lever for development, it is important to:

• Translate texts (conventions, treaties, policies, etc.) into local languages and disseminate them in the form of sketches, radio and television programmes;
• To place migrants’ organizations at the heart of decision-making concerning them;
• To set up a functional coordination framework between all actors involved in the management of porous borders;
• To strengthen the technical skills of agents (police, customs officers, gendarmes) at the borders;
• To support the national media (radio, TV) which have initiated programmes dedicated to migrants;
• Involve the relatives of migrants in raising awareness about the dangers of irregular migration;
• To have a sustained attention for returning migrants (expelled, returned, repatriated, repatriated, returned voluntarily).
3.3 GOVERNING MULTIPLE MOBILITIES IN CITIES OF THE SOUTH

Pr. Landau L., South Africa/University of the Witwatersrand

A. Introduction

Diverse mobilities converge in and shape cities. According to the 2018 World Migration Report, nearly all migrants, whether international or internal, are destined for cities. Within urban centres, rapidly expanding, diversifying and mobile urban populations now interact with each other in ways largely unstructured by state regulations or hegemonic social norms. Neighbourhoods that barely existed a decade ago now house thousands of people. Other spaces have been fundamentally transformed as refugees, newly urbanised citizens, and international migrants converge. It is often ‘secondary cities’ that are growing most rapidly. The results are ways of life that often deviate from the models of solidarity, integration and development envisioned by activists and policymakers. These modes often rely on continued mobility, invisibility, and translocality.

If they have responded at all, African local governments have typically done so with indifference or hostility. They are often limited by highly centralised financial and political authorities and a limited understanding of mobility dynamics. Advocates are similarly constrained by a focus on formal regulations, migration policies, and normative presumptions about preferred outcomes. For cities to realise their potential for profit and protection, there is need to recalibrate local governance and activist engagement. This means greater awareness of diverse trajectories and interests and the places in which these intersect. Improving the local governance of migration also means incentivising progressive responses while recognizing the limits of formal migration policy and interventions often designed for populations seeking local recognition and futures.

B. Context

Cities around the world have become destinations, transit hubs, or places of departure for migration. Migrant trajectories vary as do the cities in which they encounter each other; host populations, and formal and informal institutions. What emerges in these spaces will shape our global futures. Successfully managing them is also critical to the successful implementation of the Global Compact for Migration. Indeed, somewhere in the last century the world entered the ‘urban age’. Over the next decade, Africa too will cross the ‘tipping point’ in which the majority of its population is urban. In many countries this has already occurred. Even if, as Potts (2011) suggests, the relative weight of cities is overblown, their populations are growing. Most of this growth result of people living longer and the somewhat surprising persistence of high fertility rates. Some is an artefact of reclassification: people being labelled as urban even though they have never moved. By some estimates, only about one quarter of urban growth is due to migration. Most of this is due to movements of people within national borders.

While multiple vectors are behind cities growth, drilling down below the city level reveals particular dynamics. Here we see neighbourhoods and spaces filled with significant numbers of new arrivals. In most of these sites, new arrivals are from elsewhere in the country. Sometimes they come from the same village or region. Often, they are from multiple places. Sometimes they are refugees or displaced persons. Sometimes they hope simply to pass through. Regardless of their domestic or international origins, they typically cross significant linguistic, political, or cultural divides en route to their present location. The sites they create churn with people moving in and out; people moving through; some people staying. I call these ‘urban estuaries’ as a way of capturing these multiple movements and distinctive social ecosystems they produce. It is these sites that are the subject of my presentation.

One of the changes such rapid urbanisation has instigated is the partial rescaling of formal politics. Migration and immigration were once issues nested almost completely in national planning commissions and bodies.
Advocacy efforts, agreements, and management of people’s movements were largely embedded in agencies well removed from local politics. While such bodies often retain formal control over migration, cities are increasingly part of the conversation. In some instances, they protest overtly xenophobic or racist national policies. Sometimes municipalities call for greater restrictions. Either way, they must cope with the people on their doorsteps.

Through Habitat III and its Sustainable Development Goals, the UN has also come to the party. In Sustainable Development Goal 11, it calls to ‘make cities inclusive, safe, resilient and sustainable’. This specific reference to cities—and elsewhere to ‘sustainable communities’, is an important element of rescaling. It also seemingly complements HABITAT’s long-term call for ‘Cities without Slums.’ These and other initiatives complement a common refrain one hears from activists that everyone regardless of age, gender, sexual orientation, ethnicity, profession, or class has, ‘A Right to the City’.

Few people object in principle to such calls. Inclusive and sustainable cities for migrants seems to bask in the glow of progressive politics. Yet taking them forward demands what some of these terms actually mean and how they may work both for and against the people that concern us. In this regard, we need a more nuanced understanding of how cities work and what migrants are trying to achieve.

C. Analysis

Three characteristics warrant attention in considering the relationship between mobility and African socioeconomic and political formations. First, unlike the urbanisation of previous generations, current population growth in African cities is not driven or accompanied by rapidly expanding labour demands. Despite remarkable growth rates over the past decade—at least when economic growth measured in terms of GDP per capita—has not typically translated into widespread employment opportunities. While high levels of informal and petty trade have long characterised African cities, we are beginning to see large metropolises—or at least large sections of them—where there are only slim prospects of formal or even regular wage earning. This means people must often remain mobile or diversify the location of their families in order to survive and keep open possibilities for advancement.

Second, urbanisation is dramatically uneven. Even within sub-Saharan Africa, there is not one story. Eastern Africa was only 21 percent urbanised in 2008. Central and Western Africa were 42 percent urbanised, Southern Africa 46 percent. We often focus on the continent’s economic capitals such as Accra, Nairobi, Johannesburg, or even Duala. However, the most rapid growth is happening in secondary cities, small towns, and cities on the urban periphery. This is especially the case when we look at migration-related growth. For many years, for example, Kenya’s fastest growing settlement was not Nairobi itself, but Ongata Rongai, a small trading post located just beyond the edge of Nairobi’s administrative borders. Similarly, Johannesburg has grown more slowly than Ekureleni, it’s more affordable if less prosperous neighbour to the east. Theodore Trefon speaks about ‘the suburbs of the suburbs’ in Congo, spaces that just a few years ago had the outward appearance of villages or other rural settings. Such peri-urban growth is not only the consequence of new arrivals to the city, but also the consequence of people moving out of the city centres. In some instances, these are the countries’ elite, well connected, or upwardly mobile who are evacuating inner-city neighbourhoods in favour of the space and security that new peri-urban estates and gated communities provide. As such, there can be no single story or single pattern of intervention.

This discussion about the location of urbanisation leads to a final point regarding the intersection of urbanisation and formal institutions. According to Kironde, 70 percent of Dar es Salaam's urban residents were living outside of formally planned areas by 1979. This was due in part to the severe anti-urban bias of the government that wished to discourage urbanisation and avoid legitimise that which had already occurred. However, de facto urban spaces have outpaced planning and regulatory initiatives almost everywhere. Such initiatives have done little to slow urban expansion in terms of population or geography—the type of expansion that further evokes the Malthusian dystopianism conjured by the prospect of an ever-expanding pool of the urban unemployed. To be sure, the most rapid urban transformations often occur in spaces where centralised states are either absent, frustrate local residents’ economic and social projects, or are overtly hostile to the poor and newly urbanised. Migrants often negotiate lives that are only weakly structured by state policies. Documentation and migration policy are often poor predictors of substantive outcomes.

For a significant number of domestic migrants and a smaller number of international ones, urban spaces serve more as stations in ongoing journeys than as final destinations. For many, the primary goal is to extract urban resources to subsidise the ‘real’ life they live or imagine elsewhere. Indeed, in many instances spouses and children remain elsewhere while single men and women earn money in the cities to sustain them. Although new arrivals may establish second urban families, ethnic and political ties elsewhere may prevent full social integration into the communities where they reside. Intentions to retire in the countryside or move elsewhere further limit their financial and emotional investments. When migrants arrive seeking protection from conflict and persecution, they often return home or move on when conditions allow. This ongoing orientation to multiple peoples and places help generates a kind of permanent temporariness in which they actively resist incorporation. Given the insecurity of land tenure, the possibility of violence as well as ongoing economic deprivation, migrants often maintain feet in multiple sites without firmly rooting themselves in any one.

