NATIONAL OPEN UNIVERSITY OF NIGERIA

SCHOOL OF ARTS AND SOCIAL SCIENCES

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2 CREDIT UNITS

COURSE TITLE: INTERNATIONAL MIGRATION I

**COURSE
GUIDE**

**INR 162
INTERNATIONAL MIGRATION I**

Course Team   Dr. Udeoji Ebele Angela
                    (Course Developers/Writers) - NOUN
                    Prof. Sale Dauda (Course Editor) – Uni-Abuja
                    Dr. Olabamiji Oyebode (Programme Leader) – NOUN
                    Dr. Ebele Angela Udeoji (Course Coordinator) –NOUN

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INTRODUCTION

INR162 International Migration I is a one semester course in the first year of B.Sc. (Hons) degree in International and Diplomatic Studies. It is a two unit credit course designed to present you a foundational knowledge on vital issues in international migration. The course begins with a brief introductory module, which will help you to have a good understanding on the concept of migration; the concepts of irregular migration; legal and institutions regulating the movement of people across international boundaries; It further examine the African international migration including origin, diversity and the Nigeria perspective in connection with international migration, policies and development. Interestingly, this course elaborately offers you the opportunity to understand most current issues in global migration. The study units are structured into modules. Each module is structured into 4 units. A unit guide comprises of instructional material. It gives you a brief of the course content, course guidelines and suggestions and steps to take while studying. You can also find self-assessment exercises for your study.

COURSE AIMS AND OBJECTIVES

The primary aim of this course is to provide students of international relations with a comprehensive knowledge of Africa and global perspectives on human migration across international boundaries. However, the course specific objectives include the following:

   i.   have knowledge on the concept of migration, irregular cross-boundaries migration including the causes, consequences, solutions to refugee and asylum-seekers' movement;
  ii.   familiarize with the legal and institutional framework regulating migration of people across international frontiers including the States power and limitations as well as migrants treatment and protection;
 iii.   have understanding on the origin and the diversity of African international migration including the Nigeria perspective; and
  iv.   gain in-depth knowledge on issues in global migration including humanitarian and border issues, EU multilateral approach towards the threat of irregular migration as well as the 'quality' of multinational governance towards migration.

The specific objectives of each study unit can be found at the beginning and you can make references to it while studying. It is necessary and helpful for you to check at the end of the unit, if your progress is consistent with the stated objectives and if you can conveniently answer the self-assessment exercises. The overall objectives of the course will be achieved, if you diligently study and complete all the units in this course.

WORKING THROUGH THE COURSE

To complete the course, you are required to read the study units and other related materials. You will also need to undertake practical exercises for which you need a pen, a note-book, and other materials that will be listed in this guide. The exercises are to aid you in understanding the concepts being presented. At the end of each unit, you will be required to submit written assignment for assessment purposes.

At the end of the course, you will be expected to write a final examination.

THE COURSE MATERIAL

In this course, as in all other courses, the major components you will find are as follows:

1. Course Guide
2. Study Units
3. Textbooks
4. Assignments

STUDY UNITS

There are 20 study units in this course. They are:

Module 1:   Understanding International Migration
Unit 1: What is Migration?
Unit 2: Conceptualizing and Analyzing Irregular Migration
Unit 3: Irregular Migration and Host Country
Unit 4: Refugee and Asylum-Seekers

Module 2:   Legal and Institutions Regulating Migration
Unit 1: International Law Role in Migration
Unit 2: State Regulatory Power and Limitations
Unit 3: Migrants Treatment and Protection
Unit 4: International Institution/Organisation

Module 3:   African International Migration
Unit 1: Origin of African International Migration
Unit 2: The Diversity of Africa Migration
Unit 3: International Migration in Africa
Unit 4: Nigeria International Migration and Development

Module 4:   Issues in Global Migration
Unit 1: Humanitarian Issues and Responses
Unit 2: Border Issues and Responses
Unit 3: Migration as Global Security Threat
Unit 4: Multilateral Approach Towards Migration Threat

As you can observe, the course begins with the basics and expands into a more elaborate, complex and detailed form. All you need to do is to follow the instructions as provided in each unit. In addition, some self-assessment exercises have been provided with which you can test your progress with the text and determine if your study is fulfilling the stated objectives. Tutor-marked assignments have also been provided to aid your study. All these will assist you to be able to fully grasp the spirit and letters of Europe's role and place in international politics.

TEXTBOOKS AND REFERENCES

At the end of each unit, you will find a list of relevant reference materials which you may yourself wish to consult as the need arises, even though I have made efforts to provide you with the most important information you need to pass this course. However, I would encourage you, as a third year student to cultivate the habit of consulting as many relevant materials as you are able to within the time available to you. In particular, be sure to consult whatever material you are advised to consult before attempting any exercise.

ASSESSMENT

Two types of assessment are involved in the course: the Self-Assessment Exercises (SAEs), and the Tutor-Marked Assessment (TMA) questions. Your answers to the SAEs are not meant to be submitted, but they are also important since they give you an opportunity to assess your own understanding of the course content. Tutor-Marked Assignments (TMAs) on the other hand are to be carefully answered and kept in your assignment file for submission and marking. This will count for 30% of your total score in the course.

TUTOR-MARKED ASSIGNMENT

At the end of each unit, you will find tutor-marked assignments. There is an average of two tutor-marked assignments per unit. This will allow you to engage the course as robustly as possible. You need to submit at least four assignments of which the three with the highest marks will be recorded as part of your total course grade. This will account for 10 percent each, making a total of 30 percent. When you complete your assignments, send them including your form to your tutor for formal assessment on or before the deadline.

Self-assessment exercises are also provided in each unit. The exercises should help you to evaluate your understanding of the material so far.

These are not to be submitted. You will find all answers to these within the units they are intended for.

FINAL EXAMINATION AND GRADING

There will be a final examination at the end of the course. The examination carries a total of 70 percent of the total course grade. The examination will reflect the contents of what you have learnt and the self-assessments and tutor-marked assignments. You therefore need to revise your course materials beforehand.

COURSE MARKING SCHEME

The following table sets out how the actual course marking is broken down.

ASSESSMENT	MARKS
Four assignments (the best four of all the assignments submitted for marking)	Four assignments, each marked out of 10%, but highest scoring three selected, thus totalling 30%
Final Examination	70% of overall course score
Total	**100% of course score**

COURSE OVERVIEW PRESENTATION SCHEME

Units	Title of Work	Week Activity	Assignment (End-of-Unit)
Course Guide			
Module 1	**Understanding International Migration**		
Unit 1	What is Migration?	Week 1	Assignment 1
Unit 2	Conceptualizing and analyzing Irregular Migration	Week 1	Assignment 1
Unit 3	Irregular Migration and Host Country	Week 2	Assignment 1
Unit 4	Refugee and Asylum-Seekers	Week 3	Assignment 1
Module 2	**Legal and Institutions Regulating Migration**		
Unit 1	International Law Role in Migration	Week 4	Assignment 1
Unit 2	State Regulatory Power and Limitations	Week 5	Assignment 1
Unit 3	Migrants Treatment and Protection	Week 6	Assignment 1
Unit 4	International Institutions and Organisation	Week 7	Assignment 1
Module 3	**African International Migration**		
Unit 1	Origin of African International Migration	Week 8	Assignment 1
Unit 2	The Diversity of Africa Migration	Week 9	Assignment 1
Unit 3	International Migration in Africa	Week 10	Assignment 1
Unit 4	Nigeria International Migration and Development	Week 11	Assignment 1
Module 4	**Issues in Global Migration**		
Unit 1	Humanitarian Issues and Responses	Week 12	Assignment 1
Unit 2	Border Issues and Responses	Week 13	Assignment 1
Unit 3	Migration as Global Security Threat	Week 14	Assignment 1
Unit 4	Multilateral Approach Towards Migration Threat	Week 15	Assignment 1

WHAT YOU WILL NEED FOR THE COURSE

This course builds on what you have learnt in the 100 Levels. It will be helpful if you try to review what you studied earlier. Second, you may need to purchase one or two texts recommended as important for your mastery of the course content. You need quality time in a study friendly environment every week. If you are computer-literate (which ideally you should

be), you should be prepared to visit recommended websites. You should also cultivate the habit of visiting reputable physical libraries accessible to you.

TUTORS AND TUTORIALS

There are 15 hours of tutorials provided in support of the course. You will be notified of the dates and location of these tutorials, together with the name and phone number of your tutor as soon as you are allocated a tutorial group. Your tutor will mark and comment on your assignments, and keep a close watch on your progress. Be sure to send in your tutor marked assignments promptly, and feel free to contact your tutor in case of any difficulty with your self-assessment exercise, tutor-marked assignment or the grading of an assignment. In any case, you are advised to attend the tutorials regularly and punctually. Always take a list of such prepared questions to the tutorials and participate actively in the discussions.

ASSESSMENT EXERCISES

There are two aspects to the assessment of this course. First is the Tutor-Marked Assignments; second is a written examination. In handling these assignments, you are expected to apply the information, knowledge and experience acquired during the course. The tutor-marked assignments are now being done online. Ensure that you register all your courses so that you can have easy access to the online assignments. Your score in the online assignments will account for 30 per cent of your total coursework. At the end of the course, you will need to sit for a final examination. This examination will account for the other 70 per cent of your total course mark.

TUTOR-MARKED ASSIGNMENTS (TMAs)

Usually, there are four online tutor-marked assignments in this course. Each assignment will be marked over ten percent. The best three (that is the highest three of the 10 marks) will be counted. This implies that the total mark for the best three assignments will constitute 30% of your total course work. You will be able to complete your online assignments successfully from the information and materials contained in your references, reading and study units.

FINAL EXAMINATION AND GRADING

The final examination for INR 262: International Migration II will be of two hours duration and have a value of 70% of the total course grade. The examination will consist of multiple choice and fill-in-the-gaps questions which will reflect the practice exercises and tutor-marked assignments you have previously encountered. All areas of the course will be assessed. It is important that you use adequate time to revise the entire course. You may find it useful to review your tutor-marked assignments before the examination. The final examination covers information from all aspects of the course.

HOW TO GET THE MOST FROM THIS COURSE

1.   There are 16 units in this course. You are to spend one week in each unit. In distance learning, the study units replace the university lecture. This is one of the great advantages of distance learning; you can read and work through specially designed study materials at your own pace, and at a time and place that suites you best. Think of it as reading the lecture instead of listening to the lecturer. In the same way a lecturer might give you some reading to do. The study units tell you when to read and which are your text materials or recommended books. You are provided exercises to do at appropriate points, just as a lecturer might give you in a class exercise.

2.   Each of the study units follows a common format. The first item is an introduction to the subject matter of the unit, and how a particular unit is integrated with other units and the course as a whole. Next to this is a set of learning objectives. These objectives let you know what you should be able to do, by the time you have completed the unit. These learning objectives are meant to guide your study. The moment a unit is finished, you must go back and check whether you have achieved the objectives. If this is made a habit, then you will significantly improve your chance of passing the course.

3.   The main body of the unit guides you through the required reading from other sources. This will usually be either from your reference or from a reading section.

4.   The following is a practical strategy for working through the course. If you run into any trouble, telephone your tutor or visit the study centre nearest to you. Remember that your tutor's job is to help you. When you need assistance, do not hesitate to call and ask your tutor to provide it.

5.   Read this course guide thoroughly. It is your first assignment.

6.   Organise a study schedule – Design a 'Course Overview' to guide you through the course. Note the time you are expected to spend on each unit and how the assignments relate to the units.

7.   Important information; e.g. details of your tutorials and the date of the first day of the semester is available at the study centre.

8.   You need to gather all the information into one place, such as your diary or a wall calendar. Whatever method you choose to use, you should decide on and write in your own dates and schedule of work for each unit.

9.   Once you have created your own study schedule, do everything to stay faithful to it.

10.   The major reason that students fail is that they get behind in their coursework. If you get into difficulties with your schedule, please let your tutor or course coordinator know before it is too late for help.

11. Turn to Unit 1, and read the introduction and the objectives for the unit.

12. Assemble the study materials. You will need your references for the unit you are studying at any point in time.

13. As you work through the unit, you will know what sources to consult for further information.

14. Visit your study centre whenever you need up-to-date information.

15. Well before the relevant online TMA due dates, visit your study centre for relevant information and updates. Keep in mind that you will learn a lot by doing the assignment carefully. They have been designed to help you meet the objectives of the course and, therefore, will help you pass the examination.

16. Review the objectives for each study unit to confirm that you have achieved them. If you feel unsure about any of the objectives, review the study materials or consult your tutor. When you are confident that you have achieved a unit's objectives, you can start on the next unit. Proceed unit by unit through the course and try to space your study so that you can keep yourself on schedule.

17. After completing the last unit, review the course and prepare yourself for the final examination. Check that you have achieved the unit objectives (listed at the beginning of each unit) and the course objectives (listed in the course guide).

CONCLUSION

This is a theory course but you will get the best out of it if you cultivate the habit of relating it to political issues in domestic and international arenas.

SUMMARY

'International Migration I', introduces you to general understanding on the migration of people across international boundaries. All the basic course materials that you need to successfully complete the course are provided. At the end, you will be able to:
• Explain the concept in international migration studies;
• Discuss the legal and institutions regulating international migrants;
• Have understanding on the origin and the diversity of African international migration including Nigeria perspectives on cross-border migration and developmental; and
• Familiarize with the current issues in global migration including the EU multilateral approach toward cross-border migrations.

List of Acronyms

AFSJ	-	Area of Freedom Security and Justice
AIDS	-	Acquired Immune Deficiency
ASEM	-	Asia-European Meeting
BSEC	-	Black Sea Economic Corporation
CAP	-	Common Agricultural Policy
CAR	-	Central African Republic
CCME	-	Convention Concerning Migration for Employment
CCMAC	-	Convention Concerning Migrations in Abusive Conditions
DfID	-	Department for International Development
DRC	-	Democratic Republic of Congo
ELR	-	Exceptional Leave to Remain
ECOWAS	-	Economic Community of West African States
ENP	-	European Neibourhood Policy
EU	-	European Union
GCIM	-	Global Commission on International Migration
GDP	-	Gross Domestic Product
GPID	-	Guiding Principles on International Displacement
HIV	-	Human Immunodeficiency Virus
HLWG	-	High Level Working Group
ICCPR	-	International Covenant on Civil and Political Rights
ICDPM	-	International Centre for Migration Policy Development
ICESCR	-	International Covenant on Economic Social and Cultural Rights
IDMC	-	Internally Displacement Mornitoring Centre
IDP	-	Internally Displaced Persons
IOM	-	International Organization for Migration
ILO	-	International Labour Organisation
UNHCR	-	United Nations High Commissioner for Refugees
MARRI	-	Migration Asylum Refugee Regional Initiative
MFA	-	Ministry of Foreign Affairs
MFLM	-	Multilateral Framework on Labour Migration
NAPTIP	-	National Agency for the Prohibition of Traffic in Person
NGOs	-	Non-Governmental Organisations
NIDO	-	Nigeria in the Diaspora Organisation
NNVS	-	Nigeria National Volunteer Services
OECD	-	Organization for Economic Cooperation and Development
PATWA	-	Programme of Action to Combat Trafficking in West Africa
PEOTMW	-	Promotion of Equality of Opportunity and Treatment of Migrants Workers
RPPs	-	Regional Protection Programme
PRSP	-	Poverty Reduction Strategy Paper
SAPFL	-	Special Action to Combat Forced Labour
UN	-	United Nations
UNDP	-	United Nations Development Program
UNICEF	-	United Nations International Children Education Fund
UK	-	United Kingdom of Great Britain and Ireland
USA	-	United States of America
WWI	-	World War I
WWII	-	World War II
WOTCLEF	-	Women Trafficking and Child Labour Eradication Foundation

MAIN COURSE

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MODULE 1: UNDERSTANDING INTERNATIONAL MIGRATION

INTRODUCTION

The main purpose of this module is to launch you into understanding some basic concepts in international migration studies, which are relevant to helping you cope easily with other modules. To achieve this purpose, this module succinctly provides you with the foundational knowledge on the concepts of migration; various forms of migration; concepts use for people who migrate; why people migrate to settle temporarily or permanently in a new location; the concept of irregular migration, criticisms and complexities; why analyzing irregular migration is problematic; the sources of irregular migration data; the threat perception associated with irregular migration; problems usually encountered by irregular migrants; the causes, consequences and solutions to refugee movements.

Subsequently, you will find the comprehensive explanations on module 1 under the following four units respectively:

Unit 1:   What is Migration?
Unit 2:   Conceptualizing and analyzing Irregular Migration
Unit 3:   Irregular Migration and the Host Country
Unit 4:   Refugee and Asylum-Seekers

UNIT 1   WHAT IS MIGRATION?

CONTENTS

1.0   INTRODUCTION

This unit is fundamental as it reveal to you the meaning of migration and other related concepts. It provide you with the simple meaning of most commonly used concepts under the forms of migration; people who migrate as well as demonstrated why people migrate to settle in another destination. This will serve as a basic foundational knowledge for your understanding as you study further in this course.

2.0   OBJECTIVES

At the end of this unit, you should be able to:

- Clearly define the concept of migration;
- Mention and briefly explain various forms of migration;
- List and define the concept used for people who migrate; and
- Demonstrate two major factors are responsible for the reason why people migrate to settle temporarily or permanently in a new location.

3.0   MAIN CONTENT

3.1   The concept of migration

The concept of migration is multifaceted. People may choose to move either by land, water or air from one place to another for economic, political, social or cultural purposes. This movement could be "voluntary migration" or be forced to move "involuntary migration". It could be legal or illegal (irregular). What is migration? Despite the fact that migration is a reoccurring phenomenon irrespective of the mode or means adopted, there has not been any generally acceptable definition on the concept of migration. For the purpose of the course, we could define migration as the movement of people across a specified boundary for the purpose of establishing a new or semi-permanent residence. Similarly, it has been defined as the movement of people

from one place to another with the intentions of settling temporarily or permanently in the new location. However, if the movement is typically over long distances and from one country to another country, it is refers to as international migration because the migrant would have cross from an international boundary between two countries. (For example international boundaries between country A Nigeria and country B (any country sharing common boundary with Nigeria or having its own territorial jurisdiction)). On the other hand, several boundaries may be crossed in an international migration but what is important is that once an individual leave his home country and travel (enter) another country (host), irrespective of the distance and the hours spent, international migration has occurred.

Nevertheless, migration within the same country or geographical location without crossing international boundaries is also possible and is refer to as internal migration: For example, movement from Lagos state of Nigeria to (any) state within Nigeria). Migrations have occurred throughout human history, beginning with the movements of the first human groups from their origins in East Africa to their current location in the world. Migration occurs at a variety of scales: *inter-continental* (between continents), *intra-continental* (between countries on a given continent), and *inter-regional* (within countries).

SELF-ASSESSMENT EXERCISE
Define the concept of human migration?

3.2   Simplifying Forms of Migration

The following simply defined the various forms of migration:
- *Internal Migration:* Moving to a new home within a state, country, or continent.
- *External Migration:* Moving to a new home in a different state, country, or continent.
- *Emigration:* Leaving one country to move to another (e.g., the Pilgrims emigrated *from* England).
- *Immigration:* Moving into a new country (e.g., the Pilgrims immigrated *to* America).
- *Population Transfer:* When a government forces a large group of people out of a region, usually based on ethnicity or religion. This is also known as an involuntary or forced migration.
- *Impelled Migration (also called "reluctant" or "imposed" migration):* Individuals are not forced out of their country, but leave because of unfavorable situations such as warfare, political problems, or religious persecution.
- *Forced Migration:* a migratory movement in which an element of coercion exists, including threats to life and livelihood, whether arising from natural or man-made causes (e.g. movements of refugees and internally displaced persons as well as people displaced by natural or environmental disasters, chemical or nuclear disasters, famine, or development projects).
- *Step Migration:* A series of shorter, less extreme migrations from a person's place of origin to final destination - such as moving from a farm, to a village, to a town, and finally to a city.
- *Chain Migration:* A series of migrations within a family or defined group of people. A chain migration often begins with one family member who sends money to bring other

family members to the new location. Chain migration results in migration fields - the clustering of people from a specific region into certain neighborhoods or small towns.
- *Return Migration:* The voluntary movements of immigrants back to their place of origin. This is also known as *circular migration*.
- *Seasonal Migration:* The process of moving for a period of time in response to labor or climate conditions (e.g., farm workers following crop harvests or working in cities off season; "snowbirds" moving to the southern and southwestern United States during winter).

SELF-ASSESSMENT EXERCISE
Explain various forms of migration.

