

**UNIVERSITY OF NAIROBI**

**A Critical Analysis of the Dimensions of Illegal Migration  
from West Africa to Europe in the Post-Cold War Era**

**By**

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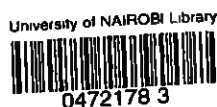
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## DECLARATION

This dissertation is my original work and has not been presented for a degree in any other university.

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This dissertation has been submitted for examination with my approval as a University Supervisor.

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## **Abstract**

The study sets out to examine the phenomenon of illegal migration from West Africa to Europe and how the flow can be reduced. It is seen in the context of the historical and political evolution of African societies and the dimensions of illegal migration from West Africa to Europe are analysed. Africa has a long history of the movement of its people, always aimed to restore ecological balance, and for the individuals in search for enough food supply, better shelter, security, welfare and better salaries. The movement patterns of illegal migration in the West and North African regions forced the European Union to implement new policies to reduce the flow of both legal and illegal migrants towards Europe. Especially after more restrictive policies have been introduced in North Africa, the flow of illegal migrants changed to the route towards the Canary Islands.

It is pointed out that a change of the migration policy of countries of the European Union is necessary, changing from the concept of “Fortress Europe” to a harmonization of the European policy regarding migration and asylum. Although an attractive tool for European countries to temporarily satisfy the Western societies, building “Fortress Europe” hardly seems a permanent solution.

To reduce illegal migration from West Africa to Europe, it is necessary to build up a stronger cooperation between Europe and West Africa. Europe has to introduce measures that the illegal migrants voluntarily return to their country of origin. While there is a broad consensus at the level of conception that the focus of attention should be on fighting poverty and addressing the problems of good governance, disintegrating state structures and barely functioning private economies it is necessary to implement better structures in the West African countries.

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## CHAPTER ONE - BACKGROUND TO STUDY

### 1.1. Introduction and Overview

As it occurs in all human societies migration is not a new phenomenon on the African continent. Indeed migration is as old as humanity itself. There is surely no better proof of this fact due to the spread of human beings to all corners of the globe from their initial ecological niche in Sub-Saharan Africa. Migration, which refers to spatial relocation from one's native land to settle in another for a relatively long and undefined period, is to be seen in an aspect of population movement.<sup>1</sup> This includes international migration which is the movement across national boundaries as well as national migration which is the intra-national movement to another place more or less permanently.

The phenomenon of migration from Africa to Europe should be seen in the context of the historical and political evolution of African societies. Africa has a long history of the movement of its people, always aimed to restore ecological balance, and for the individuals in search for enough food supply, better shelter, security, welfare and better salaries.<sup>2</sup>

The modern history of international migration can be divided in four periods: From 1500 till 1800, in the mercantile period, migration was seen as a flow out of Europe which led to the process of colonisation and economic growth. For more than 300 years Europeans inhabited large areas of the different continents, including Africa. The

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<sup>1</sup> J. Arango, i.a. (1998), Worlds in Motion: Understanding International Migration at the End of the Millenium. Clarendon Press, Oxford, pp. 1-6

<sup>2</sup> Ibid.

next period in the 19<sup>th</sup> century, was shaped again by a North-South movement of population, when hundreds of thousands of people from Europe settled in African countries.<sup>3</sup> 85 percent of all international migrants in Africa originated from Europe.<sup>4</sup> During World Wars I and II international migration consisted mainly of refugees and displaced persons. Since 1960 the direction of the flow from North to South changed in a flow in the opposite direction from South to North. Now the countries throughout Western Europe, especially France, Germany, Belgium, Sweden and the Netherlands, attracted migrants from Africa and Asia.<sup>5</sup> Principally, most African states gained their independence in the 1960s. This period was the zenith of the Cold War. During the Cold War, which lasted until 1989, African states and other countries of the third world played off one superpower against the other in pursuit of their own agenda.<sup>6</sup> In this period another rise in migration towards Europe could be seen, initiated by response to political, economic, religious and security reasons. Most countries in Europe were pleased due to the fact that migrant workers from African countries could solve the recruitment problems for workers in the rapidly growing economy in Europe. This cheap workforce mainly found employment in factories, service industry and mines.

With the start of restrictive immigration policy following the oil crisis and the economic recession in the early 1970s, guest workers were no longer recruited. However, migration from African countries continued despite the cessation of recruitment and restrictive immigration policies of the countries of destination. It did

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<sup>3</sup> Ibid.

<sup>4</sup> I. Ferenczi (1929), International Migrations I: Statistics, National Bureau of Economic Research, New York, p. 21

<sup>5</sup> A. Abdan-Unat, i.a. (1975), Migration and Development: A Study of the Effects of International Labor Migration, Ajans-Turk Press, Ankara, p. 85

<sup>6</sup> M. Mwangi (1994), "Between a Rock and a Hard Place: Africa and the Changing United Nations", Paradigms. Vol. 8: No.2, pp. 111-123

not only involve labourers, but also their family members, asylum seekers and illegal migrants. Although the exact figures for illegal migrants, that means migrants entering a country without the required documents, cannot be determined precisely, the number of illegal migrants to Western Europe doubled up from the year 1974 to the year 1997.<sup>7</sup>

The most recent stage, which began after 1989 and which is also called the Post-Cold War era, is shaped by migration policy determined by the state. In retrospect, it is clear that the end of the Cold War was a watershed event in the history of global migration, ending a policy regime that had held world migration rates at a artificially low levels for more than 40 years.<sup>8</sup> After opening the borders from Eastern Europe towards the West a great number of migrants were expected. The reasons lay on the table: after a long time in Communist regimes they now headed to the West primarily trying to find employment, better salaries and better welfare.

However, also African migrants tried to continue to seek their chance to migrate to Europe. Since this time European migration policies most sincerely aimed to control immigration and to reduce illegal migration especially having in mind the fact that migrants having reached the coastlines of Spain and Italy can freely travel through Europe due to “open borders” within Europe. The Schengen Treaty<sup>9</sup> allows free movement and border crossings within most countries of the European Union. This case study seeks to critically analyse the dimensions, namely the situation and

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<sup>7</sup> I. Stacher (2000), Internationale Migration: Die globale Herausforderung des 21. Jahrhunderts, (International Migration. The global Task of the 21st Century), Brandes&Apsel/Südwind, Frankfurt/Main., Germany, p. 3

<sup>8</sup> G. Hugo (1995), “Labour Export from Indonesia: An Overview” in ASEAN Economic Buletin, Vol. 12, pp. 275-298

<sup>9</sup> See Appendix 2: German Foreign Ministry (2003), Schengen Treaty. [www.auswaertiges-amt.de/schengen](http://www.auswaertiges-amt.de/schengen)

problems, its extent and size, the motivation of illegal migration from West Africa to Europe in the Post-Cold War era as well as its impacts on European policy.

## **1.2. Statement of the problem**

In December 2004 the discovery of the bodies of eight illegal migrants in a container in the Irish Republic and a few days later of four more in Italy, illustrates the drama, suffering and despair which go with illegal migration. The European Union estimates that every year hundreds and even thousands die while trying to enter a foreign country illegally. The number of graves of “the unknown migrant” in the south of Spain testifies these tragedies as do reports of ships sunk off the coasts of Italy. Especially during the recent months of this year 2006, thousands died travelling from West Africa to Europe.

Illegal migration is as old as the establishment of restrictions on border crossings. In the Post-Cold War era European countries faced a dramatic increase of migrants to Europe, especially from the former Eastern block. However, as stated earlier, the flow of migrants from Africa continued too, and both led to a change of the foreign policy of the European states. The southernmost countries in Europe, Spain and Italy, are regarded as popular countries of destination for migrants from West Africa using the North African states as transit countries. Due to the fact that both countries are situated directly opposite the African continent in fairly reachable distance and that illegal migrants, after having reached one of these countries, can travel almost across whole Europe without “border crossings”<sup>10</sup>, Spain and Italy are known as the “Gates to Europe”. The number of international migrants all over the world was stated with 84 million in the year 1974 and grew to a number of 120 million in 1990, the estimate for

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<sup>10</sup> See Appendix 2: German Foreign Ministry (2003), Schengen Treaty, [www.auswaertiges-amt.de/schengen](http://www.auswaertiges-amt.de/schengen)

2006 is 205 million people.<sup>11</sup> However, due to the lack of statistics for illegal migrants their number cannot be given, but it is increasing dramatically as reports in the media show.

Due to the increasing number of migrants, the loss of lives during the long journeys and the effects on the European society, for example increase of unemployment, increase of expenses for welfare and increase of crime to name a few, the dimensions of illegal migration from Africa to Europe should be emphasized on and analysed. This study will therefore seek answers to the questions which different refugee/migrant patterns exist, what the reasons for migration from West Africa are, how illegal migration influences the European policy on migration and finally a suggestion how with the big number of illegal migrants from West Africa to the European countries this situation could be dealt with. Especially due to the dramatical increase of illegal migrants from West Africa to Southern Europe, since the beginning of this year around 20,000 landed on the Canary Islands, this study was chosen.

### **1.3. Objectives of the study**

The broad objective of this study is to analyse the dimensions for illegal migration to Europe from West Africa. The above broad objective has been subdivided into the following objectives:

- Examine the different kinds of migration and the factors that lead to illegal migration
- Analyse this impact on the migration policy of the European Union
- Evaluate the strategies of European countries against illegal migration

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<sup>11</sup> Federal Ministry for Economic Cooperation and Development (2005), Berlin, [www.bmz.de/migranten/statistik](http://www.bmz.de/migranten/statistik)

- Attempt to identify possible solutions to address how illegal migration from West Africa to Europe can be reduced.

#### **1.4. Justification of the Study**

Academically, there have been debates amongst scholars like Bercovitch and Marixa, as to whether a single case study is able to enhance generalization or theorizing. Bercovitch has reiterated that even the findings from a single case study can be suggestive and can give future pointers and research.<sup>12</sup>

Historically, Europe was seen as a sender of migrants, but before the turn of the twenty-first century the European countries have become a recipient of migrations from every region of the world, especially the former Eastern block which was strongly tightened to Russia. In 1991, the foreign population in the European Union<sup>13</sup> numbered about 16 million, which was about 4 percent of the population of the European Union.<sup>14</sup> After the end of the Soviet Union and its Eastern block massive unemployment could be seen in these countries going along with political instability. These effects pushed massive flows of migrants from the former communist countries to Western Europe. According to official statistics,<sup>15</sup> 1,2 million people left the Warsaw Pact and headed to Western Europe in search for starting new lives there.

However, also migrants, including illegal migrants, from Africa continued heading to the North. They have not been in the focus of the governments of European countries short after the end of the Cold War. This is similar to the literature concerning

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<sup>12</sup> J. Bercovitch, et. al.(1991), "Some Conceptual Issues and Empirical Trends in the Study of Successful Mediation in International Relations", *The Journal of Peace Research*, Vol. 28, pp 7-17

<sup>13</sup> See Appendix 3: European Union (EU), (2004), *European Union*, [www.eu.int/european union](http://www.eu.int/european union)

<sup>14</sup> A. Marixa (ed.), (2004), *Migration and Immigration: A Global View*; Westport, CT, p. 52

<sup>15</sup> See Federal Statistical Office Germany (1993), *Migration Bulletin 1993*, Berlin

migration in the Post-Cold War era. All scholars and researchers focused on the new phenomena: the Cold War was over and the migrants were flowing from the East towards the West. Therefore a lot of case studies were initiated and written concerning the dimensions of the migration from the East. No thorough study is available that had been undertaken in regard to the dimensions of illegal migration from Africa in general and West Africa in detail in the Post-Cold War era. From the academic point of view, this study seeks to fill this gap in literature and research papers. It could lead to the inspiration of other researchers to focus more on the African continent, especially to research the reasons why people leave their African homes.

Additionally, there is also a political point of view. The end of the Cold War has seen the African continent being neglected and marginalised, especially since the continent appeared to have lost the political, economic and strategic importance it had for the East and West<sup>16</sup> during the bipolar systems. European countries were concentrating on the former Eastern-Block-states to establish closer relations and to find a growing market for exports. However, also the fear came up, that thousands of migrants will migrate to the Western part of Europe. This study also can be of interest for politicians. There is an attempt to seek solutions on the political level how to deal with illegal migrants and which strategies could be implemented.

This study agrees with this assertion and the author feels that it is possible to generalize after the analysis of illegal migration from West Africa to Europe and the impacts on the European migration policy to migration problems in other regions worldwide.

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<sup>16</sup> Z. Laidi (1990), The Super Power and Africa: The Constraints of a Rivalry, 1960-1990: University of Chicago Press, Chicago and London, pp. 37-48



## **1.5. Hypotheses**

In order to achieve the objectives of the study, three hypotheses will be tested:

- (i) Factors in the country of origin like insecurity, unemployment and weak economy will lead to migration.
- (ii) Illegal migration from Africa is influencing the European policy to react to the migration flow.
- (iii) Only with a European policy towards Africa, backed by all European countries, illegal migration can be reduced.

## **1.6. Literature Review**

Empirical literature concerning illegal migration is mostly being found with the focus towards migration to the United States, and since 1990 the migration from Eastern Europe is being addressed. However, even these regions will give insights into the migration phenomenon concerning the different causes and types of migration, which can then be generalized for Africa. As illegal migration causes conflict and can turn to violence, especially in the situation in Europe of today, where a lot of countries suffer from unemployment and decreasing social wealth, the literature concerning conflict will also be reviewed. Furthermore in this study, the few titles of available literature on illegal migration from West Africa to Europe will be assessed as well as the European migration policy.

In his main book „Politics among Nations“,<sup>17</sup> Hans J. Morgenthau does not see the international environment as a small world of harmony, which is temporarily disturbed by individuals, but as a place of permanent conflicts of power and interests. Again and again these conflicts can be seen as violent conflicts if the power can move in the

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<sup>17</sup> H. J. Morgenthau, (1978), Politics among Nations: The Struggle for Power and Peace, 5<sup>th</sup> ed. by Alfred A. Knopf, New York, p.14

international system. Morgenthau sees the reasons in the socio-ethic imperfect nature of human beings and in the anarchic structures of the international system. His view is based on the picture of a human being who is used to creative behaviour on the one hand side and on the other hand to “destructive behaviour of an imperialistic policy”. This means in his sense “overcoming of the status quo, e.g. succeeding to get local dominance up to the achievement of global control”. Human beings do not act on an unsecure basis of confidence but on the secure basis of control.

He sees the activities of actors in the international system are guided by interests. This also applies for the illegal migrants leaving their African homes. They try for example to find a better life in other countries for themselves and their families with their perception that their interests and needs can be satisfied there.

Zartman has defined conflict in reference to the underlying issues in dispute between parties. He adds that crisis refers to the active outbreak of armed conflicts.<sup>18</sup> Mwangiri’s line of thoughts<sup>19</sup> correlates in an excellent manner with Burton’s view that conflicts of interest can be negotiated, mediated, subjected to judicial determination and be bargained. Burton adds furthermore that at all levels there are conflicts involving needs and values, which cannot be traded, compromised or repressed.<sup>20</sup> It is argued in the literature under this definition that conflict is a process which involves rational beings within states or within their neighbourhood clashing over values, wants, needs and interests. This is also related to the study in this kind that there is a conflict situation between European citizens and illegal migrants who bring other

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<sup>18</sup> I.W. Zartman, (1985), Conflict and Intervention in Africa, Oxford Press, p. 8

<sup>19</sup> M. Mwangiri, (1985), The International Management of Internal Conflict in Africa: The Uganda Mediation, op.cit.

<sup>20</sup> J.W Burton, (1989) “World Society and Human Needs” in Light and Groom (ed), International Relations: A Handbook of Current Theory, op.cit. p. 50

values and interests with them. Especially if they are marginalized, they can easily turn to violence as shown in France in March 2006 or to relative deprivation. This is the discontent people feel when they compare their positions to those of others similarly situated and find out that they have less than they deserve. Kendall argues that it is a condition that is measured by comparing one group's situation to the situation of those who are more advantaged. Such phenomena are also known as unfulfilled rising expectations.<sup>21</sup> This can likewise be related to illegal migrants, who prior departure in their country of origin have been told by others "who have already made it", that in Europe it is easy to survive socially and financially and then they face the fact that the reality is much different. Social scientists, particularly political scientists and sociologists like Ted Robert Gurr and Jerry D. Rose<sup>22</sup> have cited "relative deprivation", especially temporal relative deprivation, as a potential cause of social movements, in extreme situations leading to political violence such as rioting, terrorism and civil wars.<sup>23</sup>

Ascertaining the existence of conflict has posed a challenge to many scholars like Burton and Galtung. One group looks at it "subjectively" believing that for the existence of conflict there has to be some perception of incompatible goals by social actors. On the other hand there are scholars looking at conflict with an "objective" view. To them a conflict may exist without the awareness of the actors.<sup>24</sup> Peace researchers prefer to look at conflict with an "objective" view by focussing on underlying issues of structural violence. Galtung advocates that "conflict instigated by structural violence occurs when human beings are being influenced so that their actual

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<sup>21</sup> D. Kendall, (2005), Sociology in our Times, Thomson Wadsworth, p. 530

<sup>22</sup> J.D. Rose, (1982), Outbreaks. the Sociology of Collective Behavior, New York Free Press, p. 76

<sup>23</sup> T.R. Gurr, (1970), Why Men Rebel, Princeton University Press, pp. 12-13

<sup>24</sup> K. Webb, (1986), "Structural Violence and the Definition of Conflict" in World Encyclopaedia of Peace, Vol. 2, Oxford Pargamon Press, pp. 431-434

somatic and natural realisations are below their potential realisation.”<sup>25</sup> Obviously there is a general consent that for conflict to exist there must be clashing of interests of some kind. This can be seen, when the expectations of illegal migrants are not fulfilled and European countries try to build a fortress to prevent migrants from entering “Fortress Europe”. This will be discussed more in detail in chapter three of this study.

A variety of theoretical models have been proposed to explain why international migration begins and although each ultimately seeks to explain the same facts, they employ radically different concepts, assumptions and frames of reference. Neoclassical economic theory focusses on differentials in wages and employment conditions between countries and on migration costs. Probably the oldest and best-known theory of international migration has its roots in models developed originally to explain internal labour migration in the process of economic development.<sup>26</sup> It generally conceives of movement as an individual decision for income maximization.

This model has a difficult time explaining a variety of observations in the post-industrial and post-Cold War world where migration will play a central role.<sup>27</sup> One less developed country may have a high rate of migration, its similarly developed neighbour may not. Migrants do not always go to places where wages are the highest. Migration often ceases before wage disparities appear. Migration sometimes occurs in the absence of wage disparities. Furthermore, other problems are the inability of models to account for moves that are not economic in nature and the assumption that migrants are homogeneous with respect to taste and risk.<sup>28</sup> The neoclassical economic

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<sup>25</sup> J. Galtung, (1969), “Violence, Peace and Peace Research”, Journal of Peace Research 3, pp. 167-197

<sup>26</sup> M.P. Todaro, (1976), International Migration in Developing Countries, International Labour Organization, Geneva, pp. 6 - 8

<sup>27</sup> S. Castles and M.J. Miller (1993), The Age of Migration: International Population Movements in the Modern World, Guilford Press, New York, p. 144

<sup>28</sup> J. Arango, i.a. (1998), Worlds in Motion: Understanding International Migration at the End of the Millennium, Clarendon Press, Oxford, p. 8

perspective of analysts led to a focus almost exclusively on economic disparities between areas, which the migrants left, and their destinations, which are evaluated by rational actors seeking to maximize utility. At times researchers have seemingly found it sufficient simply to enumerate the economic disparities separating two regions and then deduce an all but inevitable future flow of migrants between them.<sup>29</sup>

The new economics of migration theory, in contrast, considers conditions in a variety of markets, not just labour markets. It views migration as a household decision often taken to minimize risk and to overcome constraints on family production or consumption attributable to failures in insurance, capital or consumer credit markets. The new economic theorists argue that households send workers abroad not only to improve their incomes in absolute terms but also to increase them relative to other households and hence, to reduce their relative deprivation compared to some reference-group.<sup>30</sup> This seems to be more realistic in the contemporary international system.

One of the most well known books concerning "migration" is the book "Global History and Migrations",<sup>31</sup> edited by Wang Gungwu. In particular he writes concerning the history of migration, the move by Europeans in the globalizing world, he describes Africa and the global patterns of migration, refugee movements as well as travel, migration and images of social life. Migration is defined as the movement of persons – either individual, collective or mixed in character – from one distinct place to another, that means either within the same town or city, between cities, between

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<sup>29</sup> J.C. Chesnais, (1991), Migration from Eastern to Western Europe, Council of Europe, Strasbourg, p. 12

<sup>30</sup> E. Katz and O. Stark (1986), „Labour Migration and Risk Aversion in less Developed Counties“, in Journal of Labour Economics, Vol. 4, pp. 134 - 149

<sup>31</sup> W. Gungwu, (1997), Global History and Migrations, Westview Press, Colorado, pp. 23-95

countries or even continents.<sup>32</sup> Migration information is generally biased towards long-term movements and often eliminates temporary movements, which might all have important social and economic implications.<sup>33</sup>

W. Gungwu argues that migration consists of a variety of movements depending on the purpose, direction and permanence of migration, oscillating migration and gravity flow migration. In reality, the differentiation between different types of mobility might not be that clear as it focusses on the intention of the migrant according to P. Kok. A young adult, for example, might move from a rural area in West Africa to a city in Europe for employment purposes, but maintain strong links with his birthplace, make financial contribution to his family and might return once per year for a longer visit. Also he is assisting his family or even community with remittances these poor families depend on. This would be classified as long-term circulatory labour migration. However, the same person could start a home in Europe with his family, eventually never return permanently to his birthplace – they become permanent migrants.<sup>34</sup>

Buzan's conception of "security" as a "special kind of politics or as above politics ... that takes politics beyond established rules of the game" is useful in the analysis of illegal migration, because, in addition to the traditional notion of militarization it provides the tools of bureaucratisation and politicisation to cope with non-traditional transnational threats.<sup>35</sup> The perspective employed is on how illegal migration is perceived as a threat to the government's ability to secure its borders and safeguard the

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<sup>32</sup> C. Cross, (2000) in Graduate Workshop on Internal Migration, Paper No. 11, Department of Sociology, University of Stellenbosch, p. 12

<sup>33</sup> Ibid., p. 16

<sup>34</sup> P. Kok, i.a. (2003), Post-Apartheid pattern of Migration in South Africa, Cape Town, HSRC, p. 9

<sup>35</sup> B. Buzan, i.a. (1998), Security: A New Framework for Analysis, Lynne Rienner Publishers, London, p. 23

interests of its citizens and how this is addressed in Europe, as a major destination for such flows from West Africa to Europe.

Migration is most often equated to and recorded by government documentation as immigration, that means international migration and yet international migrants are less than three percent of the world's population compared to much higher proportions of internal migrants. Although statistics on migration are not available on a regular basis, it is assumed that in the United States of America 20 percent of the population migrate internally per annum and in West Africa migration is regarded as a way of life.<sup>36</sup>

Various authors like P. Kok and J. Widgreen describe mobility strategies as organized responses to the structural properties of the natural and social environment. Migration behaviour, that means when, where to and why people are migrating, is influenced by numerous factors at different levels, such as economic, political, social, cultural, spiritual, institutional and demographic factors. Often the migrants try to earn money for their households and families which they left back to allow them a higher living standard. The changed household structures often result in an increase in female-headed households due to male out-migration or male labour migration. In some cases, such as India, this is associated with the impoverishment of women, while in other cases female-headed households receive sufficient remittances from those who have migrated.<sup>37</sup>

Migration can either be for economic or non-economic reasons. Within these two groups there are furthermore three categories of factors. Firstly there are demand-pull

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<sup>36</sup> P. Martin and J. Widgren (2002) "International Migration: Facing the Challenges" in Population Bulletin 57, pp. 1-40

<sup>37</sup> Ibid., pp. 10-23

factors such as labour recruitment and better wages or better infrastructure or family unification, secondly supply-push factors like unemployment and low wages or humanitarian or environmental emergencies and thirdly network factors like social networks or information.<sup>38</sup> These factors do not have equal weight and the weight of each factor can change over time. This complexity has been well described for one of the best-documented migration phenomena that is between Mexico and the United States.<sup>39</sup>

G. Swamy discusses in his article "Population Growth and International Migration"<sup>40</sup> that the rapid population growth in most developing countries will tend to huge economic disparities between developed and developing countries. He states that the increase of the number of young adults from 1988 till 2000 was around 19 million in developed countries and 600 million in developing countries. The economic implications of these demographic changes are dramatical. Even with high rates of domestic savings there are serious constraints on increasing the amount of capital per worker in most developing countries. He further argues that "even if per capita income grows faster in developing than in industrialized countries, the absolute income gap will not decrease significantly because the initial difference in per capita income is so large for many developing countries".<sup>41</sup> The links binding countries from the South and North could help to narrow these disparities in three ways. These are trade, capital flow and migration. International migration motivated by economic disparities has been a feature of the international economy for centuries. For many countries illegal migration is significant.