What we see in these environments are populations living beyond strong central authorities. It is also unlikely that people will achieve—should they want—a strong, territorially bound set of allegiances that could entrench and embed state institutions. Although Africa’s colonial and postcolonial cities have been one geographic site where state powers are most evident, they are rarely able to or are interested in enforcing strong regulations in systematic ways across an urban space. Moreover, with only a limited capacity to provide services such as education, health, and security, the state offers little incentive to residents of engagement. Harassment by politicians or the police only bolsters such reticence. Even in South Africa, arguably the continent’s ‘strongest’ state, these processes are negotiated on the ground through the panoply of rationality and calculations, sometimes involving laws and state actors but not always in predictable ways. As a result, invisibility and informality are often the best ways for migrants and others to pursue their personal and collective projects.

**D. Conclusion and Recommendations**

**Incentivising inclusion:** Although migrant advocates often speak in a language of rights and responsibilities, governing mobility is fundamentally a political project. Those responding must balance inclusive ideals with the ‘realpolitik’ of governing: a reactionary voter backlash or the withdrawal of national funding can end a political career and affect the city’s ability to provide services to all urban residents. While well meaning,

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the New Urban Agenda’s (NUA) call for cities where ‘no one is left behind […] including refugees and internally displaced persons and migrants, regardless of their migration status’ (UN-Habitat, 2016, 4–5) ignores this messy political world. Exclusion is often the result of institutional incentives that produce marginalisation. Ironically, the political empowerment of long-time marginalised residents can lead to greater exclusion for those new to cities or looking to come to them. Elected officials respond to the most vocal of their constituents. Apart from cities like New York, London and Boston where there are long-standing and politically powerful migrant voices, these constituents almost never include refugees or migrants. In ethnically fragmented and economically unequal cities of the South, international and domestic migrants are often passively or actively excluded. Where elections are tightly contested, scapegoating outsiders often pave politicians’ paths to victory. The key to successful responses to migration means identifying and promoting formal and informal leaders’ incentives.

The following broad principles can help officials and advocates as they seek to navigate the politics of improving urban mobility governance. This may not be the detailed blueprint that some seek, but a one-size-fits-all approach is unlikely to be effective in diverse contexts and may well be counterproductive in many.

**Stealth engagement:** Humanitarians, migration advocates, and donors tend to create parallel or directed programmes advertising their presence and promoting the interests of specific categorical groups. This may meet some needs, but it ultimately limits migrants’ freedom by forcing visibility and potentially breeding political hostility and division. Moreover, it often frames policy issues in terms of migration rather than mainstreaming across multiple sectors. Quiet, stealthy, and intersectional actions allow persons to remain invisible while putting local authorities at the centre of service delivery and accountability.

**Meaningful data and local literacy:** International organisations often promote international norms and best practices borrowed from elsewhere. These may be important guides, but migration is a highly political and spatial process that needs to be modulated with a nuanced understanding of the local political context. Scholars and agencies have developed strategies for learning about urban migrants through needs assessments and other forms of profiling. These initiatives must now be complemented by the gathering and analysis of information about host populations who are often as vulnerable as refugees and share similar interests but have different rights and political agendas.

**Beyond ‘people’, we need a better understanding of ‘place’:** this means a more robust understanding of existing governance structures which include elected, appointed and bureaucratic officials along with the other actors who regulate urban space and resources. While this may not be possible during an emergency phase, it should begin immediately and shape interventions and action thereafter. Such an approach enables migrant advocates to build on local initiatives and reduces the risk of working against local interests and institutions.

**Pragmatic protection and the potential for benign neglect:** Legal tools and the language of rights are important, but the interests of migrants, refugees, and hosts in urban spaces should be accomplished through multiple, often pragmatic strategies that may mean compromising global technical humanitarian or development standards. The minimum standards for humanitarian response set out by the Sphere project, for example, outline service delivery targets that often exceed those available to many urban residents. Rather, interventions must search for existing points of access and build on ongoing initiatives and developmental priorities. These include the priorities of migrants whose long-term interests may be elsewhere.

**Strengthening partnerships:** There are regular calls for coordinated humanitarian action and melding relief and development initiatives. This is a common refrain in all discussions of migration. These are unrealistic fantasies in complex and politicised urban sites. Rather we should be looking to build common interests at multiple levels: between refugees and hosts; between aid agencies and urban planners; and with multiple levels of government, both formal and informal.
3.4 “FREEDOM, PEACE AND JUSTICE,187” CHANTED IN SUDAN: EUROPE’S SUDAN MIGRATION PARTNERSHIP IN THE CONTEXT OF THE DECEMBER 2018 ONGOING REVOLUTION

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A. Introduction

Since December 2018, Sudan has been witnessing massive waves of street protests which culminated into a civil rights revolution across the country. On 11 April 2019, al-Bashir who was the president of the country for three decades, was removed from power and the Military took over. A Transitional Military Council (TMC) was formed under the leadership of General Ibn-Auf, the former minister of Defence, but Ibn-Auf soon announced his resignation and was replaced by new commanders; notably ‘Abdel Fattah al-Burhan’ as a president of the Council and ‘Mohamed Hamdan Daglo’ as his deputy. TMC recognized the Forces of Freedom and Change (FFC) as a representative to the civilian protesters and their demands; an agreement to hand over power to FFC is being underway.

Within this revolutionary climate, protesters and activists looked critically at Sudan-Europe Migration Partnership, known as ‘Khartoum Process’. For most, the allocated EU’s migration management financial and technical support which meant to protect Sudan’s borders reckoned to be diverted into the purchase of military equipment to the Rapid Support Forces (RSF) whose leader is the deputy of the TMC ‘Hamdan Daglo’. The RSF, formerly the ‘Janjaweed’188 militias, committed grave atrocities against civilians first in Darfur and later in Khartoum—notably on the 3rd of June during the forcible evacuation of the protesters’ sit-in in the vicinity of the Military Headquarters in Khartoum.

This aim of this paper is to shed light on the recent Sudan-Europe migration partnership. The first half of the paper provides an overview of Sudanese outmigration patterns with a focus on Europe; while the second half assesses the EU-Sudan migration management agreements and coordination mechanisms.

B. Context

Over the past 25 years, beginning as a major receiving and transit country for refugees and asylum seekers mainly from neighbouring African countries, Sudan has become one of the top countries of origin for international migration from the Arab world189. Furthermore, as indicated in Figure 1, Sudan was among the top 10 origin countries for irregular migrants seeking to cross the Mediterranean to Italy in 2015. Sudanese migrants were also among the top 10 nationalities of origin for boat arrivals detected in Italy in 2014190.

Figure 28: Top sending countries of irregular migrants to Italy by sea—January—October 2015

187 The main slogan chanted by protesters during the continues peaceful demonstrations since December 2018 until now.
188 In 2013, Khartoum re-hatted some of the Darfur Arab militias generally known by the nickname of Janjaweed, which led most of the counter-insurgency campaign that devastated the region and displaced some three million civilians, into a new paramilitary force, the RSF. The new force is better equipped, better funded, and deployed not only in Darfur, but all over Sudan. Since 2016 it has been directly under presidential control, in the hope it would be better controlled and more loyal than the former Janjaweed. It is led by Mohamed Hamdan Daglo, aka ‘Hemmeti’, who was granted a highest military tank as a general, despite the fact that he is not educated and never attended military school. Source: www.clingendael.org/pub/2018/ multilateral-damage/
In the Sudanese popular culture, migration is a prominent issue and an aspiration especially for young people. For example, Sudanese youth had adopted new rhetoric to describe their desire to leave the countries by saying ‘atfakfak’, Lit., ‘I want to be uprooted from here.’ Along the same lines, there is a joke that says, “The Sudanese Education System goes as follows: primary and secondary schooling, university, and Saudi Arabia!” Despite the increasing numbers of Sudanese migrants to Europe in recent years, Saudi Arabia still stands as the largest receiving country for Sudanese migrants in the world191.