3.3   People Who Migrate

The following are concepts mostly use to describe people who migrate:
- *Migrant:* At the international level, no universally accepted definition for "migrant" exists. The term migrant was usually understood to cover all cases where the decision to migrate was taken freely by the individual concerned for reasons of "personal convenience" and without intervention of an external compelling factor; it therefore applied to persons, and family members, moving to another country or region to better their material or social conditions and improve the prospect for themselves or their family. The United Nations defines migrant as an individual who has resided in a foreign country for more than one year irrespective of the causes, voluntary or involuntary, and the means, regular or irregular, used to migrate. Under such a definition, those travelling for shorter periods as tourists and businesspersons would not be considered migrants. However, common usage includes certain kinds of shorter-term migrants, such as seasonal farm-workers who travel for short periods to work, planting or harvesting farm products.
- *Emigrant:* A person who is leaving a country to reside in another.
- *Immigrant:* A person who is entering a country from another to take up new residence.
- *Refugee:* A person who is residing outside the country of his or her origin due to fear of persecution for reasons of race, religion, nationality, membership in a particular social group, or political opinion.
- *Internally Displaced Person (IDP):* A person who is forced to leave his or her home region because of unfavorable conditions (political, social, environmental, etc.) but does not cross any boundaries.
- *Migration Stream:* A group migration from a particular country, region, or city to a certain destination.
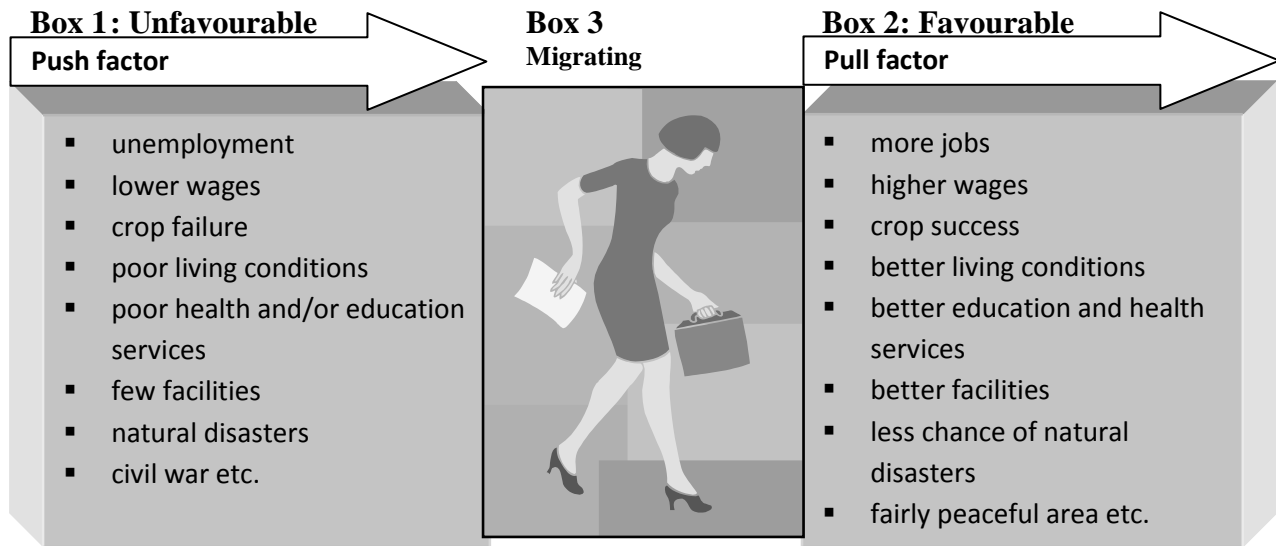
SELF-ASSESSMENT EXERCISE
Define the concepts used for people who migrate.

3.4   Why do people migrate?

Generally, two broad factors are responsible for the movement of people. These are push and pull factors. Push factors are forces that draw people away from a place; examples include food

shortages, crime, war, flood, lack of services. While, pull factors are forces that draw people to immigrate to a place. For example political stability, nicer climate, job opportunities, safety etc. For a better understanding of why people migrate (see Fig. I).

Fig. 1: A Demonstration of Push and Pull factors of human migration

Box 1: Unfavourable
Push factor

- unemployment
- lower wages
- crop failure
- poor living conditions
- poor health and/or education services
- few facilities
- natural disasters
- civil war etc.

Box 3
Migrating

Box 2: Favourable
Pull factor

- more jobs
- higher wages
- crop success
- better living conditions
- better education and health services
- better facilities
- less chance of natural disasters
- fairly peaceful area etc.

Source: Designed by course developer using Microsoft tools on 10th November, 2015.

The above model of migration, it becomes clearer that people do not just migrate; certain forces or factors are responsible. You could see how the push and pull factors in Box 1 and Box 2 forced the movement shown in Box 3. Thus, the movement of individuals or group of individuals from one place of residents on earth is a function of unfavourable conditions at home and/or the favourable conditions elsewhere (attractive destination). We should also note here, that the movement caused by these two broad factors could be classified as internal, regional or international depending on the decision of individual and whether the means (monetary) is available. While some of these factors made people to migrate irregularly, without following due process (i.e. civil war, natural disasters), some create room for due process or rules of migration to be followed appropriately, except if the people involve decide on their own to violate laid down migration rules or law. However, it is always advisable to migrate under the cover of law to avoid the risks of irregular migration especially when it involve crossing an international boundary(ies).

SELF-ASSESSMENT EXERCISE
Identify two major factors responsible for the reasons why people would migrate to settle temporarily or permanently in a new location?

4.0   CONCLUSION

We have been able to define migration as the movement of people from one place to another with the intentions of settling temporarily or permanently in the new location. The movement is typically over long distances and from one country to another, which is referred to as international migration and have established that migration within the same country or

geographical location without crossing international boundaries is also possible and this has been referred to as internal migration. The concept mostly used in migration to understand forms of migration, people who migrate as well as why people migrate have been defined in a simple language.

5.0   SUMMARY

In summary, push and pull factors could be responsible for the migration of people internally or internationally as the case may be, but migrating across international boundary is advisable when the requirements of the law have been satisfied accordingly, to avoid the challenges of irregular migration.

6.0   TUTOR-MARKED ASSIGNMENT

  i.   Define the concept of migration?
 ii.   Mention and briefly explain various forms of migration?
iii.   Identify and define the concepts used for people who migrate?
 iv.   Demonstrate two major factors responsible for the reasons why people would migrate to settle temporarily or permanently in a new location?

7.0   REFERENCES/FURTHER READING

Comenius, S. (2015). A Definition of Migration. Retrieved from http://www.ghs-mh.de/migration/projects/define/define.htm on 18th September, 2015.

Robin Cohen, (1995). The Cambridge Survey of World Migration (Cambridge University Press) is a comprehensive collection of short articles on various migration issues worldwide over the past three centuries.

UNIT 2:   CONCEPUALIZING AND ANALYSING IRREGULAR MIGRATION

CONTENTS

1.0   Introduction
2.0   Objectives
3.0   Main Content
        3.1   What is irregular migration?
        3.2   Analyzing irregular migration/migrants?
        3.3   Sources of irregular migration data
4.0   Conclusion
5.0   Summary
6.0   Tutor-Marked Assignment
7.0   References/Further Reading

1.0   INTRODUCTION

One of the major reoccurring phenomenon in international migration is irregular migration. This unit provide you with discussion on the concept of irregular migration including existing criticisms and the complexities; reasons why analyzing irregular migration has remain problematic as well as the sources of irregular migration data.

2.0   OBJECTIVES

At the end of this unit, you should be able to:

- Clarify the concept of irregular migration pointing out criticisms and complexities;
- Discuss why analyzing irregular migration is problematic; and
- Identify and explain with examples the sources of irregular migration data.

3.0   MAIN CONTENT

3.1   What is irregular migration?

Irregular migration is the movement that takes place outside the regulatory norms of the sending, transit and receiving countries. There is no clear or universally accepted definition of irregular migration. From the perspective of destination countries it is entry, stay or work in a country without the necessary authorization or documents required under immigration regulations. From the perspective of the sending country, the irregularity is for example seen in cases in which a person crosses an international boundary without a valid passport or travel document or does not fulfill the administrative requirements for leaving the country. There is, however, a tendency to restrict the use of the term "illegal migration" to cases of smuggling of migrants and trafficking in persons (https://www.iom.int/key-migration-terms 15th November, 2015).

We have opted to use the terms 'irregular' migrant and 'irregular' migration, deliberately avoiding the more commonly used 'illegal'. The most powerful criticism of the term 'illegal' is that defining people as 'illegal' denies their humanity: a human being cannot be illegal. It can easily be forgotten that migrants are people and they have rights whatever their legal status. Another criticism is the connotation of the term 'illegal' with criminality. Most irregular migrants are not criminals, although by definition most have breached administrative rules and regulations.

The two other terms that are often used in this context are 'undocumented' and 'unauthorized'. The former is avoided here because of its ambiguity. It is sometimes used to denote migrants who have not been documented (or recorded), and sometimes to describe migrants without documents (passports or work permits, for example). In addition, neither situation necessarily applies to all irregular migrants – many are known to the authorities and many do have documents – yet the term 'undocumented' is still often used to cover them all. Similarly, not all irregular migrants are necessarily unauthorized, and so this term too is often used imprecisely. Irregular migration is an awkward term, but considered as the best of the commonly used alternatives. Also, irregular migration is itself a complex and diverse concept that requires careful clarification. Subsequently we shall reveal the complexities:

First and foremost, it is important to recognize that there are *lots of ways that a migrant can become irregular*. Irregular migration includes people who enter a country without the proper authority, for example, by entering without passing through a border control or entering with fraudulent documents. It also includes people who may have entered a country perfectly legally, but then remain there in contravention of their authority, for example, by staying after the expiration of a visa or work permit, through sham marriages or fake adoptions, as bogus students or fraudulently self-employed. The term also includes people moved by migrant smugglers or human traffickers, and those who deliberately abuse the asylum system.

Second, *there are important regional differences in the way that the concept of irregular migration is applied*. In Europe, for example, where the entry of people from outside the European Union (EU) is closely controlled, it is relatively easy to define and identify migrants with irregular status. That is not the case in many parts of Africa, where borders are porous, ethnic and linguistic groups straddle state borders, some people belong to nomadic communities, and many people do not have proof of their place of birth or citizenship.

> ...who is an irregular migrant? *In 2001, 58 Chinese people were found dead in the back of a truck in the UK port of Dover. In a single BBC broadcast, lasting no more than one minute, they were described as 'illegal migrants', 'economic migrants', 'asylum-seekers', and 'refugees'. The only certain thing is that these people had entered the UK illegally, without presenting themselves to the authorities at the border – so the description 'illegal' or preferably 'irregular' is indeed accurate. As often viewed, an economic migrant is someone who has left their home country to find work. As they were, tragically, already dead, no one knows why they left China. It may have been to work, but it may have been to escape persecution. Even if the latter is true, however, none of them had actually submitted an application for asylum and so strictly none were asylum-*

seekers; and certainly none had been granted refugee status (David Kyle and Rey Koslowski, 2001).

A final *complexity* arises because, as was indicated in literatures, *migrants' status can change, often quite literally overnight*. A migrant can enter a country in an irregular fashion, but then regularize their status, for example, by applying for asylum or entering a regularization programme. Conversely, a migrant can enter regularly then become irregular when they work without a work permit or overstay a visa. A large number of irregular migrants in Australia, for example, are UK citizens – often students in their gap year – who have stayed beyond the expiry of their visa. Asylum-seekers can become irregular migrants when their application is rejected and they stay on without authority. More generally, a growing proportion of international migrants undertake long-distance journeys that take them from one part of the globe to another, transiting through a number of countries on their way to their final destination. In the course of a single journey, it is quite possible for a migrant to slip in and out of irregularity, according to the visa requirements of the countries concerned.

SELF-ASSESSMENT EXERCISE
Clarify the concept of irregular migration pointing out criticisms and the complexities?

3.2   Analyzing irregular migration

One of the reasons that accounted for the problem encounter why trying to carryout analysis on irregular migration is obviously *conceptual* just as we have discuss above, the term covers a range of people who can be in an irregular situation for different reasons, and people can switch from a regular to irregular status, or vice versa. Hence to accurately analyze irregular migration is problematic. Due to the conceptualization problem of irregular migration, the analysis of irregular migration is hampered by a serious *lack of accurate data*, making it difficult to identify trends or to compare the scale of the phenomenon in different parts of the world.

Another reason is *methodological*. Counting irregular migrants is an imprecise science. People without regular status are likely to avoid speaking to the authorities for fear of detection, and thus go unrecorded. Most observers agree that the majority of irregular migrants are not recorded. Various methods have been used to try to estimate numbers of irregular migrants, although it needs to be emphasized that none of these is comprehensive. In some countries amnesties are periodically declared, whereby foreign nationals residing or working without legal authority can regularize their status. *Direct surveys of irregular migrants have been attempted*, although *access is difficult*. It is possible to compare different sources of recorded migration data and population data to highlight discrepancies that might be accounted for by irregular migration. Surveys of employers can indirectly reveal foreign workers without legal status. With the exception of those who are not deported, nor is it possible to count how many irregular migrants return home. Research has indicated that it is a mistake to assume that all irregular migrants stay permanently. Many appear to come to destination countries with a specific (usually financial) target in mind, for example, to earn enough money to build a house or educate children or pay off a debt.

Another problem is *access to data* on irregular migration, however limited it may be, that have been collected. In many states such data are collected by enforcement agencies and are *not made publicly available*. Alternatively, information and data that may establish a person's irregular status are frequently *dispersed between different agencies* such as government departments, the police, and employment offices. In fact, international cooperation on data collection is even more problematic.

SELF-ASSESSMENT EXERCISE
Discuss the reason why analyzing irregular migration is problematic?

3.3   Source of Irregular Migration Data

There is no *authoritative source on global trends and numbers in irregular migration*, and the *available sources are not comprehensive*. There is, however, a broad consensus that, as the number of international migrants has increased so too has the global scale of irregular migration.

Most estimates of irregular migration are at *the national level*. It is estimated, for example, that there are over 10 million irregular migrants in the USA, accounting for nearly one-third of the foreign-born population there. Over half these irregular migrants are Mexican; indeed according to some estimates about half the Mexican-born population in the USA, or almost 5 million people, are irregular migrants. Despite increased efforts at border control, about 500,000 additional migrants enter the USA without authorization each year. It is also estimated that there are between 3.5 and 5 million irregular migrants in the Russian Federation, originating mainly in countries of the Commonwealth of Independent States (CIS) and South-East Asia. And a startling 20 million irregular migrants are thought to live in India today.

Other estimates are provided on *a regional or global scale*. According to estimates by the Organization for Economic Cooperation and Development (OECD), at least 5 million, or 10 per cent, of Europe's 56 million migrants in 2000 were in an irregular situation, and a further half a million are estimated to enter each year. Well over 50 per cent of migrants in both Africa and Latin America are also thought to be irregular. Overall, the International Centre on Migration Policy Development has estimated that 2.5 to 4 million migrants cross all international borders without authorization each year. There are, however, considerable variations in the figures provided, with sometimes very significant discrepancies between different sources.

Even if we accept their unreliability, there is no arguing that these figures are significant. It is easy to see how they might generate concern. But it is important to place irregular migration in its proper context. In most countries, the political significance of irregular migration far outweighs its numerical significance. Even the most extreme estimates indicate that irregular migration accounts for no more than 50 per cent of all migration worldwide, and in the EU and most individual EU countries it probably accounts for no more than 10 per cent. The example of the UK is illustrative. Estimates for the number of irregular migrants entering the UK vary widely, but even the highest estimates are relatively small in comparison with regular migration to the UK. For example, 120,000 foreign students arrive each year and another 200,000 people enter legitimately to work.

It is also *important to distinguish 'stocks' from 'flows'*. There are few estimates of stocks of irregular migrants - no EU member state, for example, publishes official estimates of the size of its irregular population. There is no doubt, nevertheless, that in most countries stocks far outnumber new arrivals. Most irregular migrants worldwide are already present in destination countries. And very often these people have found work, have somewhere to live, and even have children at school. In other words they are already part and parcel of the societies in which they live.

SELF-ASSESSMENT EXERCISE
Most estimations of irregular migration are found at national, regional or global levels. Discuss with examples?

4.0   CONCLUSION

In this unit we have been able to clarify the concept of irregular migration pointing out the various criticisms and complexities associated with the concept; discuss the reason why carrying out analyzing on irregular migration is problematic as well as identify and explain with examples the sources of irregular migration data including national, regional or global levels. We also mentioned that these sources have discrepancies.

5.0   SUMMARY

Irregular migration constitutes a serious challenge in international migration analysis. Other estimates are provided on *a regional or global scale*. According to estimates by the Organization for Economic Cooperation and Development (OECD), at least 5 million, or 10 per cent, of Europe's 56 million migrants in 2000 were in an irregular situation, and a further half a million are estimated to enter each year.

6.0   TUTOR-MARKED ASSIGNMENT

   i.   Clarify the concept of irregular migration pointing out the complexities?
   ii.   Explain the problems accounting for irregular migration?
  iii.   Irregular migration have been estimated and accounted for at national, regional or global level. Discuss with examples?

7.0 REFERENCES/FURTHER READING

Ko-Lin Chin, Smuggled Chinese: Clandestine Immigration to the United States (Temple University Press, 1999) is an in-depth analysis of migrant smuggling between China and the USA.

Bill Jordan and Franck Duvell, Irregular Migration: The Dilemmas of Transnational Mobility (Edward Elgar, 2003) contains a theoretical overview of irregular migration, a series of case studies of irregular migrant populations. Its focus is the UK.

David Kyle and Rey Koslowski, Global Human Smuggling (Johns Hopkins Press, 2001) is an edited collection of chapters on migrant smuggling and human trafficking around the world.

UNIT 3:   IRREGULA MIGRATION AND HOST COUNTRY

CONTENTS

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1.0   INTRODUCTION

Migrants who move in an irregular fashion leave their countries for exactly the same motivations as any other migrants. The reason that increasing numbers of migrants are moving in an irregular rather than a legal way is mainly because of increasing restrictions on legal movements, mostly in destination countries. More people than ever before want to move, but there are proportionately fewer legal opportunities for them to do so. A multi-billion dollar industry has developed around the desire of people to move despite legal restrictions, in the form of human trafficking and migrant smuggling. Therefore, this unit provides you with the threat perceptions associated with irregular migration and the problems usually faced by unauthorized or irregular migrants.

2.0   OBJECTIVES

At the end of this unit, you should be able to:

- Explain the threat perception associated with irregular migration; and
- Discuss the problems usually encountered by irregular migrants.

3.0   MAIN CONTENT

3.1   Irregular Migration and the Threat Perception

In political and media discourses, *irregular migration* is often described as constituting *a threat to state sovereignty*. Put simply, the argument is that states have a sovereign right to control who crosses their territorial borders, and that by undermining that control irregular migrants threaten sovereignty. It follows that stopping irregular migration is fundamental to reasserting full sovereignty. In certain more extreme discourses, irregular migration has also been perceived as *a threat to state security*. Specifically, irregular migration and asylum, it has been suggested, may provide channels for potential terrorists to enter countries. Given the sensitivity of the current debate, extremely careful analysis of such potentially incendiary conclusions is required. It is important, first of all, to consider the numbers involved. Inherent in the argument that

irregular migration threatens state sovereignty is the *perception that states are, or risk, being 'flooded' or overwhelmed by enormous numbers of irregular migrants*. In reality, although irregular migration does occur in significant numbers, in most countries it represents a fairly small proportion of total migration.

Second, *irregular migrants are often imputed with tainted intentions without any substantiation*. Two particularly *frequent assumptions* are that irregular migrants *participate in illegal activities* and that they are *associated with the spread of infectious diseases*, and especially HIV/AIDS. Both these assumptions are gross generalizations. Some irregular migrants (and asylum-seekers) are criminals and some carry infectious diseases - resulting, for example, from long periods spent in transit – but most do not. Misrepresenting the evidence criminalizes and demonizes all irregular migrants can encourage them to remain underground. It also diverts attention from those irregular migrants who actually are criminals and should be prosecuted, and those who are diseased and should be treated.

Focusing exclusively on terrorism has also meant that other equally pressing challenges associated with irregular migration – for states, societies, and importantly for migrants themselves – have often been overlooked. It is true that irregular migration can threaten state security, but this is usually in ways other than by its association with terrorism or violence. Where it involves corruption and organized crime, irregular migration can become *a threat to public security*. This is particularly the case where illegal entry is facilitated by migrant smugglers and human traffickers, or where criminal gangs compete for control of the labour of migrants after they have arrived. When irregular migration results in competition for scarce jobs, it can generate *xenophobic* sentiments within host populations. Importantly, these sentiments are often directed not only at migrants with irregular status, but also at established migrants, refugees, and ethnic minorities. When this receives a great deal of media attention, irregular migration can also undermine public confidence in the integrity and effectiveness of a state's migration and asylum policies. Irregular migration thus can impact on the ability of governments to expand regular migration channels. The importance for a government to be perceived by its citizens to be in control cannot be underestimated.. It is clear, then, that irregular migration can threaten state security, although the relationship is complex. Equally, however, *irregular migration can undermine the human security of the migrants themselves*. The negative consequences of irregular migration for migrants are often underestimated. It can endanger their lives. A large number of people die each year trying to cross land and sea borders without being detected by the authorities. It has been estimated, for example, that as many as 2,000 migrants die each year trying to cross the Mediterranean from Africa to Europe, and that about 400 Mexicans die trying to cross the border into the USA each year. And one of the great unknowns of international migration is how many people there are who have left their homes, but not yet reached their intended destinations, and what their lives are like in transit countries.