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<sup>38</sup> Ibid, p. 8

<sup>39</sup> Mexican Ministry of Foreign Affairs and US Commission on Immigration Reform (1998)

<sup>40</sup> in D. Salvatore (1988), World Population: Trends and their Impact on Economic Development, Greenwood Press, New York, p. 107

<sup>41</sup> Ibid.



T.T. Thahane argues that the primary push factors in rural areas of Africa include extremely low income, the unfavourable rural socio-economic structure, low skills in peasant farming, displacement of small farmers for large-scale farming, landlessness, and concentration of available land in the hands of few landlords. In Lesotho, for example, the majority of labour migrants to South Africa comes from rural areas, as arable land continues to decline and a large proportion of rural households are landless.<sup>42</sup> In most African countries, young men, both single and married, tend to migrate alone to the cities in the home country, but also across borders to foreign countries to save enough money to pay for the transport and maintenance of wives, children and households.<sup>43</sup> This is also relating to the new economics of migration theory.

The perception of opportunities can act as pull factor very often. A case study from France of 1999<sup>44</sup> shows that migration does not necessarily help in finding a job if one is unemployed. If you are unskilled in your country of origin, it is also unlikely to find a job in the country of destination. O.R. Galle argues that if a migrant is young with good education and training or he is aspiring to occupations in higher social classes, then he leaves to obtain a job and usually does not return. Distance, not only in linear terms but also as a measure of difference in economic, demographic and cultural terms, is a serious deterrent to migration for people across the economic spectrum. However, it is less of a deterrent to high-income people. The greater the distance

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<sup>42</sup> T.T. Thahane, (1991), "International Labour Migration in Southern Africa" in D.G. Papademetriou (ed.) The Unsettled Relationship: Labour Migration and Economic Development. Greenwood Press, New York, pp. 33-41

<sup>43</sup> J.O. Oucho, (1990), "Migrant Linkages in Africa", in Conference on the Role of Migration: Issues and Policies for the 90s. Vol. 1, Commissioned Papers, Union for African Population Studies, Dakar, p. 8

<sup>44</sup> C. Detang-Dessendre (1999), "Reciprocal Link between Exit from Unemployment and Geographical Mobility" in Environment and Planning, A 31 (8), pp. 1417 - 1431

travelled by migrants the more likely it is that they would not return to their origin but if they are still in contact with their families try to send money back home.<sup>45</sup>

Traditionally, according to O.R. Galle, the view of a migrant was a man looking for a job. This picture is slowly changing, due to the fact that nearly half of internal migrants in developing countries are women. They show long-term migration and have the aims either to join or accompany her husband, to marry or to leave her husband. They also migrate more often for reasons other than employment or survival. Reasons could be pull factors at the destination like better housing, schools or health services for their children, especially if they are the head of their household.<sup>46</sup> But due to the restrictive European policy, visa are not issued very frequently any more and as a result the migrants end up as illegal migrants. Not all migration processes are random. It seems to be closely related to individual characteristics of family members like youth or to group characteristics such as clan structures or social networks. In international migration also legal aspects could play a role.<sup>47</sup> In conclusion migration should be viewed as a function of multiple motives. Although economic causes are often regarded as the root cause of migration, they are unable to explain migration decision making as a whole.<sup>48</sup>

Compared with the research literature of North America, the range of studies available for Europe provides a rather limited basis upon which to judge the efficiency of theoretical explanations put forth to account for the initiation and perpetuation of

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<sup>45</sup> O.R. Galle and M.W. Williams (1972), "Metropolitan Migration Efficiency", in Demography, (9/4), pp. 655-665

<sup>46</sup> J.M. Katzenellenbogen, i.a. (1988), „Mamre Community Health Project – Demographic, social and environmental Profile at Baseline” in South African Medical Journal, 74(7), pp. 328-334

<sup>47</sup> S.R. Curren and E. Rivero-Fuentes (2003), "Migrant Networks: The Case of Mexican Migration" in Demography, 40(2), p. 289-307

<sup>48</sup> P. Kok, i.a. (2003), Post-Apartheid pattern of Migration in South Africa. Cape Town, HSRC, p. 20

international migration. Unlike traditional migrant-receiving societies the nations of Western Europe lack a strong heritage of data collection and dissemination with respect to international migration. Indeed, many governments have difficulty accepting the fact that they have become migrant-receiving societies, despite mounting evidence to the contrary. In keeping with this reluctance to acknowledge migration as a demographic fact, national statistical agencies often tend to be secretive and rather defensive about the publication and dissemination of information on migration. While government agencies have resisted accepting migration as a demographic process, European investigators have been slow to generate alternative sources of data on the topic. In the USA, Canada and Australia data have been developed by investigator-initiated surveys of specific sending communities or regions, where you can see in detail where migrants are coming from and their movement patterns, but such initiatives are sadly lacking in Europe.<sup>49</sup>

As shown in the literature review a lot of researchers are concentrating on conflicts, migration to the United States, but only little literature is available in regard to migration from Africa in general and West Africa in detail. So this study will try to fill the gap and is therefore concentrating on the illegal migration from West Africa to Europe taking into account the European policy dealing with migration towards Europe.

## **1.7. Theoretical Framework**

At present, there is no single theory widely accepted by social scientists to account for the emergence and perpetuation of international migration throughout the world.

Current patterns and trends in migration across borders suggest however, that a full

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<sup>49</sup> J. Arango, i.a. (1998), Worlds in Motion: Understanding International Migration at the End of the Millenium. Clarendon Press, Oxford, pp. 122-123

understanding of contemporary migratory processes will not be achieved by relying on the tools of one discipline alone, or by focussing on a single level of analysis or one conceptual model. There is a need to discover the variables to explain and to understand behaviour and to reveal the characteristics of the different types of relations which are interacting among observed elements.<sup>50</sup> There is a general consensus of Stanley Hoffmann together with other scholars, that there is a need for a theory “to explain phenomena which occur”.<sup>51</sup> The complex, multifaceted nature of international migration requires a sophisticated theory that incorporates a variety of perspectives, levels and assumptions.

As shown in the literature review, the new economics of migration theory considers conditions in a variety of markets, not just labour markets. It views migration as a household decision often taken to minimize risk and to overcome constraints on family production or consumption attributable to failures in insurance, capital or consumer credit markets. A key insight of this approach is that migration decisions are not made by isolated individual actors, but by larger units of related people, typically by families, households and sometimes communities, in which people act collectively not only to maximize expected income but also to minimize risks and to loosen constraints associated with various kinds of market failures, apart from those in the labour market.<sup>52</sup>

Unlike individuals, households are in a good position to control risks to their economic well-being by diversifying the allocation of resources at their disposal, such as family

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<sup>50</sup> S. Hoffmann, (1969), Theory and International Relations in International Politics and Foreign Policy. Free Press, New York, p. 33

<sup>51</sup> Ibid.

<sup>52</sup> E. Katz and O. Stark (1986), “Labour Migration and Risk Aversion in less Developed Counties”, in Journal of Labour Economics, Vol. 4, pp. 134 - 149

labour. Some may undertake productive activities in the local economy, others may work elsewhere in the same country, for example in a distant urban area and others look for work in foreign countries. As long as economic conditions in the non-local markets are negatively correlated with those in the home community, households will be in a position to control risks through diversification. In the event that economic conditions at home deteriorate and productive activities fail to bring sufficient income, the household can rely on migrant remittances for support. In most developed countries risks to household income are minimized through private insurances and credit markets or even governmental programmes. However, in developing countries these institutional mechanisms for managing risks are imperfect, absent or not accessible to poor families. The absence of well-functioning capital and credit markets creates strong pressure for international migration as a strategy of capital accumulation.<sup>53</sup>

Most household incomes in African countries are based on agriculture. Due to human or natural events, a household can easily face the prospect of having insufficient food or income, a risk to which farm families are naturally quite averse. Additionally, there is the risk that crops when harvested cannot be sold for a price sufficient to sustain the family. Most developing countries lack future markets and when they exist, poor farm households do generally not have access due to missing infrastructure. Migration offers a mechanism by which families can self-insure against income risks in form of remittances to support the family.

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<sup>53</sup> J. Arango, i.a. (1998), Worlds in Motion: Understanding International Migration at the End of the Millenium, Clarendon Press, Oxford, p. 22

Non-farm families as well as many agricultural households depend on wages earned by family workers. If local economic conditions deteriorate the household's livelihood may be threatened by a reduction or loss of income. In the developed world governments maintain insurance programmes that protect workers and their families from this risk but in developing countries such unemployment programmes are absent which again is giving families incentives to self-insure by sending workers abroad. It is similar to the inevitable withdrawal from productive activities in old age. Developed countries have evolved a mix of private pensions and government security programmes to reduce the risk of penury in old age. In most developing nations however, public and private schemes for ensuring old-age support are rudimentary or very frequently non-existent.<sup>54</sup>

Households may need to acquire capital to make necessary investments. However, in many developing countries saving institutions are unreliable or underdeveloped and people are reluctant to entrust their savings to them. In most African countries people are scared of borrowing capital, either they do not qualify or the interest rates are too high to afford credits. Under these circumstances, migration again becomes attractive as an alternative source of capital with capital back transfer in form of remittances.

The new economic theorists argue that households send workers abroad not only to improve their incomes in absolute terms but also to increase them relative to other households and hence, to reduce their relative deprivation compared to some reference-group. A household's sense of relative deprivation depends on the incomes of which it is deprived in the reference-group income distribution. To illustrate this concept of relative income, consider an increase in the income of affluent households.

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<sup>54</sup> Ibid., p. 24

If poor households' incomes are unchanged, then their relative deprivation increases. If household utility is negatively affected by relative deprivation, then even though poor households' absolute income and expected gains from migration remain unchanged, its incentive to participate in international migration increases, if, by sending a family member abroad, it can hope to reap a relative income gain in the community. The likelihood of migration thus grows because of the change in other households' incomes. Market failures that constrain local income opportunities for poor households may also increase the attractiveness of migration as an avenue for effecting gains in relative income.<sup>55</sup>

For this study, the new economics of migration theory is chosen due to the fact that especially economic reasons force people into legal and illegal migration. However, given the fact that theories conceptualize causal processes at different levels of analysis like individual, household, national and international, it cannot be assumed that different theories are inherently incompatible. It is quite possible, for example, that individuals act to maximize their income while families organize themselves to minimize risks and that the context within which both decisions are made is shaped by structural forces operating at national and international levels.

Due to the fact that European countries do not need so many workers any more to run their industries, less working permits for migrants have been issued during last years. However, the demand from African citizens and households according to the new economics of migration theory still counts. So many migrants try to reach Europe illegally. This creates a conflict situation between the migrants and the European countries. Conflict is part of life and a basic component that influences every

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<sup>55</sup> E. Stark and J.E. Taylor (1991), "Migration Incentives, Migration Types: The Role of Relative Deprivation", Economic Journal, Vol. 101, pp. 1163-1178

relationship. Therefore efforts should not be undertaken to eliminate conflict, these efforts will fail. Morton Deutsch wrote: "Conflict can neither be eliminated nor even suppressed by long. Conflict is the root of personal and social change. The social and scientific issue is not how to eliminate or prevent conflict, but rather how to live lively controversy instead of deadly quarrels".<sup>56</sup> This means that the aim of the European migration policy must keep in mind that it must try to manage the migration issues in such a way that its negative impact is minimized and its positive role is maximized.

So this study will aim and be focussed on values, ideas, belief systems, socio-political structures and social processes that make people engage in migration issues and encourage them to seek solutions to end this conflict between migrants and the European countries. The aim should also be to introduce new ideas to solve the conflict and to build new socio-political structures both on a national and international level to make human and institutional interaction more co-operative and less conflictual.

## **1.8. Methodology**

The broad objective of this study is to analyse the dimensions of illegal migration from West Africa to Europe in the Post-Cold War era. In order to achieve this broad objective together with the subdivided objectives, this study is mostly dependent on secondary sources. This means that most sources are publications, either books, articles from journals or periodica, but also a lot of research work is being done in the internet. As already mentioned, most literature concerning illegal migration is available for the illegal border crossings between Mexico and the United States. Therefore, it will be necessary to undertake frequent research on internet as well as to

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<sup>56</sup> M. Deutsch, (1990), "Theoretical Practises on Conflict Resolution", in John Burton and Frank Dukes (eds), Conflict Readings in Management. St. Martin's Press, New York, p. 38



go through publications of the European Union in regard to its policy towards illegal migrants.

However, also primary sources will be used. Interviews are planned either with people having dealt with migration issues in Africa or who are working for the International Organization for Migration (IOM) in Nairobi. However, it will not be easy to get information through interviews from embassies receiving illegal migrants in Europe due to the fact that media are reporting about illegal migration in Africa and Europe nearly every day and a kind of suspiciousness may occur. On the other hand the information might be sensitive, especially when the tragedies of illegal migrants from West Africa to Southern Europe can daily be seen on TV and policies come into place which are very restrictive. So, nevertheless I try to go behind the statistical data because human behaviour can best be explained with qualitative research.

## **1.9. Chapter Outline of the Study**

This study is organised in five major parts:

### *Chapter One – Introduction, Literature Review, Theoretical Framework*

In the first part the main components of the study like introduction, literature review and theoretical framework have been put forward. The justification of the study and the study objectives are also embedded there.

### *Chapter Two – Types, Reasons and Factors for Illegal Migration*

This chapter will examine the types, reasons and factors which lead to migration, especially to illegal migration. This part draws sources from secondary materials, both from Africa and Europe, as well as interviews from sources in Nairobi.

### *Chapter Three – Movement Patterns and Impact of Illegal Migration on European Migration Policy*

This chapter will analyse movement patterns and the impact of illegal migration on European migration policy. Research in the internet will become one of the main research methods in this chapter.

### *Chapter Four – Possible Solutions for Illegal Migration*

This chapter will try to find solutions to deal with illegal migration to Europe.

### *Chapter Five – Conclusion and Recommendations*

This chapter will consist of the conclusion and will give recommendations which could be interesting for researchers on this topic in the future and for people involved in politics.

### *Chapter Six - Bibliography*

The bibliography will outline the references used in this study.

The case study is particularly attractive because it tries to close a gap between the little literature available on the topic and the dynamic changes which are happening every day off the coast of North and West Africa. For this study there are generally spoken

three main secondary sources of data: books, dealing with migration in general and illegal migration in particular, statistics given by non-governmental or inter-governmental organisations as well as further secondary information. The press and the internet provided particularly useful sources of contemporary commentaries on the background of migration and impacts on the European migration policy. The planned interviews will add more value to the secondary sources.

## CHAPTER TWO - CAUSES OF MIGRATION

### 2.1. Introduction

After the introduction focussing on the Post-Cold War era, data on migration and general observations of migration in Africa, this chapter will highlight the types of migration, its causes and the migration situation in West Africa. These subjects are also related to illegal migration due to the fact that migration meanwhile is restricted dramatically by European states and for a lot of migrants only illegal migration provides a chance to enter Europe.

#### *Post-Cold War Era*

Around the world the legacy of the Cold War dominated. Decades of violence and intrusive great power politics and a liberal supply of weapons had transformed local states and societies. Local factions had grown into well-armed, institutionalized, semi-autonomous entities that made up for their lack of legitimacy by the use of force, as for example in Afghanistan. Angola and Sudan differed only in that kind that the war had lasted longer. Despite the eventual withdrawal of foreign troops and general disengagement of external powers, neither country was at peace as the decade of the 1990s opened and the refugee and migration situation remained fluid. The Cold War had been played out in the developing world as a consequence of the stability that over time had come to prevail in Europe, thereby limiting the possibilities of altering the status quo in the center of the conflict system.<sup>57</sup> When the status-quo suddenly collapsed, the simultaneous disintegration of a social system and an imperial structure

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<sup>57</sup> W. Gungwu, (1997), Global History and Migrations. Westview Press, Colorado, p. 228

caused a shift in the balance of violent conflict toward the old center, the industrialized North.

Outside Europe the end of the Cold War created prospects for more autonomous national development in the context of regional rather than global politics. In Asia and Latin America developments in the immediate Post-Cold War world were of a kind that reduced migration problems. Reconstruction and consolidation moved ahead in wartorn areas.<sup>58</sup> However, in much of sub-Saharan Africa, by contrast, the problems seemed systemic and deep-seated in political matters. At the beginning of the 1990s problems of state formation and development reappeared in new and severe forms. War and near-anarchy prevailed in Somalia, Liberia and Angola, ethnic massacres in Burundi were a repeat of 1972 and the scale of Rwanda's ethnic genocide and mass refugee and migration flows in 1994 was unprecedented in the region. Sudan continued to fluctuate between uneasy peace and civil war. Africa's "weak state", which was the central concept in political analysis of the region in the 1980s had reappeared in the 1990s as the "failed state". Davidson depicted the nation-state as an alien implant, rooted in colonial concepts of modernization.<sup>59</sup>

State collapse is characterized by a wide range of circumstances: failure of the government to maintain a monopoly on the use of force and the presence of armed civilians and militias, violence targeted at civilians, massive migration and refugee flows and breakdown of essential public services.<sup>60</sup> Failed state situations are further distinguished from inter-state conflicts in the manner that the international community enforces laws and obligations. As Zartman argues, "state collapse is a deeper

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<sup>58</sup> J. Casteneda, (1990), "Latin America and the Cold War", *World Policy Journal* 7.3, pp. 469-472

<sup>59</sup> B. Davidson, (1992), *The Black Man's Burden*, James Currey, London, pp. 37-74

<sup>60</sup> United Nations, Secretary General (1995), *An Agenda for Peace*, Position Paper, UN Doc A 50/60-S/1995/1, pp. 11-12

phenomenon than mere rebellion, coup or riot. It refers to a situation where the structure, authority, law and political order has fallen apart and must be reconstituted in some form, old or new.” As already mentioned, migration is very often a result of state collapse.<sup>61</sup>

The phenomenon of state failure has been one of the most important developments of the Post-Cold War era. The collapse of state, primarily in Africa but also in parts of the former Soviet Union, stands in sharp contrast to the hopes of many that the end of the strategic competition between the superpowers would prompt a new era of world peace. Conventional analyses of Africa’s failed states conclude according to W. Reno, that patronage networks fragment as state resources decline. As pay-offs from rulers’ decline once-loyal strongmen become warlords, attacking centralized authority.<sup>62</sup>

In Liberia and Somalia, renewed conflict can be traced to the legacy of the Cold War. The disintegration of an international structure, which had permitted a leader to establish the apparatus of a state and form an army, served as catalyst. As external aid and legitimacy abruptly ended, tyranny gave way to “the specter of anarchy”.<sup>63</sup> As consequence refugee and migration flows occurred. In semiarid regions, the physical environment and subsistence agriculture further shortened the path to catastrophe. If fighting disrupted the harvest in one season and rains failed in the next, as often the case in West Africa, famine was probable. Just as Yugoslavia had been a test case in Europe, Somalia became an early test case for how the Post-Cold War unipolar international system, especially the United States would respond to Africa’s humanitarian emergencies.

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<sup>61</sup> W. Zartman, (1995), Collapsed States: The Disintegration and Restoration of Legitimate Authority. Oxford Press

<sup>62</sup> W. Reno, (1998), Warlord Politics and African States. Oxford Press, p. 101

<sup>63</sup> A. Zollberg, (1992), “The Specter of Anarchy” in Dissent 39, pp. 303-311

### *Data on Migration*

The problem of data on migration, in terms of both quality and availability is a perennial one in Africa. The sources of data have improved over time. However, data on illegal migration are not published by official institutions. If they exist they are sensitive for the respective countries. This was also the reason why an embassy was not willing to participate in an interview which I was asking for. According to the International Organization for Migration (IOM), Nairobi, migration both legal and illegal has reached its highest level ever. It was said that there are now about 150 million migrants worldwide, just below three percent of the world population. That is 30 million more than 10 years ago.<sup>64</sup> Data on migration in Africa and from Africa were found in localised studies conducted mostly by anthropologists. Their interest usually focussed on the determinants of migration among relatively small communities. Close to them were sociologists who looked at migration from the perspective of the social structure. As urbanization spread on the African continent and aspects of modernism, alien to African societies, started penetrating the continent, sociologists saw migration as a response to the disintegration of the social structure.<sup>65</sup> There is a lack of data for illegal migration, only statistics for foreigners living in a country legally are published.

### *Migration in Africa*

As in all human societies, the phenomenon of migration is not new in Africa. According to Hance, it has occurred on a substantial scale in many instances in the

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<sup>64</sup> Based on a researcher's interview with International Organization for Migration (IOM), Ms Emily Makori, Nairobi, 4 July 2006 (Questions in Appendix 1)

<sup>65</sup> T.A. Aina, i.a. (1995), The Migration Experience in Africa. Nordic African Institute, Uppsala, p. 88

history of peoples that inhabit the African continent.<sup>66</sup> Three broad categories of migration may be recognized, each appearing at different periods of history. The first was migration within kingdoms, principalities and empires of Europe, which shared similar cultures, religions and languages. The second was migration to distant lands that were conquered or colonised, which led to the formation of migrant states and settlement colonies. The third centered on migration to states with fully developed or nascent historical identities. To the citizens of these states, the migrants were of different racial or cultural backgrounds and therefore would have to be treated as foreigners or aliens.<sup>67</sup> Several reasons have been given for these periodic population movements ranging from wars of conquest, responses to ecological and other disasters to the peaceful and gradual occupation of vacant land by these groups. As a specific form of population movement, the phenomenon had its own functions and utility for different groups and societies, which included to pursuit the sheer survival, the search for improved living conditions and better economic and social opportunities and the consolidation of advantages and benefits for the individuals or even households and communities.<sup>68</sup>

However, the patterns and the dynamics of the migration process have changed over time. It has responded to and has affected changing social, economic, political and ecological conditions and processes. Africa's recent history has been in fact that of a series of rapid changes in all these aspects. As already mentioned, migration to date is not as easy as decades before anymore. Labour migrants are not needed in big numbers, the European countries restricted the migration into the European Union drastically and so many migrants try to reach Europe with illegal means. Along with

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<sup>66</sup> W.A. Hance, (1970), Population, Migration and Urbanization in Africa, Columbia University Press, New York, p. 28

<sup>67</sup> W. Gungwu, (1997), Global History and Migrations, Westview Press, Colorado, p. 3

<sup>68</sup> T.A. Aina and J. Baker (1995). The Migration Experience in Africa, Nordic African Institute, Uppsala, p. 41



these changes in structures and processes, the forms and dynamics of modern migrations have changed and been adapted to wider transformations.<sup>69</sup>

## 2.2. **Types of Migration**

Forced or involuntary and voluntary migrants represent a dichotomy of international migration. All foreign-born people can be classified as either forced or voluntary migrants.

### *Forced Migration*

Forced Migration refers to the coerced movement of a person or persons away from their home or home regions. People other than the migrants make the decision. It has accompanied religious and political persecution as well as war throughout human history but has only become a topic of serious study and discussions relatively recently. This increased attention is the result of greater ease of travel, allowing displaced persons to flee to nations far remote from their homes, the creation of an international legal structure of human rights and the realization that the destabilizing effects of forced migration, especially in parts of Africa, the Middle East and Asia ripple out well beyond the immediate region.

One of the most well known examples of forced migration was the Atlantic slave trade which was the purchase and transport of people from West and Central Africa into bondage and servitude in the New World, the Americas. Contemporary historians estimate that some 10 to 12 million persons were taken from Africa and transferred as slaves to the Americas.<sup>70</sup>

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<sup>69</sup> Ibid., p. 11

<sup>70</sup> [www.wikipedia.de/migration/sklavenhandel](http://www.wikipedia.de/migration/sklavenhandel)

The regime of slavery reflected the laissez-faire economy of that time. The slave was reduced to a commodity and his or her owner disposed of him or her like any other chattel. The system of indentured labour was founded on a statutory scheme with the rudiments of regulations. It represented an increased involvement of the state and the bureaucracy in economic matters. It was a consensual regime, however unreal effective consent may be under economic or political stress. The complexity owes itself to a new balance of claims and interests as well as to the internationalization of the issue of migrant labour. The early years of the 20<sup>th</sup> century marked the decline of imperial hegemony and with it the rise of a more multilateral world. The legal regimes of slavery and indenture had reflected imperial hegemony, providing a kind of both uniformity and unity. This was replaced in this era by a plethora of legal regimes, a manifestation of diverse national traditions and the break up of sovereignty tying labour importing and exporting territories.<sup>71</sup> Multiculturalism has become a tendency of our age and migration is at the centre of it. This centre changed meanwhile from legal migration to illegal migration due to the restrictive migration policy of European states.

Another type of forced migration became obvious after the fall of the Berlin Wall and the end of the Cold War. Communist countries opened to the West and tried to make fast profits. With borders, which were not closed by barbed wire any more, it is easier to smuggle than before. Nation-states were confronted with human trafficking in a dimension, which was not known before. It has become increasingly transnational in scope and highly lucrative. Trafficking of human beings is the commercial trade or sometimes smuggling of human beings, who are subject to involuntary acts such as begging, sexual exploitation like prostitution and forced marriage, or unfree labour.

