

25 September 2008

Regional Conference on Refugee Protection and International Migration in West Africa

**Dakar, Senegal
13-14 November 2008**

1. Background

Photos of exhausted West Africans on the shores of the Canary Islands, shipwrecked pateras, ever higher fences around the Spanish enclaves in Morocco, stranded migrants in the shanty towns of West African cities all seem to tell the same story: West Africans in ever greater numbers are leaving their countries searching for better opportunities in North Africa, Europe and elsewhere.

The reality is more complicated. In absolute terms, more migrants may be leaving West Africa irregularly than previously was the case but in relative terms the numbers remain very modest. What is sometimes lost in the public discourse is that the movements out of West Africa are ten times less significant than the movements within the region. In addition to this considerable intra-regional migration, West Africa is receiving refugees and migrants from other regions of Africa and the wider world.

Motivations for movement within West Africa vary widely and show the complexity of illegal migration. Historical patterns of migration have been reinforced or altered based on pull factors such as economic opportunities and push factors such as the lack of economic opportunities and political upheaval. In addition, environmental degradation further aggravated the pressure for migration from poorer to relatively more prosperous regions within the sub-region.

The massive forced displacement of the 1990s and early 2000s however appears to have given way to increased stability throughout the region. Notwithstanding continuing difficulties in a few countries in the region, only a comparatively small proportion of individuals appears to have international protection needs. Protection considerations nevertheless represent an important factor to be taken into account. These range from ensuring adequate reintegration possibilities for previously displaced individuals choosing to return home, integration possibilities for individuals hoping to remain in their adopted countries, reducing the effects of the rising in xenophobia in receiving countries and protecting against the risk of trafficking.

West African states, fully conscious of the benefits that the free circulation of goods and persons would bring to the region, quickly followed the signing of the ECOWAS Treaty of 1975 with the 1979 Protocol relating to the Free Movement of Persons, Residence and Establishment. The 1979 Protocol and the four supplementary protocols¹ that followed it provide for the citizens of the 15 ECOWAS countries a legal framework for the progressive realization of the rights of entry, residence, work and establishment. Notwithstanding their specific rights under the Refugee Protection Regime, refugees from ECOWAS member States may additionally benefit from this specific legal framework.

Despite the enormous achievement represented by the ECOWAS free movement protocol, migration within West Africa has received much less attention than the migratory movements to North Africa and particularly to Europe. While a series of multilateral and bilateral initiatives have been or are being pursued to diminish irregular migration from West Africa to Europe², the opportunities of the ECOWAS protocol and its Common Approach on Migration have still to be fully exploited. The framework provides a range of possibilities for secure, legal, human rights-respecting migration in the region. These possibilities have not been sufficiently explored or where they have been explored and established, they have not been adequately promoted. Similarly with respect to various recommendations adopted by the ECOWAS member States within the framework of the Migration Dialogue for West Africa (MIDWA), there is scope for improved management of international migration.

The Dakar regional stakeholder conference on refugee protection and international migration will examine the possibilities for refugees and migrants to more fully utilize these regional frameworks and processes. Fuller and more harmonized implementation of the ECOWAS free movement protocols, in conjunction with established principles of refugee law, promises not only better management of migratory flows within the region but enhanced protection for those in need of it. Combined with an increased emphasis on livelihood opportunities, the ECOWAS free movement protocol may also have a positive effect on irregular onward migration from the region.

The Dakar conference, co-hosted by UNHCR, IOM and ECOWAS, in cooperation with OHCHR, will be supported by financing from the European Commission as part of its broader assistance to the development and implementation of the 10 Point Plan of Action on Refugee Protection and Mixed Migration³, and by the Government of USA, Department of State, Bureau for Population, Refugees and Migration.