SELF-ASSESSMENT EXERCISE
Explain that irregular migration has been associated with threat perception?

3.2   Problems Encountered by Irregular Migrants

Irregular migrants are faced with challenges and most often women constitute a substantial proportion of the many migrants with irregular status. Because they are confronted with gender based discrimination, female migrants with irregular status are often obliged to accept the most menial informal sector jobs. Such can be the level of abuse of their human rights that some commentators have compared contemporary human trafficking with the slave trade. Women in particular also face specific health related risks, including exposure to HIV/AIDS.

More generally, people who enter or remain in a country without authorization are often at risk of exploitation by employers and landlords. And because of their irregularity, migrants are usually unable to make full use of their skills and experience once they have arrived in a country of destination.

Migrants with irregular status are often unwilling to seek redress from authorities because they fear arrest and deportation. As a result, they do not always make use of public services to which they are entitled, for example, emergency healthcare. In most countries, they are also barred from using the full range of services available to citizens and migrants with regular status. In such situations, already hard-pressed Non-Governmental Organizations (NGOs), religious bodies, and other civil society institutions are obliged to provide assistance to migrants with irregular status, at times compromising their own legality. Some irregular migrants who are smuggled by smuggler or those in the hands of traffickers are always forced and subjected to exploitation.

A typical example of the exploitative tendency was revealed in an interview conducted on migrant smugglers in Afghanistan and Pakistan, 2004. It was reported that over time not only had the amount they (smugglers) charge changed, but also the way they received payments had changed too:

> *...migrant smugglers apparently insisted that payments were made in full in advance. The danger for migrants was that smugglers might take their money and disappear before moving them. In response to these fears, some smugglers changed their practice, asking only for a deposit in advance of movement, with the balance to be repaid after arrival in the destination country. The problem here, was that some migrants were exploited by smugglers to whom they were indebted after they had arrived. Recently, smugglers have responded to their clients' concerns and demands once again. Now, payment is made in full in advance, but is deposited with a third party rather than being paid to the smuggler directly. The money is released to the smuggler only after the migrant has called to confirm he or she has arrived safely in their destination. This amounts to money-back guarantee on migrant smuggling (Khalid Koser, 2007).*

To further buttress the above backdrop, research identifies the costs of migrant smuggling across national or international frontiers or boundaries. The costs are presented in Table I below:

Table 1: The costs of migrant smuggling

Routes	Mean costs (US$)
Asia–Americas	26,041
Europe–Asia	16,462
Asia–Australasia	14,011
Asia–Asia	12,240
Asia–Europe	9,374
Europe–Australasia	7,400
Africa–Europe	6,533
Europe–Americas	6,389
Americas–Europe	4,528
Americas–Americas	2,984
Europe–Europe	2,708
Africa–Americas	2,200
Africa–Australasia	1,951
Africa–Africa	203

Source: available in www.google.com.

Table I shows the wide range of costs involved in irregular migration. It shows that smuggling is a global phenomenon, not just a process from 'South' to 'North'. At the topside of the scale it shows that, is more expensive to be smuggled across a border in America, it was as high as US$26, 41. At the bottom end of the scale, the cost for being smuggled across a border in Africa was as low as US$203, although, even this can be a significant sum given the income levels in these countries. In several cases reported, payments for smuggling between African countries were made not in cash but, for example, with bags of rice and other goods.

Table I is very important to understand and identified what the main determinants of costs are. There are three main determinants. One was distance travelled – very approximately, longer journeys cost more. A second was the mode of transport: flying is more expensive than travelling by sea, which is in turn costlier than going overland. A third main determinant appeared to be the number of people travelling – the more people who travel at the same time, the less each appears to be charged.

However, to explain further on the problem encountered by migrants on irregular basis is to point out here that *victims of human trafficking are not free to decide on the activities in which they engage*. They are often forced into low-paid, insecure, and degrading work from which they may find it impossible to escape and for which they receive trivial or no compensation.

While a great deal of recent attention has been given to the trafficking of women, it is important to note that this phenomenon also affects men and children. Migrant children with irregular migration status who are separated from their parents are a particularly vulnerable group, and may be trafficked into the sex industry. But it is equally important not to overlook the negative consequences of migrant smuggling for those involved. As we have seen, smugglers can charge many thousands of dollars to transport them from one place to another. Smugglers do not always inform migrants in advance of where they will be taken. The means of transport used by migrant

smugglers are often unsafe, and migrants who are travelling in this way may find themselves abandoned by their smuggler and unable to complete the journey they have paid for. Using the services of smugglers, many migrants have drowned at sea, suffocated in sealed containers, or have been raped and abused while in transit. Particularly, the experiences of a Suleiman, interviewed in Kabul in 2003 speak volume on this subject and it will serve as a lesson to those that are intending to strike deal to be smuggled by smugglers or agents. He recounted where he said:

> *The first time I was smuggled abroad, the plan was to fly to Dushanbe then continue overland to Moscow. The first stage was fine - I boarded the aeroplane in Karachi with a fake Pakistani passport without any problems. The agent who accompanied me to the airport told me that at the airport in Dushanbe I would met another agent, named Nafi. When I arrived in Dushanbe, however, I was arrested as soon as I stepped off the aeroplane. I was imprisoned for four weeks - with other Afghan illegal migrants, interrogated, beaten regularly, and threatened with torture. After a month, for no apparent reason, I was collected one night from my cell and driven back to the airport at Dushanbe. Nafi was waiting for me. Nafi explained that on the flight from Karachi with me had been another 50 illegal immigrants, their journeys organized by several other agents in Pakistan. One agent had failed to bribe immigration officials at Dushanbe airport, so they had arrested those they understood to be the ''clients'' of that particular agent. I had been arrested as a result of mistaken identity' (Bill Jordan and Franck Duvell, 2003).*

SELF-ASSESSMENT EXERCISE
How would you discuss the problems usually encountered by irregular migrants?

4.0   CONCLUSION

In this unit we, have been able to reveal the threat perception in connection with irregular migration including the threat to state sovereignty, state security, the public security, the possibilities of generating into xenophobic sentiments within the host populations, the tendency of transmitting deadly diseases as well as how irregular migration can undermine human security of the migrants themselves. We also revealed the problems faced or encountered by the irregular migrants including in the hands of smugglers, the smuggling costs across international frontiers among others.

5.0   SUMMARY

Irregular migration is a threat to both state and humanity and should be properly checkmated globally.

6.0   TUTOR-MARKED ASSIGNMENT

  i.   Explain the threat perception associated with irregular migration?
  ii.   Discuss the problems usually encountered by irregular migrants?

7.0 REFERENCES/FURTHER READING

David Kyle and Rey Koslowski, Global Human Smuggling (Johns Hopkins Press, 2001) is an edited collection of chapters on migrant smuggling and human trafficking around the world.

Bill Jordan and Franck Duvell, Irregular Migration: The Dilemmas of Transnational Mobility (Edward Elgar, 2003) contains a theoretical overview of irregular migration, a series of case studies of irregular migrant populations. Its focus is the UK.

Khalid Koser (2007). International Migration: A Very Short Introduction. New York: Oxford University Press Inc.

Ko-Lin Chin, Smuggled Chinese: Clandestine Immigration to the United States (Temple University Press, 1999) is an in-depth analysis of migrant smuggling between China and the USA.

UNIT 4:   REFUGEES AND ASYLUM-SEEKERS

CONTENTS

1.0   INTRODUCTION

An asylum-seeker is a person who has applied for international protection. Most do so once they have reached the country in which they are seeking protection, although it is possible to apply for asylum outside the country where you are seeking protection, for example, at an embassy or a consulate. Asylum-seekers' applications are judged by the criteria of the 1951 United Nations Convention relating to the Status of Refugees. Successful applicants are granted refugee status and become refugees. Unsuccessful applicants can normally appeal, and if their appeal is unsuccessful they are expected to leave the country. In Europe and North America there are also a range of other statuses, usually grouped together under the description of Exceptional Leave to Remain (ELR), that are granted to people who are not refugees, but still cannot return to their homes. However, this unit provide you with clear understanding on the causes of refugee movements, justifying the fact that 'new wars' from previous conflicts have implications for refugee movements; explain the consequences of refugee movements as well as the solutions for refugees and the associated problems.

2.0   OBJECTIVES

At the end of this unit, you should be able to:

- Discuss the causes of refugee movements and justify that 'new wars' from previous conflicts have implications for refugee movements;
- Explain the consequences of refugee movements; and
- Discuss the three solutions for refugees and the associated problems.

3.0   MAIN CONTENT

3.1   Causes of refugee movements

The 1951 Convention definition of a refugee emphasizes the concept of persecution in explaining why refugees flee their homes. There are certainly still some predatory regimes in the world today that actively persecute segments of their national population – North Korea is an example that would be hard to refute. However, it seems that most refugees today flee conflict rather than direct persecution by the state. In the words of Aristide Zolberg, one of the leading theorists of refugee movements, *they 'escape violence', not necessarily persecution*. The reason they are still defined as refugees is that, even if the state is not persecuting them directly, it is still not capable of protecting them and providing them with the rights to which citizens are universally entitled. Although this is not the place to review the extensive literature on modern warfare, it is worth listing the characteristics that the influential scholar Mary Kaldor has described as distinguishing 'new wars' from previous conflicts, as they have implications for refugee movements.

First, and in contrast to most people's immediate idea about war, almost all conflicts today are fought within states along ethnic or religious lines, and not between states. The conflict between Eritrea and Ethiopia from 1998 to 2000 was an unusual exception. Indeed it was estimated in 2000 that 25 out of 28 armed conflicts worldwide were internal – although US-led military action in Afghanistan and Iraq has changed the balance since.

Second, warfare has become 'informalized' or 'privatized', meaning that increasingly it is fought not by professional armies, but by militias or mercenary groups.

Third, whereas warfare used to mainly kill combatants, today it mainly kills civilians. It is estimated that in modern warfare up to 90 per cent of casualties are civilians, compared with a rate of about 25 per cent in the First World War.

Fourth, and especially in Africa, modern conflicts tend to endure or recur. One reason is that they are often based on ethnic divisions, which last beyond any peace settlement and can be reignited. Another is that demobilization often fails – an abundance of weapons combined with hundreds of thousands of unemployed, bored, and aggressive young men can be an incendiary mix.

A final characteristic of new wars is rising refugee ratios, and three reasons are identified. One is that the displacement of populations has become a strategic goal in warfare, and at times warring parties will even cooperate to achieve the relocation of particular populations. The so-called 'ethnic cleansing' that occurred in the Balkans during the 1990s is a case in point. Another is that modern weaponry allows more people to be terrorized (or killed) more quickly. Finally, the widespread use of land mines often leaves people no option, but to leave their land during conflict.

SELF-ASSESSMENT EXERCISE
Discuss the causes of refugee movement justifying that 'new wars' from previous conflicts have implications for refugee movements?

3.2   Consequences of refugee movements

There is a fairly vast academic literature and body of agency reports dealing with the consequences of refugee movements, ranging from psychological implications for refugees through the environmental impacts of refugee camps to the prevalence of HIV/AIDS among refugees. The best single source for up-to-date data, research, and policy on the entire range of issues is the website of UNHCR (*www.unhcr.org*). Rather than even attempt to capture the essence of so many dimensions, this section focuses instead on three cross-cutting themes: patterns and processes of settlement, gender, and aid.

Refugee camps have attracted significant attention, and tend to divide opinions. Most organizations, and some experts, view them as essential for protecting refugees and the best way to deliver assistance and education. Others point out that violence and sexual abuse can occur frequently in camps, they can generate dependency among refugees and they can quickly have a deleterious impact on the local environment, for example, through draining or polluting ground water and deforestation. Camps can also have a deep psychological impact on refugees when they live in them for protected periods – in some cases many years.

Not all refugees settle in camps – probably at least in part because of some of the problems associated with them. A significant proportion of refugees, 'self-settles' within the local population, normally in villages close to the border. This is particularly the case where refugees find themselves within the same ethnic group despite having crossed an international border, which is often the case in Africa. Even harder to identify and study are refugees who live in cities – Khartoum in Sudan and Cairo in Egypt are each estimated to be home to hundreds of thousands of refugees. It appears that refugees adopt settlement strategies that can combine all three options of camps, self-settlement, and urban dwellings. In some cases refugee families divide themselves, so that young men go to the city to work while women and children stay in the camp and receive assistance. Alternatively, entire families move between places to try to maximize their income and security.

There tend to be more women than men among refugee populations. One reason is that men are more likely to be killed in conflict or conscripted, or to risk staying at home to try to defend land and property or keep working. Yet it was not until relatively recently that refugee women attracted serious academic attention. Until even more recently the literature has tended to focus fairly exclusively on the challenges faced by refugee women. They can be subject to violence and sexual abuse at the hands of frustrated husbands and other men with the consequent health risks; the responsibility of care-giving falls disproportionately on them, especially in female-headed households; they are also responsible for cooking – most graphically illustrated by the increasing distances that women have to walk to collect firewood, and so on.

Susan Forbes Martin's *Refugee Women* bucked both these trends by focusing attention specifically on refugee women, but also emphasizing that they are often the most resourceful and enterprising within refugee settlements. Her book has been credited with changing the way that UNHCR in particular approaches the issue of refugee women. Where possible, it is often now considered preferable to distribute food and other items directly to women; they are also often trained as peer educators within refugee communities. Indeed, migration is often portrayed as an

empowering process for women (including refugees), and one concern is that they can lose their power once they return home to traditional patriarchal societies.

> *Protracted refugee situations are of growing concern to UNHCR. The agency defines these as situations in which 'refugees find themselves in a long-lasting and intractable state of limbo. Their lives may not be at risk, but their basic rights and essential economic, social and psychological needs remain unfulfilled after years in exile. A refugee in this situation is often unable to break free from enforced reliance on external assistance.' At the end of 2003 UNHCR estimated that there were 38 different protracted situations in the world, accounting for some 6.2 million refugees in total. Specific initiatives have been established for Bhutanese refugees in Nepal, Afghan refugees in Pakistan and Iran, and Somali refugees in Kenya, Yemen, Ethiopia, and Djibouti.*

An important debate that surround refugee aid is whether, when and how to provide assistance to refugees. Without doubt the key book in this debate is Barbara Harrell-Bond's *Imposing Aid*, a seminal text in the academic field of refugee studies. Although many people consider her case to be overstated, she launches a convincing and scathing critique of the aid regime in refugee camps. For example, there may be times when aid is no longer necessary, and generates dependence. There have been instances where inappropriate aid has been provided – for example, foodstuffs that offend the majority of the population being assisted. Refugee men are not necessarily the best recipients of aid, as they have been known to cash in aid to fund other activities, thus depriving their family of food.

SELF-ASSESSMENT EXERCISE
Comment on the consequences of refugee movements?

3.3   Durable solutions

There are three so-called durable solutions for refugees. Each can be problematic. The solution normally considered the best is *voluntary repatriation* – in other words for refugees to return home. An initial comment is to place the emphasis on the term 'voluntary'. Although non refoulement is a central tenet in refugee protection, there are cases where refugees are returned against their will and before it is safe for them to go home. Another potential dilemma for repatriation is how to define home. Is it, for example, appropriate to return refugees to a place in their country of origin that is safe, even if their specific region of origin is still unsafe? UNHCR says no, but an increasing number of states say yes. A significant unknown in refugee repatriation is what happens to refugees after they go home. By virtue of the stipulations of the 1951 Convention refugees are no longer entitled to special protection or assistance once they have crossed the border home, although as we have seen UNHCR does extend assistance to some returnees. The potential obstacles for these people should not be underestimated. They usually do not have a job to return to. Their homes and land have often been taken by someone else in their absence, or destroyed or mined. The infrastructure – roads, schools, hospitals – is often destroyed. They can face harassment from demobilized soldiers and envy and resentment from those who did not flee the country. And some, especially women and children, face the psychological challenges of coming to terms with often diminished status within the community.

A second solution is *local integration*, where refugees settle permanently in the host country. In the 1960s and 1970s this was a fairly common solution in Africa in particular. As already intimated, it was often the case that refugees crossed borders but stayed among their own ethnic group. This, in addition to the fact that in this era, their numbers were relatively small, meant that settling locally was relatively unproblematic. Indeed, in countries like Tanzania, refugees helped boost local economies by settling in villages and towns. Local integration is far less common in Africa today, where host governments are increasingly hostile to refugee populations. One reason is their sheer numbers. Another is that refugees are increasingly perceived as importing problems – competition for land and jobs, for example, and environmental degradation. Increasingly African and other developing countries expect refugees to return home once it is safe to do so. In contrast, in the developed world refugee status has traditionally conferred permanent residence rights. Although legally refugees can be expected to return home when they can, in practice almost all refugees in Europe, for example, remain permanently. In the UK, a refugee can apply for British citizenship seven years after receiving refugee status.

Third, *country resettlement* is the final durable solution. This describes the process whereby refugees, usually from camps, are resettled permanently in another country, almost always in the developed world. We have seen that the USA, Australia, and Canada resettle most refugees. Refugee resettlement was fairly common in Europe through the 1970s and 1980s; this was when many Vietnamese 'boat people' and refugees from Pinochet's Chile arrived there. Today, however, quotas for resettlement in Europe are very inadequate. In 2004, for example, the UK resettled just 150 refugees. The problem is that, in the current climate of public concern about asylum-seekers and refugees in certain quarters in Europe, large-scale resettlement is not a politically viable option. *Asylum* in the industrialized world Asylum-seekers have risen to the top of political agendas across the industrialized world, in particular in Europe, and there is a perception in certain parts of the media and sometimes among the public of an impending crisis. On the one hand, it is possible to argue that this crisis has been exaggerated. On the other hand, there are some important challenges associated with asylum in the industrialized world that are worthy of separate attention even in a global overview of refugees and asylum-seekers. The issue of asylum began to attract increasing attention in Europe in particular at the beginning of the 1990s. This was when the number of asylum-seekers arriving there peaked – at around 700,000 in 1992. Their numbers, furthermore, were compounded by the arrival of almost one million refugees in Western Europe fleeing the war in Bosnia. Besides numbers, several other characteristics of asylum-seekers at this time added to unease.

First, they were *arriving without authorization* – the term 'spontaneous' asylum-seekers is often used. During the 1970s and 1980s Europe had resettled refugees, as we have seen, but their number, character, and manner of arrival could be controlled by the destination countries. In contrast, asylum-seekers simply arrived at borders, and often from distant countries – Afghanistan, Somalia, and Sri Lanka were all important origin countries at the time.

Second, and again in contrast with resettled refugees, *many of those applying for asylum were in fact not refugees* at all. As legal opportunities to migrate to Europe to work had been reduced in the 1980s, asylum became one of the few channels for would-be labour migrants to arrive in Europe.

A final concern that was widely expressed at the time was that these people would therefore be the harbingers of massive migration from the South to the North. It was largely in response to rising numbers as well as these other concerns that states across Europe introduced a raft of new policies to try to reduce the number of asylum-seekers and ensure that those who did arrive had a genuine claim and were not 'bogus':

> *visas were imposed on nationals of many countries. Airlines and other carriers were required to check the passports and visas of all passengers and fined if they did not. Asylum procedures were streamlined to try to process applications more quickly. Access to welfare benefits for asylum-seekers was restricted.*

There is considerable debate about the impact of such policies. Certainly the number of asylum-seekers in Europe has decreased significantly – in 2004 there were only 233,000 asylum applications in the 15 states that made up the EU until recently, considerably less than half the number reported for those same countries in 1992. Some commentators, however, have suggested that the main reason for the reduction in numbers is that conflicts in major origin countries – including Afghanistan, Somalia, and Sri Lanka – have abated. Others have suggested that, while new policies may indeed have reduced the number of people seeking asylum, they continue to arrive, but now do so in an irregular fashion – irregular migration has begun to replace asylum.