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<sup>71</sup> W. Gungwu, (1997), Global History and Migrations, Westview Press, Colorado, p. 177

Trafficking involves a process of using physical force, fraud, deception or other forms of coercion or intimidation to obtain, recruit, harbour and transport people. To many, the contemporary phenomenon of trafficking in human beings is equivalent to slavery.<sup>72</sup> One of routes of trafficking in human beings run from sub-Sahara Africa originated in Nigeria to Europe. The most important gateways are via Morocco, Libya to Spain or Italy. This is part of the illegal migration after the end of the Cold War era. Meanwhile, human trafficking is the third most lucrative trade after drugs and arms, also increasing from west Africa to Europe.<sup>73</sup>

Human trafficking differs slightly from smuggling people. In the latter, people request a smuggler's service for a certain fee and there is no deception involved in the (illegal) agreement. On arrival at their destination, the smuggled person is free, if he or she has already paid in advance, or is required to work in a job arranged by the smuggler until the debt is repaid. This is very often the case for migrants from West African countries to the Canary Islands.<sup>74</sup>

Trafficked persons usually come from poorer regions of the world, like Africa, some parts of Asia and Eastern Europe, where opportunities are limited and they often belong to the most vulnerable groups in society, such as runaways, migrants, displaced persons, especially in post-conflict situations such as Kosovo or Bosnia and Herzegovina, though they may also come from any social background, class or race. People who are seeking entry to other countries as illegal migrants for example may be picked up by traffickers, and – typically – misled into thinking that they will be free after being brought across the borders. In some cases they are captured through slave

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<sup>72</sup> Op.Cit.

<sup>73</sup> Daily Nation Nairobi, 7 September 2006, p. 11

<sup>74</sup> Daily Nation Nairobi, 23 June 2006, p. 18

raiding, although this became increasingly rare. Other cases may involve parents who sell children to traffickers in order to pay off debts or gain income. Women, who form the majority of trafficking victims, are particularly at risk. They are promised good jobs or opportunities for study, but then very often they are forced to be prostitutes. Many cases are known about women coming from West Africa, especially Nigeria, arriving in The Netherlands. Through agents and brokers who arrange the travel and illegal job placements, women are escorted to their destinations and delivered to the employers.<sup>75</sup> Due to the illegal nature of trafficking, the exact extent is unknown. A government report of the United States in 2003 estimates that between 800,000 and 900,000 people worldwide are trafficked across borders each year, the majority in South East Asia, Russia and Europe. This figure does not include those who are trafficked internally.<sup>76</sup>

### *Voluntary Migration*

Voluntary migration refers to the migration due to pull factors like better jobs, educational facilities, agricultural facilities and even better climatic conditions. The voluntary migrants, sometimes also referred to as “economic migrants”, include all non-forced migrants who have moved as a result of their own desires and motivation.<sup>77</sup> The main difference between voluntary and forced migrants is the reason they decided to leave their home country. Unfortunately, classifying people into these categories is not always easy. By definition, migration usually involves some kind of voluntary decision on the part of the migrant. On the other hand, many voluntary migrants move because they are seeking better economic and social conditions than are available in their home country. While they might not be displaced by war or famine for example,

<sup>75</sup> [www.victimology.nl/onlpub/national](http://www.victimology.nl/onlpub/national)

<sup>76</sup> [www.antislavery.org/homepage/antislavery/trafficking.htm](http://www.antislavery.org/homepage/antislavery/trafficking.htm)

<sup>77</sup> A. Hansen, (2003), Mission of International Association for the Study of Forced Migration, University of Bamberg, Germany, p. 13

it could be argued that they are forced to move because of circumstances that are beyond their control.

Having discussed now the two types of migration, forced and voluntary migration, it has to be stated that both kinds are rising concern in the European Union. Both types are related to illegal migration, because either a person is forced to migrate to Europe, then he or she mostly does not have documents, or they migrate voluntarily, but then it is difficult nowadays to get visa and the only possibility is to enter Europe illegally then.

### **2.3. Causes of Migration**

Wars and their aftermath have been principal causes of migration and refugee flows in the 20<sup>th</sup> century. Between World War I and World War II, Europe alone had about 9.5 million refugees and migrants and they had twice as many after World War II if all displaced persons are included.<sup>78</sup> Furthermore in Africa, conflicts accompanying the decolonialization were part of a broader historical trend, which in retrospect becomes clear. In the 1970s and 1980s, the process of state building appeared to take a particularly violent turn as series of local struggles over social order were seen in the rivalry between the superpowers, United States and Soviet Union, and became overdetermined by the Cold War. As the rivalry between the superpowers acquired a global scope it gave the local conflicts and related refugee/migrant consequences a common imprint. When the Cold War ended, these conflicts mostly subsided or followed a local dynamic.

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<sup>78</sup> M. Marrus, (1985), The Unwanted, Oxford University Press, p. 162

Markets and organisations are commonly understood to be economic entities, objective, materialistic and independent of the value-laden sphere of human culture and society, while cultural and societal activity are the result of a priori economic relations. The “cultural economy” of illegal migration, hence, draws together the discursive processes and practices that constitute it. In this economy of people, markets, networks and organisations, cultural practices are reproduced, influencing economic processes while being shaped by them. Buzan argues that at the heart of this cultural economy of illegal migration there are transnational labour networks, forming heterogenous complexes that involve private organisations, individuals and governmental organs at both sending and receiving ends. It is based on the logic that different types of actors can interact across two or more sectors, for example states and nations and firms and federations, interacting across political, economic and societal sectors. By examining the anatomy of labour networks in this way, it becomes possible to deconstruct the roles that public and private actors play in the management of labour export.<sup>79</sup>

D. Salvatore argues that economic factors influence migration policies in a number of situations. But while economic conditions vary, social resistance to migration increases over time. In Western Europe most host countries began to impose restrictions on recruitment of workers in the early 1970s.<sup>80</sup>

In traditional economic frameworks, migrants move due to the fact that they expect to reap a net gain in income and the larger the expected gain the more likely they are to move. An increase in wages within the destination areas should therefore increase the

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<sup>79</sup> B. Buzan, i.a. (1998), Security: A New Framework for Analysis, Lynne Rienner Publishers, London, p. 17

<sup>80</sup> D. Salvatore (1988), World Population Trends and their Impact on Economic Development, Greenwood Press, New York, p. 113

volume of migration and a decrease should lower it. This vision bears little relationship to reality. J. Arango argues, that without any wage increase in developed country the number of candidates for international migration has grown steadily throughout the world. North-South wage differentials are presently such that they provide a virtually constant incentive to move. The volume of international migration would probably not change enormously where as wages in core receiving areas decline modestly. Indeed, over the last 20 years, average wages have declined in real terms in the United States while migration has steadily expanded.<sup>81</sup>

Nearly every day one can read in European and African newspapers about relief actions either in the Mediterranean Sea or in the Atlantic off North-West Africa. It did not only result in a debate on the treatment of migrants from Africa but also on the situation of the migrants' region of origin. During the weekend of 19 August 2006 for example, 1800 illegal migrants were picked up short off the coastline of the Canary Islands, more than 80 persons have already died.<sup>82</sup>

In the social scientific literature on the causes of migration a general distinction is made between push and pull factors. Soydan sees migration as a phenomenon which is generated by the mutual interference of push and pull factors. He furthermore argues, that geographical nearness tends to catalyse push and pull factors.<sup>83</sup> Especially between North Africa and Southern Europe, where the Mediterranean Sea has been characterized by Baldwin-Edwards as Europe's "Rio Grande", these factors can

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<sup>81</sup> J. Arango, i.a. (1998), Worlds in Motion: Understanding International Migration at the End of the Millenium. Clarendon Press, Oxford, p. 9

<sup>82</sup> ZDF, German Television, 20 August 2006

<sup>83</sup> H. Soydan, i.a. (1998), Social Work and Minorities : European Perspectives, Routledge, London, p. 20

clearly be seen.<sup>84</sup> Frank Gardner argues that an individual will decide whether to migrate to a particular country by weighing up the relative costs and benefits of migrating. Especially with illegal migration, where a lot of money has to be paid in advance, this relation has to be considered. The benefits of migration are seen in terms of push and pull factors.<sup>85</sup>

Pull factors refer to the reasons why a migrant moves to a particular place, while push factors are what motivates him or her to leave a place. In the case of the migration from Africa towards Europe both dimensions are obvious. Europe is the land of “milk and honey” for most Africans and it is worth every risk and effort to reach it. In the light of the obvious differences between the two continents in regard to the state of development, this belief is easy to comprehend. Furthermore, those African migrants who succeeded in reaching European countries do little to correct this impression among their families and communities left at home. The situation of illegal migrants, refugees or asylum seekers in reception camps may subjectively appear very desperate; they only report the positive aspects back home. Anything else would be tantamount to admitting failure and would disappoint those family and community members left at home, who are expecting considerable transfers of money from Europe.<sup>86</sup> Many migrants set out from Africa to Europe know somebody “who has already made it.”<sup>87</sup> In D. Salvatore’s book “Population Growth and International Migration”<sup>88</sup> it is argued that the rapid population growth in most developing countries will tend to huge economic disparities between developed and developing countries.

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<sup>84</sup> M. Baldwin-Edwards (2004), “The Changing Mosaic of the Mediterranean Migration”, in Migration Information Source, 1 June 2004

<sup>85</sup> F. Gardner (2002), Europe, Policies and People: An Economic Perspective, Palgrave, New York, p. 180

<sup>86</sup> S. Mair, (2004), Flüchtlinge aus Afrika (Refugees from Africa), German Institute for International and Security Affairs, SWP Comments 16, p. 1

<sup>87</sup> Süddeutsche Zeitung (Newspaper), 31 March 2006, p. 13

<sup>88</sup> D. Salvatore (1988), World Population: Trends and their Impact on Economic Development, Greenwood Press, New York, p. 107



As a result of this the migrants try to come to greener pastures either legally or illegally. Especially from West Africa to Europe there is an increase as shown in a lot of publications, journals and the media.

Another factor showing the life in developed countries are the media. Mahler points out that in underdeveloped countries the media portrayal of the West is highly dubious and misleading. The media print rosy pictures of middle class lifestyles and opulent living arrangements. The imagination of the people is played upon and they are manipulated. Prospective migrants then look up to the better life awaiting them after their long and in case of illegal migrants often dangerous journey.<sup>89</sup>

### *Push and Pull Factors*

Many theories have been developed to explain why people migrate from one country to another. The classical theory of international migration is referred to as push-pull theory. It posits that people migrate in response to “push” factors in the country of origin and “pull” factors in the country of destination. However, migration can comprise both “push” and “pull” factors.<sup>90</sup> Macro-forces are those which are addressed by the push-pull theory. They entail political, economic, cultural and geographic forces in the international arena. Political forces include elements such as political stability, war, persecution, human rights, migration policies of the country of origin, migration policies of the country of destination and the availability of organized assistance for the move and settlement in the new country. Economic forces include elements such as living standards, jobs, working conditions, unemployment rates and

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<sup>89</sup> S. Mahler, (1998), „Theoretical and Empirical Contributions toward a Research Agenda for Transnationalism“ in M. Smith and Guarnizo (eds) Transnationalism from below: Comparative Urban Community. Research 6, Transaction Publishers, New Brunswick, p. 84

<sup>90</sup> M. Potocky-Tripodi, (2002), Best Practices for Social Work with Refugees and Immigrants. Columbia University Press, New York, p. 13

wages in the country of origin and destination. Geographic forces include elements such as the distance between the two countries, environmental disasters and climate. Finally, cultural forces include elements such as the ethnic compositions, languages and predominant religions in the two countries.

The following table shows the differences in the Gross Domestic Product (GDP) – at purchasing power parity (PPP) per capita of selected European and African countries to illustrate the difference in the respective living standards. The GDP is one of several measures of the size of the economy of a country. The GDP of a country is defined as the market value of all final goods and services produced within a country in a given period of time. In economics, PPP is a theory which says that the long-run equilibrium exchange rate of two currencies is the rate that equalizes the currencies-purchasing power. These special exchange rates are used to compare the standards of living of two or more countries.<sup>91</sup>

Country	GDP per Capita – PPP in US \$
Germany	30,400
France	29,900
Luxembourg	55,600
Ghana	2,500
Nigeria	1,400
Senegal	1,800

Source: [www.cia.gov/cia/factbook/geos/ge.html](http://www.cia.gov/cia/factbook/geos/ge.html)

<sup>91</sup> [www.en.wikipedia.org/wiki/Gross\\_domestic\\_product](http://www.en.wikipedia.org/wiki/Gross_domestic_product)

People who are considering to move to another country use a complex decision-making process to consider the advantages and disadvantages of these political, economic and cultural factors. The decision-making process is influenced by the availability of information about the country of destination. People are more likely to migrate to countries about which already have a lot of information or can easily obtain such information. Generally, people are more likely to migrate to a country that has more political freedom and stability, favourable migration policies, better economic conditions, relative geographic proximity and similar cultural elements to the country of origin. This is the case especially when additionally linguistic relations exist like from the francophone West and North Africa towards France.<sup>92</sup>

“Push” factors are generally negative, such as poor economic conditions, lack of opportunity, discrimination, political oppression and civil war. Additionally, factors mentioned in the public discourse are furthermore humanitarian disasters, poverty and lack of economic prospects.

“Pull” factors are generally positive, such as better economic opportunity, political freedom and favourable reception towards migrants. Migrants do not come to richer nations only because they want to. The developed world needs migrants as a labour force and as a market for consumption of goods. It is a common perception and public opinion in the North that migrants come to European countries only to earn quick money and deprive European citizens of their workplaces. Especially after the decline of economy and the increase of unemployment in European countries legal migrants got less and lesser visa which allow them to work in the respective countries.

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<sup>92</sup> Based on researcher’s interview with Ms. Emily Makori, International Organization for Migration (IOM), Nairobi, 4 July 2006

Nevertheless, migrants are seeking for greener pastures – when it is not allowed to work legally a lot of migrants try to come to work illegally if necessary.

The main motives especially of women to accept an offer from a trafficker are better financial opportunities for themselves, their family or community. Whilst prostitution is where the vast majority of women end up, in many cases traffickers initially offer “legitimate” work. The main types of work offered are in the catering and hotel industry, in bars and clubs, au pair work or to study. Traffickers sometimes use offers of marriage as well as threats, intimidation and kidnapping. Some migrating women know that they will work as prostitutes, but they have a too rosy picture of the circumstances and the conditions of work in the country of destination.<sup>93</sup> Women now account for 47.5 percent of all international migrants according to IOM.

### *Globalization*

Susan George argues that human societies across the globe have established progressively closer contacts over many centuries, but recently the pace has dramatically increased. Jet airplanes, cheap telephone services, email, computers, huge oceangoing vessels, instant capital flows, all these have made the world more interdependent than ever. Multinational corporations manufacture products in many countries and sell to consumers around the world. Money, technology and raw materials move ever more swiftly across national borders. Along with products and finances, ideas and cultures circulate more freely. As a result, laws, economies, and social movements are forming at the international level. Many politicians, academics, and journalists treat these trends as both inevitable and, on the whole, welcome. But

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<sup>93</sup> [www.prostitutie.nl/studie/documenten/mensenhandel/researchcases Traffick.pdf](http://www.prostitutie.nl/studie/documenten/mensenhandel/researchcases Traffick.pdf)

for billions of the world's population, business-driven globalization means uprooting old ways of life and threatening livelihoods and cultures, especially for African countries.<sup>94</sup>

Ms Makori, IOM, stated that the most rapid growth in the number of international migrants is a result of crisis across the world. One very important socio-political effect of globalization is labour migration. Particularly international labour migration is not a fortuitous phenomenon. It serves specific functions for the developed industrial economies.<sup>95</sup> "Migrant workers are an asset to every country where they bring their labour", states J. Somavia who is the Director General of the International Labour Migration. Migrants do not come to Europe only because they want to. Especially during the boom of economies in Europe in the 1970s developed countries needed migrants as a labour force and as a market for consumption of goods. In developed countries like France and Germany, acute labour shortage often stems from culturally conditioned resistance of native-born workers to accept the low-paying menial jobs performed by earlier migrants. Such stigmatizing occupations include agricultural seasonal jobs, care jobs, restaurant kitchen work and garment sweatshop stores.<sup>96</sup> In that era, Germany had gained a source of cheap labour, the "Gastarbeiter" mainly from Turkey were willing to work for lower wages. Nevertheless the migrants in Germany earned more money than in their home countries and were able to send money back to their families in Turkey. However, problems came up. For Turkey work force was lost, in Germany some of the migrants could not speak German, only socialized with their country mates, in response they did not get integrated and racial tensions had become a

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<sup>94</sup> S. George, (1999), A Short History of Neo-Liberalism, Conference on Economic Sovereignty in a Globalizing World, 24-26 March 1999, New York

<sup>95</sup> Based on researcher's interview with Ms. Emily Makori, International Organization for Migration (IOM), Nairobi, 4 July 2006

<sup>96</sup> [www.bbc.co.uk/schools/gcsebitesize/geography/population/migration](http://www.bbc.co.uk/schools/gcsebitesize/geography/population/migration)

problem in the past. Therefore, migration causes effects in both countries, which people leave and those which receive them.

In globalization, movements are less determined purely by market considerations. There are two factors that have contributed to this result: political pressure and imperatives in Western states. These are tending towards a stop of migration on one hand, but also to the improvement of the position of existing migrants and the international movement toward human rights on the other hand. This has sought to emphasize the common humanity of the peoples of the world by declarations about the inherent dignity of the person and the universalism and inalienability of his or her rights. Rights are no more a matter of only domestic jurisdiction. Yet migration by itself and as part of the globalization process has made the most fundamental challenges to the state, making borders porous and attenuating the bonds of citizenship with extending more and more rights to non-nationals.<sup>97</sup>

#### **2.4 Migration Situation in West Africa**

The phenomenon of migration in Africa can be better understood within the context of the political and historical evolution of African societies. The effects of colonization and decolonization on the economy and indirectly on migration are most visible when examined in the context of the different phases. During the pre-colonial migration phase various forms of movements across and within national boundaries were promoted by commerce, pastoralism, natural disasters, warfare and the search for deployment. Such factors have influenced composition, direction and characteristics of movements. In West Africa, in particular, commercial migration and movements connected trade and evangelization also featured during this early period. Migrants

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<sup>97</sup> W. Gungwu (1997), Global History and Migrations, Westview Press, Colorado, p. 179

from West Africa always considered most parts of the region as a free zone within which people moved freely.<sup>98</sup>

In West, East and Southern Africa colonial rule paved the way forward for relative peace and political stability. Population movements were linked to economic strategies of the colonial governments. In time, forced recruitment gave way to free migration of individuals and families in search of better living conditions. Thus the attractive alternatives on the cocoa farms of the Gold Coast (now Ghana), the plantations and forest industries of Cote d'Ivoire, a settlement colony of France, the groundnut fields of Senegal and The Gambia prompted streams of migration of unskilled labour from the landlocked countries like Upper Volta (now Burkina Faso), Mali, Niger and Chad towards these coastal countries. France had colonial possessions in various forms since the beginning of the 17<sup>th</sup> century till 1960, most of the West African countries were French colonies. In contrast to British colonies in Eastern and Southern Africa, France kept very close ties with its former colonies and created the "French Community" in the year 1958, which was a political entity. Member territories, former French colonies, possessed substantial autonomy, with France controlling the currency, defense and national security strategy.<sup>99</sup>

The post-independence period intensified the developmental pattern inherited from the colonial administrators. The urban-based development strategies, the introduction of free primary education and high population growth rates reinforced the volume, intensity and determinants of migration, mainly towards capital cities, but also across borders. Most migrants both within and across national borders are adults, aged 15 to 39 years, unskilled and, if married, usually leave their wives, children and households

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<sup>98</sup> T.A. Aina and J. Baker (1995), The Migration Experience in Africa, Nordic African Institute, Uppsala, p. 89

<sup>99</sup> [www.en.wikipedia.org/wiki/French\\_Community](http://www.en.wikipedia.org/wiki/French_Community)

at home. The result is a division of labour among adult family members: men migrate for wage employment while women maintain farming.<sup>100</sup>

The poorly policed boundaries which mostly lack permanent physical features, the complementarity of the economies of neighbouring countries and the cultural affinity between ethnic groups in different countries, especially where migrants and host population speak the same language and share the same customs blur distinctions between internal and international migration in Africa and in some extent to Europe.

Ghana, for example, has become one of the major countries of migration in West Africa since the 1970s. However, to determine the exact number of Ghanaian migrants is difficult. In the Post-Cold War era an estimated 10 to 20 percent of all Ghanaian citizens were living abroad, which would correspond to between two and four million people based on the current population. Over 22.000 people with Ghanaian passports reside legally in Germany alone, which means that they form the largest group originating from Sub-Saharan Africa among German immigrants.<sup>101</sup> However, also the number of Senegalese migrants is increasing. Senegal became one of the "hotspots" for the starting point of illegal migrants across the Atlantic Ocean. More than 1,000 illegal migrants from Senegal and Mali arrived on the Canary Islands during the last weekend in September 2006.<sup>102</sup>

### *Brain Drain*

A brain drain or human capital flight is an emigration of trained and talented individuals ("human capital") to other nations or jurisdictions, due to conflicts, lack of

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<sup>100</sup> A. Adepouju (1990), "State of the Art Review on Migration in Africa" in Conference on The Role of Migration in African Development: Issues and Policies for the 1990s, Commissioned Papers, Dakar, p. 9

<sup>101</sup> B. Nieswand (2001), Ghanaians in Germany, Max-Planck Institute for Social Anthropology, Munich

<sup>102</sup> Sueddeutsche Zeitung, 25 September 2006, p. 12



opportunity or health hazards where they are living. It parallels the term "capital flight" which refers to financial capital that is no longer invested in the country where its owner lived and earned it. Investment in higher education is lost when a trained individual leaves and does not return. Also, whatever social capital the individual has been a part of is reduced by his or her departure.<sup>103</sup> The harsh economic conditions, sluggish economic growth, economic austerity programmes combined with the rapid growth of the labour force have resulted in sharp deterioration of the employment situation in Africa since the early 1990s. Others were retrenched in both the public and private sectors in response to economic adjustment measures. Cumulatively, these factors contributed to the sustained exodus of both skilled and unskilled persons, males and females, and triggered an outflow of professionals to various other African countries notably to Botswana, South Africa as well as to America, mostly to Europe, especially to The United Kingdom and France.<sup>104</sup>

Philip Emeagwali argues that the primary cause of external brain drain is unreasonably low wages paid to African professionals. The contradiction is that we spend four billion dollars annually to recruit and pay 100,000 expatriates to work in Africa but we fail to spend a proportional amount to recruit the 250,000 African professionals now working outside Africa. African professionals working in Africa are paid considerably less than similarly qualified expatriates. The receiving countries are the winners while the sending countries are the losers. The receiving countries include the United States, Australia and Germany. The sending countries include Nigeria, Ethiopia, South Africa, and Ghana. In the United States, 64 percent of foreign-born Nigerians aged 25 and older have at least a bachelors degree. Nigerians and Africans are the most educated ethnic groups in the United States. Brain drain makes it difficult to create a

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<sup>103</sup> [www.en.wikipedia.org/definitions/brain\\_drain](http://www.en.wikipedia.org/definitions/brain_drain)

<sup>104</sup> A. Adepoju (1991), "South-North Migration: The African Experience" in International Migration, Vol. 29, p.2

middle class consisting of doctors, engineers and other professionals. There is a two class African society: a massive underclass that is largely illiterate, unemployed and very poor and a few very rich people who are mostly corrupt, military and government officials. Brain drain gives rise to poor leadership and corruption. A large educated middle class will ensure that political power is transferred by ballots.

When the medical doctors emigrate to the United States, the poor are forced to seek medical treatment from traditional healers while the elite fly to London for their routine medical checkups.<sup>105</sup> Nigerian government officials are using tax payer's money to travel abroad for routine medical check-ups and malaria treatment.

In the new world order, economic growth is driven by people with knowledge. Many people talk about poverty alleviation in Africa. But who is going to alleviate the poverty? They are the most talented that should lead the people, create wealth and eradicate poverty and corruption. Africa needs a large middle class to build a large tax base which, in turn, will enable them to build good schools and hospitals and provide constant electricity. The 250,000 African professionals working overseas will increase the size of the middle class.

Adepoju succinctly depicted the situation<sup>106</sup>:

“A combination of political and economic mismanagement sparked off and sustained the emigration of skilled professionals. ... The lack of job satisfaction and a system for recognising and rewarding efficiency have intensified the exodus of professionals in African countries, factors that have been compounded by the deteriorating social, economic and political environment. In frustration, some professionals with the viable option of seeking employment in the developed economies in the West where their skills are in effective demand and whose skills and qualifications are of an international character have migrated. For the unskilled migrant the lure of higher pay, even in irregular conditions, serves as a strong motivation for migration.”