Sudan’s prolonged civil wars and the instability in neighbouring countries created diverse communities of migrants, including IDPs, refugees, asylum seekers and transiting migrants, many of whom arrive from neighbouring countries intending to transit through Khartoum on their way to Europe. The country is one of the main transit countries for Horn of African migrants, as well as the third-largest refugee-hosting country in Africa, with 800,000 refugees on its soil. Driven primarily by the lack of real prospects of securing their safety and rights, or of improving their economic situation and access to basic services in their home countries, these individuals have become part of the potential stocks of outmigration heading northward from Sudan to Europe.

**Figure 29: Sudan’s Top Receiving and Sending Countries of Migrants**

| Top destination countries for Sudanese migrants (2013) | Saudi Arabia, South Sudan, the United Arab Emirates, Chad, Qatar, Kuwait, Kenya, Ethiopia, Yemen, Uganda |
| Top source countries of migrants in Sudan (2013) | Eritrea, South Sudan, Chad, Ethiopia, Nigeria, Central African Republic, Egypt, Kenya, Libya, India |

### C. Analysis

#### C.1. Are patterns of out-migration from Sudan shifting?

Although an increasing number of Sudanese migrants have headed to the global North in recent years, the largest share of Sudanese and South Sudanese migrants have remained in the global South. Patterns of out-migration from Sudan and South Sudan are highly diversified in terms of the migrants involved, their driving motivations and their preferred destination countries. One way to understand these patterns is to identify the type of individuals who typically travel to the three locations that serve as the destinations for the vast majority of Sudanese and South Sudanese onward migration. These destinations include: 1) the Gulf States; 2) Sudan’s neighbouring African and Middle Eastern countries—i.e. Egypt and Libya; and 3) the countries of the global North, including the United States and Europe. While the first location tends to be selected by temporary labourers, the second and third destinations are perceived as transit countries or longer-term resettlement sites and are largely targeted by asylum seekers seeking refugee status192. In 2013, an estimated 30–60,000 Sudanese left their country for Libya or Egypt.

#### C.2. Out-Migration of Sudanese to Europe

Various sources, such as reports by the International Organization of Migration (IOM) and the International Center for Migration Policy Development (ICMPD), highlight the significance of irregular movements from and through Sudan to Europe. However, according to data produced by key receiving countries, Sudan does not appear to be a prominent country of origin of irregular migrants. In 2011, Eurostat data on the enforcement of migration legislation in the EU showed that 2,300 and 2,660 Sudanese were found to be present irregularly in the EU in 2008 and 2009, respectively. This was less than 0.5 percent of the total number of third-country nationals irregularly present in the EU193. However, Sudanese migrants were a growing share of sea arrivals to the EU in 2015, for the first time representing one of the top sending countries of irregular migrants arriving in Italy194. As the CMR continues to be a main route for migrants of various nationalities—such as Eritreans, Ethiopians, Somalis and

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Sudanese— it was expected that an increasing number of migrants, both from Sudan and elsewhere, will try to use this route to reach Europe in the future.

**Figure 30: Routes from Sudan to Libya**

| Route from Khartoum to Dongola by an asphalt road, then crosses north-western Sudan to the Libyan border and Kufra. Further west, Darfurians and migrants from other parts of the Horn, drive from the North Darfur capital, El Fasher, towards Mellit, Malha, and then straight north to the Libyan border and Kufra. Some non-Darfurians travel from Khartoum to Darfur to join this route. |

Source: www.clingendael.org/pub/2018/multilateral-damage/3-effects-of-eu-policies-in-sudan/

### C.3. The European Union Policy Response

In recent years, Sudan has received increasing attention from the EU and its member states in its dual capacity as a country of origin for migrants and as a major transit hub for Eritrean, Ethiopian and, more recently, Syrian refugees wishing to flee to Europe. The EU response seemed to be centred on Sudan's government as a primary actor, granting its repressive regime a key role in efforts to halt further irregular movements towards the European continent. The Europeans want closed borders while al-Bashir led authoritarian regime wanted to end years of isolation from the West.

In 2014 Rome Ministerial Conference, the EU-Horn of Africa Migration Route Initiative was launched and announced the ‘Khartoum Process’[^195], in honour of Sudan’s capital. A conference was organized in the Sudanese capital Khartoum in October 2014 that brought together origin, transit and destination countries along the migratory routes from the Horn of Africa to Europe. Based on this deal, and as per Valletta Summit, the EU Emergency Trust Fund was created, with allocated funds of USD 110 million to Sudan with additional USD 44 million.

Since then, the Government of Sudan and the European Union as well as individual European countries have been working closely, within the Khartoum Process, in the area of border control and migration management. The official authorities in charge of borders in Sudan are primarily the National Intelligence and Security Service (NISS) headed by Salah Abdallah Gosh, one of several Sudanese officials accused of orchestrating attacks on civilians in Darfur. While the RSF Engagement (until 2013 Janjaweed militia), deployed to the North and East to halt migration to Egypt and Libya. The RSF was accused of human rights abuses against migrants, including capturing migrants and exploiting them by playing a double role in smuggling and trafficking.

Within the Sudan-Europe migration partnership, a number of joint activities were implemented, this includes creating the USD 5 million Regional Operational Center in Khartoum (ROCK), and the Dongola Detention Center. The European support also encompassed providing capacity building in combating smuggling and trafficking to government institutions’ and border personnel. The cooperation entails not only migrants inside Sudan, but also in Europe. Thus, Sudanese police officials were also operating in Europe and some allowed in Sudanese police officers to hasten the deportation of Sudanese asylum seekers (as per the Sudan Police Commander: General Dhia). Nominally, their official role is simply to identify their citizens. But the officers have been allowed to interrogate some deportation candidates without being monitored. As a result, many Sudanese seeking asylum in Europe have been deported recently from Europe.

### D. ‘Lessons Learned’ and way forward

Due to the recent EU Migration Policies, the number of migrant arrivals has significantly dropped to 116,000 arrivals in 2018 as opposed to one million in 2015[^196].

While in Sudan, according to an EU official, the Sudanese authorities claim to have arrested between 800 and 1,200 migrants a year since 2012. Some were arrested by regular forces, but the task has to a large extent been assigned to RSF. In August 2016, Hemmeti publicly claimed his forces had arrested the exaggerated number of 20,000 migrants. Later, in January 2017, the RSF gave the more realistic number of 1,500 ‘illegal migrants’ intercepted on the Sudanese-Libyan border during the last seven months. In March 2018, the RSF was also said to have confiscated 321 vehicles between Malha and the Libyan border. As such, the RSF leader regularly claimed he is acting on behalf of Europe and has provocatively sought to blackmail the EU. ‘We are hard at work on behalf of Europe in containing the migrants, and if our valuable efforts are not well appreciated, we will (re) open the desert to migrants,’ he declared in August 2016, asking the EU to pay a “ransom” in exchange for the RSF anti-smuggling work.

Despite the decreasing number of arrivals into Europe, the EU recognition and support to Sudan have been widely debated by migrant rights organisations and activists both in Sudan and Europe and elsewhere. First, thus the “externalisation” of Europe’s border control to Sudan has given international recognition and legitimacy to a repressive regime, like the one in Sudan, whose president is indicted by the International Criminal Court (ICC) on the grounds of committing crimes against humanity in Darfur. Further, this cooperation acknowledges the Janjaweed militia and its war lord leader as a partner—but the main ally of the European in Sudan. This genocidal regime along with its corrupt apparatus and militias represented a major cause driving migration and displacement.

Further, after long years of isolation and continuous support to terrorist groups was in need of extra funds to support its criminal activities. Hence, cross-border organized crimes including migrants smuggling, human trafficking, and terrorism are all proved to be perpetuated by the regime over the last 30 years. The European Union should consider that the support it is now offering to Sudan through the Trust Fund might actually be directed to the government’s military budget (which already accounted for 70% of the state’s total budget in both 2015 and 2016), thus leading to more deaths of innocent civilians and counterproductively resulting in more flows of migrants and refugees.

In a more relevant note to mixed migration, migration researchers and activists believe that the current EU migration did not decrease the number of irregular migrants in Europe. In contrary, it diversified the migration routes and created increasingly dangerous and complex patterns of irregular migration. To give an example, migrants are now stranded in Libya failing to cross to Europe and the result is increasing vulnerabilities notably the widely reported slavery and torture and other severe atrocities against African Migrants.

As for the protection of migrants and refugees within Sudan, migrants reported systematic violations against their rights by RSF, these violations include exploiting the migrants, forcibly expelling non-Sudanese migrants to return to their countries, demanding a ransom to be safe from torture and killing, and sometimes to facilitate their smuggling into Libya.