The catch-all term the 'migration–asylum nexus' is increasingly used to describe particular challenges of asylum in the industrialized world today. It refers to the conceptual and policy challenges of distinguishing refugees from 'bogus' applicants, on the one hand, and asylum-seekers from irregular migrants, on the other. The UK is illustrative of these challenges:

> *In the UK over the last decade, about 10–20 per cent of asylum-seekers have been considered to satisfy the criteria in the 1951 Convention and granted refugee status. A further 20–30 per cent of asylum-seekers do not satisfy the Convention criteria, but they are granted the temporary status of ELR because it is accepted that it is currently unsafe for them to return to their country of origin. This means that somewhere between 50 and 70 per cent of asylum-seekers are not recognized as being in need of protection. Those rejected have the right to appeal, and some are subsequently granted protection. The majority have their appeals rejected, and are then obliged to return to their countries of origin. But many do not, staying in the UK illegally.*

The situation of rejected asylum-seekers remaining in the destination country despite having had their applications and subsequent appeals rejected is one way that asylum has become conflated with irregular migration. Another is that increasing proportions of asylum-seekers today appear to arrive and enter in an irregular manner, often with the assistance of migrant smugglers. Given some of the dangers associated with migrant smuggling..., this is of great concern to asylum advocates and human rights organizations. Finally, some also break the law once they have arrived, usually by working before they are given a work permit.

In this context, it is perhaps not surprising that the terms 'asylum-seeker' and 'irregular migrant' are often used interchangeably. The problem is that this diverts attention from the fact that a

good proportion of asylum-seekers are genuinely fleeing for their life or liberty and seeking protection. The concern is that refugees – people who are entitled to protection under the international refugee regime – are endangering their lives to access the asylum system in the industrialized world, and that once there they are increasingly perceived as and treated like irregular migrants.

> *Returning rejected asylum-seekers: The UK has a particularly bad track record of returning rejected asylum-seekers. In 2006 the UK Home Office estimated that there were between 150,000 and 288,000 rejected asylum-seekers still living in the UK, and that it would take up to 18 years to return them. The main problem is locating these individuals – many disappear within communities of their own ethnic groups, often working illegally. At the same time the UK government has had to strike a tacit balancing act between the benefits of returning rejected asylum-seekers, and the risk that their returns might encourage resentment within the UK's significant settled ethnic minorities. There is also a vociferous anti-deportation campaign in the UK that is concerned – sometimes justifiably – that rejected asylum-seekers may nevertheless be returned to countries where they face persecution.*

SELF-ASSESSMENT EXERCISE
Discuss the three solutions for refugees and the associated problems.

4.0   CONCLUSION

In this unit we have revealed that 'new wars' from previous conflicts have implications for refugee movements; explained the consequences of refugee movements and discussed the three so called durable solutions for refugees and the associated problems.

5.0   SUMMARY

Form the above discuss, it is understood that the movements of refugees and asylum-seekers functions of certain factors and the consequences associated with their movements, though, some experts have claimed to provide durable solutions but the so-call durable solutions have associated problems.

6.0   TUTOR-MARKED ASSIGNMENT

  i.   'New wars' from previous conflicts have implications for refugee movements. Discuss?
 ii.   Explain the consequences of refugee movements?
iii.   Discuss the three durable solutions for refugees and the associated problems?

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MODULE 2: LEGAL AND INSTITUTIONS REGULATING MIGRATION

This module take you further into the course, significantly, it familiarize you with the legal and institutions regulating movement of persons across international frontiers including the major formal sources of the rules of international law relevant to migration; the geographical and material scopes; rules of international law and the impacts on the size, direction and composition of international migration; the interaction between international migration law and domestic migration law; the development status of States influence on evolution and effectiveness of international migration law; international law role in migration. The power of a State to control population movements as an inherent attribute of its sovereignty and the circumstances in which that power has been progressively constrained in relation to both entry and exit as well as the human rights of migrants within borders and the role of international institutions in tackling peculiar migration problems.

However, the module is fragmented into four connected units to facilitate your understanding on the legal and institutions regulating international migration:

Unit 1:   International Law Role in Migration
Unit 2:   State Regulatory Power and Limitations
Unit 3:   Migrants Treatment and Protection
Unit 4:   International Institutions and Organization

UNIT 1:   INTERNATIONAL LAW ROLE IN MIGRATION

CONTENTS

1.0   INTRODUCTION

The role of international law in regulating international migration is complex. This unit provides you with six dimensions that need to be considered in making an assessment of the role and effectiveness of international law. These dimensions create a matrix of possibilities by reference to: the source of the international rule; its geographic and material scope; its impact on the size, direction and composition of migration flows. its relationship to domestic migration law; and how the developmental status of States determines the development and effectiveness of rules relevant to international migration law.

2.0   OBJECTIVES

At the end of this unit, you should be able to:

- Identify and discuss two major formal sources of the rules of international law relevant to migration;
- Review the geographical scope of formal sources of the rules of international law relevant to migration;
- Explain the material scope of formal sources of the rules of international law relevant to migration;
- Justify that rules of international law have impacts on the size, direction and composition of international migration;
- Explain the interaction between international migration law and domestic migration law; and
- Justify that development status of States have influence on evolution and effectiveness of international migration law.

3.0   MAIN CONTENT

3.1   Source of international rule

The rules of international law relevant to migration come from a number of formal sources, which are listed in Art 38 of the Statute of the International Court of Justice (ICJ). These are: international conventions or treaties; customary international law; general principles of law generally recognized by civilized nations; and finally, as a subsidiary source of law, judicial decisions and the teachings of 'the most highly qualified publicists'. The first two are the most important. A *treaty* is defined in the Vienna Convention on the Law of Treaties 1969 (Art 2(1)) as 'an international agreement concluded between States in written form and governed by international law …whatever its particular designation'. *Customary international law* is the law that has evolved from the practice (or custom) of States. Such a rule forms when a particular practice is adopted consistently by a widespread and representative group of States in the belief that the practice is binding on them as law.

Each source has a role to play in defining the web of legal obligations that comprises international migration law, but there are important *differences* between them. *Treaties* are based on the consent of States and their obligations are generally legally binding only on States that have expressed their consent to be bound by the treaty (Vienna Convention on the Law of Treaties 1969, Art 26, 34). By contrast, *customary law* binds all States, including newly independent States, but it does not bind States that persistently objected to the rule during the process of its formation. Customary law can evolve quite independently of a treaty, but a widely adopted treaty may also form the kernel around which new rules of customary law crystallize (Villiger 1997). As a result, parallel obligations of similar scope often arise both under treaty (for State parties) and customary law (for non-parties). Treaty law has grown in volume and importance in the United Nations era, but customary law remains an important source of international migration law in areas that have never been codified by treaty.

The sources of law described above (treaties, custom, general principles, and the two 'subsidiary means for the determination of rules of law') are formal sources that give rise to binding legal obligations on the part of States. These obligations are increasingly supplemented by a myriad of 'soft law' derived from resolutions, recommendations, declarations and accords of international organizations and conferences. While such statements are not legally binding, they are highly influential in guiding State practice and thus indicating the future direction of new norms of international law (Van Hoof 1983). Soft law has been a potent source of development of international migration law and policy (Martin 1989) and has increasingly been the route through which multilateral, regional, sub-regional and bilateral arrangements have sought to address migration issues (IOM 2003). Influential examples include the Final Act of the Conference on Security and Cooperation in Europe 1975, and the Programme of Action of the International Conference on Population and Development 1994, with its detailed recommendations for state action on international migration (ICPD 1994). Soft law has often been a precursor to a hard (treaty) rule, but international institutions have progressively blurred the boundary, and States often have a strong preference for keeping soft law 'soft', especially in a contentious area like migration (Alvarez 2005; Betts 2008).

SELF-ASSESSMENT EXERCISE
Identify and discuss the two major formal sources of the rules of international law relevant to migration.

3.2 Geographic scope

A second dimension is that international law varies in its geographic scope. Principles of customary law are typically global in their reach, although geographically limited local customs' have also been acknowledged (*Asylum Case (Colombia v Peru)* 1950 ICJ Rep 266). By contrast, migration treaties may be international, regional or bilateral in scope. Treaties concluded under the auspices of the United Nations are generally expressed to be open to all States that are members of the United Nations. Other treaties may have a regional focus because they address distinctly regional concerns or arise through membership of regional institutions.

The 1985 Schengen Agreement and its 1990 implementing Convention, for example, adopt measures to promote free movement of persons within Europe, but the regime is applicable only to member States of the European Communities (Art 140). Bilateral agreements on migration are also common. Some originated in treaties of friendship, commerce and navigation' in the 19th century (IOM 2003), and there are still many arrangements that allow freedom of travel, work and residence on a bilateral basis.

SELF-ASSESSMENT EXERCISE
Review the geographical scope of formal sources of the rules of international law relevant to migration.

3.3 Material scope

The absence of a comprehensive legal framework for dealing with international migration has meant that existing international laws are often narrow in their focus and deal with specialized migration topics. They may target particular classes of persons (e.g. children, women, migrant workers, refugees), particular types of activities (e.g. human smuggling or trafficking), or particular temporal situations (e.g. the Refugee Convention 1951, prior to its 1967 amendment). Within a particular field, coverage may be further limited. For example, the Refugee Convention covers persons who seek asylum in a host country because of a well-founded fear of persecution but it does not address those who wish to escape economic deprivation or environmental degradation.

SELF-ASSESSMENT EXERCISE
Explain the material scope of formal sources of the rules of international law relevant to migration.

3.4 Effect on size, direction and composition of migration

Rules of international law can have quite disparate impacts on the size, direction and composition of international migration flows. International law may affect the size of migratory flows by either restricting or facilitating international migration. Treaties dealing with human

smuggling and trafficking are directed towards suppressing these exploitative migrations. The Refugee Convention, by contrast, is intended (albeit elliptically) to facilitate the migration of refugees to countries in which they will not face persecution. Since its inception, the Convention has protected over 50 million people in this way (UNHCR 2007a). International law may also affect the direction of migration flows. Thus, the customary rule that every State must admit its own nationals to its territory is aimed at inward flows, while the human right to leave any country is aimed at outward flows. International law may also influence the nature or composition of migration flows by affecting the distribution of migrants by age, sex or other attribute. Treaty provisions that support family reunion, for example, may ameliorate common demographic effects of labor migration, which tend to privilege skilled males of working age.

SELF-ASSESSMENT EXERCISE
Justify that rules of international law can have impacts on the size, direction and composition of international migration.

3.5   Relationship to domestic law

International migration law has many practical points of interaction with domestic migration law, though these interactions are complex and vary widely from State to State according to constitutional provisions, legal tradition and the source of international obligation (Shearer 1997). In some States (e.g. the United States), treaties can take direct effect as part of the law of the land if they are in a form that permits them to be applied directly. In other States (e.g. the United Kingdom), treaty obligations do not automatically have the force of law within the municipal legal system but must be implemented by legislation. A State's assumption of treaty obligations will thus often be accompanied by changes to its statute book to ensure compliance with the treaty.

Even in the absence of implementing legislation, international migration treaties can have subtle influences on domestic law, such as by guiding the interpretation of constitutional or statutory provisions, influencing the development of common law doctrine, or affecting the manner in which administrative discretions are exercised by government officials (Mason 1997). Thus, a border official might be required to take into account a State's obligations under the Refugee Convention 1951 when making a decision about an asylum seeker even if the Convention has not been implemented in that State by legislation.

Customary international law can also influence domestic migration law but, again, legal doctrine in different States affects how this occurs (Shearer 1997). In some jurisdictions customary law is treated as automatically part of the corpus of domestic law without the need for any act of legislative or judicial adoption (incorporation doctrine). In other States, customary law has domestic effect only if specifically adopted by judicial decision or statute (transformation doctrine). Whichever approach is taken, international customary norms affect domestic migration laws and their application by the courts of a State. Examples of this can be seen in 19th century judicial decisions that invoked the right' of a State under (customary) international law to forbid the entry of any foreigner into its territory, in its absolute discretion.

SELF-ASSESSMENT EXERCISE
Explain the interaction between international migration law and domestic migration law.

3.6   Development status

A final dimension is the extent to which a State's experience of international migration law is divided along North-South' lines. *Differences between the perspectives of developed and developing States* towards international law have long been noted (Cassese 1986). While the United Nations system is formally based on the sovereign equality of States (UN Charter Art 2(1)), the reality of international relations is different. The reasons for this vary but a common pattern is that countries of the South' have a history of colonization, are newly independent, and are relatively poor. This can have a significant bearing on the evolution of international migration law.

The *formation* of a rule of customary law, for example, depends on the practice of States, but some States are clearly more influential than others. As De Visscher (1968) has observed: Among the users are always some who mark the soil more deeply with their footprints than others, either because of their weight, which is to say their power in this world, or because their interests bring them more frequently this way.' *Customary rules about international migration are thus influenced by the practice of major powers and those States whose interests are specially affected*, such as the principal migrant sending and receiving States.

In relation to treaties, both the substance of a treaty and the *pattern of ratifications* may also be aligned with the North-South interests. For example, it has been said that the labour mobility regime in the General Agreement on Trade in Services (GATS) disproportionately advances the interests of developed States over those of developing states. Conversely, the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families 1990 (CMW) contains substantial new protections for migrant workers, and perhaps for this reason has not yet been ratified by any major migrant receiving State.

SELF-ASSESSMENT EXERCISE
Justify that development status of States can have influence on evolution of international migration law.

4.0   CONCLUSION

In this unit we have been able to identify and discuss two major formal sources of the rules of international law relevant to migration; review the geographical scope of formal sources of the rules of international law relevant to migration; explain the material scope of formal sources of the rules of international law relevant to migration; justify that rules of international law have impacts on the size, direction and composition of international migration; explain the interaction between international migration law and domestic migration law; and justify that development status of States have influence on evolution and effectiveness of international migration law.

5.0 SUMMARY

In summary, the unit has revealed that the sources, scopes and influences on rules of international law relevant to migration are vital in the understanding of the development and effectiveness of international migration law.

6.0 TUTOR-MARKED ASSIGNMENT

  i.   Identify and discuss two major formal sources of the rules of international law relevant to migration?
  ii.   Review the geographical scope of formal sources of the rules of international law relevant to migration?
  iii. Explain the material scope of formal sources of the rules of international law relevant to migration?
  iv.   Justify that rules of international law have impacts on the size, direction and composition of international migration?
  v.   Explain the interaction between international migration law and domestic migration law? justify that development status of States have influence on evolution and effectiveness of international migration law?

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UNIT 2:   STATE REGULATORY POWER AND LIMITATIONS

CONTENTS

1.0   INTRODUCTION

This unit provides you with an appraisal which begins with the power of a State to control population movements as an inherent attribute of its sovereignty and continues with an examination of circumstances in which that power has been progressively constrained in relation to both entry and exit.

2.0   OBJECTIVES

At the end of this unit, you should be able to:

- Justify that the long-established State sovereignty and the absolute power to exclude or deny aliens access to its territory is has an opposing view side;
- Identify the limitations on a State's power to regulate entry; and
- Explicate the limitations on a State's power to regulate exit.

3.0   MAIN CONTENT

3.1   State sovereignty and the power of exclusion

The modern international system of states has its origins in the Treaty of Westphalia 1648, which brought to a close the long running religious wars in Europe and ushered in a state system comprised of territorially defined entities (Kratochwil 1986). Each new entity was regarded as having control over its external relations with other States, as well as authority to regulate its affairs within the confines of its territory. These aspects of state sovereignty are reflected today in the Charter of the United Nations 1945 (Art 2), which adheres to the principles of the sovereign equality of States; restraint in the threat or use of force against the territorial integrity or political independence of any State; and non-intervention in matters within the domestic jurisdiction of any State.

A central attribute of sovereignty is the power of a State to regulate its territory by *controlling the movement of people across its borders*. All States do this to a greater or lesser extent. The Westphalian system, conceived as a collection of territorial entities, thus poses challenges to migration that were largely unknown in previous periods of human history.

It is sometimes said that a core attribute of state sovereignty is the unfettered right of a State to *deny foreign nationals* (or 'aliens', as they are sometimes called) access to its territory, either by excluding them at the border or expelling them if they have already been admitted. At the end of the 19th century and the beginning of the 20th century a number of *Anglo-American judicial decisions* made such bold claims about the *exclusion of foreign nationals* under international law. In *Nishimuru Ekiu v US* (142 US 651, 659 (1892)) Justice Gray of the United States Supreme Court stated that:

> *it is an accepted maxim of international law, that every sovereign nation has the power, as inherent in sovereignty, and essential to self-preservation, to forbid the entrance of foreigners within its dominions, or to admit them only in such cases and upon such conditions as it may see fit to prescribe.*

Some years later the Privy Council, on appeal from Canada, proclaimed that:

> *by the law of nations the supreme power in every State has the right to make laws for the exclusion …of aliens' (Attorney-General for Canada v Cain [1906] AC 542, 546).*

These decisions have been cited as authority around the world and have been a powerful influence on the modern understanding of the role of international law in regulating human migration. However, the *absolutist view* put forward in the Anglo-American decisions was an artifact of its time; a response to the desire to control large waves of Asian migration to the New World (Nafziger 1983). In historical contrast, the *right of individuals to travel to and reside in foreign countries was well-accepted* in classical times, and many of the great writers in international law in the 17th and 18th centuries (Grotius, Vitoria, Wolff, Pufendorf) supported the view that a state could not exclude foreign nationals from its territory without cause (Plender 1988). Only Vattel appears to have accepted the untrammeled right of the sovereign to forbid the entrance of foreigners in general or in particular cases 'according as he may think it advantageous to the state' (Vattel 1758). Despite it tenuous historical and jurisprudential foundations, *the 'classic' proposition* that *States* have an *absolute right to deny territorial access* to all foreign nationals has had an unusual resilience. *Migration policy* has often been regarded as 'the last major redoubt of unfettered national sovereignty' (Martin 1989). This is unfortunate because the *classic view* has been:

> *instrumental in shaping exclusionary provisions of municipal law and policy and in forestalling the emergence of human migration as a comprehensive topic on the international agenda. Consequently global discussions have only begun on one of the most serious issues of our era, the general admission of aliens. (Nafziger 1983).*

As the following two sections show, international law now plays a greater role in shaping migration policy and practice by limiting each State's freedom of action in regulating access to

and egress from its territory. These limitations have emerged due to several developments; most importantly the growth of international human rights norms since 1945, and increasing economic integration (Plender, 1988).

SELF-ASSESSMENT EXERCISE
Justify that the long-established State sovereignty and the absolute power to exclude or deny aliens access to its territory is has an opposing view side?

3.2   Limitations on a State's power to regulate entry

The admission of people into a State's territory remains one of the most jealously guarded prerogatives of national governments, into which international law has made few real inroads (Martin, 1989). The two most significant legal restrictions on the power of a State to control admission relate to a State's duty to admit its own nationals and refugees. Additionally, there are some special categories of persons who are recognized under customary law or specialized treaty as being entitled to admission free of traditional border controls. These include: diplomats and consuls; representatives of international organs; members of foreign armed forces; and victims of a force majeure, for example survivors of a shipwreck or air crash (Plender, 1988). These special categories are of lesser practical importance and are not discussed further in this unit. The restrictions on a State's power to control admission of persons are very limited. The practical consequence of this is that nearly all States can, and do, exercise control over entry at their borders. States have thus crafted immigration laws and policies to exclude or disfavor foreign nationals on many grounds, including medical history, projected health care burden, character, criminal history, absence of skills, lack of fluency in the local language, and financial security.

Admission of a State's own nationals:

The principle that every State must admit its own nationals to its territory is widely accepted. Viewed at its narrowest, it is a right that exists between States under customary law as a corollary of the right of other States to expel foreign nationals from their territory. In other words, if State A wishes to expel a national of State B from its territory, State B is not permitted to frustrate State A's legal rights by refusing to re-admit its own national (Plender, 1988). In practice, because a passport is good evidence of nationality, the possession of a passport is generally sufficient to create a duty on the part of the issuing State to re-admit the passport holder (Goodwin-Gill, 1978). Despite this age-old rule of customary law, the admission by a State of its own nationals is now regarded as more than a duty owed by one State to another. Every individual has a human right to enter his or her own State. This right was proclaimed in the Universal Declaration of Human Rights in 1948, which states that - Everyone has the right …to return to his country (Art 13(2)). This has been reiterated in slightly different ways in the International Covenant on Civil and Political Rights 1966 (ICCPR) (Art 12(4)) and the Convention on the Elimination of All Forms of Racial Discrimination 1966 (CERD) (Art 5(d)(ii)); in regional human rights instruments in America, Europe and Africa; and in the constitutions of many States.

Admission of refugees:

Although all people have the right to return to the State of their nationality, not everyone is able or willing to do so. A properly functioning government provides its citizens with a range of civil, political, economic, cultural and social rights and services including, for example, protection from crime and persecution (UNHCR 2007a). If the system of national protection breaks down, international protection may be required. The need for such protection became apparent in the tumult of the First and Second World Wars, which led to the displacement of persons on an enormous scale - many fleeing from persecution in the State of their nationality. Despite early hopes, the problem of refugees has never abated: war and civil unrest continue to generate successive waves of people seeking refuge from discrimination and persecution. The Office of the United Nations High Commissioner for Refugees (UNHCR) estimates that at the end of 2007 there were 31.7 million people within its mandate, including 11.4 million refugees worldwide. Their composition has changed significantly from the predominance of Europeans in the immediate post-war period. Around 54 per cent of refugees are now found in Africa and Asia/Pacific, while only 14 per cent are European (UNHCR 2008).