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<sup>105</sup> P. Emeagwali (2003), “Brain Drain” in *Africa Journal*, 4/2003

<sup>106</sup> A. Adepoju (1991), “Africa: A Continent on the Move in Search of Solidarity with the Countries of the North” in Pontifical Council for the Pastoral Care of Migrants and Itinerant People: Solidarity in Favour of New Migrants. Vatican City, Rome

Africa has gone through a devastating socio-economic crisis over the past decade. Consequently, living conditions have worsened dramatically. Faced with poverty, unemployment and political repression, Africans with the requisite skills have migrated in search of more comfortable environments in the countries of the North. To a very large extent, the direction of migration has been from the countries with historical and political links: francophone countries from West and North Africa to France, anglophone countries to United Kingdom and lusophone countries to Portugal. Belgium continues to receive migrants from Rwanda and Democratic Republic of Congo, while Germany is a favoured destination for scientists, technical and professional staff in view of the well developed infrastructures for training and postqualification work opportunities for these kinds of skill.<sup>107</sup> Ghana is one example of the ties that exist between former colonial powers and their colonies. Beginning in the 1970s through the 1980s and 1990s, large numbers of Ghanaians left their homeland largely due to the fact of serious socio-economic difficulties at home. While initially Ghanaians migrated to neighbouring countries whose economies were relatively strong in the 1980s, many are now migrating to countries in Europe as well as to the United States and Canada. Most Ghanaians who migrate to Canada can speak both English and French and are highly educated.<sup>108</sup> While their advanced education and multiple language skills make the transition to new host societies easier, the exodus of highly skilled and trained individuals from Ghana leaves the country with fewer and fewer professionals. However, there are also economic inputs in the home countries of the migrants.

Precise figures on the stock of skilled migrants from West Africa to the European countries are not available. It is estimated that between 1960 and 1975 about 27,000

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<sup>107</sup> Federal Ministry for Economic Cooperation and Development (2005), Berlin, [www.bmz.de/migration](http://www.bmz.de/migration)

<sup>108</sup> M. Alicea (2004), Migration and Immigration: A Global View, Greenwood Press, Westport, p. 24

high-level Africans left the continent, between 1975 till 1984 this number increased to 40,000 and by 1992 nearly 70,000 or 30 percent of the highly skilled manpower stock had left Sub-Saharan Africa mainly for countries of the European Union.<sup>109</sup> So in some African countries like Malawi, only five percent of physicians' posts and 65 percent of the nursing vacancies are filled. In the country of 10 million, one doctor serves 50,000 people compared to the Britain ratio of one doctor for every 600 people. In 2005, for example, Britain launched a US\$ 175 million aid initiative for Malawi to improve conditions for medical staff and mitigate the brain drain.<sup>110</sup>

### *Remittances*

The sending of remittances by migrants is one of the strongest phenomena in Africa's migration systems. It is also one that demonstrates, perhaps in the most profound manner, the characteristic feature of African migration as fundamentally a family or household, sometimes even community activity and not an individual. The practice of remittances pervades all forms of migration. Regardless of their age, gender, educational attainment and place of destination, migrants are beholden to their families to remit some of their earnings. A new phenomenon of dual households has emerged among African migrant families trying to maximize the economic returns from both the home area and the destination. For a lot of households, the remittance is the life-line, the dominant source of sustenance to pay house rent, meet medical expenses, school fees and a variety of communal commitments like levies, contributions, rituals, to name a few. Several surveys focussing on the remittance mechanism point to the

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<sup>109</sup> T.A. Aina and J. Baker (1995). The Migration Experience in Africa. Nordic African Institute, Uppsala, p. 100

<sup>110</sup> The Nation, Nairobi, 19 May 2006, p. 12

fact that the migrants often remit up to 60 percent of their earnings regularly to the homeplace through formal and, in the case of illegal migrants, informal channels.<sup>111</sup>

According to IOM during the United Nations Conference on the Least Developed Countries remittances are for Cape Verde 117 percent, Eritrea 83 percent and Yemen 67 percent of the GDP.<sup>112</sup> In 2005, the World Bank estimated that about 232 billion US \$ were remitted through formal channels, more than 70 percent of which (167 billion US \$) went to developing countries.<sup>113</sup> There is consensus that remittances reduce poverty, but a vigorous debate continues on whether they promote development as robustly as they could. Development agencies, national governments and foreign investors should now try to figure out how to incorporate remittances into their planning and policies.

### *Diaspora*

The African diaspora is the diaspora created by the movements and culture of Africans and their descendants throughout the world, to places such as the Americas, Europe and Asia. The African Union has defined the African diaspora as “consisting of people of African origin living outside the continent, irrespective of their citizenship and nationality and who are willing to contribute to the development of the continent and the building of the African Union.” Its constitutive act declares that it shall “invite and encourage the full participation of the African Diaspora as an important part of our Continent, in the building of the African Union.”

In European countries like France, the United Kingdom and Germany to name a few, diasporas of migrants from West Africa have been built up. The original Greek word,

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<sup>111</sup> J.O. Oucho (1990), “Migrant Linkages in Africa”, in Conference on the Role of Migration: Issues and Policies for the 90s, Vol. 1, Commissioned Papers, Union for African Population Studies, Dakar, p. 11

<sup>112</sup> IOM Report (2001), The Courier ACP-EU, July-August 2001, p. 37

<sup>113</sup> [www.migrationinformation.org/worldbank](http://www.migrationinformation.org/worldbank)

which signified expansion and settler colonisation, can best be compared to the European settlements of the mercantile and colonial period. But the expression is used today to describe a catastrophic dispersal of people and their subsequent unhappiness (or assumed unhappiness) in their countries of exile.<sup>114</sup> Globalisation has enhanced the practical, economic and affective roles of diasporas, for example for the big Ghanaian diaspora in Germany, showing them to be particularly adaptive forms of social organisations. Diasporas, seen in this way, have predated the nation-state, lived within it, and now may, in significant respects, transcend and succeed it.<sup>115</sup>

With this analysis the first hypothesis can be validated that insecurity, unemployment and weak economies are factors in the country of origin in West Africa, which lead to legal and illegal migration. Migrants, especially illegal migrants seek greener pastures to increase the standard of livelihood for themselves. Furthermore it can be stated that their remittances to their home country lead to an increase of the living standard of their families and even communities.

In summary, although experiences may differ across the world's contemporary migration systems, several common denominators stand out. First, most migrants today come from countries characterized by a limited supply of capital, low rates of job creation and abundant reserves of labour, like existant in West Africa. The imbalance between labour supply and demand in the Third World today far exceeds that which prevailed in Europe during its period of industrialization. Second, today's migrant-receiving societies are far more intensive in capital and much less intensive in land than destination countries in the past. In fact, nations like Germany, France,

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<sup>114</sup> S. Hall (1990), 'Cultural Identity and Diaspora' in J. Rutherford, ed., Identity: Community, Culture, Difference. Lawrence and Wishart, London, pp. 222-237

<sup>115</sup> W. Gungwu (1997), Global History and Migrations, Westview Press, Colorado, p. 140

United Kingdom, but also countries outside Europe like Japan, Korea and the United States, are so intensive in capital and technology that they have shedding workers in many sectors and full employment has become a serious political and social issue.<sup>116</sup> The economic marginalization of migrants in general, also for West African migrants, is associated with another characteristic in the Post-Cold War era: migrants are no longer perceived as wanted or even needed in big numbers. Whereas officials in destination countries of the past saw migration as necessary for industrialization and a vital part of nation building, now with increasing unemployment in Europe, citizens have the perception that migrants could take away their jobs and are their cause of unemployment. However, in specialized sectors like Information Technology skilled workers are needed and get “Green Cards” to work for a specified time. But nevertheless, receiving societies increasingly have implemented restrictive admission policies designed to limit the number of migrants. These policies will be analysed in the following chapter.

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<sup>116</sup> J. Arango, i.a. (1998), Worlds in Motion: Understanding International Migration at the End of the Millenium, Clarendon Press, Oxford, p. 5

## **CHAPTER THREE - EUROPEAN POLICY**

### *Introduction*

After having discussed the types and causes of migration in the last chapter, this chapter analyses the impact of illegal migration on European policy, especially with the aim to reduce illegal migration, and it draws secondary sources from institutions in Europe as well as from international organisations. After having discussed the different movement patterns of illegal migrants from West Africa to Europe, the influence on the European migration policy and steps already done, will be evaluated.

It should be noted when discussing and analysing the illegal migration from West Africa to Europe, that states of the European Union are affected by migration in very different degrees and that Africans represent a small, though easily identifiable proportion of the total migration to Europe. To understand the policies of the European Union and different other countries it is necessary to identify the movement patterns, especially used for illegal migration from the African to the European continent.

### **3.1. Movement Patterns**

There are three major movement patterns affecting the migration, especially illegal migration, from Africa to Europe. These are from Senegal and Mauritania to the Canary Islands, from Morocco towards the Spanish enclaves Ceuta and Melilla on the African continent and across the Strait of Gibraltar as well as from Egypt, Tunisia and



Algeria towards Malta and Italy.<sup>117</sup>

### *Movement Pattern Morocco to Spanish Enclaves*

As the only territories which provide a land border between the European Union and Africa, the Spanish enclaves of Ceuta and Melilla act as magnets for illegal migrants to continental Europe from all over the African continent. Because these towns have a unique position, thousands of Sub-Saharan Africans who had survived the journey across the Sahara stormed razor-wire fences surrounding the Spanish enclave of Ceuta in Morocco in September 2005. Five people died, several were injured. A similar attempt to enter the Spanish enclave of Melilla in early October 2005 resulted in six deaths. One attempt to tackle the illegal migration problem has been the erection of fences around Ceuta and Melilla. Spain has ten kilometers of border with Morocco around the cities of Ceuta and Melilla. Most migrants from Sub-Saharan countries do not have the money to pay for a boat passage to Spain. They usually apply for asylum in Ceuta and Melilla and Morocco refuses to accept their return. In 1997 alone, more than 16,000 mainly North and West African migrants were detained in both enclaves.

The Ceuta and Melilla border fences are a separation barrier between Morocco and both Spanish enclaves. Constructed by Spain, its stated purpose is to stop illegal migration and smuggling. Both razor wire barriers in Ceuta and Melilla cost Spain 39 million US \$ each. They consist of 17 kilometers of parallel three meter high fences topped with barbed wire, with regular watchposts and a road running between them to accommodate police patrols. Underground cables connect spotlights, noise and movement detectors as well as video cameras to a central control booth. Their height has currently been doubled to six meters. Morocco has objected to the construction of

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<sup>117</sup> See Appendix 4: Movement Patterns from Sub-Sahara Africa to Europe

the barrier, as it considers both enclaves to be occupied Moroccan territory and has sought full devolution of the territory since 1975. All European countries consider both enclaves to be an integral part of Spain.

Morocco has claimed Melilla, along with Ceuta and various small Spanish islands off the African coast drawing comparisons with Spain's territorial claim of Gibraltar. The Spanish government rejects these comparisons, on the grounds that both Ceuta and Melilla are integral parts of the Spanish state, whereas Gibraltar, an overseas territory, is not considered part of the United Kingdom. It must also be mentioned that the history of Melilla is practically identical to that of any other town in southern Spain, passing through Phoenician, Punic, Byzantine, Vandal, Visigothic, Muslim and then Christian hands. It was conquered only five years after the city of Granada and has been in Spanish hands practically as long as Spain has existed.<sup>118</sup>

There are three types of illegal migrants moving from North Africa into the European Union via Spain and its enclaves. First, there are those who enter legally, having obtained a fixed-term visa as a tourist or student, for example, but who once in the European Union disappear thanks to a support network of compatriots which enables them to stay indefinitely or until caught by police. They usually end up working for low wages without contracts and are difficult to track down. Second, there are those who try to enter through established entry-ports but do so using false documents, either passports, work contracts or residence permits. Their fate is very often similar to the first group. Most of these two types of migrants enter during the summer months when there is a mass migration of about one million Africans travelling across the Strait of Gibraltar and customs and immigration officers are overwhelmed by the sheer

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<sup>118</sup> [www.en.wikipedia/wiki/melilla](http://www.en.wikipedia/wiki/melilla)

numbers of people. The third form of migration on this route is carried out on the back of well-established Moroccan networks of tobacco and cannabis traffickers. These organisations are linked to European networks which once the migrants have reached Spain transport them to other parts of the country or beyond.<sup>119</sup>

The Moroccan networks are supported in Spain by groups of fishing-boat owners, lorry or taxi drivers and businessmen in the region of the Campo of Gibraltar and Almeria due to economic reasons. They earn much more within a short period of time than doing their original jobs. Until 2005, they operated mainly from the Spanish enclaves, and the migrants were taken across the Strait of Gibraltar, which is 14 kilometers at the shortest distance. The migrants have to pay between 700 US \$ and 3,500 US \$ for the sea voyage, depending on the boat or vessel; generally spoken: the safer – the more expensive. This network also facilitates the passage of illegal migrants from West and Central African states via Cameroon and Senegal to Morocco or Algeria and then to the North African ports.

#### *Movement Pattern Senegal and Mauritania*

Getting to Europe through Morocco has become much more difficult as discussed. Now, African migrants have turned to Mauritania and the dangerous ocean journey to the Canary Islands. The last decade has seen an upsurge in the number of people taking to the sea in search of safety, economic opportunities or both. However, danger often awaits those who include a sea route in their flight from developing countries. Desperate people crowd into decrepit ships and are often placed in perilous situations by unscrupulous “migration agents”, especially on this movement pattern. The

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<sup>119</sup> P. Gold (2000), Europe or Africa? A Contemporary Study of the Spanish North African Enclaves of Ceuta and Melilla, Liverpool University Press, Liverpool, pp. 120-121

headlines in the newspapers are full of tragedies and many more go undetected.<sup>120</sup> The scale of the problem is hard to measure as many boats and bodies disappear into the sea. The numbers are bound to rise. The route through Mauritania has become so popular now that Morocco has used funds from the European Union to massively expand its border controls, turning Spanish enclaves, as already mentioned, into small fortresses. Some 4,700 illegal migrants arrived on the Canary Islands in the year 2005, within the first eight months of 2006 it was already 12,900. The Red Crescent estimates that a further 10,000 illegal migrants are currently waiting in Nouadhibou (Mauritania) to make the trip.<sup>121</sup> The city of Nouadhibou has become a thoroughfare. Migrant settlements are mushrooming all over the town where illegal migrants from Senegal, Mali and other West African states live in terrible conditions without running water or electricity. The migrants have to wait up to three months. Like thousands of other Africans, the migrants became victims of ruthless gangs promising migrants arriving at the seaside a safe trip to the Canary Islands which are some 1,000 kilometers off the West coast of Africa. Most of the migrants have paid 400 US \$ for the journey, others up to 1,500 US \$ for steel boats. However, the small wooden boats brake apart very often after leaving the coast of Senegal or Mauritania. Many boats manage to stay afloat for the first day on the trip to the Canaries before sinking in the Atlantic in the next few days.<sup>122</sup> It should also be mentioned that especially illegal migrants all too often invoke the argument of political persecution to gain admission to the country of their choice. They do not arrive with a single document and so it becomes difficult for the immigration officers or the police to identify the illegal migrants including their place of origin.

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<sup>120</sup> Frankfurter Allgemeine Zeitung (German Newspaper), 26 August 2006, p. 12

<sup>121</sup> Spiegel Online – Escaping Africa: Europe’s New Back Door, [www. Service.spiegel.de](http://www.Service.spiegel.de), p. 3

<sup>122</sup> Ibid.

These migration patterns are the most popular used to come from the African to the European continent. However, after the erection of fences around the Spanish enclaves on the African continent a shift could be seen from crossing the Mediterranean Sea from North Africa mostly to Italy to a high increase of using the route from Senegal and Mauritania to the Canary Islands.

#### *Movement Pattern Egypt, Tunisia and Libya*

Egyptian migration to Europe started about 200 years ago in the beginning of the 19<sup>th</sup> century, after Napoleon's Egypt Campaign (1798 till 1801) when Mohamed Ali, the founder of modern Egypt, sent the first Egyptian mission to France to study military sciences in order to form a strong Egyptian Army, based on European standards of that time. Since then there has always been a channel of communication between Egypt and Europe. Egyptian networks in Europe are well-established. For example, Egyptian medical doctors founded their own "Egyptian Medical Society" in the United Kingdom, which includes more than 120 members. Many of them reside in London and are university professors. Appart from medical doctors, Egyptians in the United Kingdom mostly are highly skilled professionals like scientists, pharmacists, journalists and engineers, in addition to this there is a small proportion of semi-skilled workers.<sup>123</sup>

In the face of the tightened policy adopted by the European community, especially after the Schengen Agreement in 1990 and the Maastricht Treaty, where people are required to have visa, where borders around Europe are strictly surveilled and when a selective ceiling for work permits was imposed, it is not as easy as before to enter European territory. Therefore, illegal migration increased and illegal migration

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<sup>123</sup> A. Zohry (2006), Egyptian Irregular Migration to Europe, European Population Conference 2006, University of Liverpool, p. 6

networks grew, mostly from Morocco to Spain across the Strait of Gibraltar and from Tunisia and Libya to the nearby Italian coast and islands across the Mediterranean. The current stream of Sub-Saharan illegal migration to Europe started in the beginning of the 21<sup>st</sup> century with a massive number of graduates and poorly-educated unemployed youth engaged in illegal migration to Europe through the mentioned area or by staying longer than allowed by the tourist Schengen visa. The main reasons behind these new types of migration were the increasing severity of unemployment as main push factor that still stimulates a strong illegal migration stream from West Africa to Europe.

Another reason is the geographical proximity and the ease of travelling to Libya where most of the boat journeys to Europe out of this region are originated. This sea route is the choice of the poor, those who cannot afford the cost of a Schengen visa, either true or falsified. Air transport is too expensive and the chances to reach the coastline of Europe are supposed to be a better option for them. Hazards associated with the sea route do not prevent youth from trying it. However, on 29 August 2006, a boat did not reach the coastline of the Italian island of Lampedusa and 82 illegal migrants died.<sup>124</sup> This small Italian island, just southwest of Sicily, has been flooded by illegal migrants from Sub-Sahara Africa arriving by boat, as many as 10,000 from January till October 2005 according to the Italian Interior Ministry. Italy found out that due to the rapid and mostly illegal migration into its territory it has been accompanied by an alarming increase of crime by illegal migrants. The share of foreigners among the prison population increased from 16 percent in 1991 to 28 percent in 1996, the great majority

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<sup>124</sup> Frankfurter Allgemeine Zeitung (German Newspaper), 30 August 2006, p. 18

of whom (80 percent) were without a legal residence permit from Africa, West Africa included.<sup>125</sup>

The choice of the destination country in Europe mostly is not a free choice anymore when reaching the network structures of migration networks. Migration networks and linkages between origin and destination determine the choice of country of destination in Europe. For example, migration of Egyptians to Europe is managed and activated by family kinship and ties, waiting then for fast remittances. It is known that the migration is concentrated in a set of villages in specified governorates, where each village has its own destination. The major two destinations are Italy and France. It may be said confidently that migration to these two destinations are operated in a close market where new entrants come from the same community or group of adjacent villages. For example, a village in Fayoum governorate specializes in sending illegal migrants to Italy while another village in Gharbiya governorate specializes in sending migrants to France.

The Libyan route of illegal migration is the cheapest route. Due to the open borders between Egypt and Libya, Egyptians do not need visa to get into Libya. "Migration agents" direct illegal migrants to specific places in Libya where they are kept in a big house, called "hawsh" nearby the coast. Here they meet people from other nationalities, mainly Sub-Saharan citizens including West Africans. However, due to this focussed migration from Egypt it is not easy for migrants coming from Sub-Saharan countries to join this movement pattern. Their stay in this "hawsh" may be

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<sup>125</sup> M. Barbagli (1998), *Immigrazione e criminalita in Italia*, Mulino, Bologna, p. 52

extended to three months until the preparation of the boat has been finished. The “Migration agents” set the date and time of departure.<sup>126</sup>

This boat adventure is the most dangerous step towards the European coasts. The boat is manufactured for a one-way journey due to the fact that it has already been calculated that the boats will be kept in European custody when they arrive at the European coastline. Nobody wants to bring the boats back after a “successful” journey. In order to increase their revenues, agents always overload their boats. Usually, the “captain” of the boat is one of the illegal migrants with no past experience in driving boats. The driver is given a compass and is told the general direction he must follow. As a result, many boats do not go far, often only ending up on the Tunisian coast or drifting in the sea until they are rescued by Italian, Tunisian or Libyan authorities. Many boats sink before reaching the European coast.<sup>127</sup>

### **3.2. Migration Policy in Europe**

The migration policy from European countries can better be understood when the movement patterns of migrants, both legal and illegal, as addressed in the last paragraph, are known. Especially, as migration is increasingly linked to issues of domestic and international security. This tendency is especially strong in the European Union where inter-governmental cooperation on migration affairs has occurred from the start in the context of fighting international crime and terrorism as well as protecting external borders. There is a simple reason for linking migration and security: to the degree that migration is unwanted and migration policies become

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<sup>126</sup> A. Zohry (2006), “Egyptian Irregular Migration to Europe”, European Population Conference 2006, University of Liverpool, pp. 26-28

<sup>127</sup> Ibid., p. 31



“control” policy, migration is likely to be addressed in negative terms, as a threat to the receiving society.<sup>128</sup>

Since the end of the Cold War, Western European countries have changed their attitudes concerning migration and especially in regard to illegal migration and they have taken energetic measures to address the phenomenon of migration. In retrospect, it is clear that the end of the Cold War was a watershed event in the history of global migration, ending a policy regime that had held world migration rates at an artificially low level for more than 40 years.<sup>129</sup> After opening the borders from Eastern Europe towards the West a great number of migrants were expected. The reasons lay on the table: after a long time in Communist regimes they now headed to the West primarily trying to find employment, better salaries and better welfare. According to the News Week more than 600,000 East Europeans, most of them Poles, had come during the last years to work in the United Kingdom. This seems to be the single largest wave of immigration in British history.<sup>130</sup>

The member states of the European Union have been harmonizing and unifying their migration policies, which give rise to instruments aimed at potential migrants. The national policies are becoming increasingly restrictive. It is a generally held view that the current measures concentrate on restricting migrants' opportunities to move into the European continent. As discussed before, “Fortress Europe” has already become a household term. In the context of existing trends and the general sentiments of international public opinion, questions arise like how are the new migration policies, what instruments are used by the European Union in connection with migration

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<sup>128</sup> V. Guiraudon (2001), Controlling a New Migration World. Routledge, London, p. 15

<sup>129</sup> G. Hugo (1995), “Labour Export from Indonesia: An Overview” in ASEAN Economic Bulletin. Vol. 12, pp. 275-298

<sup>130</sup> News Week, 11 September 2006, p. 17

movements or will “Fortress Europe” be an efficient barrier against the influx of migrants?

Migrations have always been considered to be a threat. On the one hand countries of origin loose work force, especially when skilled middle-class citizens are leaving, as discussed in the second chapter. On the other hand, especially when the country of destination has a high unemployment rate, unemployed persons easily have the perception that migrants are the reason for them not finding a job. They think that migrants deprive them from their jobs.

The discussions about security are about the pursuit of threat. P. Thungard argues that national security is the ability of a nation to pursue successfully its national interests. W. Lippmann sees security that a nation is secure to the extent to which it is not in danger of having to sacrifice core values.<sup>131</sup> The traditional view of national security emphasizes the physical aspect since from this perspective the most obvious component of national security is the protection of national boundaries. This is a physical value so basic that no other goals can be pursued in its absence. But security is more than the objective physical state of being free from physical threat, it is also psychological. Different people have contrasting motions about what makes them secure.<sup>132</sup> Therefore, security will always be to some extent subjective. This can be seen especially in the relationship between migrants and the unemployed in the countries of destination as discussed before.

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<sup>131</sup> in M. Ayoob (1995), The Third World Security Predicament: State Making, Regional Conflict and the International System, Lynne Rienner Publishers, p. 5

<sup>132</sup> Dr A. Oloo, Lecture on “Introduction to National Security”, National Defence Collage Kenya, Karen, 7 July 2006

The only change in threat perception of European countries was concerning the intensity of this perception. The decision-making centres in the European Union have long been ill-disposed towards migrants and the migration policy they have pursued which was allegedly dictated by security concerns, reflects the perceived threats.<sup>133</sup> Security, however, “is an elusive concept that calls up governments’ concerns to protect their territory and population against threats to the stability of the regime, the social well-being or to the important societal values of the country.”<sup>134</sup> Migrants are perceived as a threat to the ethnic and cultural identity of the host society, especially illegal migrants. Arriving from a different cultural setting like 1,764,799 Turkish workers with their families in Germany, most of them being Muslims, they bring along different value systems, which distinguish them from the rest of the society.<sup>135</sup> Furthermore, a different ethnic and cultural background is in itself a cause of psychological anxiety. Additionally, the presence of illegal migrants has effects on the economy of most European countries with respect to aspects such as employment opportunities with low wages as well as health hazards due to the fact that diseases can be brought in. Politicians, trade unions and the public at large are increasingly strident in blaming migrants for undercutting prices, grabbing low-paying jobs and scarce housing and adding to the crime rate.