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The recent political transformation in Sudan which led to the removal of al-Bashir from power on 11 April is still very far from bringing the country to stability. The TMC has been leading the country since the departure of al-Bashir. Protesters represented by the Forces of Freedom and Change (FFC) demanded an immediate and unconditional transfer of power to the civilian-led transitional government. However, negotiations and disagreement between TMC and FFC grew more precarious by the day, while RSF imposes a heavy presence throughout the streets of Khartoum whereby their countless vehicles are roaming with soldiers in uniforms and Dushka-type machine guns.

On Monday, June 3rd, TMC without a notice forcibly evacuated the almost two months sit in in the army headquarters and the RSF reportedly committed a massacre (known as “magzarat al-qeyada”; the headquarters massacre) which led to the murder of at least 200 protesters, terrorising and torturing protesters and throwing them in the river, raping both women and men, and burning protesters alive. Meanwhile, RSF was accused of being behind these dreadful events and demanded to be held accountable without impunity. In this context, rising voices are inviting the EU to revisit its collaboration with Sudan which is now ruled by TMC and the former Janjaweed rebel, both counted on the former regime and deemed to work for the protection and re-empowerment of its leaders and affiliates.

E. Conclusion and Recommendations

The Sudanese European cooperation in migration management, as per the Khartoum Process and its subsequent intergovernmental migration instruments and agreements, was inherently based on fostering peace, development and protection of migrants. These underlying principles should eventually lead potential irregular migrants to avoid putting their lives at risk and take dangerous migration routes. The action plan of the Valletta Summit contains a commitment to take action with regard to conflicts, human rights violations and abuses, and to seek to prevent new conflicts. Moreover, it specifies that existing conflict situations should be resolved through diplomatic initiatives and crisis-settlement processes “in terms of peace agreements and reconciliation by the international community.”

However, as explained above irregular migration to Europe might have decreased only to unintentionally empower corrupt regimes and illegal militias and to further aggravate the vulnerabilities of migrants in the transit and countries of origin. Thus, contrary to what the EU had imagined in its rationale for working with the Sudanese regime, the former regime and the current TMC and RSF’s brutality against civilians and peaceful protests these days across all cities of Sudan will by itself result in further waves of migration; regular and irregular and people will continue to flee this recent violence against peaceful demonstrations.

Against the above, it is evident that the European Union urgently needs to seriously rethink its approach to stemming the growing flows of irregular migrants from Sudan. Sudan should not be treated as a mere transit country for irregular migrants trying to reach Europe when, in fact, arrival statistics for European countries reveal the prominent presence of irregular Sudanese migrants.

More nuanced, sustainable and effective European policies and strategies are needed to stem irregular migration flows from Sudan. Key among these must be the preservation of Europe’s commitment to refugees, migrant and human rights even in the face of strong domestic political and economic pressures in many European countries. There is also a concurrent need to expand access to safe channels of regular migration using instruments such as asylum and resettlement quotas or family reunification.

As Europe aims to reduce irregular migration from Sudan, policy-makers should consider the following recommendations.

- Address migration management in a holistic approach focusing primarily on long-term solutions and on sustainable development.
- Engage with Sudanese grassroots and civil society groups and community leaders who are not linked to current or previous ruling regime(s).

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201 The main outcome of the Valletta Summit was an action plan identifying five top-priority areas, including: 1) enhancing the benefits of migration and addressing root causes to stem irregular migration; 2) enhancing cooperation on legal migration and mobility; 3) reinforcing the protection of migrants and asylum-seekers; 4) preventing and fighting irregular migration, migration smuggling and trafficking in human beings; and 5) working more closely to improve cooperation on return, readmission and reintegration (European Council 2015).
3.5 MIXED MIGRATION AND EMERGING COORDINATION CHALLENGES

Agreements and coordination mechanisms that help policy coherence and international cooperation to better address the needs of migrants

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A. Introduction

The movement of mixed population using the same means of transport but with different needs, profile and motivations is increasing both in rates, and complexity with enormous challenges for effective management that guarantees the protection of migrants’ rights as well as the integrity and sovereignty of different countries of concern. The current situation within the West and North African migration nexus brings home the experiences of the different shades of the reality of mixed migration population and the humongous issues relating to its management.

Among the challenges associated with the management of the phenomenon are coordination and cooperation of the various and numerous actors involved in the process. Governmental and intergovernmental policies and processes adopted at local and international levels and even those adopted by actors among themselves have always proven essential in curbing the problems of lack of coordination in mixed migration management. Focusing on the recently adopted Global Compact for safe, orderly and regular Migration (GCM), and some recent African Union resolutions as well as examples of African intra-regional processes, we explore opportunities for coordination mechanisms that help policy coherence and international cooperation to better address the needs of migrants, especially those in mixed migration situation.

B. Conceptualisation and Experiences in Mixed Migration

The notion ‘mixed’ migration is old as migration itself. Whether regular or irregular, ‘Migration has always been a multidimensional phenomenon, involving a variety of people who are on the move for a diversity of reasons’205.

Mixed migration gained currency in the last twenty years following its appearance within the refugee protection issues addressed at ‘the Global Consultations on International Protection, launched by UNHCR in 2000 against the background of what the organisation saw as a crisis in international protection of refugees at the time of the 50th anniversary of the 1951 Refugee Convention’206.

Defining mixed migration raises numerous questions underlining it as an emerging issue. In the International Organization for Migration IOM’s adopted definition, ‘mixed migration refers to complex population movements: people using the same routes and modes of transportation to travel but moving for different reasons. The main characteristics of mixed migration flows include the multiplicity of factors driving the movement, and the different needs and profiles of the persons involved. These mixed movements may include migrants, some of whom may have specific needs, refugees, unaccompanied and separated children, or victims of trafficking. Some individuals may fall into more than one of these categories. Mixed migration frequently occurs irregularly, without the requisite documentation, and often involves human smuggling and trafficking’207.

We may derive two significant points from the definition. First, mixed migration applies only while still on the move, not before or after. It does imply that the jurisdiction subsists only when the population is on the move, or in transit, however long the journey takes. This is not extended to them in their countries.

207 IOM (2008).
of origin or after arrival and settlement in the destination country. Second, protection need is the core of
mixed migration management as people in mixed migration flows, irrespective of status, whether refugees
or migrants, face similar risks and vulnerabilities from the same causes and perpetrators.\textsuperscript{208}

Limiting the scope of mixed migration to ‘while on the move’ is somewhat problematic both for operational
and analytical purposes. This limitation leads to the interpretation of a sole Eurocentrism of the mixed
migration, with intention to curtail the large movement into Europe exacerbated the Syrian crisis. Most
times mixed migration situation might be encountered at the port of entry or at the service point in the
destination country. ‘Motivations may be mixed at the point of making the decision to move; migrants
may make use of the same agents and brokers; they may travel with others in mixed migratory flows;
motivations may change en route and after arrival; people may find themselves in mixed communities during
their journeys or at their destination’.\textsuperscript{209} For instance, when an IOM or UNHCR agent receives a group of
migrants from Sudan in Italy seeking assistance, there are people with different migratory motivations. She/
he may face the same responsibility challenge albeit minor difference, as her colleague meeting the same
population on the sea.

In order to overcome the polarities, confusions and limitations, it is important to understand that the
concept of mixed migration is a practical definition of contextual situation demanding practical response.
Mixed migration is not a kind of migration but rather a classification of a migration situation. From this
perspective, two definitional approaches maybe adopted namely, operational and analytical. Analytically,
mixed migration underscores the complexity of migration and refers to large movement; operationally, it
focuses on protection as the first and necessary action in response to the population in this situation.

In summary, it is important that mixed migration is not dealt with both in definition and operation separated
from the general migration dynamics. Mixed migration underscores growing dynamics of human mobility
in scope, scale and complexity and the interplay of variety of actors, stakeholders including states and non-
state, at local and international level. Dealing with mixed migration should provide migration actors the
opportunity to dig deeper into the analytical examination of migration rather than the prevalent shallow
quick fix practises. This will enable us to observe and tackle the various governments’ dispositions that may
impede effective response to mixed migration.