The Convention on the Status of Refugees 1951 (as amended in 1967) creates a legal regime for the protection of refugees, and in doing so establishes an important qualification to the discretion of a State to determine who may enter its territory. The beneficiaries of the Convention are those who are defined as refugees under Art IA(2), namely, persons who, owing to a well-founded fear of being persecuted on stated grounds, are outside the country of their nationality and are unable or, owing to such fear, unwilling to avail themselves of the protection of that country. The prohibited grounds of persecution are race, religion, nationality, membership of a particular social group, or political opinion. Where a claimant arrives at the border of a State seeking refuge, the principal obligation under the Convention is the obligation not to return the refugee to the frontier of a territory where the refugee's life or freedom would be threatened on account of the persecution (Art 33). This obligation is called 'non-refoulement'. Where a claimant has already lawfully entered the territory of a host State, there is a parallel obligation not to expel the refugee, except on grounds of national security or public order (Art 32). The Refugee Convention has been ratified by 144 States and thus binds a sizable portion of the international community. But the practical reach of these principles may be wider if the core obligations have passed into customary law and thus bind non-parties. On that issue there is a legitimate difference of opinion (Goodwin-Gill 1986; Hathaway 2005).

In either case, the obligation of a State not to turn back a putative refugee falls short of a more substantial right of asylum, namely, a positive right that inheres in an individual in jeopardy to enter and remain in a host State (Hathaway, 2005). The failure of the Refugee Convention to deal with the broader issue of asylum is a significant weakness in the international refugee system, but the reasons for it are largely historical. In 1951 the problem was not one of people seeking entry to foreign States (i.e. asylum), but of Europeans already outside their home States - having been driven there by the tides of war, needing protection and basic rights in the countries where they found themselves. By 1967, when a Protocol extended the temporal and geographic scope of the 1951 Convention by relaxing the requirement of a European nexus, the European situation had been largely resolved. Instead the problem had become one of people fleeing from oppression in their home States. The 1951 Convention was ill-suited to this task. As a result, the

question of asylum was referred to the United Nations. In 1967 the General Assembly adopted a weak Declaration on Territorial Asylum (GA Res 2312(XXII)), which conspicuously failed to impose a duty on countries to grant asylum; and in 1977 an attempt to draft a more progressive convention at the United Nations Conference on Territorial Asylum also faltered. No effort has since been made to resuscitate the asylum convention project (Hathaway 2005). Nevertheless, the obligation of non-refoulement in the Refugee Convention can have a similar (even if impermanent) effect for a claimant who might be entitled to residence for months (or years) in the host State while his or her claim is processed through administrative or legal channels (Martin 1989). In States such as Australia, where claimants are kept in administrative detention while their claims are considered, the similarities between non-refoulement and a genuine right of asylum are less convincing.

SELF-ASSESSMENT EXERCISE
Explain the limitations on a State's power to regulate entry?

3.3   Limitations on a State's power to regulate exit

The counterpart of the power of a State to regulate who comes into its territory is its power to determine who can exit, and in what circumstances. The question can arise in different contexts. A State may wish to a expel person whom it regards as undesirable, for example, because he or she has engaged in serious criminal conduct or poses a threat to national security. Conversely, a State may wish to prevent persons from leaving its territory because they are regarded as 'valuable commodities to be kept rather than permitted to increase the prosperity of other states' (Hannum 1987). Sometimes an individual's departure may be thought to pose a risk to the State, as where the person holds vital state secrets or poses a public health risk.

International law imposes wider restrictions on a State's power to regulate the exit of persons than it does on its power to regulate entry. This attitude embodies the deep-seated value of personal liberty. It is reflected in Socrates' belief that the right to leave one's country was an attribute of Athenian liberty; in the English Magna Carta's guarantee of freedom 'to go out of our Kingdom, and to return safely and securely, by land or water'; and in Hugo Grotius's claim that the right to travel and trade with other nations was 'the most specific and unimpeachable axiom of the law of nations' (Grotius 1609).

Legal restrictions on a State's power to regulate the exit of persons apply both to state attempts to forbid exit and to state attempts to demand it. As discussed below, the former is limited by the well-accepted human right that everyone is free 'to leave any country'; the latter is limited by rules of customary and treaty law controlling a State's discretion to expel foreign nationals. Despite the constraints of international law, States continue to impose a wide variety of controls on egress, not all of which are supportable on legal grounds (Ingles 1963, Hannum 1987, Plender 1988).

The right to leave any country:

The right to leave any country, including one's own, has been widely proclaimed in international law. It is embodied in the UDHR (Art 13(2)), the ICCPR (Art 12(2) and CERD (Art 5(d)(ii)); in regional human rights instruments in Europe, America and Africa; and in constitutions around the world. The right inheres both in nationals and foreign nationals, and is thus much broader than the 'right to return' discussed above, which applies to nationals alone.

However, like most human rights, the right to leave is not absolute. The ICCPR (Art 12(3)) permits the right to be limited if the restriction is (i) provided by law, (ii) necessary to protect national security, public order, public health or morals, or the rights and freedoms of others, and (iii) consistent with other rights recognized in the Covenant. International law thus recognizes that a balance must be struck between the individual's interest and the State's interest; between treating freedom to leave as a right and treating it as a privilege.

The restrictions authorized by Art 12(3) call for two comments. The concept of necessity goes well beyond expedience, or even reasonableness. The restriction must be necessary for one of the stated purposes and this demands proportionality between the restriction and the object it seeks to achieve. Additionally, any restriction imposed by law must be consistent with other Covenant rights, including the norms against discrimination in Art 1 and 3.

Against the background of these provisions, States appear to accept that restrictions on departure will not draw protest from other States if they are imposed for the following purposes: (1) to prevent a national from engaging in actions abroad contrary to the security of his or her own State; (2) to prevent a national from evading an obligation to perform military or civilian service; (3) to allow a person to face trial for a serious crime, or to be punished after conviction; (4) to compel a person to reimburse the State for the cost of his or her repatriation; (5) to aid the collection of taxes or duties owed to the State; (6) to protect the interests of the family of a person (eg the payment of maintenance); and (7) to protect court processes (such as compelling appearance as a witness or defendant) or to prevent evasion of a civil liability (Plender 1988).

In a practical sense, the capacity of an individual to leave a country is affected by a wide range of state practices that are permissible under the preceding list. A recent World Bank study has drawn attention to the high cost of obtaining a passport, which ranges from 0 per cent to 125 per cent of annual per capita national income in some countries (McKenzie 2005). Not surprisingly, high passport costs are associated with lower levels of migration, suggesting that some developing countries might benefit from reducing the barriers to migration by tearing down the paper walls that they place around their own citizens.

One important question from a development perspective is the legality of a State's control over the departure of highly skilled workers or professionals who may wish to pursue economic opportunities in other countries. The phenomenon of 'brain drain' has been well documented since the 1960s and has been an ongoing challenge to the development prospects of many small developing States. For examples:

a study conducted among Nigerians in the United States in the 1960s, 'non-returning foreign-trained students' were distributed throughout eight different fields of specialization including agriculture, education, engineering, humanities, medical and paramedical fields, natural sciences, physical sciences and mathematics, and social sciences... When the occupational status of those non-returning graduates was examined, it was found that about 5 percent were working as University professors, 32.6 percent and 20.9 percent respectively worked for private research organizations or industries, as engineers, architects, technicians, physicians, chemists, or medical researchers; and 41.8 percent were classified as self-employed, in such varied fields as medicine, architecture, radio, accounting, public administration, commerce, and social work... The same study also examined returnees - individuals who had received at least one professional or academic credentials, returned home, and later migrated to United States to seek employment or study or both (Fadayomi, 1994).

Recently, the World Bank estimates that there are roughly 100,000 University graduates, fully or partly educated in Africa, living and working in Western industrialized countries. The emigration of highly-qualified personnel from Asia may well be many times higher. The former Eastern bloc countries are also seriously affected by the so-called 'brain drain': in the last 10 years Bulgaria has lost about 20 per cent of its educated population due to emigration (Boundless, 2015).

The departure of highly skilled professionals may have other human rights implications. For example, it has been argued that the relentless loss of health workers from under-serviced areas in the developing world impacts on the social right of people in the sending country 'to the enjoyment of the highest attainable standard of physical and mental health', which is embodied in the ICESCR (Art 12) (Bueno de Mesquita and Gordon 2005). There is thus a tension between a worker's right to freedom of movement and the community's right to good health, but this cannot be resolved simply by subverting an individual's civil rights to society's social rights.

Expulsion of foreign nationals: The power of a State to expel individuals from its territory is traditionally regarded as a natural incident of sovereignty. It is a power that may be exercised only over foreign nationals ('aliens') because nationals enjoy a right of return to their own State under international law and thus cannot generally be expelled in the first place. Although all States retain a discretion to 'denationalize' individuals and then expel them, international law imposes limits on the exercise of that discretion (Donner 1994). The UDHR, for example, states that 'no one shall be *arbitrarily* deprived of his nationality' (Art 15), but international jurisprudence does not provide clear rules about when denationalization is arbitrary. Every case has to be considered in light of its facts and the reasons for the decision (Goodwin-Gill, 1978).

Throughout history the power over foreign nationals has been frequently used 'to relieve the soil of an obnoxious guest' (Rolin-Jacquemyns, 1888) and to support the mass expulsion of minorities (Hannum, 1987). The motivations of States have been diverse, with appeals variously made to national security, economic competition, religious uniformity, ideological rigidity, cultural distinctiveness and racial purity (Cohen, 1997).

The power of a State to expel a foreign national is not unconstrained; it is a discretion whose exercise is limited by the rules and standards of international law, which are currently being reviewed by the International Law Commission. Those limits have been described in various ways: for example, it has been said that the power must not be 'abused'or used 'arbitrarily'. More concretely, the limits of the discretion take their color from the purpose of the power, which is to protect the essential interests of the State and preserve public order. From this it follows that the power of expulsion must be used for this purpose in good faith, and not for some ulterior motive. Every State is given a margin of appreciation in deciding what its essential interests are and whether a particular foreign national threatens them. In practice, municipal laws frequently confine the power of expulsion to cases where a foreign national has entered in breach of immigration laws, engaged in criminal activities, become involved in undesirable political activities, or otherwise threatens national security. Even then the State must carry out the expulsion in an appropriate manner - in accordance with law, and with due regard to the dignity of the individual and his or her basic rights as a human being (Goodwin-Gill, 1978).

SELF-ASSESSMENT EXERCISE
Explain the limitations on a State's power to regulate exit?

4.0   CONCLUSION

In this unit we have been able to justify that the long-established State sovereignty and the absolute power to exclusion has been opposed; identify the limitations on a state's power to regulate entry/exit within, which the influencing role of international law was revealed significantly.

5.0   SUMMARY

Many migration theories identify 'the law' as a significant constraint on the international movement of persons. While this constraint often operates through *national* migration legislation, this unit examines the influence of *international* law in shaping contemporary patterns in the international movement of persons at the macro level. The analysis begins with an examination of the long-established power of a State to regulate cross-border movement of persons as an inherent attribute of State sovereignty, together with the accepted limitations on a State's power to control entry and exit. Yet, international law reaches well beyond the movement of people across borders.

6.0   TUTOR-MARKED ASSIGNMENT

   i.   Justify that the long-established State sovereignty and the absolute power to exclude or deny aliens access to its territory is has an opposing view side?
   ii.   Identify the limitations on a state's power to regulate entry?
   iii.   Explicate the limitations on a state's power to regulate exit?

7.0   REFERENCES/FURTHER READING

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UNIT 3:   MIGRANTS TREATMENT AND PROTECTION

CONTENTS

1.0   Introduction
2.0   Objectives
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1.0   INTRODUCTION

This unit focused on the regulation of cross-border movement of people under international law. However, a substantial body of international law is directed to a different question, namely, how migrants should be treated within the borders of a State by virtue of their status as migrants or foreign nationals. The subject is of vital importance because many migrants are exposed to specific vulnerabilities and risks, which vary with their immigration status, gender, age, nationality, ethnicity, and occupation (Global Migration Group 2008). The human rights of migrants is a vast field and many works have explored specialized aspects of the topic. Historically, there have been three important strains of legal development: the long-established rules governing the manner in which States must treat foreign nationals present within their territory; newer human rights norms regulating the way in which States must treat all persons by virtue of their common humanity and specific standards of treatment applicable to the sub-category of migrant workers, which have been developed under the auspices of organizations such as the International Labour Organization (ILO) and the United Nations General Assembly. There are areas of convergence between these three strains. To gain insight, therefore, this unit vital as it provide you with the understanding on how States should treat foreign nationals; international human rights norms as well as protection of migrant workers.

2.0   OBJECTIVES

At the end of this unit, you should be able to:

*   Justify that all States are under an obligation not to ill-treat foreign nationals present in their territory;
*   Review the international human rights norms; and
*   Discuss the protection of migrant workers.

3.0   MAIN CONTENT

3.1   Treatment of foreign nationals

All States are under an obligation, under customary international law, not to ill-treat foreign nationals present in their territory. Mistreatment may take many forms such as personal injury inflicted by state officials, expropriation of property without adequate compensation, or denial of justice (Dixon 2005).

The obligation not to ill-treat foreign nationals is owed by one State to another, rather than by a State to the foreign nationals themselves. A breach of the obligation may give rise to a claim by State A that it has been injured by State B because of the manner in which State B has treated a national of State A. In exercising this right, which is called the right of diplomatic protection, State A is asserting its own right 'to ensure, in the person of its subjects, respect for the rules of international law' (*Mavromatis Palestine Concessions Case (Jurisdiction)*, PCIJ Reports, Ser A, No 2).

The law regarding the treatment of foreign nationals was already well developed by the early 20th century (Borchard, 1916). Yet, despite its vintage, there has been longstanding disagreement about the standard of treatment that a State must afford to foreign nationals. Many developed States claim that foreign nationals must be treated according to an 'international minimum standard', regardless of how a State treats its own nationals. By contrast, many developing States claim that foreign nationals need only be treated according to the 'national standard', and that foreigners cannot claim rights more extensive than those offered locally.

The difference of approach becomes important where the national standard is lower than the international minimum, but this is not always easy to determine because the content of the international minimum is often not articulated. In practice, the development of international human rights law has brought about some convergence between these viewpoints because it both defines a standard of treatment, and makes that standard binding on developed and developing States alike (Carbonneau, 1984; Tiburcio, 2001).

International law on the treatment of foreign nationals is an important but imperfect tool for protecting the interests of migrants abroad. There are stringent preconditions to the exercise of diplomatic protection, which have been codified by the International Law Commission in its *Draft Articles on Diplomatic Protection* (ILC, 2006). These include the existence of a wrong imputable to the defendant State; establishment of a genuine link of nationality between the aggrieved person and the claimant State; and exhaustion of all local remedies in the defendant State. Moreover, a State is not obliged to exercise its right to protect nationals who suffer injury abroad. This is a matter for the State's discretion and can be influenced by political considerations unrelated to the merits of the claim. It should also be emphasized that the rules benefit only foreign nationals: they do not protect the significant class of migrants who become nationals of the receiving State and thus lose their alienage.

The extent to which the right of diplomatic protection is used by States to safeguard the interests of their national abroad is difficult to assess. This is partly because such claims are typically

resolved at a diplomatic level and public records either do not exist or are incomplete. Nevertheless, an informative study of known claims for injuries to foreign nationals conducted by Yates (1983) affirms the importance of this branch of international law. Yates identified 44 claims against States for 'non-wealth' injuries to foreign nationals since 1945, which fell into four broad categories: personal injury and death; denial of justice; failure to protect; and expulsion. For instance, in 1956 the United Kingdom protested at the proposed expulsion of British subjects from Egypt, and in 1972 the United Kingdom protested to the United Nations General Assembly that the threatened expulsion of 50,000 Asians from Uganda was 'an outrage against standards of human decency'. The claims relating to expulsion are instructive in the present context because they reinforce the principle that foreign nationals cannot be expelled arbitrarily, either individually or *en masse* (Brownlie, 1983).

The modest history of claims of diplomatic protection for 'non-wealth' injuries should not be seen as undermining the importance of these customary law principles in protecting the rights of migrants living outside their State of nationality. Apart from the paucity of documented information, noted above, Yates suggests that the apparent decline in the number of postwar claims may be due to underlying improvements in the treatment of foreign nationals; expansion of local remedies available to foreign nationals (which must exhausted before diplomatic protection can be exercised); and the greater reluctance of States to make such claims against each other in an increasingly interdependent world. All three factors are likely to have had an impact, although the extent to which they have done so is difficult to quantify.

SELF-ASSESSMENT EXERCISE
Justify that all States are under an obligation not to ill-treat foreign nationals present in their territory.

3.2 International human rights norms

Since the creation of the United Nations in 1945 there has been a shift in international law from its traditional focus on the rights and duties of States to encompass the rights of individuals as legitimate subjects of international law (Scaperlanda, 1993). This change has come about largely through the evolution of human rights norms in international and regional treaties, customary law, and the recommendations and declarations of international organizations.

The core human rights instruments are known as the International Bill of Rights, which comprises five documents: the Universal Declaration of Human Rights 1948 (UDHR), the International Covenant on Economic Social and Cultural Rights 1966 (ICESCR), the International Covenant on Civil and Political Rights 1966 (ICCPR), and its two Optional Protocols. These Protocols deal, respectively, with individual complaints mechanisms and abolition of the death penalty. The International Bill of Rights is supplemented by a range of human rights treaties on specific topics, including the protection of particular classes of vulnerable persons (e.g. women, children) and the prohibition of particular types of conduct (e.g. race discrimination, torture).

The International Bill of Rights aims to promote respect for rights and freedoms of 'all peoples and all nations' (UDHR Preamble). For this reason, the instruments proclaim the rights of

'everyone' within the territory of a State and not merely individuals with a particular legal status as nationals or aliens. Generally speaking, migrants are thus included in the class of persons protected by the Covenants once they are lawfully within a State's territory. As the United Nations Human Rights Committee has observed in its general comments on the ICCPR, 'In general, the rights set forth in the Covenant apply to everyone, irrespective of reciprocity, and irrespective of his or her nationality or statelessness' (UNHCHR 1986). Two rights of particular relevance to migrants are the right to equality and the right to be free from discrimination on grounds that include race, national origin, or other status (ICCPR Art 2, 26; ICESCR Art 2).

However, the position of migrants is more nuanced in practice because many rights and freedoms are subject to permissible limitations which allow migrants to be treated less favorably than nationals (Fitzpatrick 2003). Under the ICCPR, these limitations may arise by express derogation in times of public emergency (Art 4), or more commonly because specific rights must be balanced with a democratic society's interests in national security, public safety, public order, and the protection of public health or morals (e.g. Art 14, 21, 22). Under the ICESCR, the equal treatment of migrants may be even less secure because economic, social and cultural rights can be balanced against the wider state interest of 'promoting the general welfare in a democratic society' (Art 4).

There is a matrix of circumstances in which States can and do make lawful distinctions between migrants and others based on their status as foreign nationals ('alienage'). International law therefore permits a number of discriminatory practices affecting migrants, even if these practices are considered by some to be undesirable on moral grounds. However, conformity with international law still requires any differential treatment of migrants to be in pursuit of a legitimate aim, objectively justifiable, and reasonably proportionate (Goodwin-Gill 1978). These are important constraints on state action because they require state-sanctioned discrimination to be carefully tailored to achieve legitimate objectives, and thus to reach a fair balance between migrant rights and compelling state interests.

SELF-ASSESSMENT EXERCISE
Review the international human rights norms?

3.3   Protection of migrant workers

One category of migrants that has drawn the special attention of international law is migrant workers. In part this is because of the existence of an international agency whose mission has been to champion the cause of these workers. The ILO, established in 1919 as part of the Treaty of Versailles, recognizes in its constitution the need to protect the interests of 'workers employed when in countries other than their own' (Preamble). International attention is also a product of the practical significance of the issue. It has been estimated that of the 174.9 million migrants in the world in 2000, 86.3 million (49 per cent) were migrant workers, and many millions more were their family members (ILO 2004).

The ILO has drafted two treaties dealing with migrant labour. These are the Convention Concerning Migration for Employment (ILO No. 97), adopted in 1949, and the Convention Concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and

Treatment of Migrant Workers (ILO No. 143), adopted in 1975. Both conventions are supplemented by recommendations that flesh out the convention provisions.

Although it has been said that these ILO conventions are 'innovative, rich in detail and break new ground', they have been largely ignored by the international community (Cholewinski, 1997). ILO No. 97 has been ratified by 48 States, and ILO No. 143 by only 23 States. This poor record of adoption is exacerbated by the fact that receiving States, in which the protections are most needed, are the States least likely to have ratified the conventions.