In the year 2003 for which official data on new arrivals are available of all European Union countries, Italy had become the most important destination for West Africans who moved legally with just under 10,000 entrants. Of these, about one third came from Senegal and a further 20 percent each from Nigeria and Ghana. The next largest

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<sup>133</sup> A. Bolesta (2004), New Immigration Policy in Europe, Transformation, Integration and Globalization Economic Research Centrum Badawcze, Warsaw, Poland, p. 4

<sup>134</sup> M. Weiner (1995), The Global Migration Crisis: Challenge to States and Human Rights, Addison-Wesley Publisher, p. 131

<sup>135</sup> [www.zuwanderung.de/english/1\\_statistik.html](http://www.zuwanderung.de/english/1_statistik.html)

European destination was Portugal with just over 5,000 entrants, the vast majority from Cape Verde and Guinea-Bissau. Portugal was followed by the United Kingdom and France. In Germany, where more than 10,000 West Africans were admitted in 1996, the number fell to 5,000 in the year 2001.<sup>136</sup> Therefore, the European Union had to take action to address the problem of migration to Europe and illegal migration in particular. But which measures and policies were taken over the time and do they also reduce the problem of illegal migration from West Africa to Europe in the Post-Cold War era?

### *Harmonization and Unification of the Policy of the European Union regarding Migration and Asylum – Historical Background*

As already discussed before, the European Union would like to reduce the flow of illegal migrants to Europe through different measures. One of them is the harmonization of the migration and asylum policies in the European Union. It should be seen as an element of ever-deepening integration. European integration is the process of political and economic (and in some cases social and cultural) integration of European states into a tighter bloc. The main and most powerful body of European integration is the European Union, though other institutions like the Council of Europe also integrate their member states.<sup>137</sup>

The provisions of the Amsterdam Treaty of 1<sup>st</sup> May 2004 seems to bring this task of the unification process forward to a successful completion, at least with respect to determine the scope of competence and responsibilities. Four key chapters were affected: citizenship and fundamental rights, the establishment of an area of freedom,

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<sup>136</sup> R. Black, i.a. (2004), Migration and Pro-Poor Policy in West Africa, Development Research Centre on Migration, Globalisation and Poverty, Sussex, p. 9

<sup>137</sup> [www.europe.eu/integration\\_process/htlm](http://www.europe.eu/integration_process/htlm)

security and justice and the reform of the institutions. The Treaty opened the way for dialogue between the European Union and its citizens by safeguarding fundamental rights, for instance for the first time member states failing to respect such rights may face penalties, tackling discrimination of all kinds, providing for equal opportunities for men and women, focussing on social issues and assets such as voluntary work, sports, public-service television broadcasting, disability, churches and non-confessional organisations, public credit institutions operating in certain countries and a rejection of the death penalty. But the Treaty also dealt with the major issues facing the European society such as employment, the environment, public health and open government.<sup>138</sup>

The Council of Europe was the only major organisation on the European continent, which addressed the problem of migration in the 1960s. The first document recommending the harmonization of migration policies was issued in 1976 and a second one in July 1981 entitled "The Harmonization of National Procedure Related to Asylum".<sup>139</sup>

Although the integration process in Europe started much earlier with the Treaty of Rome in 1958, in the mid 1980s, the European Economic Community (EEC) decided to take the first short-term measures towards harmonizing the migration policies of the member states. These were dictated by several circumstances. First, as the integration of the EEC countries progressed, it was necessary to introduce common policies in various sectors and legal norms applying to the entire territory of the EEC. These inevitably entailed the transfer of diverse prerogatives of the national governments to the European institutions in Brussels (Belgium). Given the trans-national and trans-

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<sup>138</sup> Ibid.

<sup>139</sup> D. Joly (1996), Heaven or Hell? Asylum Policies and Refugees in Europe. Centre for Research in Ethnic Relations, University of Warwick, p. 47

territorial character of migration, both legal and illegal, the EEC countries decided to begin harmonizing their migration policies. An additional stimulus was provided by the prospect of internal borders being abolished, which would entail the freedom of movement within the entire territory of the Community. The abolition of borders was provided for by the Single European Act in 1986. The first steps in this direction were taken by France, Germany, The Netherlands, Belgium and Luxemburg, which signed the Schengen Agreement in the year 1985.

Second, the 1980s saw a reorientation of the migration policy of Western European countries. As economic growth slowed down, the demand for additional labour, which had existed for decades since the early 1960s, shrank. The labour market had become saturated and unemployment was on increase, a disproportion between demand and supply of labour needed, developed. The harmonization of migration policies thus became necessary in order to control and regulate the influx of migration.

The response by the Western European countries to the disparities of wealth between the member states and non-member states in the Mediterranean area has been the establishment of a range of cooperation agreements – the earliest dating from 1969 – designed to assist economic growth and to improve trade potential.<sup>140</sup> It further developed to the Barcelona Declaration 2004 which will be discussed later in this chapter.

The following table shows the disparities of wealth between some European Union member states and non-member states in the Mediterranean area and the northwest coast of Africa:

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<sup>140</sup> P. Gold (2000), Europe or Africa? A Contemporary Study of the Spanish North African Enclaves of Ceuta and Melilla, Liverpool University Press, Liverpool, pp. 132-134

Country	GDP per Capita – PPP in US \$
Germany	30,400
France	29,900
Italy	29,200
Spain	25,500
Algeria	7,200
Egypt	3,900
Morocco	4,200
Senegal	1,800

Source: [www.cia.gov/cia/factbook/geos/ge.html](http://www.cia.gov/cia/factbook/geos/ge.html)

The first meeting of the ministers responsible for migration took place in London in October 1986. The subjects were the improvement of checks at the external frontiers of the European Community, the value of internal checks, the role of cooperation and possible harmonization of member states' visa policies in improving controls, the role and effectiveness of controls at internal borders in the fight against illegal migration, the exchange of information about the operation of spot-check systems, close cooperation to avoid abuse of passports and examination of ways in which community travel can be improved without adding to illegal migration.<sup>141</sup>

Subsequently, a Centre for Information, Discussion and Exchange on Asylum (CIREA) was formed along with the Centre for Information, Discussion and Exchange on the Crossing of Frontiers and Immigration (CIREFI). More structures were created,

<sup>141</sup> J. Niessen (1996), The Developing Immigration and Asylum Policies of the European Union: Adopted Conventions, Resolutions, Recommendations, Decisions, Conclusions, Kluwer Law International, p. 32

whose terms of reference included aspects of migration, like a joint assistance group and a coordinator group for the freedom of movement of persons. Nevertheless, European states, such as Germany, at first signed bilateral agreements with Eastern Europe and Mediterranean countries in the early 1990s, in which financial help was offered for the return of illegal migrants. It was noticed that only with functioning institutions a reduction of the flow of migrants from Africa to Europe is possible.

One attempt to tackle the illegal migration in this early stage in 1986 was the erection of fences around the Spanish enclaves of Ceuta and Melilla. One of the consequences of the implementation of the Immigration Law of 1986 and also Spain's accession to the European Community earlier in 1986 was the necessity for the Spanish government to reinforce its external borders. Before, the only places between Morocco and Melilla that had been permanently guarded were the four frontier crossing points.

The most important decisions aiming to give momentum to the harmonization and unification process were taken between the years 1990 and 1993 after the end of the Cold War. The result was the Maastricht Agreement, also known as the Treaty on the European Union. Before signing the Maastricht document, a number of declarations and conventions were prepared. In June 1990, the Dublin Convention was signed, which was intended to regulate the matters of responsibility for examining applications for refugee status. This Dublin Convention is a European Union law to streamline the application process for refugees seeking political asylum under the Geneva Convention.<sup>142</sup> The intent is to clarify which member state is responsible for any particular asylum seeker and ensure that at least one member state deals with the

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<sup>142</sup> F. Nicolson and P. Twomey (1999), Refugee Rights and Realities: Evolving International Concepts and Regimes, Cambridge University Press, p. 68



application. One of the principal aims is to prevent an applicant from submitting applications in various member states. Generally, someone seeking asylum is required to apply in the member state being entered first. Another aim is to reduce the number of "orbiting" asylum seekers, who are shuttled from member state to member state. So, by precise designation of the country responsible for this procedure, this instrument was meant to eliminate the phenomenon of refugees transferred from one country to another regardless of their application for asylum. It has to be stated that, although this Dublin Convention did introduce some institutional order, it failed to solve the problem because of lack of specific executory provisions.

The Convention on Crossing of External Borders and the Schengen Convention on the abolition of internal borders were also drafted in the year 1990. The Schengen Convention included several provisions on visa and border policies. Regarding short-term visa (less than 90 days), the convention outlined the need for a common policy on the movement of persons and arrangements for the granting of visa as well as provisions for uniform visa to allow travel throughout the Schengen area.<sup>143</sup> The Schengen agreement necessitated some level of mutual trust on migration and asylum policy since new residents of one country would then have visa- and free passport access to all other Schengen member countries. However, harmonization of the migration policy was in principle a responsibility of European institutions, and not of Schengen itself.<sup>144</sup> The Schengen Convention also created the Schengen Information system. This is an international computerized database that allows countries to store and share information on migrants, asylum seekers, criminals and those under surveillance by state security agencies. In anticipation of the accession of the ten new European Union members in the year 2004, it became necessary by time to develop a

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<sup>143</sup> A. Wiener (1998), European Citizenship Practice: Building Institutions of a Non-State, Westview Press, Boulder, pp. 228-229

<sup>144</sup> For more information see Appendix No 2: Schengen Convention

new information system since the former system lacked the capacity to hold information from all states forming the expanded Schengen area.

Furthermore in the year 1990, the European Council adopted a declaration on the principles for the external aspects of migration policy in its Edinburgh meeting. This declaration advocated the preservation and restoration of peace, and full respect for human rights and the rule of law, which would diminish migratory movements resulting from war and oppressive regimes; the protection and assistance of displaced people in the nearest safe area to their homes; the promotion of liberal trade and economic cooperation with countries, where people migrate to reduce economic motivation for migration; targeting development aid, job creation and the alleviation of poverty; efforts to combat illegal migration; the conclusion of bilateral or multilateral agreements with countries of origin or transit, to ensure that illegal migrants were returned to their home countries. In the Treaty on the European Union, which came into effect as of November 1993, issues of the harmonization of migration policies were accorded priority treatment. Pursuant to Article K 9, migration policy can be delegated to Community structures, while Article K1 stipulates, inter alia, the areas which should be the object of a common policy. These subjects comprise asylum policy, rules governing the crossing by persons of the external borders of the member states and the migration policy and policy regarding nationals of third countries.

However, due to Italy's chaotic state of internal controls it was not possible for Italy to deal effectively with the negative consequences of illegal migration, which have aroused the ire of the other Schengen countries. Deportation orders against illegal or criminal foreigners were issued in great numbers, but only 15 percent of them were implemented in the 1990s. The main reason was that most of the illegal migrants

concealed their nationality in order to avoid deportation. If for example the nationality cannot be found out within 40 days according to Italian Law, official deportation is not possible any more.

Between the years 1990 and 1997, several resolutions, motions and joint declarations were adopted which called for the harmonization of migration policies and formulated common guidelines for the member states of the European Community on various policy aspects. In 1992, the definition was adopted of a “manifestly unfounded claim” and a “third host country” and the concept of a “safe country” was worked out in London. One year later in 1993, a resolution on harmonization of policies on the reunion of families was also passed. In 1995, solidarity principles in the event of a large influx of refugees were worked out and in the same year the Council of Ministers responsible for migration adopted a resolution setting out the rights and responsibilities related to migration and asylum procedures. Although there was common understanding, the implementation, especially on the borders of the European Community and the assistance of other European countries in the West and North, was lacking. The reasons were, inter alia, lack of political will of other European countries which are “far away” from the Mediterranean Sea and not involved at the moment, missing consensus of all European countries how to deal with illegal migrants and a lack of funds which were requested by Spain and Italy, but not granted. As a result, these countries like Spain and Italy, which sought assistance in solving the problem of illegal migrants coming to the Spanish enclaves or to the Italian islands, were forced to build up own measures to reduce the flow of illegal migrants to their territory.

One of these measures started in June 1996, when some 130 illegal migrants from West and Central African countries who had been housed in tents in Melilla, staged a

sit-down protest demanding to be transferred to Spain. The protest also spread to the hospital grounds where violence broke out. The following day the migrants were detained by police, flown to a detention centre in Malaga and the next day deported in great secrecy on military aircraft via the Canary Islands to Mali, Guinea-Bissau, Senegal and Cameroon.<sup>145</sup> This kind of solution can only be a settlement of the problem for a short term, but it will never solve the migration problem, especially because the root causes are not addressed and most of the illegal migrants who were caught by police and sent back will try the same tour again in the near future.

Meanwhile the slow move to find and implement migration policies in Europe continued. The most important supra-national document to govern the unification of migration including refugee policies in the following years seems to be the Amsterdam Treaty, which was signed in 1997 and entered into force in 1999. Its provisions on migration and asylum have become European Law in 2004. Title IIIA of the Treaty concerns visa, asylum, migration and other policies related to free movement of persons.<sup>146</sup>

The following special measures *inter alia* were to be implemented between 1999 and the year 2004: firstly, measures on asylum, in accordance with the Geneva Convention of 1951 and the Protocol of 1967 including criteria and mechanisms for determining which Member State is responsible for considering an application for asylum and minimum standards on the reception of asylum seekers, secondly measures on refugees and displaced persons including minimum standards for giving temporary protection to displaced persons from third countries and promotion of a balance of

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<sup>145</sup> P. Gold (2000), Europe or Africa? A Contemporary Study of the Spanish North African Enclaves of Ceuta and Melilla. Liverpool University Press, Liverpool, p. 126

<sup>146</sup> For details see the Treaty of Amsterdam, Title IIIA, Article 73K, EU Official Journal C 340

efforts between member states of the European Union in receiving and bearing the consequences of receiving refugees and displaced persons and thirdly measures on migration policy including conditions of entry and residence as well as standards on procedures for the issue of long-term visa and residence permits by member states as well as illegal migration and illegal residence.

In accordance with the Amsterdam Treaty, the European Parliament was given the prerogative in 2004 to be consulted on matters of the common policy like for example in regard to illegal migration. The European Court of Justice was designated as court of final appeal. From May 2004 work on the common migration and asylum policy has been passed on to the Council of Ministers of the European Union.

After the 11 September 2001 attacks in the United States it could be argued that there are risks of conflicts linked with the Islamic terrorism threat in European countries. Although there is only a small percentage of illegal migrants who could be considered as suspicious in regard to terrorist threat, the perception cannot be underestimated that even three or four of them pose a tremendous threat to European countries. Investigations in Europe after the 9/11-attacks proved that some of the terrorists had lived in Germany before and that Italy had served as a logistic base for fundamentalist groups who support Mujahidins all over the world. The most current risk in Europe is for the time being the phenomenon of those terrorists or guerillas returning back to their home countries, being trained, indoctrinated and then return even more desperate. Fighting them is not so easy due to the fact that weapons are rarely found, financial transactions are increasingly untraceable and the law does not allow to tap telephone conversations without approval of the highest court in the respective European countries. Despite the efforts of the European Union after the 11 September events and

the important master decision of the European Council in 2002, which made judicial and police cooperation easier, a pan-European criminal legislation is still missing to clearly define the international terrorist organisations. As the investigations are international, it is quite difficult for the European judicial systems of common law and civil law to fulfill the charges. Furthermore, there is still a lack of the harmonization of penal laws at the European level to define without ambiguity the criminal actions in connection with the phenomenon of international terrorism.<sup>147</sup>

In June 2003 while European Union leaders met in Thessaloniki, Greece, to discuss migration issues, a vessel carrying illegal African migrants trying to enter Europe sank off the coast of Tunisia, killing some 70 people. Ironically, top on the agenda for the EU summit in Greece was the question of “illegal migration and its implications for Europe and Africa.” While opinions were divided at this summit, some leaders proposed that Europe should have better regulations in place to effectively control, not restrain migration and to give migrants more incentive to fulfill their potential in European Union countries. The rationale behind was not to close Europe but to have regulated migration according to the economic principle of demand and supply. The European leaders contemplated deporting illegal migrants to transit camps outside Europe. Italy’s extreme right-wing leader Umberto Bossi, even had the audacity to suggest that the Italian navy uses cannons to prevent African illegal migrants from reaching Italian shores. His rationale was to keep migrants, both legal and illegal, away from Europe with all means.<sup>148</sup>

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<sup>147</sup> R. Schettini (2005), *Presidente Europe 2010 – Centro Studi e Formazione, San Bonaventura Papal Theology Faculty, Rome*, p. 6

<sup>148</sup> G. Nkrumah in *Al-Ahram Weekly*, 27 June 2003

Before May 2004, the matters of migration policy were mainly handled by the European Commission whose proposals were consulted with the Economic and Social Committee. However, it seemed that a common momentum was missing. The stress has to be on the assurance of an equitable asylum and migration procedures based on common European Union standards, especially when it can be seen that in a few years the percentage of foreign-born inhabitants in Europe has come to rival that of older migrant receiving societies such as The United States and Canada. It is estimated that in 1992 the total number of migrants, legal and illegal, was around 16 million.

As already mentioned in the Euro-Mediterranean Partnership this partnership was further developed in the 2004 Barcelona Declaration. The large number of interactions in fields such as trade, migration, security, terrorism and environment created the need to put the Europeans' ties with their Mediterranean neighbours on a broader and firmer basis to tackle the issues causing concerns and common challenges. The new aspects in comparison to the former Mediterranean policy of the European Union were, inter alia, "a global and comprehensive policy among equal partners with ambitious long-term objectives including respect for human rights and democracy" and "increased funds were made available for the Mediterranean partners to fight illegal migration".<sup>149</sup>

The change of the European Union migration policy was one of the most significant international events of the last decades. It had implications for demographic influx not only for countries within the boundaries of the Union but also in the countries that send people to live and work there. This paradigm shift penetrates life's most vital

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<sup>149</sup> [www.ec.europa.eu/comm/external\\_relations.html](http://www.ec.europa.eu/comm/external_relations.html)

events for migrants and their families including their households back home and those who join the migrants. What are these new policies of the European Union?

### *New Policy on Migration and Asylum*

The end of the Cold War resulted in what is called a “new approach” to the problems of migration and asylum among all West European countries, which was a reaction to the dynamic increase in migration volumes.<sup>150</sup> The term “new migration policy” denotes a common tendency to make national policies more restrictive. Three trends can be noted: firstly, the greater sophistication of administrative measures; secondly, the expansion of the bureaucratic apparatus promoting the standardization of procedures and thirdly a containment policy aiming to prevent migrants and asylum seekers from arriving in the territory of the target country, while calling into question the institution of asylum itself.<sup>151</sup>

The first of these trends involves the use of modern technology by the governments, both for data collection, data processing and for operational tasks like border patrolling. The second consists of creating a framework for the implementation of programmes whereby the government creates the policy without regarding the actual needs of potential migrants. This can be in conflict with norms and human rights embodied in international treaties and International Law. An example is provided by the quotas of migrants to be admitted in a special period. This means that such measures show less tolerance for unexpected (illegal) and non-standard inflows of migrants.<sup>152</sup> The third trend comprises the attempts of developed countries to stop

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<sup>150</sup> B.S. Chimni (1998), *The Geopolitics of Refugee Studies: A View from the South*, *International Journal of Refugee Law* (11/4), p. 369

<sup>151</sup> A. Shacknove (1993), “From Asylum to Containment” *International Journal of Refugee Law* (5/4), p. 521

<sup>152</sup> *Ibid*, p. 530



migration from the direct vicinity of conflicts by measures intending to ensure security in the region of question, an approach labelled “internationalization”.<sup>153</sup>

The Office of the United Nation High Commissioner for Refugees (UNHCR) identified four components of the new migration and asylum policy in Europe. These are deterrence, blocking the migrants and asylum seekers’ physical access to Europe by the way of visa regulations or financial sanctions on carriers who fail to observe the migration procedures.<sup>154</sup> With this statement it is very clear why “migration agents” leave the migrants alone in their boats crossing the Mediterranean Sea or the Atlantic. The second involves instruments to deflect migration streams by shifting the responsibility to third countries, like Morocco. The third consists of attempts to narrow down the definition of migrant or refugee in line with the Geneva Convention and to create forms of a “substitutive status”. The fourth is connected with “non-preferential treatment” which may even amount to intimidation of migrants.

Which initiatives had been seen in Europe after the Cold War in regard to migration policy? The Council of Europe undertook consultations in connection with the developments in Central and Eastern Europe. It presented its views at the Organization for Security and Cooperation in Europe (OSCE). However, OSCE resolutions are not legally binding and merely represent political declarations. Another decision-making centre, and the most important one, was the European Community and its successor the European Union. The resolution of the European Parliament in 1994 advocated an equitable division of responsibility for refugees and migrants. This system of limits was proposed, based on the area, population and GDP of particular European Union

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<sup>153</sup> D. Joly (1996), Haven or Hell? Asylum Policies and Refugees in Europe, Centre for Research in Ethnic Relations, University of Warwick, p. 75

<sup>154</sup> www.UNHCR.com: The State of the World’s Refugees: 50 Years of Humanitarian Action, pp. 6-12

countries, which were assigned corresponding to indicators: Germany 21, France 19, Italy 15, United Kingdom 14. The respective figures for the smallest countries were: Portugal 2, Denmark 1, Luxemburg 0.1.<sup>155</sup> That means, for each admission in Denmark there are 21 admissions in Germany.

When defining new national policies on migration and asylum, most Western European countries accelerated the procedures for the acquisition of the refugee status, but at the same time tightened up the criteria for granting such a status.<sup>156</sup> The concept of a “manifestly unfounded claim” has been frequently invoked to reduce the influx of migrants and asylum seekers. Persons whose applications have been found to be manifestly unfounded undergo accelerated or simplified verification procedures, for example in Austria and Belgium, in some other cases they are immediately expelled. In Austria, an appeal does not suspend deportation. In Denmark and the United Kingdom, immigration officers have been given an extensive scope of competence. Persons considered to pose a threat started to be detained.<sup>157</sup>

Since 1954, about 31 million Germans (from Russia, the Baltic States and Poland) and foreigners have immigrated to Germany. At present, 7.3 million foreigners are living in Germany, that is 8.9 percent of the entire population. Almost 40 percent of these people have been living there for more than 15 years. However, there has been no up-to-date and future-oriented concept in place for structuring the immigration to Germany and the integration of these migrants. The discussions surrounding migration has become more objective than it was several years ago, when a paradigm shift in

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<sup>155</sup> A. Suhrke (1998), “Burden-sharing during Emergencies: The Logic of Collective versus National Action”, *Journal of Refugee Studies* (11/4), p. 410

<sup>156</sup> Switzerland (1990), The Netherlands and Belgium (1991), Germany and Austria (1992), United Kingdom (1993)

<sup>157</sup> A. Bolesta (2004), *New Immigration Policy in Europe*. Transformation, Integration and Globalization Economic Research Centrum Badawcze, Warsaw, Poland, p. 10

migration policy was instituted when the so-called "Green Card" was introduced for skilled workers in information and communications technology in the year 2000. The ban on recruitment of "Gastarbeiter" that had been in force since 1973 became much less important for the first time. This can also be seen in relation to the population decrease in Germany by 0,2 percent per year.<sup>158</sup>

### *Deterrence Regulations*

Visa have become the most effective deterrence means to stop the influx of potential migrants. In combination with fines for carriers they provide a workable way to keep out migrants. Persons with a low economic status and therefore a potential migrant do not have a chance to obtain visa. It should also be mentioned again that economic migrants, especially illegal migrants, far too often invoke the argument of political persecution to gain admission to the country of their choice. In the 1980s, the United Kingdom introduced visa for the nationals of some Commonwealth countries. Other Western European states took similar steps and the European Union requires visa from citizens of several dozen countries, mainly Africa. Penalties imposed on carriers became another very important instrument for the control of the influx of migrants. As this measure was introduced, airlines, shipping lines, bus and railroad companies became entirely responsible for the preliminary screening of prospective migrants. This technique has especially been used by the United Kingdom, which has already promulgated the Immigration Act in 1987. Other European countries followed to date. However, this does not have any effect on illegal migrants who try to travel from the origin to their destination without these required documents due to the fact that they do not have documents with them intentionally. Otherwise their nationality can be identified and they can easily be deported.