¹ 1985 Supplementary Protocol A/SP.1/7/85 on the Code of Conduct for the implementation of the Protocol on Free Movement of Persons, Right of Residence and Establishment; 1986 Supplementary Protocol A/SP.1/7/86 on the Second Phase (Right of Residence) of the Protocol on Free Movement of Persons, Right of Residence and Establishment; 1989 Supplementary Protocol A/SP.1/6/89 amending and complementing the provisions of Article 7 of the Protocol on Free Movement of Persons, Right of Residence and Establishment; and 1990 Supplementary Protocol A/SP.2/5/90 on the implementation of the Third Phase (Right of Establishment) of the Protocol on Free Movement of Persons, Right of Residence and Establishment.

² Such as for example the 'Rabat Process' established by the Euro-African Ministerial Conference on Migration and Development (Rabat, 10-11 July 2006); the EU-Africa Ministerial Conference on Migration and Development (Libya, 22-23 November 2006); or the European Pact on Immigration and Asylum (proposed on 7 July 2008).

³ UNHCR, *Refugee Protection and Mixed Migration: A 10-Point Plan of Action*, Rev.1, January 2007, available at <http://www.unhcr.org/protect/PROTECTION/4742a30b4.pdf>. Further information about UNHCR's 10-Point Plan project is available at <http://www.unhcr.org/protect/483d0fb04.html>.

2. Objectives of the Conference

The principal objective of the conference is to enhance the response to mixed migration in West Africa through fuller utilization of the existing regional frameworks and processes, in particular the ECOWAS free movement protocols. Participants will take stock of achievements and identify gaps in the implementation of the protocols. Based on detailed discussion of current needs and activities, participants will identify and jointly recommend rights-based and protection sensitive responses to mixed migration consistent with and in furtherance of ECOWAS's Common Approach on Migration and UNHCR's Ten Point Plan of Action.

Significant emphasis will be placed on the exploration of the ECOWAS migratory framework as an opportunity, in conjunction with established principles of refugee law, to provide durable solutions to refugees and former refugees and to address issues of secondary movements, including of unsuccessful asylum-seekers. To assist participants in preparing for the discussions, a background paper on mixed migration within and from the region, with particular focus on the situations in Senegal and Ghana, will be shared prior to the meeting.

3. Conference Convenors and Participants

The convenors of the conference are UNHCR, IOM and ECOWAS. Participants will include organizations with specialized expertise in the subjects to be discussed. Representatives of these organizations and governments will also be invited to chair the Working Groups.

Participants will include:

- Senior level government representatives from ECOWAS's fifteen member states;
- Representatives from the African Union;
- Representatives of the European Union and the United States as the principal funder of the project, as well as other interested donors;
- Representatives of international agencies governmental and nongovernmental, with relevant mandates, including UNICEF, UNODC, UNOWA, OHCHR, ICRC, ILO;
- Representatives of civil society, including nongovernmental organizations, and affected communities.

4. Proposed Agenda for the Conference

Thursday 13 November 2008:

Morning: Plenary

Opening session:

Keynote speeches by:

- Dr. Mohamed Ibn Chambas, President of the ECOWAS Commission (tbc)
- Ambassador William Lacey Swing, Director General, IOM (tbc)
- Ms. Erika Feller, Assistant High Commissioner for Protection, UNHCR

Contextualizing the challenge:

- Refugee Protection and International Migration in West Africa – the example of Senegal and Ghana (presentation of the background study)
- Intra-West African migration –good practice country examples
- Plenary discussion

Afternoon: Working Groups

Searching for Solutions

- Enhancing border administration while ensuring protection
- Combating trafficking and implementing the Ouagadougou Plan of Action
- Developing information strategies to discourage irregular movements and combat xenophobia

Reporting back of Working Groups

Evening: Reception

Friday, 14 November 2008:

Morning:

Plenary

- The ECOWAS Free Movement Protocols – Opportunities and challenges for refugees and migrants from the ECOWAS region.
- Migration and development in the context of the West African region

Working Groups

Searching for Solutions (continued)

- Building local capacities for refugee status determination and the identification of other protection needs
- Solutions for refugees and migrants originating from ECOWAS Member States
- Solutions for refugees and migrants from outside the region
- Outbound migration: alternatives to dangerous irregular migration?

Reporting back of Working Groups

Afternoon

Synthesis, recommendations and next steps