Different reasons have been given for their apparent lack of interest, including the generality of the conventions; preference for a State's own nationals in economic matters; and concern that treaty obligations may impede the regulation of illegal migration (Fitzpatrick, 2003). A review by the ILO itself concluded that the conventions lacked relevance to contemporary migration issues such as regional integration, commercialization of recruitment, and the rise of female labour migration (Leary, 2003).

The importance of the ILO conventions has been eclipsed by the conclusion of the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families 1990 (CMW). This comprehensive convention was drafted under the auspices of the United Nations General Assembly and adopts a new approach to migrant labour. In contrast to the ILO's methodology of minimum standards, the CMW focuses on the human rights of migrant workers, and thus promotes a degree of convergence with the human rights norms discussed above. Many of the convention's provisions reiterate the civil and political rights of the ICCPR and the economic, social and cultural rights of the ICESCR, but the convention goes further than this in extending existing rights and creating new ones (Nafziger and Bartel, 1991). It seeks to prevent and eliminate the exploitation of all migrant workers and members of their families throughout the entire migration process, including preparation to migrate, adjustment in the receiving country, and access to social and medical services.

The CMW required 20 ratifications to come into force (Art 87), which was achieved in 2003, after 13 years. Currently, 40 States are party to the convention, which is nearly as many States as have adopted ILO No. 97 over its 60 year lifetime. The expectation that a treaty negotiated by the United Nations General Assembly would attract more support than a new convention drafted by the ILO appears to have been fulfilled (Lönnroth, 1991). Nevertheless, the States that have ratified the CMW to date are predominantly States that send migrant labour abroad. This can be seen in Annex IV, which shows the parties classified according to (i) their status as net senders or receivers of migrants and (ii) their index of human development. Of the 40 State parties, 35 (88%) are net senders of migrants and only 5 (12%) are net receivers. None of the 33 countries ranked by the UNDP in the 'very high' category of human development is party to the CMW, whether as net sender or receiver. Yet it is the support of highly developed receiving States that will ultimately hold the key to the success of the CMW, as was the case with the ILO conventions.

Some commentators remain pessimistic about the prospect of any real progress on this front in the near future (Taran, 2000; Leary, 2003). Many reasons have been given for the low ratification record of the CMW. These include: incompatibility with existing national legislation;

technical and financial challenges of implementation; coordination problems between government departments because of shared responsibility for migrant workers; lack of awareness of the CMW; failure of the CMW to differentiate sufficiently between regular and irregular migrant workers; and general lack of political will (Pècoud, and de Guchteneire, 2004; Cholewinski, 2007).

The limited state action on the ILO Conventions and the CMW has stimulated additional measures to secure protection for migrant workers through the development of soft law (Betts 2008). In 2005 the ILO adopted a *Multilateral Framework on Labour Migration (MFLM)* as a means of providing guidance to migration policy makers through a collection of principles, guidelines and best practices. The Framework adopts a rights-based approach to labour migration, but does so within a non-binding framework that recognizes the sovereign right of all States to determine their own migration policies. By way of example, Principle 9 states that national laws and regulations should be 'guided by the underlying principles' of ILO 97, ILO 143 and the CMW, and that these conventions should be fully implemented if they have been ratified. This softer language is more accommodating of both inherent differences between States and the need for gradual implementation. In time, the Framework may have the beneficial effect of shifting state practice towards the better protection of migrant workers, without the strictures of binding legal instruments. This will especially be so if world-best practices are disseminated widely and promoted through inter-agency programmes.

SELF-ASSESSMENT EXERCISE
Discuss the protection of migrant workers?

4.0   CONCLUSION

In this unit we have been able to justify that all States are under an obligation, under customary international law, not to ill-treat foreign nationals present in their territory and reviewed the international human rights norms as well as discussed the protection of migrant workers respectively. Thus, the development of international human rights law has been a key constraint on state action in the United Nations era. By also regulating the treatment of migrants *within* a State's borders, international law has gone beyond just regulating movement of people across-borders.

5.0   SUMMARY

In summary, in as much as state has the power to protect its territorial integrity, the state are now under obligation to give consideration to the migrants rights protection and fair treatment of foreign nationals. However, it has been viewed that international law on the treatment of foreign nationals is an important imperfect tool for protecting the interests of migrants abroad.

6.0   TUTOR-MARKED ASSIGNMENT

i.   Justify that all States are under an obligation, under customary international law, not to ill-treat foreign nationals present in their territory?
ii.   Review the international human rights norms?

iii.   Discuss the protection of migrant workers?

7.0   REFERENCES/FURTHER READING

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UNIT 4:   INTERNATIONAL INSTITUTIONS/ORGANISATION

CONTENTS

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        3.2   International Organization for Migration
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1.0   INTRODUCTION

This unit brings to limelight roles of two major international institutions. However, we must note that before the advent of the United Nations, international law relating to migration evolved slowly as customary law responded to changing state practice, and as occasional treaties were concluded and entered into force. International institutions were largely absent from this process because, until the 20th century, they were largely non-existent (Klabbers, 2002). After the establishment of the League of Nations in 1919 and the United Nations in 1945 the situation changed radically. There has been a proliferation of international institutions with widely differing aims, functions and memberships. Estimates of their number differ because of variations in classification, but there may be 500-700 public international organizations and many thousands more private international organizations or NGOs. It has been said that it is unusual for a new problem in international relations to be considered without, at the same time, some international institution being proposed to deal with it (Amerasinghe, 2003). International migration has been no exception, and the problems generated by migration have added both to the number of institutions and to the range of functions performed by existing ones. These institutions have shown variegation across all the usual axes of classification: public or private; open (universal) or closed; supranational or international; and general or sectoral in their functions. The chief characteristics of international organizations, properly so called, are that they are established under international law by the agreement of States (usually on the basis of a treaty) and embody an organ with a will that is distinct from the will of individual members (Alvarez, 2005). To these bodies must be added the large number of specialized institutions however named commissions, committees, offices, and councils - that are established under the auspices of an international organization but are not international organizations in their own right. The institutions differ in the source of their mandates, some being defined directly by treaty while others by resolutions of United Nations organs. Despite the variety of institutions, two stand out as being of particular importance to international migration, and are described in this unit.

2.0   OBJECTIVES

At the end of this unit, you should be able to:

- Discuss the origin and role of United Nations High Commissioner for Refugees (UNHCR) in tackling and the migration problems; and
- Explain the origin and principal functions of International Organization for Migration (IOM).

3.0   MAIN CONTENT

3.1   United Nations High Commissioner for Refugees (UNHCR)

The Office of the UNHCR was established by General Assembly resolution in 1950. Its principal concern was to tackle the refugee problem arising from war in Europe, and its work was underpinned by the Refugee Convention that was concluded in the following year. UNHCR was not the first organization of its kind. The League of Nations had established a High Commissioner for Refugees in 1921 to deal with the exodus of Russians after the 1917 Revolution, and other bodies were established by the Allies in the period 1945−1950.

Under its Statute, UNHCR is to provide international protection to refugees and seek permanent solutions for the problem of refugees by facilitating their voluntary repatriation or assimilation in new communities (Art 1). Importantly, the work of UNHCR is considered 'humanitarian and social' and is to be entirely non-political in character (Art 2). The mandate of UNHCR was initially constrained by the Statute's definition of a refugee which, like the Refugee Convention itself, was directed principally to events arising before 1951 (Art 6). However, the mandate was capable of being extended by the General Assembly or the Economic and Social Council (Art 3), and the Cold War soon made apparent the need for flexibility.

The first extension of UNHCR's mandate came in 1956, when it was authorized to respond to the Hungarian refugee crisis following the quashing of the anti-Communist uprising by the Soviet Union. Other extensions followed to deal with Algerians in Morocco and Chinese in Hong Kong (Gallagher, 1989). In 1967 a Protocol was agreed for the purpose of removing the temporal and geographic limitations of the 1951 Convention. This put UNHCR in a better position to deal with massive displacements of people that were occurring in the developing world as a result of decolonization, independence movements, civil war and internal disturbances (Barnett, 2002). The extension of UNHCR's activities beyond the strictures of its founding Statute has occasionally drawn protest from individual States but, overwhelmingly, the international community has acquiesced in these practices or encouraged them through General Assembly resolutions authorizing UNHCR to use its 'good offices' to assist other persons in need of protection (Goodwin-Gill, 1983).

The complexion of the 'refugee' problem has changed over the years in its causes, scale and geography. An important development has been the growth in the number of people who are displaced and in need of protection, but who have not crossed an international frontier and therefore do not fall within the Convention definition of a refugee. In 2007, the largest groups of

internally displaced persons (IDPs) were located in the Sudan (5.3 million), Colombia (3 million) and Iraq (2.2 million), but there were also significant populations in Algeria, Turkey and the Congo (UNHCR, 2007b). Through flexible interpretation of its Statute, UNHCR has also extended its protection to IDPs, and its activities in this respect are complemented by the Secretary-General's Representative on the Human Rights of Internally Displaced Persons, and supported by the *Guiding Principles on Internal Displacement*. By agreement with other specialized agencies of the United Nations, since 2005 UNHCR has assumed lead responsibility for protection, emergency shelter, and camp coordination and management of IDPs.

Today UNHCR exercises its mandate over 31.7 million 'persons of interest', including 11.4 million refugees, 13.7 million internally displaced persons, and 2.9 million stateless persons (UNHCR, 2008). From a hesitant start - with a temporary mandate, small budget, and qualified national support - UNHCR has grown into the preeminent international agency dealing with refugee issues on a global basis, and commands an annual budget in the order of US $1,500 million.

SELF-ASSESSMENT EXERCISE
Discuss the origin and role of United Nations High Commissioner for Refugees (UNHCR)?

3.2   International Organization for Migration (IOM)

3.2   International Organization for Migration (IOM)

The IOM was established in 1951, but assumed its present name only in 1989. It was born out of similar concerns to those that led to the formation of UNHCR - the need to resettle millions of Europeans displaced by the Second World War. In its original role as a logistical agency, it helped to transport and resettle nearly one million Europeans during the 1950s, largely to the New World. From these origins, IOM has broadened its scope to become what it describes as 'the leading international agency working with governments and civil society to advance the understanding of migration issues, encourage social and economic development through migration, and uphold the human dignity and wellbeing of migrants'. Today IOM conducts operations on a global scale, employing around 7000 people, with an annual budget of US $1,000 million (IOM, 2008).

Unlike UNHCR, IOM is not an entity within the United Nations system but an intergovernmental organization (IGO) whose members are bound by a constitution. Under that constitution, membership is confined to States with a 'demonstrated interest in the principle of free movement of persons', together with States that were previously members of the Intergovernmental Committee for European Migration. There are currently 125 member States, and 94 other entities have observer status (18 States and 76 IGOs/NGOs) (ibid, 2008).

The mandate of IOM is set out in Art 1 of its revised constitution of 1989. Its principal functions are: to make arrangements for the organized transfer of migrants, refugees and displaced persons; to provide migration services to States upon request (including services for voluntary return migration or repatriation); and to provide a forum for the exchange of views and coordination of efforts on international migration issues. The issue of coordination is a critical one. This is

reflected in the requirement that IOM cooperate closely with international organizations concerned with migration, refugees and human resources to facilitate the coordination of international activities (ibid, 2008).

This mandate suggests that IOM and UNHCR have significant points of distinction. While the UNHCR addresses forced migration using a rights-based approach and a formal protection mandate, IOM addresses forced and voluntary migration with a service-based orientation and no formal protection mandate. Nevertheless, as the boundaries between voluntary and forced migrations become increasingly blurred (the 'asylum-migration nexus'), the roles of UNHCR and IOM are increasingly likely to overlap. This can be seen in the protective role exercised by IOM in relation to refugees under its 1989 constitution (Perruchoud, 1992 in ibid, 2008).

SELF-ASSESSMENT EXERCISE
Explain the origin and the principal functions of International Organization for Migration (IOM).

4.0   CONCLUSION

Despite the shortfalls of the existing arrangements, international institutions, in all their variety, are instrumental in shaping international migration law and policy. Not only do they cast a watchful eye on compliance with existing norms, but they mold the debate on migration by setting agendas that move states incrementally towards more enlightened policies (Martin 1989). States are unlikely anytime soon to renounce their treasured power to influence the size and composition of their populations by regulating the flow of people across their borders. Yet international law has an unquestionable role to play in shaping those movements (Henkin 1979). The continuing importance of international migration in the modern era suggests that international law is ultimately a flexible and adaptive framework that has responded to the engines of globalization and economic growth, while seeking to protect the human rights of all people.

5.0   SUMMARY

As in other areas of international society, there has been a proliferation of institutions through which international migration law is made and enforced. The most prominent among them are the United Nations High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM), but the establishment of other entities with overlapping mandates has given rise to calls for a new international migration regime based on streamlined institutional arrangements. Importantly, international law is an imperfect framework for regulating the international movement of persons because it has developed in a piecemeal fashion over a long time to deal with issues of concern at particular points in human history. Yet, despite its shortfalls, international law and its associated institutions unquestionably play a most important role in constraining and channeling state authority over the international movement of persons.

6.0   TUTOR-MARKED ASSIGNMENT

   i.   Discuss the origin and role of United Nations High Commissioner for Refugees (UNHCR)?
  ii.   Discuss the principal functions of International Organization for Migration (IOM)?

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MODULE 3: AFRICAN INTERNATIONAL MIGRATION

INTRODUCTION

Primarily, this module is interesting and vital for your understanding of African perspective in your study of international migration course. It is developed to familiarize you with the knowledge of African international migration, particularly the origin, diversity, as well as Nigeria international migration and development perspective. However, to achieve this purpose this module provide you with comprehensive discussions on the historical and economic perspectives of Africa international migration taken into consideration the slave trade era; The factors that influenced migration streams in North Africa, the pattern of west African migration; Southern Africa migration perspective; the pattern of migration in central and east Africa regions. Dimensions of international migration in Africa continent from 1960 to 2000; the female dimension; refugees as an important component of international migration in Africa. Nevertheless, this module will enhance your knowledge on Nigeria perspective of international migration starting from the colonial era; characteristics of Nigerian international migrants; the major focus area of the Nigerian migration policies; the development contributions of Nigeria internal and international migration; Nigeria nascent interest in migration and development policies; obstacles to remittance policy in Nigeria and useful ways by which formal system of remittances can be encouraged as well as the elements for a coherent policy on migration and development in Nigeria.

You will find the comprehensive discussions of this module under the following units:

Unit 1:   Origin of African International Migration
Unit 2:   The Diversity of Africa Migration
Unit 3:   International Migration in Africa
Unit 4:   Nigeria International Migration and Development

UNIT 1:   ORIGIN OF AFRICAN INTERNATIONAL MIGRATION

CONTENTS

1.0   INTRODUCTION

To some extent, *homo sapiens* clearly has always been a *homo movens*. However, although migration seems to be a constant of human history ever since the beginning of time, it is also historically clear that migration has been a second best to settlement in the last millennia. People usually want to remain where they are as long as their situation is acceptable. In fact, only a small portion of the population is actively willing to move in the light of potential benefits including to access income, or religious, economical, or political freedom abroad. This unit provide you with the review of historical perspective of Africa international migration taken into consideration the slave trade era; the economic perspective and clear the doubt as to whether migration can be seen as substitute or complement to trade.

2.0   OBJECTIVES

At the end of this unit, you should be able to:

- Review historical perspective of Africa international migration taken into consideration the slave trade era;
- Discuss the economic perspective of African international migration; and
- Justify whether migration is a substitute or a complement to trade.

3.0   MAIN CONTENT

3.1   Historical Perspective

As earlier mentioned at the introduction to some extent, *homo sapiens* has always been a *homo movens*. Although, migration seems to be constant in human history ever since the beginning of time, it is also historically clear that migration has been a second best to settlement in the last millennia. People usually want to remain where they are as long as there is no security threat. In fact, only a small portion of the population is actively willing to move in the light of potential benefits (i.e. access income, or religious, economical, or political freedom) abroad.

Economically, people are 'migration-averse.' The elasticity of migration is rather low, because its opportunity cost is regarded as high and expected benefits must by far exceed an existing wage (or more generally wealth) gap. Besides continuous migration on the Eurasian and African continent, there are two historical incidents of mass migration, which are strongly related to recent African migration. The first one was the *violence driven migration* to the Americas so influential in the early days of globalization (sixteenth to eighteenth century) and the second one is the *poverty driven mass migration* from Europe during the nineteenth century. This migration from Europe (re-)populated the United States, but also Canada, Brazil, Argentina, Australia and some smaller countries with settlers and workers from Europe. These two historical movements show interesting parallels to recent trends. Both movements are strongly considered to be affected by globalization forces. Also, both events primarily affected young males; the most economically active part of the population. While there are also superficial differences (the slave trade was connected with direct violence, and European immigration originated in Europe), even on this level parallels predominate: the first example is about African outward migration and the second example is about economically forced migration, i.e. structural violence, which together constitute today's African emigration.

The Slave Trade:

The regular slave trade from tropical Africa to the Islamic world already started in the seventh century AD, but the numbers were comparatively small. They grew to thousands per year, when Portuguese traders started direct trade between Europe and Africa in the mid-fifteenth century. They utilized the existing pattern of warfare in Western Africa by which captured populations were available and tried – successfully – to redirect trade routes from the inland to the sea. Another boost came with the emergence of the plantation complex in the Americas, which demanded a constant inflow of labour. Overall, estimates of the demographic impact of the slave trade on Africa vary to a high degree: the smallest numbers account for around ten million in four centuries (people in the end actually working in the Americas, at least for some months), the biggest exceed one hundred million (a large part of the difference can be explained by the death toll of capture, land and sea transport). However, according to population estimates by Angus, hence the impact may account for more than a sixth of overall population. If Africa simply would have had the same population growth than the rest of the world, there would have been 41.4 million inhabitants more in 1820, i.e. 56 per cent more. Clearly, this does not mean that the slave trade was the only reason for that gap, but it definitely does account for a considerable part of it. Although all these calculations are subject to unavoidable data inaccuracy, the economic impact of a gap like this is easy to imagine, particularly because the slave trade was targeted at the economically most active population. However, slavery (slowly) lost its significance during the nineteenth century and African slaves were replaced by Chinese and Indian indentured servants and low-wage workers as globalized cheap labour. To sum up in the words of Phillip Curtin: The early phases [of the slave trade] clearly belong to the preindustrial world, whereas the eighteenth-century trade was somehow a buildup toward the industrial age that was to come. By the nineteenth century, the industrial age was under way, and the African slave trade was phased out of existence. In its place came new global patterns of migration.

...Global migration slowly regained strength after two World Wars, the Great Depression and extremely isolationist policies. But accompanying decolonization after 1945 and besides immigration into the United States, a lot of people from former colonies immigrated into the former imperial centres, particularly France, but also Britain, the Netherlands or Belgium. While this led to some immigration from Africa to Europe, the bigger numbers there came from adjacent regions in the South-East. When the extraordinary post-World War II growth in Europe resulted in a 'tight' labour market (low unemployment, high wages, employers finding it difficult to get workers), European economies became more and more labour-demanding and 'invited' labour power from abroad, particularly from neighbouring regions. The first so called 'oil shock' symbolizes the end of this boom and growth decreased while unemployment increased (which strangely enough is not called a 'tight' situation although in this case much more people suffer). Economically speaking, before 1973 there was high demand for immigration in Europe, from 1973 on there was high supply (i.e. demand decreased sharply while supply even grew).

SELF-ASSESSMENT EXERCISE
Explain historical perspective of Africa international migration taken into consideration the slave trade era?

3.2   Economic Perspective

John Hicks, Nobel Prize laureate in Economics in 1972, proclaimed already in the 1930s the economic wisdom that 'differences in net economic advantages, chiefly differences in wages are the main causes of migration'. Or speaking: 'Migration is a function of inequality, since the fastest way for a poor person to get richer is to move from a poor country to a rich country'. Jeffrey Williamson, one of the leading economic historians engaged inmigration research, describes the reasons for migration as follows:

A cross-border migrations can be viewed as reflecting excess factor supply in the sending region and excess factor demand in the receiving region. ...Most mass migrations are driven by economic events, in particular by real wage and living standard gaps between regions. Labour markets matter, and since young adults have the most to gain and the least to lose by moving, migration is very selective by age (and sometimes by gender). Andrés Solimano extends this picture:

Most of the time, people migrate abroad in search for better economic opportunities for the migrants and their families offered by foreign countries compared with the economic opportunities found at home. In fact, unemployment, low wages, meager career prospects for highly educated people, significant country risk for national investors in the home country are all factors that propel people to emigrate abroad. In addition, there are non-economic reasons to emigrate such as war, ethnic discrimination, political persecution at home, etc. ...In addition, the choice of the country of immigration is often dictated by the existence of a network of family, friends and connections that have previously migrated to that specific country.