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<sup>158</sup> Prof. R. Suessmuth, MP (2001), "Report by the Independent Commission on Migration in Germany", p. 2

### *The Concept of a "Safe Country"*

As the national regulations in Europe incorporated the concept of a "safe country" that is a country free from persecution, more categories of potential migrants, refugees and asylum seekers were rejected without a verification process. It was decided in Europe that the nationals of such countries do not have any grounds whatsoever to apply for asylum. However, the problem emerged from the very outset of how to delineate and define this concept. According to Immigration Ministers a safe country is "a country which can be clearly shown, in an objective and verifiable way, normally not to generate migrants and refugees .... and that circumstances which might in the past have justified recourse to the 1951 Geneva Convention have ceased to exist".<sup>159</sup> However, the problem is that each state has been using a definition of its own, interpreting the concept at will. As a result, in 1990 Switzerland pronounced Algeria a safe country in contradiction to France, and in the following year Germany did the same with respect to Nigeria. It was practically impossible for migrants to obtain a asylum status in Western Europe in the 1990s and the residents of "safe countries" were barred from the asylum procedure. Furthermore, the introduction of this concept went clearly against the fundamental principle governing asylum procedures, namely, that every application should be given individual consideration.<sup>160</sup> In Denmark for example, a list of safe countries like Senegal, The Gambia, Mauretania to name a few, is compiled by the Immigration Office and applications originating from these countries are not accepted at all. The notion of a safe country has been invoked in international bilateral agreements, especially those on re-admission of illegal migrants, concluded between neighbouring states. Western European countries have created in this way an additional barrier obstructing access to the "Fortress Europe".

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<sup>159</sup> K. Hailbronner (1993), "The Concept of Safe Country and Expeditious Asylum Procedures: A Western European Perspective", "Report from Immigration Ministers to the European Council Meeting in Maastricht", International Journal of Refugee Law (5/1), p. 57

<sup>160</sup> Ibid., p. 59

### *Safety Zones*

The concepts of safety zones are yet another element of the “new approach” to migration issues. The idea behind the “compulsory alternative” was to stop potential migrants before they reach Western countries. It was also claimed that the formation of safety zones implies the existence of safe regions within a given country which therefore might be considered to meet the definition of a “safe country”, with all its consequences. The concept of safety zones is an old one. In medieval Europe this role was played by churches. In 1929, the idea was put forward to create safe havens for civilians. After the Second World War this concept was incorporated in various forms into the Geneva Convention.<sup>161</sup> A safety zone is constructed today as a designated area enjoying a special status and special protection where people who have fled from an area of conflict may take shelter. Safety zones seemed useful mainly in internal, as opposed to international conflicts. Since the end of the Cold War most armed conflicts in the world have been civil wars.

The decisive factor behind the formation of such zones in regard to migration was the need to prevent potential migrants from moving to Western Europe and applying for political asylum. The support from the West for safety zones was motivated by the pragmatic intent to limit the influx of illegal migrants and not by humanitarian considerations and the desire to help those in need. The formation of safety zones was part of the new immigration policy in Europe. Especially in former Yugoslavia safety zones were installed to stop the migration flow. In the year 2006, they are taken into consideration to stop the flows from West Africa to the Canary Islands, but until now the safety zones have failed to reduce or stop migration flows due to the fact that, also

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<sup>161</sup> K. Landgren (1995), “Safety Zones and International Protection: A dark grey Area”, International Journal of Law (7/3), pp. 436-448

sponsored by European countries, most African countries opposite the European coast still do not implement the “requests” of the European countries.

### *The Return Policy of the European Union*

The issue of return has become a “vital and integral component” of the European migration and asylum policy. The need to define and consolidate a common return policy has gained momentum since the entry into force of the Amsterdam Treaty and was repeatedly stressed in the ensuing European Councils. In his address to the French Senate in March 2006, the European Commissioner for Justice, Liberty and Security, F. Frattini, recalled the draft directive on common standards and procedures in member states for returning illegally staying third-country nationals<sup>162</sup> which was presented by the Commission in late 2005. The draft directive emphasized that “a return policy is an integral and crucial part of the fight against illegal migration” and that common standards should be set in order to enhance the operational cooperation amongst Member States.

The return (or removal) policy of the European Union focusses primarily, if not exclusively, on the forced or assisted (for example voluntary) return of persons. This focus stems from the assumption that the fight against illegal migration is contingent on the consolidation of a common return policy which in turn determines the efficiency of the European Union comprehensive approach to migration.<sup>163</sup> Return policy is viewed as a crucial instrument aimed at combatting illegal migration and human-trafficking and has also shaped the definition and understanding of return as such to date.

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<sup>162</sup> These are nationals from countries outside the European Union  
<sup>163</sup> stated in the “Conclusion of the December 2001 Laeken European Council”

The exchange of information and the facilitation of removals by air flights are two interrelated fields of action that have been privileged by the European Union. The first field of action pertains the establishment and consolidation of information systems to be better informed on EU level. In this case, the improved Schengen Information System can be of great value. However, debates about information systems were not so much related to the objectives of these systems as to their accessibility and exchange procedures which are based on the strict respect of confidentiality and personal data protection rules. In an attempt to better respond to Member States' demands for better efficiency in the field of information-sharing, the European Commission envisaged playing a "delicate balance" between security challenges and the protection of fundamental rights linked to privacy. The European Council confirmed the existence of sophisticated patterns of cooperation between Member States on removal issues and transit by charter flights.<sup>164</sup> However, beyond the sophisticated aspects of these return practices, their long-standing consolidations may pose a problem to the European Union when it comes to abiding by common standards and rules on return matters.

More issues in the return policy have to be taken into consideration. The Member States' legal frameworks related to expulsion procedures differ substantially from one another, not only in terms of terminology used in the context of returns, but also in terms of provisions pertaining to temporary custody and the use of coercive force. In France, the maximum duration of temporary custody is 32 days, in Ireland 30, in Spain 40 and in Italy 60 days. The draft directive presented by the European Commission in 2005 on the adoption of common standards and procedures for returning illegally

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<sup>164</sup> J.P. Cassarino (2006), The EU Return Policy: Premises and Implications, [www.mirem.eu/politics/eu](http://www.mirem.eu/politics/eu), p. 3

staying third-country nationals constitutes a clear attempt to favour the harmonization and adoption of common rules.

In summary, for the last 15 years European states either independently or cooperatively have been erecting walls which are supposed to prevent unwanted migration flows coming from the developing world. It appears that the main elements determining the shape of the new immigration policy in Europe include asylum and migration procedures, deterrence regulations, reliance on the concept of a “safe country” and of “safety zones”. The most recent stage is determined by migration policy determined by the state. European migration policies aim to control migration, to reduce non-documented or illegal migration and to combat trafficking in humans. However, immigration “control”, which deals with migration that is happening despite and against the opposite intention of states, automatically directs the attention to the relationship between flows and politics. Also the European Union “return policy” is to be viewed by most third-countries’ governments as responding predominantly to the sole interests of the European Union. Whenever there is the stated need for “control”, there is the unstated admission that current policies have failed to prevent migration from happening.

Especially with strict visa policies, the much reduced need for labour migrants in Western European countries and the increase of unemployment in most European countries (as of 1 September 2006 the unemployment rate in Germany states 10,4 percent)<sup>165</sup> migrants are only wanted in Europe selectively for example in the information and technology sector. Figures about the percentage of migrants in regard

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<sup>165</sup> Office for Statistics of Unemployment in Germany, Nuremberg, Declaration of 1 September 2006



to their unemployment is not available officially, but it is estimated to be 27 percent.<sup>166</sup> It is a dangerous perception of unemployed citizens in the country of destination when they think that migrants are responsible for their unemployment, reducing job availability and working for lower wages. This can result in riots against migrants and racism.<sup>167</sup>

The result of the discussed policies therefore is that the stream of migrants towards Europe turned to illegal migrants using the movement pattern to reach European countries for greener pastures. Harmonizing and unifying policy on immigration and asylum within the European Union as well as restricting national policy targeted at potential migrants are clear signs that the decision-makers of Western Europe fear waves of foreigners who might be coming to European countries in search for higher standards of living and more accessible development opportunities. Although an attractive tool for European countries to temporarily satisfy the Western societies, building “Fortress Europe” hardly seems a permanent solution.

It can be understood that illegal migration from Africa influences the European policy. This policy has to react to the big increase of illegal migrants coming from Sub-Saharan countries via the moving patterns towards Europe. The only way to solve the problem seems to be by addressing its root causes. So, the next chapter, chapter four, tries to critically appraise ways of addressing the problem how this flow of illegal migrants from West Africa can be stopped and if this is not possible, at least can be reduced.

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<sup>166</sup> [www.pub.arbeitsamt.de/hst/services/statistik/000100/html/jahr/arbeitsmarkt\\_2005\\_gesamt.pdf](http://www.pub.arbeitsamt.de/hst/services/statistik/000100/html/jahr/arbeitsmarkt_2005_gesamt.pdf)

<sup>167</sup> News Week, 11 September 2006, p. 17

## **CHAPTER FOUR - A CRITICAL ANALYSIS OF ILLEGAL MIGRATION FROM WEST AFRICA TO EUROPE**

After having analysed the movement patterns of illegal migrants and the current European policy to deal with illegal migration, chapter four will critically analyse the key themes of illegal migration towards Europe. These key themes which will be discussed in this chapter are migration policy of the European Union countries, the root causes of illegal migration, human rights, financial aid and new institutions.

### **4.1. Introduction**

In December 2004, the discovery of the bodies of eight illegal migrants in a container in the Irish Republic and a few days later of four more in Italy, illustrates the drama, suffering and despair which go with illegal migration. The number of graves of “the unknown migrant” in the south of Spain testifies these tragedies as do reports of ships sunk off the coasts of Italy. Especially during the recent months of this year 2006, thousands died travelling from West Africa to Europe.

Illegal migration is as old as the establishment of restrictions on border crossings. The southernmost countries in Europe, Spain and Italy, are regarded as popular countries of destination for migrants from West Africa using the North African and increasingly Northwest African countries along the Atlantic Ocean as transit countries. Due to the fact that both countries are situated directly opposite the African continent in fairly reachable distance and that illegal migrants, after having reached one of these

countries, can travel almost across whole Europe without “border crossings”<sup>168</sup>, Spain and Italy are known as the “Gates to Europe”. Due to the increasing number of migrants, nearly every day people are confronted with this subject in the newspapers and other media. The loss of lives during the long journeys and the effects on the European society, for example increase of unemployment, increase of expenses for welfare and increase of crime to name a few, the dimensions of illegal migration from West Africa to Europe has to be emphasized on and therefore this chapter will analyse critically the key themes of the illegal migration from South to North.

## **4.2. Migration Policy of European Union Member States**

### *Data Basis*

As already stated in the previous chapter it is paramount to have a common data basis to deal with illegal migration from Africa to Europe. In the last ten years, there has been a certain change of attitude among European governments towards migration statistics and what is perhaps more important, a change in government practice, where both the national and the European levels are concerned. The rapid expansion of the scope of European migration policies after the Amsterdam Treaty, which was discussed in the previous chapter, has resulted in an increased awareness of the need of comparable statistics, which in some cases has also led to increased efforts nationally to improve the quality of data collection. Funds spent to support migration and asylum policies on the European level have been massively expanded in the recent years. Increasingly, migration statistics are being used to distribute these funds among member states.

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<sup>168</sup> See Appendix 2: German Foreign Ministry (2003), Schengen Treaty, [www.auswaertiges-amt.de/schengen](http://www.auswaertiges-amt.de/schengen)

The Southern European countries of Portugal, Spain, Italy, Cyprus and Malta have to reconcile two apparently contradictory factors. First, they have obligations to adopt strict immigration controls, measures for the detection and expulsion of illegal migrants and other common procedures under both European Union rules and Schengen Treaty.<sup>169</sup> Second, they must cope with their economic attractiveness to illegal migrants and general bureaucratic incapacity to regulate efficiently.

Official data on legal migrants in the Mediterranean region, especially those of Italy and Cyprus are often characterized by low-quality and delayed compilation. As already discussed in this study, data on illegal migrants are even less. However, the first step into the right direction is done by Spain. Spain's municipal registers which are showing statistics of illegal as well as of legal migrants are put in place. Migrants in Spain represent over six percent of the population, with an increase of nearly 700,000 people from 2002 till 2003. At least 85.000 of them are thought to be without legal residence. Italy's migrant legalization programme of 2003 had a surprising number of 705,000 applicants, the second largest legalization ever in the world.<sup>170</sup>

The recent policy developments on European level make it very clear that migration policy in the enlarged European Union with 25 member states<sup>171</sup> is no longer solely an issue of Justice and Home Affairs, but increasingly also of Employment and Social Affairs,<sup>172</sup> especially in regard to anti-discrimination policy and labour market policies. Improving the collection of migration statistics step-by-step needs to be complemented by a consideration of medium to long-term strategic goals. Obviously there is a close

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<sup>169</sup> See Appendix 2: German Foreign Ministry (2003), Schengen Treaty, [www.auswaertiges-amt.de/schengen](http://www.auswaertiges-amt.de/schengen)

<sup>170</sup> M. Baldwin-Edwards (2004), "The Changing Mosaic of Mediterranean Migrations" in Migration Information Source, 1 June 2004

<sup>171</sup> See Appendix 3: European Union

<sup>172</sup> Council of the European Union – The Hague Programme – Strengthening Freedom Security and Justice in Europe, Brussels, 27 October 2004

relationship between asylum, illegal migration and return and thus, statistics on each of these areas. It is necessary to improve security, especially after the terrorism attacks in Madrid and London, to link the datasets of the institutions of immigration, police, intelligence, justice and home affairs. With interlinked data basis of all European countries it is possible to follow up illegal migrants' movement patterns. As many illegal migrants who originated from West African countries were caught on their way from Morocco or Mauretania to Europe, were brought back to their country of origin, they can easily be identified when they ask for asylum again due to the fact that many illegal migrants try again and again to reach Europe. With this data basis, the asylum requests could be shortened and the illegal migrants deterred from trying it again.

### *New Immigration Policies*

As discussed in the previous chapter, immigration policy is the outcome of a political process through which competing interests interact within bureaucratic, legislative, judicial and public sectors to construct and implement policies that encourage, discourage or otherwise regulate the flow of illegal or legal migrants. Shughart, Tollison and Kimenyi identify three interest groups in the political competition to formulate immigration policy: workers, capitalists and landowners. Workers want high wages and thus struggle politically to limit the supply of labour, pressurizing politicians to pass more restrictive laws and strictly enforce them. Capitalists, in contrast, favour expanding the labour supply to reduce wages and keep labour markets flexible. They pressure politicians to pass more expansive legislation and relax enforcement of restrictions. Capitalists are joined by landowners in this effort, as the latter favour immigration as a means of increasing rents.<sup>173</sup>

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<sup>173</sup> W. Shughart, R. Tollison and M. Kimenyi (1986), "The political Economy of Immigration restrictions" in Yale Journal on Regulations, Vol. 51, pp. 79-97

By the late 1990s, Portugal, Spain and Italy had started to emerge from a difficult learning process over the previous decade and have embarked on new policies designed to minimize their unauthorized populations and simultaneously restrict future illegal migrations. These effective management strategies included the Immigration Law of Italy, put into force in 1998. It introduced a clear right to family reunification and sponsored migration for employment search, both acting as alternative conduits to illegal migration. Furthermore, Spain established with Law 4/2000 a continuous legalization process, rights for illegal migrants and duties of state institutions in dealing with application forms. They have a given timeframe to respond and must state the reasons for refusal. However, due to the large number of illegal migrants coming across the Atlantic Ocean to the Canary Islands, it is not possible to deal with all migrants in due time. The Spanish state institutions are overwhelmed by the number, sometimes more than 1,000 illegal migrants from West Africa arriving during one weekend, and cannot hold the proposed timeframe.<sup>174</sup>

Subsequent changes in government parties and of the ideology within that political elite, particularly in Italy, as well as pressure from within the European Union to adopt more restrictive strategies, led to a series of policy changes that foster rather than limit illegal migration. Thus, a more or less common migration policy has emerged in Southern Europe. The characteristics *inter alia* are a pre-entry authorization for foreign consulates with guaranteed jobs under labour ministry quota, short permits limiting the stay for one or two years only, aggressive police and other measures to detect illegal migrants, more secure borders and more re-admission agreements with sending and transit countries. But is this policy working? The other European Union states are not implementing these measures into a common European

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<sup>174</sup> Frankfurter Allgemeine Zeitung (German Newspaper), 12 August 2006, p. 12

migration policy. It seems to be apparently counter-productive. First, the recruitment of migrants from abroad is excessively bureaucratic, putting far too great a burden on employers while theoretically offering them employees they have never met. In practice, this is a fake procedure, because the migrants are recruited within a country illegally and then they leave to take the necessary documents from their foreign consulate. Second, the short duration of residence or work permits means that they must be renewed almost continuously and this pushes people back into illegality. That means that these measures, which are implemented by the Southern European states are not very effective because they are not implemented in the whole European Union. One solution to limit illegal migration in this respect could be sanctions on employers who wilfully hire unauthorized migrants. Portugal did implement this policy but only with a limited result as some 65 percent of the employers who were fined refused to pay.<sup>175</sup> Therefore, the law has to be reinforced and implemented to reduce the flow of illegal migrants from West Africa to Europe.

In the aftermath of the tragic events in the Spanish enclaves and Morocco in 2005, which were discussed earlier in this study, European member states agreed on operational priorities to combat illegal migration and to develop a strategy on the external dimensions of Justice and Home Affairs. The Finnish Presidency of the European Union at this time promised a comprehensive examination of migration issues, both illegal and legal migration. The pertinent documents include assurances that the European Union seeks to promote a balanced approach, one that aims to ensure better management of migratory flows towards Europe but also enhanced protection in regions of origin in West Africa.

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<sup>175</sup> M. Baldwin-Edwards (2004), "The Changing Mosaic of Mediterranean Migrations" in Migration Information Source, 1 June 2004, p. 15

Rhetorically, there has been a shift towards an increased use for the term “management” rather than “control”, a term that seemed more benign, although recently there has been a shift back again to “control”.<sup>176</sup> However, as Crisp points out “migration movements involving illegal migrants and asylum seekers are inherently chaotic and unpredictable, ... while the notion of migration management has a reassuringly technocratic ring to it, we can be sure that the reality will be considerably more complex, controversial and costly than this concept implies.”<sup>177</sup>

#### **4.3. How to tackle the Causes of Migration from West Africa to Europe?**

Although the positive image of Europe in Africa were not so exaggerated, there are plenty of reasons for illegal migrants to leave their countries of origin in West Africa. The most important and obvious push factors have already been discussed in this study. They are humanitarian disasters, poverty and lack of economic prospects. However in the Post-Cold War era, in countries like Liberia, Sierra Leone and Côte d’Ivoire also civil wars were obvious reasons.<sup>178</sup>

The influence of material development on the propensity to migrate is fundamental. Although economic growth in poor countries like Senegal, Mali or Guinea reduces the incentive to migrate in the long run by raising living standards and closing economic gaps with potential destination countries, in the short term it increases pressure for migration by fomenting a massive displacement of people from agriculture and from rural ways of life, a process that is inseparable from the process of development

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<sup>176</sup> T. Bentley (2003), People Flow: Managing Migration in a New European Commonwealth, [www.demos.co.uk](http://www.demos.co.uk)

<sup>177</sup> J. Crisp (2004), „A new Asylum Paradigm? Globalization, Migration and the uncertain Future” in Refugee Research Working Paper, No. 100, UNHCR, Geneva, p. 14

<sup>178</sup> Mair, S. (2004), Flüchtlinge aus Afrika (Refugees from Africa), German Institute for International and Security Affairs, SWP Comments, p. 2



itself.<sup>179</sup> Economic disparities are one key factor for migration. To get higher wages in a foreign country, remittances to send back to his or her family or household and to have a higher living standard force migrants to leave their West African country to seek greener pastures in Europe. For this target, illegal migrants are willing to take all burdens to reach their aim.

Demographic conditions in countries of origin are important not because of their contrast with conditions in countries of destination. High fertility and rapid population growth produce large birth cohorts that have migration-promoting effects within specific socio-economic contexts: they put pressure on social infrastructure such as schools, roads, hospitals and clinics, they make the satisfaction of consumer desires more difficult, they make it harder to provide decent and affordable housing, they raise unemployment rates and generally they channel state resources away from productive investment into current consumption, driving up public expenditures and contributing to state deficits and foreign debts.<sup>180</sup>

The point of departure in many discussions is to ask whether it would be better to undertake measures at the source of the illegal migrant streams rather than to get tangled up in the issue how the stream can be held back at Europe's gates. In other words, would it not be better to combat the causes for migration rather than act against the illegal migrants? Though it is easy to achieve consensus across the political spectrum for the idea of attacking the problem at its roots, the majority of proposals published to date do not do justice to the complexity of the matter. As most of the

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<sup>179</sup> J. Arango (1998), Worlds in Motion: Understanding International Migration at the End of the Millenium, Clarendon Press, Oxford, p. 10

<sup>180</sup> *Ibid.*, p. 11

illegal migrants to Southern Europe origin either from West or North Africa these topics of discussion were especially relevant to this study.

In July 2006 at the initiative of Spain, Morocco and France, nearly 60 African and European countries, including all European Union member states and the European Commission met in Rabat, Morocco, to discuss migration and development in the context of the persistent crisis of illegal migration from Africa to Europe. The conference's aim was to take concrete short-term measures to stem the flow of migrants from Sub-Saharan African countries trying to cross to Europe, in balance with a long-term approach to address the structural causes of migration, on the basis of partnership between the countries of origin, transit and destination. A plan for short-term measures was adopted but only return and readmission issues are incorporated. However, the agreement that Spain allows to fly illegal migrants back to Senegal was withdrawn on 12 September 2006, after three planes landed in Senegal, due to the fact that in the year 2007 there are elections in the West African country and it is not favourable, returning illegal migrants.<sup>181</sup> In general it can be argued that if the political will of leaders does not coincide with their future perspectives, they easily cancel agreements and do not feel to be bound to them anymore.

Furthermore, a distinct lack of political will can be seen by European countries to fulfill such assurances in practice. The lack of real solidarity combined with abusive practices put a strain on the stated goal of tackling root causes of illegal migration and seeking durable solutions. It undermines the credibility and legitimacy of the European Union in asking others to carry burdens that it is not prepared to accept for itself.<sup>182</sup> It

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<sup>181</sup> Süddeutsche Zeitung, Germany, 13 September 2006

<sup>182</sup> Amnesty International Statement at the Occasion of the Rabat Conference of the European Union, 10-11 July 2006

is absolutely necessary that the European Union as Union is targeting the problem of illegal migration. When the Spanish Interior Minister asked for more funds due to the increasing number of migrants on the Canary Islands, some of his European colleagues told him “it is always easy to ask for money, but other options have to be examined”.<sup>183</sup> Only with understanding and willingness to deal with illegal migrant issues as Union, solutions can be implemented.

#### **4.4. Clash of Civilizations?**

##### *Human Rights*

The problem of illegal migration is complex and defies simplistic solutions. From a humanitarian viewpoint, governments both in Europe and in Africa must not lose sight of the fact that all migrants, legal and illegal, are human beings whose rights and dignity must be respected. However, the illegal migration flow from West African countries must be dealt with in a variety of ways. These range from action being taken in the departure area for the creation of stable conditions in order to stop the diaspora as earlier discussed in this study and favour return to these lands, to the action taken in the host countries finalized at concentrating on migration policies and limiting the risk of conflicts.

Usually the intention of integration is to make such changes in the host country that will enable legal and illegal, but more favourable legal migrants to move freely in its economic or physical space without being obliged to assimilate to national norms or other forms of behaviour. However, as D. Coleman argues, it is difficult to see how this aim can be realized without a considerable degree of assimilation to local norms,

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<sup>183</sup> ZDF, German Television, 11 September 2006, „Heute“

depending partly on the cultures of origin.<sup>184</sup> Migrant cultures may have values, highly moral in their terms, which are incompatible with ideals which most would hold fundamental to modern European society and which may form part of their constitution. These include the separation of church and state, freedom of speech in all matters including religion and its rejection, equality for women and tolerance for sexual minorities in education and the workforce and conservation of the environment.

It may be that a contract for new migrants might be appropriate, setting out what would be expected of them if they choose to reside in a new country, as well as informing them about their rights. So, integration could be a possibility for illegal migrants with outstanding skills, valuable for the economy of European states. However, this will work only in a few cases, sometimes with a lot of cultural problems. It will not reduce the illegal flow of migrants in big numbers, however, it can save funds, which can be used for other projects, especially when the migrants do not have to be returned to their countries of origin.

As already mentioned in the last chapter the perception of local citizens in receiving countries who are unemployed may result in conflict with the migrants. Racial riots could be seen in France and the former East Germany. Riots in housing projects in nearly all big cities of France at the end of 2005 pointed out the high unemployment rate of 20 percent or more among the French youth in the age of 18 to 25 years. Those of African or Arab backgrounds are very often the last to get a job.<sup>185</sup>

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<sup>184</sup> D. Coleman (2000), Migration to Europe: A Critique of the new Establishment Consensus, Workshop on Demographic and Cultural Specificity and Integration of Migrants, 10 November 2000, Bingen, Germany

<sup>185</sup> News Week, 11 September 2006, p. 18

### *Camps and Centres for Illegal Migrants in Africa?*

The former German Interior Minister, Otto Schilly, proposed large centres where migrants intercepted en route to Europe would be detained. In a German newspaper<sup>186</sup> he explained “there will be a reception centre run by a European agency made up of civil servants from different European member states. These authorities will check whether there are grounds according to the Geneva Convention why the illegal migrants or refugees should not be returned to their countries of origin. If they aren’t then they’ll have to go back.” These camps are not only thought for illegal migrants rescued on the High Seas, but also for those who traverse Africa for Europe.