C. Analysis

C.1. West and North African dynamics of mixed migration

The West and North African nexus of mixed migration flow present an important perspective. The study
conducted by Mixed Migration Monitoring Mechanism initiative, outlines some key highlights of the route.\textsuperscript{210}
The most commonly used routes from West to North crossing the Sahara pass through Mali and Niger
to Libya. Nevertheless, another route follows through Mauritania towards Morocco. Despite the free
movement within the West Africa as provided by the ECOWAS protocol on Free Movement of Persons,
Residence and Establishment 1979, migrants crossing West African borders still endure some hindrances,
sometimes by security officers and smugglers. The route also witnesses severe protection incidents (physical
and sexual assaults, detention, death, robberies, and ransoms) in comparison to other routes such as West
to Horn of Africa Route. The flow involves vulnerable groups especially children exposed to the same
protection risks as adults but worse because of their nature. According to Save the Children, the majority
of Nigerian women encountered on this route are between 15 and 17 years old, and many are trafficked
into Europe for the purposes of sexual exploitation.\textsuperscript{211}

There was a one-time incident of non-West African people using the West African Route to north onward
to Europe. IOM Mali’s flow monitoring reports from December 2016 observed 184 Syrian nationals travelling


\textsuperscript{209} Van Hear, Dr. Nicholas (2011).


\textsuperscript{211} Save the Children (2017): Young Invisible enslaved, children victims of trafficking and labour exploitation in Italy. Save the Children: Italy. www.savethechildren.it/sites/default/files/files/rapporto%20young%20invisible%20enslaved%20OEIF.pdf (last access: 16/07/2019).
through GAO, having flown to Mauritania, to travel to Libya and onwards to Europe.212 This Syrian-west African movement was linked to the introduction of the visa regime by Lebanon to control the increase in the number of Syrians crossing into and through Lebanon. Though this was a one-time experience, it underscores some of the complexities associated with irregular migration. Finally, there is a reduction in the flow observed in recent times. This may not mean that irregular flows are reducing, instead this may be due to the tight security around the sea, the insecurity situation in Libya and more so because of the change in the route used by the smugglers to avoid security officers. It might be important to underscore that crossing to Europe through irregular means and perilous routes of crossing and the entrepreneur of smugglers syndicate was started by the north Africans in response to the 1990–2000 imposing of border crossing restrictions by Spain and Italy as prescribed by Schengen arrangement. Western use of that route was precipitated by the civil war and final collapse of Libya and security threat to migrants in Libya. In the West-North migration nexus, the north is both a destination and transit sub-region.

C.2. Management of Mixed Migration and Coordination Issues

Managing such diverse migratory population presents obvious policy and humanitarian challenges but more of protection. The concept of ‘Mixed Migration Movements,’ in its very self presupposes coordination and cooperation. Due to its very nature, mixed migration attracts the activities of relevant partners determined by several factors associated with mixed migration, such as the travel routes (involving different States), the profiles of persons on the move (involving agencies with different areas of expertise), and the mandate and resources of government ministries, departments and agencies (MDAs). The original purpose of the coinage of the concept was for harmonisation and clarity. Effective management of mixed migration demands a ‘balancing act’ among different actors who can be done only with systematic coordination and cooperation. The reality of management of mixed migration reveals inadequate or complete lack of coordination exacerbating the challenges associated with ineffective response of the phenomenon.

C.3. Key Implications

The key implications of lack of coordination and cooperation in mixed migration management include:

• How to avoid and limit proliferation and overlap of responses in order to ensure complementarity;
• How to stem migrants’ exploitation and ensure that migration flows management becomes less porous;
• How to avoid waste of time and resources;
• How to ensure coherence in policies and processes;
• How to elicit the engagement and commitment of all stakeholders.

D. Way forward

D.1. Frameworks for policy coherence and international cooperation to better address the needs of migrants

Governmental and intergovernmental policies and processes adopted at local and international levels and even those adopted by actors among themselves have always proven veritable in curbing the problems of lack of coordination in mixed migration management. While a few of these processes and policies or rather agreements have mixed migration as primary focus, many other are primarily migration related.

D.2. State-Led Initiatives Global Level

The large movement of refugees and migrants that in 2015 increased in an alarming rate and enormous casualty including death of thousands, abuse of human rights of migrants and challenges to the protection of the sovereignty of states exposed the lack of coordination, and collaboration associated with the global response. New York Summit convoked by the UN in September 2016 responded with a commitment to developing two compacts, Global Compact for safe, orderly and regular migration (GCM) and Global Compact on Refugees (GCR).

Furthermore, various bilateral and multilateral agreements and processes are other opportunities with

frameworks for coordination on the management of mixed migration (SDG and agenda 2030, GFMD process…).

What GCM and GCR bequeathed us is the framework for creating and strengthening the collaboration and cooperation of all state and non-state actors as effective strategy that would drive inclusive participation in responding to all issues of migration. No place is this framework more urgent and timelier as in the case of mixed migration.

The common goal of the two compacts is to elicit global cooperation and coordination in responding to situations involving people on the move. This is captured in the objective 23 of the GCM ‘strengthen international cooperation and global partnerships for safe, orderly and regular migration’213. As articulated by the African group during the intergovernmental negotiation on GCM, ‘The Global Compact for safe, orderly and regular Migration is a historical opportunity for the international community to set up a global migration governance guided by the principles of solidarity, shared responsibility, human rights and partnership, and react decisively, manage collectively and responsibly migratory issues in a holistic manner, taking into account its complex nature and the need for new dynamics’214.

Focusing on reducing the burden borne by host countries and the need to ensure the burden and responsibility sharing GCR ‘envisions a number new ways of approaching large-scale refugee situations, working with a wider range of stakeholders, such as national and local authorities, international and regional organisations, international financial institutions, civil society, the private sector, academia, refugees, and host communities. It provides a basis on which to bring in development actors in particular, early on, to help set the stage for solutions from the start’215.

D.3. African Region

In Africa, we found a few of these frameworks and opportunities for coordination, available in various African Union migration-related instruments—resolutions, agreements and processes.

- In 2018, a Resolution on Mixed Migratory Flows is held by African Union216. The resolution emphasises the need to adopt concrete and concerted measures for appropriate and lasting solutions to the issue of migration and the protection of migrants and their rights free of any coercive approach.
- The African Union has adopted recently the Protocol to the Treaty establishing the African Economic Community relating to Free Movement of Persons, Right of Residence and Right of Establishment.
- The African Union has adopted a Migration Policy Framework for Africa and its Plan of Action217.
- African implementation plan of the GCM is reviewed and validated in Lusaka 18–19 June 2019.

At sub-regional level, coordination approaches are marred by some challenges such as lack of coordination and interlinkages, monitoring and evaluation mechanisms stemming from the lack of means, time and human resources to implement them. Sub-region’s structures in North and West Africa Migration and Development in West Africa (MDIWA) in ECOWAS are also happening in very slow and incremental manner.

Figure 32: Good practice: Intergovernmental Authority on Development (IGAD) in East Africa

IGAD has established a number of initiatives to address mixed migration, maximised protection and save lives, while working towards sustainability and increased government ownership and capacity to respond to needs by reinforcing governments’ migration management capacities.

In 2008, IGAD launched a regional consultative process on migration, and set up the IGAD Regional Migration Coordination Committee (RMCC). It provides support for national initiative in coordination.

D.4. Non-State Actors

Actions in the area of coordination and cooperation on the management of mixed migration happen more within the non-state actors’ initiatives. Examples of such initiatives include the mixed migration coordination initiated and led by IOM and UNHCR. This coordination process has been decentralised into regional mechanisms. In West and North Africa for example, we have West African Regional Mixed Migration Secretariat (RMMS) and North Africa Mixed Migration Task Force (NAMMTF) respectively.

The common purposes of the mixed migration management initiative include expertise pool, sharing of innovative practices, establishment of priorities, joint responses and cooperation, and advocacy.

E. Conclusion and Recommendation

IOM's technical support has helped in facilitating the processes and agreements to provide a framework for cooperation and coordination in the management of mixed migration and migration at large. It is indeed within its mandate, ‘to focus on the formulation and implementation of comprehensive policies, laws and administrative arrangements needed to address migration issues effectively according to national, regional and international priorities, while being consistent with international law, including human rights and refugee protection obligations’. IOM must continue to provide this support and more so now that it has become the UN migration agency and coordinator of the UN Migration Network for the implementation of the GCM.