> *Broadly speaking, people move because of better opportunities abroad and potential benefits, which (far) exceed the costs, monetary as well as non-monetary. How many people move? Notwithstanding, the poor quality of the data, it is millions of people.*

Overall the immigration stock amounts for 3 per cent of the world population, a large number, although this is relatively less than it has been in 1914. Who gains from migration? Economists would answer that all gain - at least potentially. If labour markets are liberalized and distortions are removed, labour finds its most productive utilization anywhere in the world, which leads to an overall welfare gain. The problem is distribution. Migration also results in immediate losses for certain groups, which they have to be compensated for. And what will the future bring? Most certainly, the future will bring a further increase in cross-border migration, official as well as illegal. This migration will occur from all parts of the world because the old forces remain at work and new ones (market and technology effects, for example) add to the pressure (William Minter, 2011).

With respect to Africa, Adepoju (2004) 'considers the determinants of emigration to be categorizable under the headings of labour force growth, economic decline and debt, ethno-political conflict and ecological deterioration. In this context, emigration should be seen as a survival strategy by individuals and families'.

Hatton and Williamson (1998) have also calculated - although with rather poor migration data – the influence of certain factors on migration between 1977 and 1995 (comparing 21 countries) and came up with typical results: the wage gap between sending and receiving regions, the share of population aged from 15 to 29, and the flow of refugees are strictly positive related to migration, while GDP per capita growth is strictly negative. In a more sophisticated setting, however, there is a migration cycle of low, high and again low emigration levels. The reason is mainly due to diminishing financial migration constraints, which may as well result in an increase of emigration even if the wage gap actually decreases. To sum up in the words of Jeffrey Williamson:

Demographic events mattered in Africa's recent past and they will matter even more in its future. There are three reasons for this. First, population growth puts pressure on land and other resources, lowering the marginal product of labour and living standards at home, encouraging emigration as real wage gaps between home and abroad widen …Second, the underlying economic growth of the African economies has been very dismal over the last two decades, and most analysts project more of the same over the next two decades …Third, the projected demographic changes are big. And they would be much bigger in the absence of the disastrous impact of HIV in many African countries.

Generally, there are currently two counteracting forces. These forces affect migration differently: While demand for low skilled labour is growing in advanced countries due the increase of unqualified service jobs and the unwillingness of the natives to perform these tasks, on the other hand also demand for low skilled labour in developing countries is increasing due to outsourcing. The former supports cross-border migration, the latter restrains it. And in the light of the 'old' forces at work, particularly the share of young adults in population, Timothy Hatton and Jeffrey Williamson have calculated the 'emigration pressure' from Africa:

as already exceeding 1 per thousand of population annually and further rising in the future, resulting in a potential annual outward migration from Africa up to 2.5 million

people in 2025. This holds even more if there is slow development in Africa, dashing hopes, but as well enabling more and more people to afford the move. And the more people move, the more network effects become effective (Minter, 2011).

SELF-ASSESSMENT EXERCISE
How will you discuss the economic perspective of African international migration?

3.3   Migration as Substitute or Complement to Trade

A second Nobel price laureate, Robert Mundell, who received the prize in 1999, introduced another basic idea into the economics of migration in the 1950s: in a world free of distortions countries may choose to either 'trade' goods or factors of production. The equalisation of prices (and of wages), which removes any incentives to trade (or to migrate) further, is possible in two ways: either by trading goods another country cannot produce as efficiently (in this case, no migration happens), or by moving factors of production another country lacks (in this case, no trade will take place). However, if distortions are considered, conclusions change dramatically and migration can even become a complement to trade. Lopez and Schiff for example added labour mobility between countries, differences in skill levels and costs of and constraints in financing migration to the standard trade model. By that they showed extensively that trade and migration can be complements. Their analysis is applicable for countries with roughly stable populations (transition economies) as well as for countries with increasing populations (developing economies) and they showed furthermore that trade liberalization will in any case result in a more skilled labour force (resulting in additional benefits), while protectionism will particularly increase skilled emigration (resulting in additional losses). Hence, while trade liberalization, aid and investment may reduce migration pressure from the already developed East of Europe, it may fail to do so in the case of Africa and may even worsen the skill composition, because empirically, the higher migration costs, the tighter migration constraints and the lower the average skill and income of migrants, the more likely trade and migration are complements. Trade liberalization will most probably not reduce migration pressures from Africa on the EU or from Latin America on the U.S. considerably. The historical records are completely clear: 'The historical bottom line is this: When we look at the long swings embedded in the time-series data, we find that trade and capital flows were rarely substitutes and often complements. The same was true for trade and migration. …Trade and migration were never substitutes …(and) it appears that policy makers never acted as if they viewed trade and migration as substitutes either'.

SELF-ASSESSMENT EXERCISE
Is migration a substitute or a complement to trade?

4.0   CONCLUSION

In this unit, we have been able to reviewed the historical perspective of Africa international migration taken into consideration the slave trade era; explained the economic perspective and as well cleared the doubt as to whether migration is substitute or complement to trade.

5.0 SUMMARY

Summarily, this unit represented the historical and economic perspectives of African movement across international frontiers.

6.0 TUTOR-MARKED ASSIGNMENT

 i.   Review the historical perspective of Africa international migration taken into consideration the slave trade era?
 ii. Discuss the economic perspective of African international migration?
 iii. Justify whether migration was a substitute or a complement to trade?

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UNIT 2:   THE DIVERSITY OF AFRICA MIGRATION

CONTENTS

1.0   INTRODUCTION

In the year 2000, the baseline for the most comprehensive comparative survey of international migrants worldwide, there were approximately 183 million people living outside their country of birth or 3% of total world population. They included approximately 24.6 million Africans, a little more than 13% and roughly in line with the percentage of Africans in the world population. The largest number of international migrants were born in Asia (about 63 million) or in Europe (about 55 million), with migration rates ranging from a low of 1.1% for Northern America to a high of 7.3% for Europe (driven, in part, by the breakup of the former Soviet Union into multiple countries). Africa's migration rate, 2.9% of people born on the African continent and now living outside their country of birth, was only slightly under the world average.

In the last half century, the total number of international migrants has expanded significantly, from 77 million in 1960 to 195 million in 2005 and an estimated 214 million in 2010. The share of migrants in the world population also grew, but only modestly, from 2.6% in 1960 to 3.1% in 2010.

Research shows the distribution of African migrants by region, again using estimates from the year 2000. Among approximately 7.4 million migrants from North Africa, 57% were in Western Europe, 26% in the Middle East (outside Africa), and only 10% in other African countries. For the 17.2 million migrants born in Sub-Saharan Africa, the pattern was the reverse: 72% were in other African countries, 16% in Western Europe, and less than 12% elsewhere in the world, including 5.5% in Northern America and 4% in the Middle East.

The diverse migration streams, by country, can be seen in more detail in **Tables 2 and 3**. The patterns are shaped by historical and linguistic ties as well as geographical proximity. For example, a large percentage of Liberian migrants and a moderately high percentage of other migrants from English-speaking African countries go to Northern America (Canada and the United States).

Research also shows the size of the African-born population in 26 countries, also in the year 2000, from data compiled by the Organisation for Economic Cooperation and Development (OECD). Although it does not include Germany, which does not track immigrants by place of birth, or important non-OECD. These numbers, like all statistics connected to migration, should be considered very approximate "best estimates," given the many caveats on data collection and compilation. There are large disparities between data compiled from different sources. See Batalova (2008) for a review of the major data sources. The figures in this paragraph are calculated from Table A in UNDP (2009). Note also that almost all statistical sources do not take into account second- generation immigrants born in the destination country to immigrant parents. The "immigrant community" is therefore in almost all cases substantially larger than the number of foreign-born or the number of foreign citizens resident in a country.

Research shows most countries outside the African continent in which African immigrants form significant population blocks. The largest number are in France (some 2.7 million), the United States (838,000), United Kingdom (763,000), Italy (407,000), Spain (372,000), Portugal (332,000), Canada (278,000), Belgium (232,000), the Netherlands (216,000), and Australia (166,000). The countries with the largest proportion of African-born residents are France (with almost 6%), Portugal (almost 4%), and Belgium (almost 3%). Others with over 1% African-born include the Netherlands, Spain, the United Kingdom, Canada, Australia, Switzerland, New Zealand, and Luxembourg.

In 2000, as can be seen in none of the Nordic countries had more than 1% of the population African- born. By 2010, however, according to national statistics, the African-born population had reached 1.05% in Norway and 1.23% in Sweden. It had increased from 0.19% to 0.33% in Finland over the decade, while in Denmark the percentage dropped slightly from 0.6% to 0.58%. Overall, in 2010, there were 215,000 African-born recorded in these four Nordic countries, for slightly less than 0.9% of the population.

The numbers for the Nordic countries reflect several factors with distinct effects. The region's countries are not traditional immigration countries (except from within the Nordic region), sharing neither colonial, linguistic, nor geographical closeness with Africa nor other immigration regions. But all except Denmark rank high on the Migration Integration Policy Index rating policies towards immigrants (www.mipex.eu). Particularly relevant for immigration from Africa is a relatively open policy toward asylum-seekers. This accounts for the fact that the largest national group among African-born residents in the Nordic countries is from Somalia, with 72,000, about a third of the total. Other relatively large groups are from Ethiopia (19,800), Morocco (18,300, part of the wider expansion of Moroccan economic migration in Europe), and Eritrea (15,300). While exploration of this theme for specific countries goes beyond the scope of this paper, it is notable that anti-immigrant political movements on the European continent, already significant in Denmark and Norway before 2000, have also recently gained ground in Sweden and in Finland.

Despite the fact that the majority of African immigrants in the Nordic countries are refugees rather than work- seekers, the issues raised increasingly resemble those elsewhere in Europe.

International migrants, including those from Africa, are diverse not only in terms of their origins and destinations, but also in many other ways. Undocumented or irregular migrants (often pejoratively labeled "illegal") are those who have no documentation or inadequate documentation of their legal right to be in the destination country. They include those who enter countries without papers, those who overstay their visas, those who stay on after being refused asylum, and, in the case of legal residents, those who are working without authorization to do so. Statistics for these groups of migrants are rarely available. Estimates for irregular migration as a proportion of the total in developed countries range from 5% to 15%; as much as one-third of migration in developing countries could be irregular (Sabates-Wheeler 2009; IOM 2010). But these data are highly uncertain. In some cases, such as South Africa, there is a common perception that the proportion of "irregular" migrants may be several times higher than indicated by official figures. But the scholarly consensus is that the data for South Africa are insufficient to provide reliable estimates, and that popular estimates are wildly exaggerated (Polzer 2010a; Landau and Segatti 2009).

A much more clearly defined category is that of migrants with refugee status, since this is incorporated into international law, and monitored by both national and international agencies. According to statistics from the United Nations High Commissioner for Refugees (UNHCR), at the end of 2009 there were 15.2 million refugees worldwide, including 4.8 million Palestinians and 10.4 million people under UNHCR responsibility. The largest number were from Asia (6.4 million), and the next largest from Africa (2.8 million). African refugees were therefore less than 10% of the total number of African international migrants (24.6 million in 2000, and probably some 29 million by 2009). Internally displaced people were some 15.6 million worldwide, with 6.5 million in Africa, more than twice the number of African refugees.

Finally, migrants differ significantly by skill level. Research shows the distribution of migrants to OECD countries by education level for African countries and for world regions. Among African migrants to OECD countries, 44.6% have less than upper secondary education, 28.6% have upper secondary education, and 24.5% have advanced education, a distribution not that different from world averages. Among migrants to OECD countries from Sub-Saharan Africa, only 31.9% have less than upper Secondary Education, while 31.6% have upper secondary education and 33.1% have advanced education. The greatest contrast between African migrants and those from elsewhere in the world is the "tertiary education ratio," that is, the proportion of those with advanced education living outside their countries. While the world average is 3.7%, it is 9.1% for the African continent, and 12.2% for sub- Saharan Africa.

The character of migration flows differs considerably from one African region to another, as well as by country within region. This unit provides you with brief summaries and illustrative country cases for Africa's five regions, with particular attention to more general issues in the analysis of African migration.

2.0   OBJECTIVES

At the end of this unit, you should be able to:

- Review the factors that influenced migration streams in North Africa;

- Discuss the pattern of West African migration;
- Explain the Southern Africa migration perspective; and
- Appraise the pattern of migration in Central and East Africa.

3.0   MAIN CONTENT

3.1   The North Africa perspective

As befits its intermediate position, both geographically and in economic rankings, North Africa is exceptional among African regions. *The majority of its emigrants go not to other African countries but to Europe and to the Middle East* (in 2000, 57% and 26% respectively). And increasingly, North African countries not only send migrants, but also serve as destination and transit countries. For example, Morocco, Algeria, and Tunisia each send over 70% of their emigrants to Europe; Egypt sends over 70% to Asia, while Libyan emigrants go to Asia (40%) and Europe (27%).7 The scale and duration of the migratory flows from North Africa to countries outside Africa (almost 7 million in 2000, and some 8 million by 2005) show that these migration streams are almost certainly long-term structural features of the regional economies, part of an established migration system with effects on both origin and destination countries.

Among the regional migration streams, that from the Maghreb (Morocco, Algeria, and Tunisia) to France is the most solidly established. *During World War I, France recruited migrants from the Maghreb for its army, industry, and mines*. Recruitment continued during World War II, the postwar period, and the postcolonial period as well, although the national distribution changed, particularly due to the war for independence in Algeria. During that war, France recruited more workers from Morocco. After Algerian independence in 1962, over one million migrants left Algeria for France, including both French colonists and Algerians who had fought on the French side during the war. In the 1960s and early 1970s, in response to European recruitment of "guest workers," migration from the Maghreb continued to grow, extending beyond France to countries such as Germany, Belgium, and the Netherlands.

The second major migration stream in the region, to oil- producing Arab states in the Gulf and to Libya, took off after the 1973 oil crisis. *Egypt, which under Nasser had a policy of restricting emigration, opened up the doors under Sadat.* This led to the departure of some 2.3 million Egyptians by the mid-1980s, mainly to the oil states of the Gulf. Libya also began to attract emigrants, particularly from Egypt, Morocco, and Tunisia. While it boosted the economies of the Gulf states, the oil crisis also heralded economic downturn in Europe. European countries turned to more restrictive policies, limiting new immigration and encouraging guest workers to return home. However, the restrictions actually encouraged many Maghrebi migrants to stay permanently, since they feared that if they left Europe they would find it more difficult to return. These settled migrants then brought family members to join them. Similarly, although the 1991 Gulf War led to repatriation of migrants from the Gulf to North Africa, and increased the Gulf states' preference for South Asian immigrants, migrant flows from Egypt to the Gulf nevertheless continued.

In the last two decades, three major developments introduced new currents into the stream of migration from North Africa to Europe. With rising *demand for unskilled labour in southern*

Europe, migration from Africa increased to that region, particularly to Italy and Spain. At the same time, Italy and Spain introduced new visa requirements, ensuring that a rising proportion of that immigration was irregular. In addition, increasing numbers of migrants from West Africa began reaching North Africa, a flow stimulated by recruitment to Libya. While many stayed in North Africa, others used North Africa as a launching point for reaching Europe. Many succeeded, but some did not: West Africans, as well as North Africans, began to feature regularly in reports of migrants lost at sea in the Mediterranean or in the Atlantic.

As *Europe tightened its admission requirements and enforcement measures, it also began to pressure North African and West African states to cooperate in reducing immigration.* Libya, where migrants constituted at least 10% of the population by 2000, joined in stepping up deportations, driven both by popular anti-immigrant sentiment and by government policies agreed with Europe. Yet, according to Hein de Haas and other researchers, these measures did not alter the fundamental trends based on the need for labour in Europe and supply of labour available from Africa. They did, however, ensure that a rising proportion of migrants were forced into more risky means to reach their destinations and contribute to a misleading image of "an invasion" of destitute migrants.

Despite the increase in irregular African immigration into Europe and of the proportion of Sub-Saharan African immigrants, that image is misleading. The dominant migration flows from North Africa continued to be North Africans joining the already large North African population in Europe through regular channels. North African migrants in Europe outnumber migrants from Sub-Saharan Africa by more than 50%. West Africans trying to reach Europe illegally through North Africa were only a small fraction compared with West Africans reaching Europe through regular channels on direct flights (de Haas 2008b). And North African countries, far from being only a transit route to Europe, have became destination countries themselves. There are probably more West Africans living in the Maghreb than in Europe (de Haas 2008b). And that, in turn, is a smaller proportion than West African migration within West Africa itself.

SELF-ASSESSMENT EXERCISE
Review the factors that influenced migration streams in North Africa?

3.2   West Africa perspective

While the flow of West Africans across the Sahara and on to Europe has been attracting attention, the dominant West African migration streams continue to be those established in the colonial period, which have expanded in volume in recent decades. These are, first of all, migration within the region - from the interior to the coast, from rural to urban areas, and from countries with fewer economic opportunities to those offering jobs in agriculture and industry. Secondly, there is the *migration of students and professionals to the former colonial powers* and increasingly to other developed countries as well.

Within West African countries, an average of 3.2% of Residents are immigrants from other countries, and emigrants from each country constitute an average of 2.9% of their respective populations (de Haas 2008b). Of emigrants from West African countries, 61% stay within the

region, with 15% going to Europe and 6% to North America. *Mobility within the region has been facilitated by the Economic Community of West African States (ECOWAS) 1979 Protocol Relating to Free Movement of Persons, Residence and Establishment.* While this protocol is not yet fully implemented, freedom of movement is substantial. All ECOWAS countries have abolished visa and entry requirements for community nationals for stays of up to 90 days. And nine of the 15 ECOWAS countries, including Ghana, Nigeria, and Senegal, issue ECOWAS passports to their nationals.

Intra-regional mobility has been and still is characterized by a predominantly north-to-south and inland-to-coast movement. The countries with the largest numbers of immigrants (as of the year 2000) were Cote d'lvoire, Ghana, Nigeria, and Burkina Faso. The largest number of emigrants came from Mali, Burkina Faso, Ghana, Nigeria, and Senegal. Nigeria, Ghana, and Senegal also sent the most West African migrants to Europe and North America. Significantly, however, *West African countries sent only small fractions of their populations as migrants to Organisation for Economic Co-operation and Development (OECD) countries* (de Haas 2008b). Only Cape Verde has a high rate of emigration to OECD countries, about 23%. Guinea-Bissau has a rate of 2.4%, and five other West African countries (the Gambia, Ghana, Liberia, Senegal, and Sierra Leone) have rates of 1% or more.

Among Sub-Saharan African regions, *West Africa has the lowest number of refugees and asylum seekers*, only 158,000 compared to 469,000 in Southern Africa, almost 900,000 in East Africa, and almost a million in Central Africa (UNHCR 2010). Despite the return of peace to Liberia, the majority of the refugees in the region are still from that country. If one includes internally displaced people as well as refugees and asylum seekers, however, the 851,000 number in West Africa exceeds the 469,000 in Southern Africa, driven by more than 500,000 internally displaced within Cote d'Ivoire.

Each country in *West Africa has its own distinctive migration pattern, shaped primarily by its geographical position and colonial history*. While all are both origin and destination countries for migrants, the balance differs widely, from the largest net outflow of 38% in Cape Verde and over 10% in Mali to net inflows over 10% in Cote d'lvoire, Gabon, and The Gambia. Countries such as Burkina Faso and Ghana have both high inflows and high outflows, but end up with contrasting balances, a net outflow of 3% in Burkina Faso and a net inflow of 4% in Ghana.

Two countries with *contrasting migration patterns*, Ghana and Cote d'Ivoire, point to the range of issues raised, many with parallels to other countries on the continent. Ghana illustrates, for example, the importance of internal as well as international migration, and the problem of emigration of skilled workers ("brain drain") even in countries generally regarded as politically stable and economically successful. Cote d'Ivoire, on the other hand, illustrates the interaction of generations of migration with current issues of citizenship and internal political divisions, an issue that also dominates the intertwined histories of countries of the Great Lakes region.

Ghana's *international migration includes significant flows of both immigrants and emigrants*. Its internal migration is mainly from north to south and from rural areas to urban areas. In 2005, the foreign-born population made up 7.6% of Ghana's resident population, with almost 60% coming from other West African states and the remainder from elsewhere in Africa and from outside the

continent. Emigration from Ghana has gone through significant shifts over time. Economic decline led to large-scale emigration to Nigeria in the late 1970s and early 1980s, but this was reversed when as many as 1 million Ghanaians were expelled from Nigeria in 1983 (Anarfi and Kwankye 2003). In the last two decades, Ghanaian emigrants, including many skilled professionals, have created a wide-ranging Ghanaian Diaspora, with a significant presence in other English-speaking African countries as well as in North America and Europe.11 Ghana's tertiary emigration rate (the proportion of university-trained Ghanaians living outside the country) was high at 33.7%.