The present Italian government also forms part of this “coalition of the willing”. It has been unsympathetic to those arriving on its territory from the African North coast and from the outset has favoured returning people as quickly as possible, seeking no guarantees as to their treatment. Of all European member states, Italy has actually pushed ahead quickest deporting people to Libya without allowing them to make asylum claims.

But there is also the “coalition of the unwilling”. Shortly after above proposals from Germany and Italy, Sweden, France and Spain opposed these ideas. The then French Interior Minister announced that “for France, it is out of question to accept transit camps or shelters of any kind.”<sup>187</sup> He said that he was in favour of creating guichets or “counters” in Maghreb countries where migrants (predictably illegal) could be received and be helped to repatriate. Opposition has also come from outside Europe – notably from the countries mooted as potential sites for the camps. However, it has to be said that to reduce illegal migration from West Africa to Europe solutions have to

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<sup>186</sup> Sueddeutsche Zeitung, 2 August 2004

<sup>187</sup> Le Figaro, 19 October 2004

be considered which on the one hand side are unpopular but on the other hand have to obey human rights. So “counters” which are proposed by France and Spain could be built up to reduce the flow of illegal migrants to Europe. However, it shows clearly, that the policy of European states towards illegal migration is not harmonized. As long as there is a division in concepts, when countries are projecting their own national interests like in the case of France towards its former colony Algeria, it will not be easy to come up with a consolidated European migration policy.

J. Hathaway argues that it was important to understand what drove government policy in order to present solutions to real problems and hence improve the protection of migrants. In the 1990s the solution that was proposed to the problem of recalcitrant states was “temporary protection”. It was assumed that states would find this more palatable and that it would encourage them to take more refugees. Hathaway was attacked at the time, justifiably it turns out, because it was argued that states would use temporary protection as an excuse to move away from what had become de facto permanent protection. Now the same rhetoric is being used about transit centres in North African countries.<sup>188</sup>

#### **4.5. Can Financial Aid help to stop Illegal Migration?**

Up to date it can be seen that the financial development aid, which has brought millions of Euros to African countries and West Africa as a region, only had a few results. Discussions about the reasons are a few ranging from bad governance to corruption. However, to tackle illegal migration, one of the root causes, poverty in West African countries has to be addressed. This means that with the aim to reduce

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<sup>188</sup> J. Hathaway (1990), “A Reconsideration of the Underlying Premise of Refugee Law”, in Harvard International Law Journal, 31,1, pp. 129-183

illegal migration towards Europe poverty alleviation and economic growth are the main factors challenging this task.

### *Financial Aid and Technical Assistance*

Countries in West and North Africa, especially transit countries like Libya, Morocco, Mauritania and Senegal are overburdened by the costs associated with hosting migrants on their way to the North. Some countries are reluctant to prevent the migrants from moving abroad, be it legally or illegally, and it is known that local authorities have actively persuaded migrants to seek protection elsewhere. The fact that the illegal migration problem is not balanced between the West African and European countries, Morocco and Mauritania being the transit countries and Spain and Italy as receiving countries have to deal with most illegal migrants, makes it necessary that countries which are less affected assist those that experience disproportionate influxes with food, personnel, equipment, money and also offer resettlement to those in need.<sup>189</sup>

Also, the lack of know-how, trained personnel in bureaucratic institutions in transit countries like Mauritania, advanced equipment like vehicles or planes for border supervision and the lack of resources to obtain those, is another obstacle to effective action against illegal migration. Law enforcement and migration agencies in developing countries need to obtain financial and technical assistance to keep pace with the growing sophistication of trafficking networks. Additionally, the exchange and training of personnel is essential for effective counteraction and also contributes to confidence building in the region. So through training for law enforcement, migration and consular personnel to combat illegal migration has to be provided by the European

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<sup>189</sup> Based on researcher's interview with Ms. Emily Makori, International Organization for Migration (IOM), Nairobi, 4 July 2006

countries and so the cooperation with appropriate national, regional and international organisations and non-governmental bodies can be strengthened. This could be one solution to reduce illegal migration if the political will and leadership of the respective countries are existent.

The European Union has promised to help the most-frequented route via Senegal and Mauritania. Alerted by the growing number of illegal migrants and by images of bloated corpses arriving on the Canary Islands it has promised Mauritania 2.5 million US \$ of financial aid. Technical and logistical support for the identification of the illegal migrants' nationality could at least be a start to solve the problems of missing documents. The goal is to buy patrol boats and expand control measures. But the Mauritanian government is still debating what exactly ought to be done with the money.<sup>190</sup> Here it can be clearly seen, if the root causes of the migration problems are not tackled and the political will of a government is not existent, only little can be done with financial aid. However, mutual understanding can be created if in programmes for exchange with West Africa agreements are worked out to allow young professionals to perfect their linguistic and professional skills are concluded as well as developing pairing and partnerships between West Africa and Europe so as to finance and develop training courses for young professionals and trainers.

A solution proposed by the Spanish government and supported by other European Union member states, to try to stem the flow of illegal migrants is to reduce the amount of European aid that goes to those "sending" countries, which do not take measures to prevent illegal migration. Employers in Southern Spain, especially in agriculture, rely on cheap migrant labour for their own economic survival, despite the

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<sup>190</sup> Die Welt (German Newspaper), 27 July 2006, p. 4



fact that there is a high level of unemployment among Spaniards who often prefer to be unemployed rather than accept a low-status temporary employment.<sup>191</sup> In order for financial penalties to be effective, European Union member states would collectively need to adopt more stringent attitudes to entry European territory and in any case in this sort of relationship sanctions rarely work as effectively as incentives. From the view of major powers this approach can work partially, but in order to reduce poverty in West African countries and increase economic growth to decrease the gap between developing and developed countries this solution might turn out to be counter-productive at least for a long-term perspective. For short term measures it is a quite attractive solution for developed countries which are willing to use it.

#### *Will a Marshall Plan help?*

Among African states the demand is raised that development aid has to be increased or a Marshall Plan be launched to enable them to “fight” illegal migration. German development aid has in recent years, like that of most other bilateral donors, been aimed at combating poverty, as called for in the United Nation Millenium Development Goals. Those who accept the risks of migration, have not been to date among the main target groups of development. The reasons for their misery lies less in abject poverty and more in a lack of jobs and opportunities in general to improve their economic and social situations. The reasons for this are not so much the bad state of the health and education systems and the rural infrastructure, but rather an economic system that suffers from state mismanagement, corruption and the lack of the rule of law. This can especially be seen in the analysis of West African states. These problems have been recognized in development policy circles and have been addressed at the

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<sup>191</sup> P. Gold (2000), Europe or Africa? A Contemporary Study of the Spanish North African Enclaves of Ceuta and Melilla, Liverpool University Press, p. 139

conceptional level, but they have not been sufficiently integrated into actual aid programmes.

Before more aid for Africa is demanded, it is fair to ask why the success of development policy has thus so far fallen below expectations. If one takes the volume of development aid to date as a basis, it becomes apparent that there has always been a “Marshall Plan for Africa.” Moreover, the model of the Marshall Plan is at odds with the recently popular notion of partnership in development aid. The flow from the historical Marshall Plan was tied to strict conditions and dependent on the success of the previously distributed aid.<sup>192</sup>

While there is a broad consensus at the level of conception that the focus of attention should be on fighting poverty and addressing the problems of good governance, disintegrating state structures and barely functioning private economies it is necessary to implement better structures. As solution for reducing illegal migration, the European Union has to force private investors to invest in West African countries to increase with this engagement the Foreign Direct Investments (FDI), transfer technology to these countries to boost the industrialization process and inter alia to increase the economic growth. However, as long as the respective governments do not implement conditionalities, nobody is willing to invest and probably loose his money. Therefore, African leaders have to be convinced to act in favour of their citizens and not for their own benefits as it is common in West African states.

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<sup>192</sup> S. Mair (2004), Flüchtlinge aus Afrika (Refugees from Africa), German Institute for International and Security Affairs, SWP Comments, p. 3

### *New Partnership for Africa's Development (NEPAD)*

NEPAD is an economic development programme of the African Union. Its four primary objectives are to eradicate poverty, promote sustainable growth and development, integrate Africa in the world economy and accelerate the empowerment of women. It is based on underlying principles of a commitment to good governance, democracy, human rights and conflict resolution; and the recognition that maintenance of these standards is fundamental to the creation of an environment conducive to investment and long-term economic growth. NEPAD seeks to attract increased investment, capital flows and funding, providing an African-owned framework for development as the foundation for partnership at regional and international levels. When the European Union is promoting this programme it will be a dramatic boost bringing this programme forward. This programme in particular is focussing on fighting poverty which is one of the driving factors for illegal migration.

Preconditions for sustainable development are identified in the following areas: peace, security, democracy and good governance and economic and corporate governance with a focus on public finance management. It would be premature to draw final conclusions at this early stage in the revision of paradigms and parameters of African policy and development strategy. There seem to be as many sceptical as supportive commentators on the issues at stake. The Declaration on Democracy, Political, Economic and Corporate Governance also committed participating states to establish an African Peer Review Mechanism (APRM) to promote adherence to and fulfilment of its commitments. The Durban summit adopted a document setting out the stages of peer review and the principles by which the APRM should operate. The APRM should

increase accountability among aid recipients and offer practical advice to countries struggling with governance shortcomings.<sup>193</sup>

A critical assessment of NEPAD can point out that it fits nicely into the neo-liberal globalisation mainstream and is fully in line with the present South African government's economic strategy of seeking closer integration into the dominant structures of the world economy. Furthermore it can be criticized that NEPAD is structured around the belief that investment from the North is essential to the development of Africa, and resent that little popular consultation was undertaken in the formulation of NEPAD. As such, the so-called partnership can be criticized for being an agreement among political and economic elites of the North, whether African or European. Nevertheless, although there are people criticizing and thinking that NEPAD will not survive, it can be argued that through the successful implementations of the first mechanisms like Peer Review Mechanism, NEPAD has done the first step towards a successful way forward for African countries.

#### **4.6. Creating of New Institutions**

##### *Regional Cooperation*

One possibility to reduce illegal migration from West Africa to Europe is the creation and promotion of regional cooperation. The first steps have already been made in the right direction. Morocco and Spain began joint naval patrols aimed at catching illegal boat migrants from West and North Africa since February 2004 and for the first time Morocco accepted the return of Sub-Saharan illegal boat migrants under its re-admission treaty with Spain.

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<sup>193</sup> R. Cornwell (2002), The New Partnership for Africa's Development (NEPAD): African Perspectives, Nordic African Institute, Uppsala, p. 11

On 27 November 2005 the tenth anniversary of the Euro-Mediterranean Partnership (EMP) was to be celebrated. The high-level meeting was supposed to demonstrate Europe's closeness to and the solidarity with its large Muslim neighbourhood, because as a result of September 11 and the attacks in Madrid and London, a climate of mistrust, xenophobia and Islamophobia had developed. The meeting was also supposed to rejuvenate the partnership, frequently criticized as inefficient and ineffective, by infusing it with new priorities and clear objectives. One of the topics during the meeting was related to "illegal migration, social integration, justice and security".<sup>194</sup> The importance of the cooperation in the field of illegal migration is emphasized in the work programmes: a common migration strategy is supposed to be developed, which will encompass the support of legal migration and integration of migrants on the one hand and cooperation in the fight against illegal migration on the other. This indeed is a significant shift away from the notion of "Fortress Europe" towards recognizing demographic complementarity. The simple differentiation, between how legal and illegal migration should be treated, however, does not do much to solve the complex problems of migration and transit into European area. This is a good indication to show how reluctant issues on illegal migration are referred to.

Not only did the anniversary summit itself make the EMP look pathetic, but also the work programme agreed to, gives little reason for enthusiasm. To find solutions for illegal migration regional cooperation between Africa and Europe strong leadership is mandatory to push the agenda forward. Especially in this regional group all countries involved with illegal migration from Sub-Sahara Africa are together and they could, if they want to, find more practicable solutions on the ground instead of only discussing. Shared infrastructure networks have to be established, the cooperation of Justice and

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<sup>194</sup> M. Asseburg (2005), "Barcelona Plus 10 – No Breakthrough in the Euro-Mediterranean Partnership" in SWP Comments 55, December 2005, German Institute for International and Security Affairs, p. 5

Interior Ministries must be pushed forward. Civil society exchanges are essential to understand each other's problems better and the improvement of mutual understanding will enable easier political dialogues.<sup>195</sup>

Border surveillance is offering another tool to improve the reduction of illegal migration already carried out in Africa. Aircraft of European countries or given by them can overfly the porous borders in the Sahara to right from the beginning identify tracks of illegal migrants heading North. Then local authorities can be directed to the respective places to stop and return the illegal migrants.

#### *Building up New Institutions*

Morocco passed a new tough law on illegal migration in 2003 and set up two new institutions: the Directorate of Migration and Border Surveillance and a Migration Observatory. These, in collaboration with the Spanish Integrated Service of Vigilance of the Straits are expected to have a significant impact on illegal migration. For 2003, Morocco claims to have prevented some 32.000 illegal migrants of illegal migration to Spain, of which half were West Africans.<sup>196</sup> There are reports that traffickers have relocated to Algeria now because of these innovations. Especially for illegal migrants from West African states they have relocated to Mauritania and Senegal. Tunisia is planning new laws to combat illegal migration, and Libya signed an agreement with Italy to curb illegal migration for financial support to combat smuggling and provide sea-rescue operations. These institutions are paid to a large extent by Spain and not through funds from the European Union. However, discussions are going on currently how the European Union has to give funding due to the fact that if an illegal migrant

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<sup>195</sup> Ibid. pp. 6-7

<sup>196</sup> M. Baldwin-Edwards (2002), Mediterranean Migration: Regionalism versus Globalization, University Press, Lisbon, pp.44-76

managed to reach Spain, he can pass through whole Europe. It is necessary to build up institutions especially in West Africa to control illegal migration before departing to Europe.

Concerning the build-up of camps according to the German-Italian faction or counters according to the French-Spanish faction Libya and Morocco are significant transit countries for Sub-Saharan Africans. So much could be done to reduce the number of people heading to the North across the Mediterranean illegally if these two countries could be persuaded to seal the borders traversed by illegal migrants to detain and remove those that do manage to enter their territories and to readmit those who have managed to successfully transit their territories and reach Europe. Certainly negotiations are taking place with both countries and both have accepted people deported by European states. Italy has had close relations with Libya for some time now. It pressed firmly for the sanctions against Libya to be lifted for trade and economic reasons some years ago and to allow it to send more assistance, in particular to stop illegal migrants and traffickers for whom Italy's long coast offers multiple points of entry. On 24 August 2004, both countries reached an agreement on combating illegal migration. Libya agreed to control the borders in the Sahara and to provide barriers against the migration from the South. The then Italian President Berlusconi said that the model of Italian-Libyan cooperation for fighting illegal migration should be an example for relations between Europe and Africa.<sup>197</sup>

However, the situation in Morocco is somewhat different. Morocco signed the Geneva Convention in 1956 and is also a signatory of the Convention on the Rights of Migrant

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<sup>197</sup> Espresso – Newspaper, 17 March 2005

Workers and their Families, unlike most of the European states.<sup>198</sup> Although it has taken some time, Morocco finally passed a law in 2003 regulating the entry and residence of foreigners. Belguendouz argues that this law is a response to external pressures that is an attempt to adopt Moroccan migration legislation to rules fixed by the Schengen Agreement. Bowing to the security pressures of the European Union, Morocco has been assigned the “role of Europe’s policeman in North Africa”.<sup>199</sup> All this legislation makes Morocco a legitimate and therefore attractive partner to European countries. The two Spanish enclaves have already created a high level of cooperation between Spain and Morocco. Both countries have joint naval patrols and on five flights in January 2004 around 1.500 illegal migrants were deported to Lagos.<sup>200</sup> Here the big number of West African illegal migrants striving for greener pastures in the North can clearly be seen.

How can the Maghreb states assist in solutions for reducing illegal migration? The Maghreb states should be encouraged to set up a joint intercept and rescue scheme in the Mediterranean and along the coastline of North-West Africa towards the Canary Islands. Furthermore, officials in these countries should be trained in human rights to be able to deal with illegal migrants accordingly and a mapping exercise should be undertaken of who is transiting the Maghreb countries, their routes and proposed destinations. From there they should closely work together with European countries to reduce the flow towards the North. However, today funds are lacking and if there are any agreements they are only bilateral. It is the task of the European Union to take action in this regard, harmonize the procedures and look for respective funding to get

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<sup>198</sup> C. Lindstrom (2002), Report on the Situation of Refugees in Morocco. Forced Migration and Refugee Studies Programme, American University of Cairo

<sup>199</sup> A. Belguendouz (2003) 'Le Maroc non Africain, gendarme de l'Europe'? Plein Droit 57, Paris

<sup>200</sup> I. Briscoe (2004), Dreaming of Spain – Migration and Morocco. [www.opendemocracy.orguk/debates](http://www.opendemocracy.orguk/debates)



this solution working, in particular with the participation of the African countries whose leaders also have to show the political will to do so.

Morocco showed interest in joining the European Union. The question also has to be asked, if an approval could be a radical solution to reduce illegal migration from West Africa towards Europe. It can be argued that it could not only be a solution for a long period. Due to the porous borders of Morocco, which cannot be controlled, illegal migrants would soon flow across the Mediterranean and could enter the European continent. Patrolling aircraft along the borders of European states could assist in some kind, but it is not a durable solution.

#### *The Role of International Organisations*

The distinction between limited powers and transferred powers clarifies the role of international organisations. When an international convention limits competences it sometimes creates an international organisation to see that the states carry out the obligations they have undertaken. It can therefore be distinguished between cases in which an organisation has powers of inspection, of supervision or even of indirect administration. As third party in mediation processes international organisations play an important role.<sup>201</sup>

The role of international and regional organisations in the field of migration needs to be strengthened and organisations such as IOM and UNHCR need to be given more financial security and autonomy. The work of international organisations and multilateral initiatives needs to incorporate the views of all countries affected in the region, from the African and European continent. Given the strong emphasis on

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<sup>201</sup> J.M. Chapman (1961), International Institutions, Praeger, New York, p. 222

national sovereignty in the region, it has to be ensured that the discussion and decision making process is not dominated by the politically, military and economically more influential countries. Mutual respect and the principle of non-interference with national sovereignty, however, do not discharge countries such as Germany, France and Sweden from playing a major role in promoting the values and principles of international human rights and international law as well as from providing financial assistance to those countries that create and maintain systems to fight illegal migration also from West Africa to Europe.

In summary, when considering the complex of asylum, migration, security and development, and the interrelated questions and problems they raise, it has become increasingly difficult to see the real picture amid the avalanch of statements, communications and plans that emanate from the European Union. However, two conclusions stand out, that there is a deep divide between Europe's migration control agenda, and Africa's interest in increasing development aid and in opening legal channels of migration, and that some obligatory references notwithstanding, human rights and refugee protection are effectively absent from the equation. The challenge is portrayed as finding the right balance between Europe's security interests and Africa's development needs, it is appropriate to recall the quintessential message of UN Secretary General Kofi Annan, underpinning his reform proposals last year, that there will be "no security without development, no development without security and neither without human rights".<sup>202</sup> The "Fortress Europe" approach, with the aim to lock out the illegal migrants from West Africa on the way to Europe will never succeed 100 percent, lacks the strategic perspective not only of the human rights

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<sup>202</sup> United National Secretary General, Kofi Annan, at the 2005 World Summit, 14-16 September 2005

dimension, but also of an immigration policy that can ultimately break through the vicious circle of repressive measures triggering desperate responses by migrants.

European state efforts at illegal migration control typically conceptualize movement in relatively simple neoclassical terms. By patrolling the border, castigating employers who hired unauthorized workers, barring illegal migrants from social programmes and limiting human rights, health care in hope of reducing the incentives for entry. J. Arango argues that faced with mounting public pressure to control illegal migration, but with the root causes of international migration lying largely beyond their reach, elected leaders and bureaucrats increasingly have turned to symbolic policy instruments to create an appearance of control.<sup>203</sup>

Humanitarian and short-term technical assistance from Europe to West and North African countries is, however, of limited value and can only offer temporary relief. It can be argued that the elimination of illegal migration is unlikely to be realistically achieved through legislation and declarations of intent, but by improvement in the socio-economic status of the population in West Africa. At the core of international cooperation, both politically and financially, there must be a broader, strategic long-term plan to address and eliminate the root causes. Individually and collectively, all nations should demonstrate the political will to fight illegal migration. The European countries must assist the developing nations in West and North Africa with personnel and financial aid to allow these nations to escape the circle of illegal migration and

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<sup>203</sup> J. Arango (1998), Worlds in Motion: Understanding International Migration at the End of the Millenium, Clarendon Press, Oxford, p. 288

corruption. Nevertheless, the process to reduce illegal migration from West Africa to Europe must start in the West African countries.

The European Union has different measures in place to reduce the flow of illegal migrants from West Africa to Europe. However, they will be effective only for Europe when the different bilateral agreements of different countries are harmonized, one European migration policy is created, regional cooperation is driven and in the West African countries as well as the transit countries the political will is increased to take measures against illegal migration.

## **CHAPTER FIVE - CONCLUSION**

### **5.1. Introduction**

Due to the increasing number of migrants, the loss of lives during the long journeys and the effects on the European society, for example increase of unemployment, increase of expenses for welfare and increase of crime to name a few, the dimensions of illegal migration from Africa to Europe were emphasized on and analysed. This study had the aim to seek answers to the questions which different refugee/migrant patterns exist, what the reasons for migration from West Africa are, how illegal migration influences the European policy on migration and finally a suggestion how with the big number of illegal migrants from West Africa to the European countries this situation could be dealt with.

### **5.2. Overview of the Chapters**

Chapter one gave an introduction concerning the illegal migration from west Africa to Europe in the Post-Cold War era. The broad objective of this study was to analyse the dimensions for illegal migration to Europe from West Africa. This had been subdivided into the following objectives like the different kinds of migration and the factors that lead to illegal migration, the analysis of the impact on the migration policy of the European Union, the strategies of European countries against illegal migration and what could be possible solutions to address how illegal migration from West Africa to Europe can be reduced.

The point of departure for the analysis of all the chapters is founded on the theoretical framework that can help in explaining the migration phenomena. It is only by means

of an indepth understanding of theoretical frameworks that an all-embracing analysis can help to link theory and practice.

The theses which were tested in this study could prove that factors in the country of origin like insecurity, unemployment and weak economy lead to migration, that illegal migration from West Africa is influencing the European policy to react to the migration flow and that only with a common European policy towards Africa, backed by all European countries, illegal migration can be reduced.

Chapter two outlined that although experiences may differ across the world's contemporary migration systems, several common denominators stand out. First, most migrants today come from countries characterized by a limited supply of capital, low rates of job creation and abundant reserves of labour. The imbalance between labour supply and demand in the Third World today far exceeds that which prevailed in Europe during its period of industrialization. Second, today's migrant-receiving societies are far more intensive in capital and much less intensive in land than destination countries in the past. In fact, nations like Germany, France, United Kingdom, but also countries outside Europe like Japan, Korea and the United States, are so intensive in capital and technology that they have shedding workers in many sectors and full employment has become a serious political and social issue. The economic marginalization of migrants of West Africa is associated with another characteristic in the Post-Cold War era: migrants are no longer perceived as wanted or even needed. Migration, illegal or legal, is primarily an economic phenomenon, shaped by the magnitude of income and wage differentials between nations like Nigeria and Senegal on one side and Spain and Italy on the other, the financial costs of transportation and communication and other costs arising from geographic distance.

Chapter three outlined the three major movement patterns affecting migration from Sub-Saharan Africa, particular West Africa to Europe. As the member states of the European Union are increasingly caught between pressures to curtail migration, both legal and illegal, and efforts to promote free borders, open markets and liberal standards, debates have focussed on the extent to which European states are able to control illegal migration flows in the Post-Maastricht era. G. Lahav argues that regional integration has posed new, transnational demands on national actors in the illegal “migration playing field.”<sup>204</sup>

For the last 15 years European states either independently or cooperatively have been erecting walls which are supposed to prevent unwanted migration flows coming from the developing world. It appears that the main elements determining the shape of the new immigration policy in Europe include asylum and migration procedures, deterrence regulations, reliance on the concept of a “safe country” and of “safety zones”. The most recent stage is determined by migration policy determined by the state. European migration policies aim to control migration, to reduce non-documented or illegal migration and to combat trafficking of humans. Also the European Union’s “return policy” is to be viewed by most third-countries’ governments as responding predominantly to the sole interests of the European Union. Migration policies of host countries have varied over time in response to changing economic conditions, the relative bargaining strength of those who gain and those who lose from migration and the social pressures that are generated by an influx of foreigners. Especially if the unemployment rate in the receiving countries like Europe is rising, migrants are not

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<sup>204</sup> G. Lahav (2002), “Immigration and the State: The Devolution and Privatisation of Immigration Control in the EU” in Journal of Ethnic and Migration Studies, Vol 24, p. 4

welcome any more and restrictions are built up; thus, leading to an increase of illegal migrants who still look for greener pastures.<sup>205</sup>

Chapter four gives a critical analysis of illegal migration from West Africa to Europe in the Post-Cold War era. The key issues discussed in this chapter were the migration policy of the European Union, the causes of illegal migration, human rights, financial or foreign aid and the building up of new institutions.