Looking ahead the following recommendations are proffered.

• Harmonising the existing instruments and policies in each of the region, aligning them with the common AU provisions, policies and processes. It might be helping to utilise the recently established African migration observatory;
• Ratification and domestication of international and regional policies and agreements relating to migration management;
• Establishing of regional and national mixed migration platforms;
• Establishing or strengthening coordination mechanisms of all migration-related issues in countries;
• Strengthening cooperation among major international organisations/agencies working on mixed migration, namely IOM, UNHCR, UNODC, ILO—questions of who is the principal coordinator, well-specified Terms of Reference (ToR) and Standard Operating Procedures (SOPs)—this would involve review of the mandates of participating agents with mixed migration in view;
• Creative and inclusive engagement of all actors—state and non-state to ensure that the perspectives of all partners are taken into account;
• Mapping of relevant actors and stakeholders;
• Countries to include in their national migration policies provision for such a framework like mixed migration that may be handy in times of need;
• Sharing best practices; development of early warning toolbox on how to deal with such scenarios;
• A shift or expansion of conceptualising of migration management to mobility management;
• Avoid overstretching of mixed migration too wide that it becomes impossible to do anything;
• Development of multiple approach and preparedness;
• Advocacy strategy would involve presenting mixed migration needs as profitable to policymakers and administrators so that their support is ensured.
3.6  THE FUTURE OF MIXED MIGRATION IN NORTH AFRICA: WHAT’S MISSING AND WHAT CAN BE DONE?

Dr Ayman Zohry A., Egypt/The Egyptian Society for Migration Studies (EGYMIG)

A. Introduction

Worldwide, the number of people on the move is increasing. Migrants exceeded one billion inhabitants nowadays with 763 million internal migrants218 and about 258 million international migrants219. Compared to the world population (7.7 billion), people on the move (internally and internationally) constitute about 13 percent of the world population and 3.4% are international migrants in 2017220.

This article questions the term of mixed migration from the conceptual approach. Even if mixed migration is an unwelcomed term in North Africa, the current context advises the real interest to have this concept. Some recommendations are suggested to use mixed migration as a definition commonly understood and easing measures and analysis of mixed migration.

B. Conceptual issues and background context

The term ‘mixed Migration’ is a reaction to the increasing mobility and the need to temporarily classify people on the move under a broad umbrella for a while in order to cover them under a broader kind of protection as humans.

‘The principal characteristics of mixed migration flows include the irregular nature of and the multiplicity of factors driving such movements, and the differentiated needs and profiles of the persons involved. Mixed flows have been defined as “complex population movements including refugees, asylum seekers, economic migrants and other migrants”. Unaccompanied minors, environmental migrants, smuggled persons, victims of trafficking and stranded migrants, among others, may also form part of a mixed flow’221.

IOM defines a migrant as any person who is moving or has moved across the international border or within a state, away from his/her habitual place of residence, regardless of (1) the person’s legal status; (2) whether the movement is voluntary or involuntary; (3) what the causes of the movement are; or (4) what the length of the stay is222.

Comparing the two above definitions, the definition of mixed migration can be observed as a subcategory of the broad definition of migration as defined by IOM. Though, the definition of mixed migration is still regarded as a lousy definition.

The confusion about the definition of mixed migration comes from two points related to the term:

- The first point is the rejection of the term on the basis of the claim that mixed migration mixes or confuses the conventional definitions of migration as related to the entitlements of different kinds of movers (refugees vs. economic migrants) and the state commitments regarding them.
- The second point is related to the nature of the definition and whether it is a permanent term to be added to the terms used in migration terminology or just a temporary term that can be used just to classify movers until they are classified under the conventional classification of movers. Fortunately, or unfortunately, the debate is still evolving.

220 United Nations Department of Economic and Social Affairs (2017).
222 The definition is available here: www.un.org/en/sections/issues-depth/migration/index.html (last access: 15/06/2019).
C. Analysis of Mixed Migration in North Africa

Mixed migration is an unwelcome term in North Africa. Despite the increasing uncertainty, politicians and policy-makers in the region seek clear-cut terms and concepts when it comes to migration and refuge. Moreover, the tendency to classify people on the move under certain classifications is usually related to the entitlements of the people on the move and the commitments of the governments in light of international, regional, and national regulatory mechanisms.

Mixed migration does exist in North Africa. Mixed migration in the region is related to an array of issues and topics such as smuggling, trafficking, political instability in the region since 2011, the geographical proximity of the region to Sub-Saharan Africa and Europe, the weakness of the protection mechanisms due to political instability. So that, one can confidently say that North Africa is not an exception, mixed migration streams do exist in this region.

The political instability after 2011 increased human mobility in the region and made for more concerns about the protection of the people on the move. Libya is a salient example of the political instability in the region since February 2011. In addition, North Africa is a transit region to Europe for arrivals from other regions in Africa as well as arrivals from other regions such as the eastern Mediterranean region.

D. Conclusion, Projections and Policy Recommendations

As mentioned above, mixed migration is a matter of fact and can’t be avoided. Instead, efforts should be directed to shaping and reshaping of the definition of mixed migration. Work should be pursued under three main levels: the academic level and among migration experts in the region, regional and international organisations, and policymakers and the public.

D.1. Academic Level:

Despite the increasing academic interest in the last few decades on migration, academics, by nature, are more suspicious and rigid in accepting and welcoming new terminologies. Hence, the academic work on mixed migration is recommended to focus on the following issues:

- Developing and reshaping the definition of the mixed migration term: In order to reach consensus on the definition of mixed migration among academics, more academic effort should be devoted to shaping and reshaping the definition of mixed migration and its main components.
- Developing methodologies to measure mixed migration: Academics and migration researchers are urged to develop methodologies to measure mixed migration flows and stock using scientifically proofed and sound qualitative and quantitative measures.
- Strengthening networks of academics and experts working in the field of mixed migration: Sometimes, migration researchers and expects work in isolation. Isolation is usually supported by different geographical and geopolitical interests as well as the language grouping (for example the Anglophone researchers in Egypt versus the Francophone researchers in the Maghreb) in addition to the weak literature in Arabic. Researchers should make for overcoming language and geographic barriers and strengthen their own networks.
- Writing about the topic and encouraging students to study this topic: In order to attract more researchers to work in the field of migration in general and mixed migration in specific, research institutions should be supported by regional and international organisations working in the field of migration/mixed migration in order to encourage graduate students to study the topic of mixed migration. Regional and international organisations may devote funds to sponsor students who study such topic.
- Paying more attention to the study of migration networks: Since mixed migration is mainly affected by migration networks, paying more attention to the study of migration networks is essential to explore and understand the foot causes and the main drivers of migration.
D.2. Regional and International Organisations

Regional and international organizations working in the field of migration are expected to pay more attention to mixed migration through the following actions and mechanisms:

- **Strengthening cooperation with academics in researching mixed migration**: Partnerships between regional and international organisations working in the field of migration and academic programs and research centres on migration should be strengthened. The cooperation between IOM and the American University in Cairo (AUC) in designing and delivering a ‘Regional Certificate in Migration Governance’ is an example of cooperation that should be extended to cover other aspects of migration, including mixed migration.

- **Developing a network of researchers on mixed migration**: In order to keep the momentum and the interest of mixed migration, regional and international organisations should make for developing a network of researchers and experts on mixed migration in the region and also make for linking sub-regional networks to regional and continental networks.

- **Conducting workshops and training courses**: Regional and international organisations should make for conducting workshops and training courses for national migration and policy officers on mixed migration at the national and the regional levels.

- **Funding research on mixed migration**: Since the research agenda of academic insertions are, unavoidably, fund-driven, funds should be made for the research on mixed migration and regional and international organisations should make available such funds.

D.3. Policy Makers and the Public

Policymakers and the public should be convinced that the term of mixed migration will not replace the conventional definitions of (economic/voluntary) migrants and refugees, but it mainly aims at ensuring the human rights of people on the move.

In addition to the work under the three levels mentioned above, the need for disaggregated data is vital. In December 2018, the Intergovernmental Conference to Adopt the Global Compact for Safe, Orderly and Regular Migration was held in Marrakech, Morocco. The compact comprises 23 objectives and was adopted by world leaders on 10 December 2018. The first of the 23 objectives is to ‘collect and utilise accurate and disaggregated data as a basis for evidence-based policies.’ The disaggregated data on migrants are vital for their classification and their associated entitlements.
### ANNEX 1: DEFINITIONS AND FRAMING

<table>
<thead>
<tr>
<th>Definition</th>
<th>Description</th>
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<tr>
<td><strong>West Africa</strong></td>
<td>It is the Economic Community of West African States (ECOWAS) area, which includes the following fifteen States: Benin, Burkina Faso, Cape Verde, Côte d'Ivoire, Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone, and Togo. It is necessary to add Mauritania, which has emerged from ECOWAS.</td>
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<tr>
<td><strong>North Africa</strong></td>
<td>This area is composed of Morocco, Algeria, Tunisia, Libya, Egypt and Sudan.</td>
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<tr>
<td>Asylum seeker</td>
<td>An individual who is seeking international protection. In countries with individualized procedures, an asylum seeker is someone whose claim has not yet been finally decided on by the country in which he or she has submitted it. Not every asylum seeker will ultimately be recognized as a refugee, but every recognized refugee is initially an asylum seeker.</td>
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</table>
| Migrant            | An umbrella term, not defined under international law, reflecting the common lay understanding of a person who moves away from his or her place of usual residence, whether within a country or across an international border, temporarily or permanently, and for a variety of reasons. The term includes a number of well-defined legal categories of people, such as migrant workers; persons whose particular types of movements are legally defined, such as smuggled migrants; as well as those whose status or means of movement are not specifically defined under international law, such as international students. At the international level, no universally accepted definition for “migrant” exists. The present definition was developed by IOM for its own purposes and it is not meant to imply or create any new legal category. Two approaches are generally adopted to define the term “migrant”: the inclusivist approach, followed among others by IOM, considers the term “migrant” as an umbrella term covering all forms of movements; the residualist approach excludes from the term “migrant” those who flee wars or persecution (J. Carling, What is the meaning of migrant? www.meaningofmigrants.org (last accessed 8 May 2019)). For the purpose of collecting data on migration, the United Nations Department of Economic and Social Affairs (UN DESA) defines "international migrant" as "any person who changes his or her country of usual residence" (UN DESA, Recommendations on Statistics of International Migration, Revision 1 (1998) para. 32). The UN DESA definition excludes movements that are due to "recreation, holiday, visits to friends and relatives, business, medical treatment or religious pilgrimages" (ibid.). Specific definitions have also been developed by UN DESA to identify short term and long-term migrants (see relevant entries).

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**Mixed migration(s)**

It should be noted that this concept is based on the general definition presented by IOM, UNHCR and ECOWAS in 2011. "The term "mixed migration" refers to complex population movements consisting of people who follow the same routes and use the same means of transport but move for different reasons. The main characteristics of mixed migratory flows are the multiplicity of factors driving the movement and the diverse needs and profiles of the persons concerned. These mixed movements may include migrants, some of whom may have special needs, refugees, unaccompanied and separated children, or victims of trafficking. Some individuals may belong to more than one of these categories. Irregular migration, i.e. without the required documentation, and smuggling and trafficking in human beings are often involved in mixed migration flows. As stated in the New York Declaration adopted by the United Nations General Assembly in September 2016, mixed migration does not refer to "regular flows of people from one country to another". In order to best reflect the exchanges, the document will use the term notion to refer to "mixed migration".

**International migration**
The movement of persons away from their place of usual residence and across an international border to a country of which they are not nationals.

**Irregular migration**
Movement of persons that takes place outside the laws, regulations, or international agreements governing the entry into or exit from the State of origin, transit or destination.

**Displaced persons**
Persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, either across an international border or within a State, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters.

**Refugee under the 1951 Convention**
A person who, owing to a well-founded fear of persecution 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.

**Trafficking in persons**
It refers to 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 abuse of authority or of a position of vulnerability, or by offering or accepting payments or benefits to obtain the consent of a person having control over another person for the purpose of exploitation" (Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, 2000, art. 3 a). Unlike smuggling of migrants, which is inherently international in nature (crossing an international border), trafficking in persons can take place within the borders of a single State or be transnational in nature.

**Smuggling of migrants**
The Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Crime, was drafted in 2000. Article 3.a defined smuggling of migrants as "the act of ensuring, for the purpose of obtaining, directly or indirectly, a financial or other material benefit, the illegal entry into a State Party of a person who is neither a national nor a permanent resident of that State". The smuggling of migrants is characterized by the crossing of national borders and the entry into a country by illegal means.
### ANNEX 2: LIST OF PARTICIPANTS

<table>
<thead>
<tr>
<th>Name</th>
<th>Organization</th>
<th>Email</th>
</tr>
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<tbody>
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<td>Dr Ahmed Mohamed has worked for international development and humanitarian organisations as a technical expert. She has held academic positions at Clark and North-eastern University, the American University in Cairo and East London University.</td>
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<td>Dr Adetula held various teaching and research positions in International Relations and Development Studies. He is an associate at the Nordic Africa Institute in Uppsala.</td>
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<td>Dr Curtis Bell is the creator and director of Stable Seas (<a href="http://www.stableseas.org">www.stableseas.org</a>) an international program that works to help global partners eliminate the illicit maritime activities.</td>
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<td>Prof. Dicko is Head of the Department of Sociology and Anthropology at the University of Humanities and Social Sciences in Bamako.</td>
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<td>Dr El Jack is associate professor for Women’s, Gender and Sexuality studies in the University of Massachusetts. She has been engaged in several networks and provides research, policy consultations with several partners.</td>
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<td>Pr Fall is senior research at UCAD. His work is mainly focus on international mobility in West Africa and on issues of migratory politics and the impact of migration on group identities.</td>
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<td>Pr Kandilige is a lecturer of Migration Studies at the Center for Migration Studies in Ghana, lecturer at the University of Northampton and research associate at the Refugee Studies Center, Oxford University.</td>
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<td>Prof. Khachani is a professor at Mohammed V University in Rabat and holds various positions. Among others, he is Secretary General of the Moroccan Association for Migration Studies and Research (AMERM) and a member of the International Migration Committee of the European University Institute in Florence.</td>
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<td>Name</td>
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</table>

Dr. Kossi is Head of Division at the National Institute of Scientific Research and Lecturer at the University of Lomé. He participates and collaborates in various scientific journals and research groups in sociology.

Prof. Labdelaoui is a research director in sociology and team leader in international mobility and migration at the Centre de Recherche en Économie appliquée pour le Développement. He is a partner and collaborator in various scientific journals and works on migration, youth and development.

Pr Labidi is a professor at the Institut National du travail et des Études Sociales. He holds various representative positions in university associations and has served as Director of the Office Tunisiens from abroad.

Dr Landau is the director of the African Center for Migration and Society at Witwatersrand University. Focused on human mobility and development, he is supporting several scientific reviews (International Migration Review, Journal of International migration, refugee movements and ethnic group relations).

Dr Obiezu is teaching and research at the Center for Migration Studies at Nnamdi Azikiwe University. He is associated with Augustinias International as African representative and works as an expert on migration policy and governance.

Ms. Ouakka is Director of Prevention and Safety at Courneuve City Hall in France and is part of the European network of experts on prevention and safety issues. She is also a lecturer at Sorbonne-Nouvelle University.

Dr Sangli is a professor and researcher at the Institut Supérieur des Sciences de la Population at Ouagadougou University 1, working on the relationship between environment and development in Burkina Faso.

M. Vidal Terrazas is serving as International Legal Expert for the Regional Office of UNODC for West and Central Africa in Dakar.