### **5.3. Findings and Hypotheses of the Study**

Wars and their aftermath have been the principal causes of migration and refugee flows in the 20<sup>th</sup> century. As the rivalry between the United States and the Soviet Union acquired a global scope it gave the local conflicts and related refugee/migrant consequences a common print. When the Cold War ended, these conflicts mostly subsided or followed a local dynamic.

In traditional economic frameworks, migrants move due to the fact that they expect to reap a gain in income and the larger the expected gain the more likely they are to move. Many young people are unemployed in the West African countries. Due to restrictive migration policies of the European countries, only a few migrants get “Green Cards” which enable them to work in the host country. However, due to the perception that they will find a job in Europe, migrants try to enter the European continent illegally.<sup>206</sup> So the hypothesis can be proofed that factors in the country of origin like insecurity, unemployment and weak economy lead to migration.

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<sup>205</sup> D. Salvatore (1988), World Population Trends and their Impact on Economic Development, Greenwood Press, New York, p. 112

<sup>206</sup> Chapter Two discusses these issues in length.



There are reports in the media every day that illegal migrants are trying their luck to reach the European coastline in hope of greener pastures. Especially after the restrictions in Morocco, the route from West Africa to Europe most frequently used by illegal migrants changed from North Africa to Europe across the Mediterranean to the Northwest African Atlantic coast from where the Canary Islands can be reached. During the last weekends thousands of illegal migrants reached the Canary Islands. Due to the fact that when they are on European soil they can easily reach all other parts of the European Union without border controls, the European Union member states reacted to the flow of illegal migrants from West Africa. The migration policy of the European Union had to be adjusted which however did not happen continuously. Spain and Italy as the countries most by dealing with the migrants asked for assistance to control the flow. However, only in parts the other countries assisted. However, the hypothesis that illegal migration from Africa influences the European policy to react to the migration flow can be proofed.

The third hypothesis of this study is that only with a European policy towards Africa, backed by all European countries, illegal migration can be reduced. This can be proofed also, due to the fact that first results in regard to the reduction of illegal migrants from West Africa to Europe are seen. The migration policy was adjusted, some multilaterally, but most bilaterally. The European Union has to implement migration policies which are valid in all European countries. They have to consider that if they do not back the policy completely the migrants can turn up the next day in the respective country.

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#### **5.4. Solutions and Recommendations**

Harmonizing and unifying policy on immigration and asylum within the European Union as well as restricting national policy targeted at potential migrants are clear signs that the decision-makers of Western Europe fear waves of foreigners who might be coming to European countries in search for higher standards of living and more accessible development opportunities. Although an attractive tool for European countries to temporarily satisfy the Western societies, building “Fortress Europe” hardly seems a permanent solution. It can be understood that illegal migration from Africa is influencing the European policy. This policy has to react on the big increase of illegal migrants coming from Sub-Saharan countries. The only way to solve the problem seems to be by addressing its root causes in the country of origin.

However, it is necessary to build up a stronger cooperation between Europe and West Africa. Measures have to be introduced that the illegal migrants return voluntarily to their country of origin. This can be done by logistical and financial cooperation. Furthermore, while respecting human dignity and the fundamental rights of people, efficient re-admission systems between all concerned countries have to be set in place. In their home country, the illegal migrants can be re-integrated with the process sponsored by the European Union.

Exchange programmes to allow young professionals to perfect their linguistic and professional skills as well as to gain a paid work experience in another country will help to fight poverty in the sending countries of West Africa. Additionally, it can be a solution to develop pairing and partnerships between West African countries and the European Union so as to finance and develop training courses for young professionals

and trainers. However, at least it is necessary to give technical support for the identification of illegal migrants' nationality.

To date, the majority of initiatives in regard to reduction of illegal migration taken at domestic and regional levels in West Africa have been largely reactive, trying to suppress illegal migration. Successful measures to combat illegal migration, however, must also proactively address the forces driving international migration and must prevent potential migrants from using the services offered by criminal organisations.

Sending countries should cooperate with transit and destination countries in informing potential illegal migrants about the realities of illegal migration and the danger it entails. While it is desirable to discourage migrants from using illegal avenues of migration, countries also need to realize that regardless of the obstacles in place, they will not be able to stop illegal migrants. It is for that reason that migrants need to be informed about legal avenues of migration and ways in which to obtain protection, employment and family reunification abroad.

Therefore, the European embassies or consulates have to initiate information campaigns in the West African countries either in the print media, radio or television to inform about the situation in Europe. In their host countries like Nigeria, Ghana, Senegal to name a few, they have to analyse where special regions are located from which potential illegal migrants start their journey. There they have to get in contact with the chiefs, inform them about the situation, give them flyers where pictures of illegal migrants are shown in the High Seas and to ask them to assist in migration prevention. These campaigns should be assisted by the politicians of the respective host country to make the information distribution more effective.

Governments in Africa should also develop programmes to enable those engaged in smuggling illegal migrants to resort to legal ways of income. For example, in the year 2000, the Australian Government induced fishermen in East Timor not to rent out their boats to illegal migrants. Instead, they were offered assistance to help them set up fish farms and develop methods of increasing their catch.<sup>207</sup> These very practical programmes should be made part of a much broader regional initiative to reduce the incentives for assisting and smuggling illegal migrants

The biggest challenge is the funding of these projects. However, the European Union has to accept that without financial engagement the flow of illegal migrants from West Africa to Europe cannot be reduced. Stopping will never be possible. Furthermore, it seems probable that these solutions will have some effect. What remains in doubt, is whether or not there is any real deterrent to illegal migrants determined to reach the privileged shores of the European Union.

African responses and in some cases initiatives, particularly with regard to migration processes, included the adaption and modification of old practices and patterns, and in other cases the introduction of new features and objectives. Migration, which is a process and phenomenon not unfamiliar to Africans, therefore had to take different forms and orientation as a result of changing circumstances.<sup>208</sup>

If poor countries do not improve their institutions there is a serious risk that already scarce resources could be misused or go to a minority elite aiming only to line their own pockets. This risk is evident.

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<sup>207</sup> "Australia, New Zealand and Fiji" in *Migration News*, Vol. 2000 7(9)

<sup>208</sup> T.A. Aina, i.a. (1995), *The Migration Experience in Africa*, Nordic African Institute, Uppsala, p. 42

Policy makers and practitioners need to develop a comprehensive understanding of the multi-dimensional phenomenon of migration in order to manage it effectively. A comprehensive and cooperative approach to international migration management is required to deal with the migration pressures for migration and development, facilitating migration, regulating migration and forced migration. To be successful international illegal migration management cannot be undertaken by governments and decision-makers unilaterally. IOM even suggests that it might be time to implement global migration policies similar to those that govern world trade.

Illegal migration not only results in insecurity and often misery for thousands of individuals who attempt it, it also creates problems for recipient European authorities and can cause a political and social backlash, as fears of the perceived threat to the stability of society posed by migration become intertwined with fears of the perceived threat posed by activities of so-called Islamic fundamentalists.<sup>209</sup> In order to respond to these issues more short-term measures are required to tackle illegal migration from West Africa to Europe than the long-term attempts to remove economic disparities.

This study has illustrated an approach to the analysis of illegal migration, but also raised some important policy dilemmas as European Union member states moved from a period of “migration control” to a period of “migration management”. However, due to the massive flow of illegal migrants from West Africa to Europe, especially now after building a “Fortress Europe” along the Spanish enclaves and to the Canary Islands, the policy of “migration control” will be enforced probably soon again. Without a long-term policy of development and assistance together with supporting democracies and human rights one can hardly expect that the flows of illegal migrants

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<sup>209</sup> P. Gold (2000), Europe or Africa? A Contemporary Study of the Spanish North African Enclaves of Ceuta and Melilla, Liverpool University Press, p. 138

will be reduced significantly. Even if the walls of "Fortress Europe" are made of solid brick.

One demand of the former German Federal Interior Minister Otto Schily in 2005 in connection with the illegal migration problem can hardly be criticized: the call for a coherent European policy towards Africa, and in this special case towards West Africa. A precondition for such coherence at the European level however is that the policy goals at the national level are clearly defined and represented persuasively in the European coordination process. While there is a broad consensus at the level of conception that the focus of attention should be on fighting poverty, crisis prevention and peace keeping, as well as addressing the problems of bad governance, disintegrating state structures and barely functioning private economies in West Africa, the implementation stage presents the problem.

Therefore, only the recommendation can be given for European leaders to create a common European migration policy to fight illegal migration and to implement the suggested solutions in combination with the regional partners in West Africa. Funds have to be brought up to support single countries like Spain and Italy in their burden to deal with the massive flow of illegal migrants streaming into the Canary Islands. The European politicians must be aware that if illegal migrants managed to put their feet on European soil they can travel through nearly whole Europe, and also their country could be affected soon.

The aim for West African leaders should be to implement the programmes offered by the North in their countries, not without discussions, but in a consensus which serves both. Then the most problematic issues like poverty, unemployment and marginalized

industries can be solved in a long-term view. However, the short-term solutions which were found might be seen as restrictive, but only with these restrictions the flow of illegal migrants from West Africa to Europe can be reduced, always having in mind the rights of the illegal migrants. However, the long-term perspective sees a solution only in the countries of origin. Good governance, economy growth, political will, building up of institutions and less corruption seem to be the key for reducing poverty in the West African countries and to reduce from inside the illegal migration from West Africa to Europe.

## **Questionnaire**

### **Introduction**

This questionnaire is intended to gather information in respect to the dissertation on the topic: “Illegal Migration from West Africa to Europe in the Post-Cold War Era”.

The broad objective of this study is to analyse the dimensions for illegal migration to Europe from West Africa and how to reduce the impacts on Europe. This aim also includes to examine the different kinds of migration and the factors that lead to illegal migration, the impact on the migration policy of the European Union, how the European countries react against illegal migration and which solutions can be found to reduce illegal migration from West Africa to Europe.

The information given will be treated in confidence and used specifically in addressing the subject. The questions were asked as open-ended questions so that the respondent could explore her opinion about illegal migration issues. The interview was conducted as a semi-structured interview where the intention was to get answers directly related to the topic.

The intention was to interview members of two embassies in Nairobi and of the International Organization for Migration (IOM) in Nairobi. However, due to extremely sensitive issues the embassies were not willing to answer the questions. Therefore, only one interview was conducted with Ms Emily Makori, IOM, on 4 July 2006.



The following questions were asked:

- 1. What is your opinion on the move of illegal migrants from West Africa to Europe?**
- 2. What are your figures concerning legal and illegal migration from Africa, especially West Africa, to Europe?**
- 3. What are the impacts on the countries of departure?**
- 4. Which movement patterns do you know from West Africa to Europe and how frequently are they used by illegal migrants?**
- 5. What is the impact of illegal migration on your country?**
- 6. Which policy does your country propose to reduce illegal migration in your region?**
- 7. Which solutions do you see to reduce illegal migration from Africa to Europe?**
- 8. Which recommendations would you give African and European leaders to reduce illegal migration?**

**The Schengen Agreement and the Convention Implementing the Schengen Agreement**

**Parties to the Schengen Agreement:**

Austria, Belgium, Denmark, France, Finland, Germany, Greece, Iceland, Italy, Luxembourg, the Netherlands, Norway, Portugal, Spain and Sweden.

**History and Development of the Schengen Agreement**

On 14 June 1985 the Federal Republic of Germany, France, Belgium, Luxembourg and the Netherlands signed the Schengen Agreement (Schengen being a place in Luxembourg) on the gradual abolition of checks at their common borders.

On 19 June 1990 the Convention Implementing the Schengen Agreement was signed. Its key points relate to measures designed to create, following the abolition of common border checks, a common area of security and justice. Specifically it is concerned with:

- harmonizing provisions relating to entry into and short stays in the Schengen area by non-EU citizens (uniform Schengen visa);
- asylum matters (determining in which Member State an application for asylum may be submitted);
- measures to combat cross-border drugs-related crime;
- police cooperation (hot pursuit);
- cooperation among Schengen states on judicial matters.

The Convention Implementing the Schengen Agreement entered into force on 1 September 1993; its provisions could not take practical effect, however, until the necessary

technical and legal prerequisites (such as data banks and the relevant data protection authorities) were in place. The Convention thus took practical effect on 26 March 1995 for the original Parties to the Schengen Agreement as well as for Spain and Portugal. Since 1995 Italy, Greece, Austria, Denmark, Finland and Sweden have acceded to the Convention, which only entered into force for the three Nordic countries on 25 March 2001. A Schengen cooperation agreement was concluded with the non-EU members of the Nordic Passport Union (Norway and Iceland) in 1996. Norway and Iceland have also fully implemented the Schengen regime since 25 March 2001.

Once checks at common borders are completely abolished, the holder of a uniform visa is entitled to stay in the above-mentioned 15 countries which apply the Convention Implementing the Schengen Agreement for a maximum of up to 90 days per six-month period during the visa's period of validity.

### **Key Points of the Convention Implementing the Schengen Agreement**

- Citizens of countries implementing the Schengen Agreement (see item 1) can cross the internal borders of the implementing countries at any point without checks.
- A visa with no territorial restrictions (visitor's or business visa allowing the holder to stay up to 90 days per six-month period, transit or airport visa) granted to a third-country national by one implementing country entitles the holder, for the same purpose and for the duration of the visa's validity, to enter without border checks other implementing countries as well.
- Any third-country national with a residence permit valid in one implementing country may travel on a valid passport, without requiring a visa, for up to 90 days per six-month period to other implementing countries.

- Harmonized visa policies of Schengen countries (common list of third countries whose nationals require visas).
- External border checks according to a common Schengen standard.
- Access by all Schengen countries to the Schengen Information System (SIS) providing personal identity and other data throughout the Schengen area.
- Close police and judicial cooperation.
- Joint efforts to combat drug-related crime.
- Rules determining competence for asylum procedures (now largely replaced by similar provisions in the Dublin Convention of 15 June 1990).

### **Incorporation of the Schengen Agreement into the European Union**

As from 1 May 1999 the Schengen Protocol to the Treaty of Amsterdam of 2 October 1997 incorporated Schengen cooperation into the framework of the EU.

The European Community thus acquired competence for large areas of the Schengen acquis (the Schengen Agreement and the various provisions adopted in this context) as well as its further development. For Britain, Ireland and Denmark special arrangements have been made. Although Britain and Ireland are not parties to the Schengen Agreement, they can, with the approval of the EU Council, apply the Schengen acquis in whole or in part and participate in its further development. Denmark will decide on a case-by-case basis whether to participate, under international law, in the further development of the acquis and to incorporate into its national law also Community law developed without its participation.

The cooperation agreements between the implementing countries and Norway and Iceland respectively have been replaced by association agreements with the EU, very similar in content, concluded on the basis of the Treaty of Amsterdam.

For EU citizens and third country nationals living in the EU the Schengen Agreement has resulted in substantially increased freedom of travel and improved safety within the Schengen countries and at their external border.

### **Selected legal provisions relating to the Schengen Agreement**

1. Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the Gradual Abolition of Checks at their Common Borders: Joint Ministerial Gazette 1986, p. 79 ff.
2. Convention of 19 June 1990 Implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the Gradual Abolition of Checks at their Common Borders (Convention Implementing the Schengen Agreement): Federal Law Gazette II 1993, p. 1013 ff.
3. Act of 15 July 1993 on the Schengen Agreement of 19 June 1990 on the Gradual Abolition of Checks at the Common Borders: Federal Law Gazette II 1993, p. 1010 ff.
4. Notification of 14 June 1985 of the Entry into Force of the Convention Implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the Gradual Abolition of Checks at their Common Borders: Federal Law Gazette II 1994, p. 631 ff.
5. Treaty of Amsterdam of 2 October 1997 (Federal Law Gazette 1998 II, p. 386).

Source: German Ministry of Foreign Affairs (1995 – 2006) – Publication Data

### **European Union**

The European Union (EU) is a family of democratic European countries, committed to working together for peace and prosperity. It is not a State intended to replace existing States, nor is it just an organisation for international cooperation. Its member states have set up common institutions to which they delegate some of their sovereignty so that decisions on specific matters of joint interest can be made democratically at European level.

The European Union (EU) is not a federation like the United States. Nor is it simply an organisation for co-operation between governments, like the United Nations. It is, in fact, unique. The countries that make up the EU (its 'member states') remain independent sovereign nations but they pool their sovereignty in order to gain a strength and world influence none of them could have on their own.

Pooling sovereignty means, in practice, that the member states delegate some of their decision-making powers to shared institutions they have created, so that decisions on specific matters of joint interest can be made democratically at European level.

The EU's decision-making process in general and the co-decision procedure in particular involve three main institutions:

- the European Parliament (EP), which represents the EU's citizens and is directly elected by them;
- the Council of the European Union, which represents the individual member states;
- the European Commission, which seeks to uphold the interests of the Union as a whole.

This 'institutional triangle' produces the policies and laws that apply throughout the EU. In principle, it is the Commission that proposes new laws, but it is the Parliament and Council that adopt them.

Two other institutions have a vital part to play: the Court of Justice upholds the rule of European law, and the Court of Auditors checks the financing of the Union's activities.

The powers and responsibilities of these institutions are laid down in the Treaties, which are the foundation of everything the EU does. They also lay down the rules and procedures that the EU institutions must follow. The Treaties are agreed by the presidents and/or prime ministers of all the EU countries, and ratified by their parliaments.

The historical roots of the European Union lie in the Second World War. The idea was born because Europeans were determined to prevent such killing and destruction ever happening again. In the early years, the cooperation was between six countries and mainly about trade and the economy. Now the EU embraces 25 countries and 450 million people, and it deals with a wide range of issues of direct importance for our everyday life.

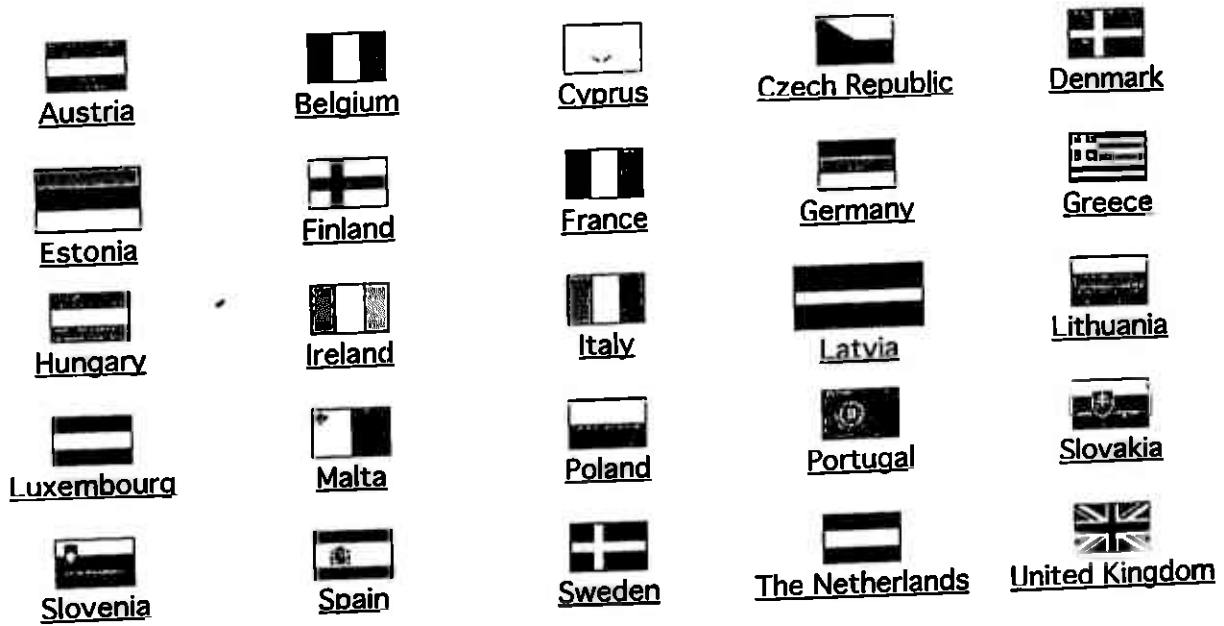
Europe is a continent with many different traditions and languages, but also with shared values such as democracy, freedom and social justice. The EU defends these values. It fosters cooperation among the peoples of Europe, promoting unity while preserving diversity and ensuring that decisions are taken as close as possible to the citizens.

“In the increasingly interdependent world of the 21st century, it is more necessary than ever for every European citizen to work together with people from other countries in a spirit of curiosity, openness and solidarity”<sup>210</sup>.

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<sup>210</sup> Fontelles, Josep Borrel (President of the European Parliament) during inauguration ceremony 2004

## European Union Member States

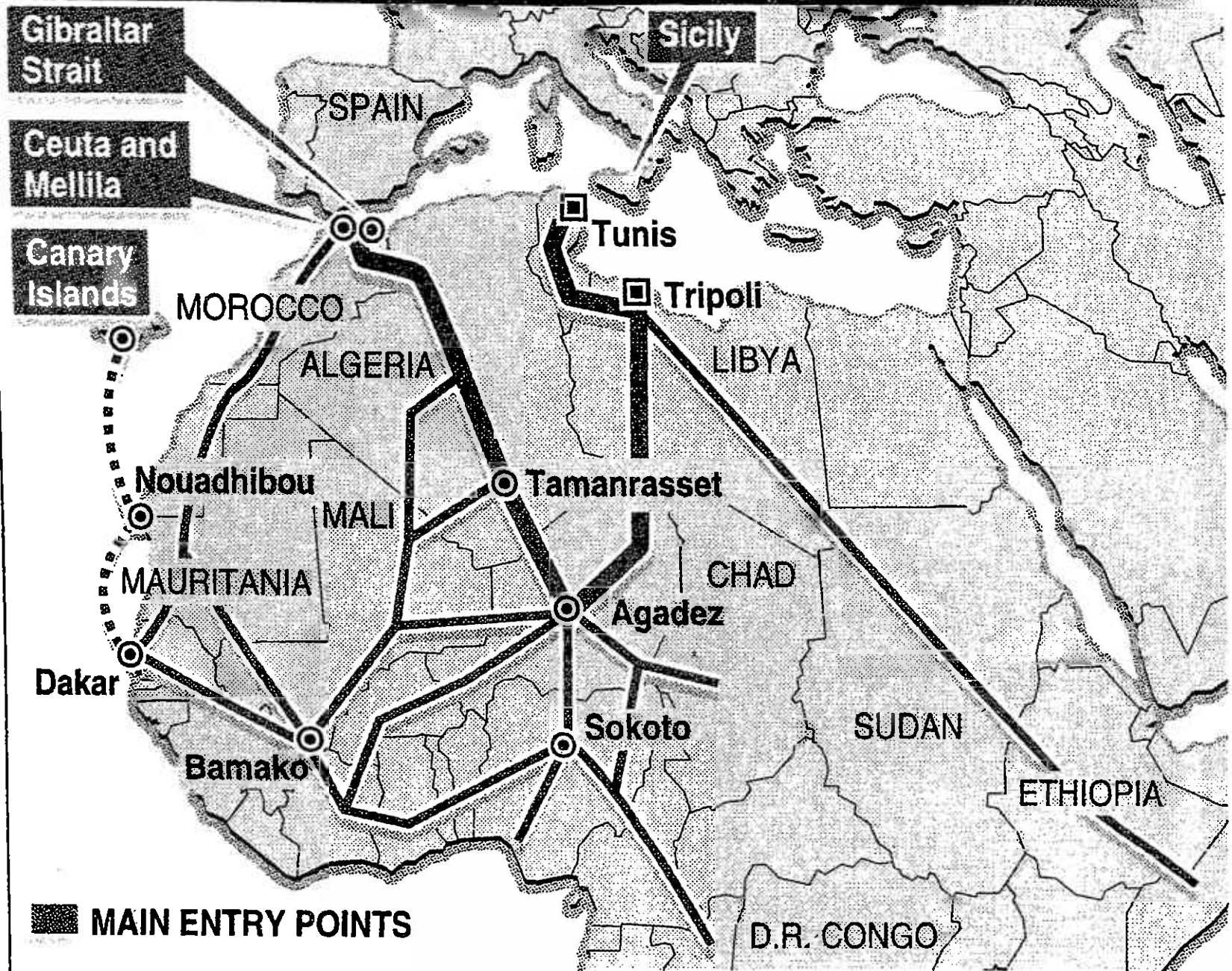


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# TRANSIT MIGRATION ROUTES FROM AFRICA



Source: ICMPD

REUTERS

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