Dr Zohry is an expert on population and migration. He is the founding president of the EGYMIG and associated as Adjunct Professor in the American University in Cairo. He’s collaborated and served in several scientific review related to migration (International Migration Review, Journal of Immigrant and Refugee Studies).
## DAY 1 | SUNDAY 16 JUNE 2019

<table>
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<tr>
<th>Time</th>
<th>Sessions</th>
<th>Moderation</th>
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<tbody>
<tr>
<td>8:30 am – 9:00 am</td>
<td>Arrivals and Registration</td>
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<tr>
<td>9:00 am – 9:30 am</td>
<td><strong>Words of welcome and introductory remarks</strong> by <strong>Ms. Carmela Godeau</strong>, Regional Director of IOM, Regional Office for the Middle East and North Africa and <strong>Laurent De Boeck</strong>, Chief of Mission for IOM Egypt</td>
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<tr>
<td>9:30 am – 1:00 pm</td>
<td><strong>Introductory Panel</strong>: Mixed Migration: Which realities are behind the concept?</td>
<td><strong>Carmela Godeau</strong>, Regional Director of IOM, RO for the Middle East and North Africa</td>
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<td><strong>Sophie Nonnenmacher</strong>, Senior Regional Liaison and Policy officer IOM, Regional Office for West and Central Africa</td>
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<tr>
<td></td>
<td>Mixed Migration: Juridical gaps and gaps of protection.</td>
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<td><strong>Pr Pape Demba Fall</strong>, Université Cheikh Anta Diop (Senegal)</td>
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<tr>
<td>2:30 pm – 5:00 pm</td>
<td><strong>Panel 1: New Tendencies of Mobility and Diversified Profiles in the Sahelian Region</strong></td>
<td><strong>Kristina Mejo</strong>, Senior Regional Liaison and Policy Officer, IOM RO for the Middle East and North Africa</td>
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<td>The concept of Mixed Migration enables to go beyond the classical distinction of migrants in categories of refugees and economic migrants. This panel aims to identify the mixed profiles of people on the move and new trends of mobility, which can explain migratory dynamics in the Sahelian region.</td>
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<td><strong>Dr Ahmed Gamal Eldin</strong>, Ahfad University for Women (Sudan/Soudan)</td>
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<td>The seasonal migrant labour force of agricultural workers as an emerging and expanding form of mixed migration. The Example of Sudan.</td>
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<td><strong>Sofia Ouakka</strong>, Mairie de Malakoff (France)</td>
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<td><strong>Curtis Bell</strong>, Stable Seas Programme (USA/E.-U.)</td>
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<td>Maritime mixed migration: Understanding Vulnerabilities and Government Responses.</td>
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### Day 2 | Monday 17 June 2019

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<tr>
<th>Time</th>
<th>Sessions</th>
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<tr>
<td>8:30 am – 9:00 am</td>
<td>Summary of Day 1 <em>Rappel du Jour 1</em></td>
<td>Yvain Bon, IOM Dakar</td>
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<td>9:00 am – 2:30 pm</td>
<td><strong>Panel 3: Mixed Migration and Protection Challenges for People on the Move</strong></td>
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<td>With the diversity of profiles of people on the move in western and northern Africa, new concerns have arisen in terms of protection and access to basic rights for migrants. Mixed Migration also entails that migrants and refugees can travel together, using the same migratory routes and intermediaries, which leads to them being exposed to similar risks such as smuggling. The irregular status of many migrants enhances these dynamics. This panel aims to identify the key factors in giving migrants the opportunity to enjoy and be guaranteed their rights, and ways to address challenges posed to this. This panel aims to identify issues related to migrant trafficking and legal constraints migrants are facing and mobility solutions available to migrants as well as to identify the key factors for protection provisions.</td>
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<td><strong>Dr Amani El Jack, University of Massachusetts, Boston &amp; Qatar University (USA/E.-U. &amp; Qatar)</strong></td>
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<td>Mixed Migration: Why Gender Matters.</td>
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<td><strong>Dr. Sénamé Dodzi Kossi, Institut National de la Recherche Scientifique (Togo)</strong></td>
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<td>The role of human trafficking in Mixed Migration.</td>
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<td><strong>Irving Vidal Terrazas, UNDOC West and Central Africa (Senegal)</strong></td>
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<td>Protection gaps for victims of trafficking in mixed migration flows and the specific challenges this poses to Trafficking of People and Smuggling of Migrants.</td>
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<td><strong>Amanuel Mehari</strong></td>
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<td>Mixed Migration Coordination officer—IOM Libya</td>
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### Setting Up a Road Map for Mixed Migration in West and North Africa

#### High-Level Expert Meeting

**Panel 5: Mixed Migration and Policies: Their Effects on Mixed Migration and Public Policy Coherence**

While knowledge on migration is becoming more precise, countries’ migration policies are multiplying. These policies often fail to capture and respond adequately to Mixed Migration movements. Furthermore, mobility management increasingly requires coordination between states. This panel aims to examine the policies adopted in and between African countries and their understanding of, and impact on mobility. The central issue is the question of how the understanding of migration flows translate into policies.

**Prof. Loren Landau, University of the Witwatersrand (South Africa)**

Human Mobility and the politics of difference. A comparative perspective on how mobility is reshaping the politics of rapidly diversifying and expanding communities.

**Dr Gabriel Sangli, Higher Institute of Population Sciences (ISSP) (Burkina Faso)**

Interactions between public policies, migration and development.

**Dr Amira Ahmed Mohamed, Clark University (Sudan)**

Voluntary return and repatriation of migrants and refugees. The case of Sudan.

**Irina Todorova**

Senior Regional Thematic Specialist – Migration Protection and Assistance

IOM Regional Office for Middle East and North Africa

### Day 3 | Tuesday 18 June 2019

#### Time | Sessions | Moderation
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9:00 am – 1:00 pm | Panel 7: Lessons learned and key recommendations from the experts | **Kristina Mejo,** Senior Regional Liaison and Policy Officer, IOM RO for the Middle East and North Africa

**Dr Ayman Zohry, The Egyptian Society for Migration Studies (Egypt)**

The Place of Egypt in the International Migration System.

**Dr Emeka Xris Obiezu, Nnamdi Azikiwe University, Awka – Centre for Migration Studies (Nigeria)**

Lessons Learned? Agreements and coordination mechanisms that improve policy coherence and international cooperation to better address mixed migration.

10:00 am – 1:00 pm | End results: What are the lessons learned from the analysis of mixed migration? Synthesis from the panels. Followed by the recommendations from each panel and a debate with the participants to identify the main challenges and good practices identified | **Sophie Nonnenmacher,** Senior Regional Liaison and Policy officer IOM, Regional Office for West and Central Africa

2:00 pm – 4:00 pm | Panel 8: Designing a Road Map | **Irina Todorova**

Senior Regional Thematic Specialist – Migration Protection and Assistance

IOM Regional Office for Middle East and North Africa

Designing a road map for Mixed Migration in West and Northern Africa.
Migration in West and North Africa has increasingly become complex over the last years, blurring the lines between forced and voluntary migration. To capture this, the notion of mixed migration was introduced by different actors. The notion is generally understood as the phenomenon of people of different categories moving for different reasons, often using the same (irregular) routes, and aiming at the same destinations whereby relying on the same (irregular) migration infrastructure. There is however no common definition.

It is in this context of a greater diversity of the migratory flows, and of a renewed interest of the decision-makers to address this complexity of mobility, that the International Organization for Migration (IOM) Regional Office for West and Central Africa wishes to deepen the debate on, and contribute to, a shared understanding of mixed migration and, more importantly, its operationalisation in order to ensure the protection of all people on the move in vulnerable situations.

To this end, the IOM Regional Office for West and Central Africa, gathered a group of mainly academic experts in a “High-Level Expert Meeting: Setting up a Roadmap for Mixed Migration in West and Northern Africa” from the 16th until the 18th of June 2019 in Aswan, Egypt. This dialogue enabled the launch of a more in-depth reflection on the notion of “mixed migration” between experts from African regions, and stressed the need to work together for a better understanding of the protection needs of people with different motives, profiles, status and contexts on the move.

The meeting was organized around the following topics, on which the experts of various disciplinary backgrounds shared their research and exchanged on:

- Towards a definition of mixed migration? Content of and difficulties in framing the notion
- Increasing complexity of migration flows in West and North Africa
- Complexity of the journey, vulnerabilities and protection needs of people on the move
- Politics of cooperation and coherence between public policies

This publication summarizes the discussions and conclusions that were drawn during the meeting, and shares the analyses of each expert on mixed migration. The exchanges culminated in a common roadmap on the operationalization of mixed migration as a tool for analysis and advocacy to better meet the needs of people on the move in the region for academia, governments, the Economic Community of West African States (ECOWAS) and international organizations.