In West Africa, *Cote d'Ivoire ranks the highest in the number of residents born outside the country, and second to The Gambia in the percentage of foreign-born residents*. An estimated 2.3 million residents (13.5%) in 2000 were born outside the country; by 2010 the estimate had risen to 2.4 million, while the percentage dropped to 11.2%. If second-generation immigrants are included, the percentage of immigrant population is roughly doubled (some 26% of the total population in 2000).12

The *system of labour migration* to Ivorian plantations and other economic sectors, primarily from Francophone inland states, was well established during the colonial period, and reinforced during the presidency of Félix Houphouêt- Boigny, who ruled from independence until his death in 1993. Later presidents, including Laurent Gbagbo, elected in 2000, opportunistically used the concept of ivoirité to mobilize anti-immigrant sentiment for electoral advantage. The distinction between immigrants and northerners belonging to the same ethnic groups was often blurred, linking the issue to one of ethnic rivalry. Many residents of immigrant parentage were denied citizenship, while land law was changed to allow only citizens to own land. Acquisition of citizenship was made more difficult, and a 2000 referendum changed the constitution to deny the right to run for office to anyone who lacks full proof of both paternal and maternal Ivorian ancestry. There followed more than a decade of conflict, which was not resolved despite successive peace pacts and an internationally recognized election won by opposition leader Alassane Ouattara. Although Ouattara was installed in power after months of conflict in early 2011, the prospects for national unity remain elusive.

SELF-ASSESSMENT EXERCISE
Discuss the pattern of West African migration?

3.3   Southern Africa perspective

For more than a century the political economy of Southern Africa has been molded by a complex pattern of labour migration and political exclusion. The mining economy established in South Africa in the late 19th century relied on labour not only from South Africa's rural areas but also from neighbouring countries. Miners from Lesotho, Mozambique, and other countries formed the majority of the mining work force until the 1970s; they continued to make up some 40% of the total thereafter, despite new preferences given to South African workers. Migrants from the Southern Africa region also worked inside South Africa in agriculture, industry, and the informal sector. But only *whites were considered potential permanent immigrants, with African immigrants defined as "foreign natives."*

Internally, pass laws defined the rights of South Africa's own Africans. *None had political rights*, and *only some were granted rights of residence in urban and other "white" areas*. This system, established in the late 19th century, was systematized and intensified under the "apartheid" label in the period following World War II. The pass laws and forced removals of Africans to rural "homelands" were among the most visible and widely denounced aspects of the apartheid system. The Group Areas Act regulated where those classified as Indians or Coloureds by the apartheid state were allowed to live and do business.

The end of political apartheid in 1994 dismantled racial barriers to residence and to economic and political advance. But South Africa remains one of the most unequal countries in the world, and overall levels of inequality have even increased (Leibbrandt et al. 2010). These internal legacies of apartheid have been widely debated. Until recently, however, the effects of apartheid thinking on regional structures of inequality, reflected in the treatment of regional migrants in South Africa, has not faced similar public scrutiny.

'Illegal' as well as legal migration to South Africa continued to grow in the post-1994 period, driven both by economic disparities and by the arrival of political refugees. In addition to migrants from the traditional Southern African sending countries, Somalis, Nigerians, and Congolese are among the nationalities prominently represented and visible in urban centres, particularly Johannesburg and Cape Town.

A widespread *outbreak of xenophobic violence* in May 2008, which led to over 60 deaths, brought new attention to the issue. So has the ongoing drama of migrants from Zimbabwe, roughly estimated as between 1 and 1.5 million, most undocumented, who were granted temporary protection from deportation in 2009 and 2010, but many of whom may face deportation in 2011. There is still much disagreement about the causes of and the remedies for anti-immigrant sentiment in South Africa - even the use of the term xenophobia is contested - and about the potential for further violence. But the evidence shows that hostility to foreigners from other African countries is "pervasive, deep-rooted and structural, cutting across all divides" in South African society (Crush and Ram-achandran 2009). As these authors point out, this sentiment is shared by the majority of South Africans of all races and classes, making South African views on immigrants among the most hostile anywhere in the world (Kleeman and Klugman 2009). This is despite the fact that the South African Constitution explicitly extends basic human rights to all residents.

Sensationalist media coverage has encouraged misconceptions and stereotypes. Media reports feature images such as a *"flood" or "invasion" of migrants*. There are no reliable data on the numbers of foreign-born in South Africa, but the total is most likely between 1.6 and 2 million people, or approximately 3% to 4% of the population - hardly an invasion (Polzer 2010a). Among the most detailed surveys of attitudes was the one done in 2006 by the Southern African Migration Programme (Crush 2008). In that survey, Nevertheless, there has been significant research for some time, most notably the extensive work of the Southern African Migration Programme (http://www.queensu.ca/samp), which was founded in 1996. For well-researched summary studies see Polzer (2010a: 2010b), Landau and Segatti (2009), and Crush (2008). Strategy and Tactics (2010) provides both analysis and original research, prominently featuring the response by civil society.

Two other prominent works, of less consistent quality, are Neocosmos 2010 and Hassim, Kupe, and Worby 2008. 67% of South African respondents regarded *migrants as a criminal threat*, and the same proportion said that *foreigners consumed resources* that should be allocated to South Africans. A majority of respondents had unfavourable impressions of migrants whatever their origin. Migrants from North America and Europe were regarded more favourably (an average of 22% favourable) than those from African countries, and those from Lesotho, Botswana, and Swaziland more favourably than those from elsewhere in Africa. Angolans, Congolese, Somalis, and Nigerians, as well as Mo-zambicans and Zimbabweans, were viewed most unfavourably. Thirty-seven percent of respondents favoured a total ban on immigration of foreign nationals, while 38% said there should be strict limits, and 84% said South Africa was letting too many foreign nationals into the country (Crush 2008).

Strong anti-immigrant sentiment makes significant policy reform difficult, but it by no means implies that violence is inevitable. Research by the Forced Migration Studies Programme (Polzer 2010b), considering both the 2008 violence and subsequent case studies in 12 communities, compared areas where violence occurred and where it did not. It concluded that violence against foreign nationals was not more prevalent in locales with the highest rates of unemployment or the highest percentages of foreign residents. Although it did occur in areas with high levels of economic deprivation, male residents, and informal housing, violence was typically triggered by the competition of leaders for local political and economic power, which occurred in areas with weak local governance structures. The implication is that even in the absence of adequate policy at the national level, local governments and civil society coalitions can have an impact on curbing violence.

Despite policy changes in 2002 favouring skilled immigration, the admission of a limited number of refugees, and a temporary amnesty for undocumented Zimbabwean migrants in 2009-2010, South African immigration policy still lacks provisions to accommodate the legal immigration of African migrants. At the national level, in light of anti-immigrant sentiment among government officials and the public, major reforms will undoubtedly be hard to achieve. Nevertheless, advocates for reform see a potential for change, in part because there is an economic imperative to expand opportunities for legal immigration. Migrants, particularly skilled migrants, are in economic demand, and legal employment has the potential to reduce stigma. There is also scope for public Education to combat misinformation, given that most South Africans who hold negative opinions actually have had little or no contact with migrants.

It is likely, however, that incremental measures in this regard, such as the effort to register Zimbabwean migrants in 2010, will continue to be accompanied, as in Europe and the United States, with stepped-up deportations and largely ineffective efforts to tighten border control.

Given structural economic realities and the embedded character of public opinion on the issue, it is virtually certain that these measures will not significantly reduce the growth of the migrant population in South Africa, curtail ongoing human rights violations, nor eliminate the threat of new large-scale violence.

3.4   Central and East Africa perspectives

Unlike the other three African regions, where dominant migration patterns defined by economic relationships are clearly visible, that is not the case for Central and Eastern Africa. For this reason, as Bakewell and de Haas (2007) noted in their survey, most research on migration in these regions has focused on forced migration produced by conflict. Data are particularly scarce on other forms of migration, even though the majority of population movements across borders within the region are not refugees. *Flows of migrants, mostly non-refugees, from East and Central Africa to destinations outside Africa are also significant, especially to Europe, the Middle East, and North America*.

Neither in Central nor in East Africa, however, do these migration flows seem to form coherent migration systems at the regional level. Transportation networks linking the countries of the region are particularly weak in Central Africa, while in East Africa only the former British territories of Kenya, Tanzania, and Uganda make up a significant multi-country transportation system. *Migration outside the continent follows separate colonial, linguistic, and regional trajectories for different countries and sub-regions*.

Instead, it is the *high proportion of refugees* that most strikingly defines the distinct character of these regions, and justifies discussing them together here. Refugees numbered some 930,000 and 1.3 million in the two regions respectively in 2009, according to the United Nations High Commission for Refugees (UNHCR 2010). Refugees were nowhere near the majority of emigrants from these regions: in 2000, there were some 2.7 million emigrants from Central African countries and some 3.3 million emigrants from East African countries; comparable totals on emigrants are not available for later years). But the size of the refugee population, the media attention to refugee-producing crises in these regions, and the involvement of international agencies and nongovernmental organizations with refugees has made them particularly visible. For worldwide media audiences, *the refugees of Central or East Africa have become emblematic of African migrants not only for these regions but arguably for the continent as a whole*.

Four Central and East African countries are among the *top ten source countries of refugees* worldwide. Somalia ranks third, behind Afghanistan and Iraq, while the Democratic Republic of the Congo ranks fourth. Sudan ranks seventh, and Eritrea ranks ninth.

East and Central Africa also have the *largest numbers of internally displaced* people in Africa, with an estimated 2.5 million in Central Africa and 3.4 million in East Africa as of 2009. Internally displaced people have attracted additional attention from international agencies in recent years, and, following a 2005 agreement with other agencies, the UNHCR has formal responsibility for coordinating the international response. Notably, internally displaced people outnumber refugees both at a regional level and in the principal refugee-producing countries (Sudan, the Democratic Republic of the Congo, and Somalia). Those three countries were first, fourth, and fifth respectively among the six largest internally displaced populations worldwide, with 4.9 million, 1.9 million, and 1.5 million respectively (http://www.internaldisplacement.org).

The *large number of refugees from Central and East African countries is a product of a series of interlocking conflicts in countries of the area*, many of which have continued for decades. In terms of scale, the largest have been the conflicts in the Great Lakes region, culminating in the genocide in Rwanda in 1994 and the series of wars in Eastern Congo, the continuing internal conflict in Somalia, and the wars in southern Sudan and Darfur. In Central Africa, conflicts in the Central African Republic and Chad have produced both refugee flows and internal displacement. Although the open war between Eritrea and Ethiopia lasted only two years, ending in 2000, the continuation of hostilities and internal political conflicts in both countries means that the number of refugees and asylum seekers continues to be substantial. There are still some 400,000 internally displaced in Kenya from the aftermath of the 2007 disputed election. In Uganda, more than 400,000 people remain internally displaced after conflict in the north with the Lord's Resistance Army (LRA), although the number has diminished in recent years. The LRA, however, has taken its campaign of violence to neighbouring countries, including the Democratic Republic of the Congo, Central African Republic, and southern Sudan.

Since most refugees go to neighbouring states, East and Central African countries are also among the continent's and the world's largest hosts of refugee populations. The two regions together host some 1.8 million refugees out of the 2.2 million refugees on the continent. Kenya and Chad rank fifth and sixth, respectively, among refugee- hosting countries worldwide.

Despite the existence of international agreements on the rights of refugees and a United Nations agency dedicated to their welfare, widespread violation of these rights attracts little public attention. Whereas housing of refugees in camps was originally conceived as a temporary measure, long-term unresolved crises have led to "warehousing" of refugees for decades at a time, and even for generations (see box). While in recent years, the UN High Commissioner for Refugees has given greater attention to these broader issues (UNHCR 2008), public and private agencies, as well as public opinion, continue to focus on responding to immediate crises to the neglect of such fundamental issues.

The case of Somalia, where internal conflict for almost two decades has provided an uninterrupted stream of refugees, primarily to neighbouring countries, well illustrates the issue. Kenya bears the disproportionate share of the burden, with over 300,000 of the more than 600,000 Somali refugees registered worldwide, along with substantial but unknown numbers of unregistered Somali nationals. According to reports by Human Rights Watch (2009) and Amnesty. The 1951 Convention and the 1967 Protocol relating to the Status of Refugees provide that persons fleeing persecution across borders deserve international protection, including freedom from forcible return (refoulement) and basic rights necessary for refugees to live a free, dignified, and self-reliant life even while they remain refugees. These rights include the rights to earn a livelihood—to engage in wage-employment, self- employment, the practice of professions, and the ownership of property—freedom of movement and residence, and the issuance of travel documents. These rights are applicable to refugees independently of whether a durable solution, such as voluntary repatriation, third-country resettlement, or naturalization in the country of first asylum, is available. They are part of the protection mandate of the United Nations High Commissioner for Refugees (UNHCR).

Of the nearly 14 million refugees in the world today, nearly 9 million are warehoused, confined to camps or segregated settlements or otherwise deprived of these basic rights, in situations lasting 10 years or more. Warehousing refugees not only violates their rights, but also often reduces refugees to enforced idleness, dependency, and despair.

In light of the foregoing, the following calls ensued:
- denounce the practice of warehousing refugees as a denial of rights in violation of the letter and spirit of the 1951 Convention and 1967 Protocol and call upon the international community, including donor countries, host countries and members of the Executive Committee of UNHCR to do the same;
- call upon the international community to develop and implement strategies to end the practice of warehousing, including examining how refugee assistance can enable the greater enjoyment of Convention rights;
- call upon UNHCR to monitor refugee situations more effectively for the realization of all the rights of refugees under the Convention, including those related to freedom of movement and the right to earn a livelihood;
- call upon those countries that have not yet ratified the Convention or the Protocol to do so;
- call upon those countries that have ratified the Convention and/or the Protocol, but have done so with reservations on key articles pertaining to the right to work and freedom of movement to remove those reservations; and
- call upon all countries to pass legislation, promulgate policies, and implement programs providing for the full enjoyment of the basic rights of refugees as set forth in the Convention.

International (2010), both the international community and the Kenyan government has failed to protect the rights of these refugees. As of early 2010, camps in Kenya originally built for 90,000 refugee's house more than 250,000, and residents are confined to the camps by a de facto prohibition on freedom of movement. By closing the border, returning refugees, and otherwise restricting the rights of refugees, the Kenyan government has aggravated humanitarian conditions in the camps and violated the rights of Somali refugees and asylum-seekers elsewhere in the country.

Given that resolution of the crisis in Somalia does not appear imminent, the situation of Somali refugees must be addressed. Conditions in Kenya need to be improved. At the same time, the international community should take up a greater share of the burden of supporting and receiving Somali refugees, with provisions for increased resettlement beyond Kenya. The situation serves as a stark reminder of the long-term structural failure to implement existing international commitments for protection of refugee rights.

SELF-ASSESSMENT EXERCISE
Appraise the pattern of migration in Central and East Africa?

4.0   CONCLUSION

In this unit we have reviewed the factors cross-border migration streams in North Africa; discussed the pattern of West African international migration; explained the Southern Africa perspective of international migrants; as well as appraise the pattern of migration in Central and East Africa.

5.0   SUMMARY

This unit demonstrated the inherent diversities in the pattern of migration drawing cases from five regions of Africa with particular attention to more general issues in the analysis of African migration.

6.0   TUTOR-MARKED ASSIGNMENT

i.   Review the factors that influenced migration streams in North Africa?
ii.   Discuss the pattern of West African migration?
iii.   Explain the Southern Africa perspective of migration?
iv.   Appraise the pattern of migration in Central and East Africa regions?

7.0   REFERENCES/FURTHER READING

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UNIT 3:   INTERNATIONAL MIGRATION IN AFRICA

CONTENTS

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1.0   INTRODUCTION

An analysis of international migration in Africa poses a challenge. The continent has 56 countries or areas, 53 of which are independent states. The possibilities of international population exchanges among such a large number of units are ample. Furthermore, the dynamics of international migration movements in Africa continues to be colored by the continent's history of colonization, when colonial powers imposed arbitrary borders that often divided people belonging to the same tribal or ethnic group. In addition, the need for labor to exploit the agricultural and mineral deposits of the colonies led to the forced movement of workers from one corner of a colony to another or even between colonial enclaves governed by different outside powers. These practices were at the root of the migrant worker recruitment programs developed under formal agreements between newly independent countries after the period of colonial rule came to an end. Nevertheless, as time elapsed and the economic situation of labor-receiving countries deteriorated or as the prices of the commodities they produced fluctuated in the world markets, the labor-receiving countries have often resorted to expulsion measures to reduce their foreign labor force in times of economic stringency. In addition, the process of nation-building has also been accompanied in certain instances by the expulsion of groups considered to be extraneous to the national polity. By the late 20th century, the fast population growth that most African countries had experienced, together with the protracted stagnation that had characterized most of the African economies, had left few countries in need of foreign labor. Much of international migration in the continent occurred and still occurs outside a regulatory framework, partly because few African countries have a well-articulated policy on international migration and even fewer seem to enforce their laws and regulations on immigration and emigration rigidly. Furthermore, a very sizeable proportion of international migration in Africa is related to forced migration and particularly to the movement of refugees in search of asylum. These types of flows have been affecting a growing number of countries in the continent. Therefore, this units provide you with the review and explanations on the dimensions of international migration in Africa continent from 1960 to 2000 including the female aspect of international migration in Africa continent; it will also demonstrate that refugees have been an important component of international migration in Africa continent.

2.0   OBJECTIVES

At the end of this unit, you should be able to:

- Explain the dimensions of international migration in Africa continent from 1960 to 2000;
- Discuss the female dimension aspect of international migration in Africa continent; and
- Demonstrate that refugees have been an important component of international migration in Africa continent.

3.0   MAIN CONTENT

3.1   Dimensions of International Migration in Africa

According to estimates by the United Nations, the total number of international migrants in Africa rose from nine million in 1960 to 16 million in 2000. The largest increase occurred between 1960 and 1980, when the number of international migrants in Africa rose from nine million to 14 million (United Nations, 2003).

Since 1980, that number has changed less, reaching 16 million by 1990 and barely changing during 1990-2000. In comparison to the other major areas of the developing world, Africa has had more than double the number of international migrants than Latin America and the Caribbean since 1980 and about one-half to one-third of the number in Asia. However, the share of Africa in terms of the worldwide number of international migrants has been decreasing steadily since 1980, passing from 14 percent to an estimated 11 percent in 1990 to an estimated nine percent in 2000. That is, neither the absolute number of international migrants in Africa nor Africa's share of the world migrant stock has been increasing markedly during the past 20 years, and even over a 40-year horizon the changes in the migrant stock of Africa seem modest, particularly when compared with the near tripling of Africa's population during the same period (ibid, 2003).

Indeed, the number of international migrants as a share of Africa's population has tended to decrease over time, especially after 1980. Thus, whereas in 1960 and still in 1980, international migrants constituted over three percent of Africa's population, by 2000 their share had dropped to two percent. In comparison with Asia or Latin America and the Caribbean, however, the number of international migrants in Africa has always constituted a higher share of the population than in other major areas. For example, in Asia in 1960, international migrants accounted for less than two percent of its total population and about one percent in 2000. For Latin America and the Caribbean, international migrants accounted for less than three percent of the total population in 1960 and one percent in 2000 (ibid, 2003).

Also worth noting is that in 1960, when the process of decolonization had just started, the percentage of international migrants in Africa was higher than in Europe (3.4 percent vs. 2.8 percent), but by 2000, the percentage of international migrants among Europe's population was nearly four times that in Africa (7.7 percent vs. 2 percent) (Hania, 2004).

International migrants are not distributed homogeneously among the regions of Africa. Eastern Africa and Western Africa have generally had higher numbers of international migrants than the other regions of the continent. Western Africa has experienced a fairly important increase in the number of international migrants since 1960, but the increase has not been steady. By 2000 it was hosting 6.8 million international migrants, up from 2.5 million in 1960. In Eastern Africa, the number of international migrants increased steadily until 1990 but has decreased in the last decade, so that by 2000 it stood at 4.5 million, about 10 percent below the level estimated for 1980 (5.1 million). In Southern Africa, a region that has been traditionally considered a major magnet for international migrants, the number remained close to a million from 1960 to 1980 and then increased during the 1980s to 1.5 million, but is estimated to have remained at that level during the 1990s. In Middle Africa, the number of international migrants increased from 1.3 million to 1.9 million between 1960 and 1980, but declined to 1.5 million by 1990 and is estimated to have remained virtually unchanged since then. In Northern Africa, the increasing trend in the number of international migrants that persisted during 1970-1990 was reversed in the 1990s, and by 2000 the region was estimated to host 1.9 million international migrants. As a result of these trends, by 2000, 42 percent of the international migrants in Africa lived in countries of Western Africa; 28 percent in Eastern Africa; a further 12 percent in Northern Africa; and nine percent each in Middle Africa and Southern Africa (ibid, 2004).

Regional differences in the number of international migrants lead to differences in their proportion of the total population of each region. International migrants have generally constituted a greater share of the populations of Eastern and Western Africa than of those of other regions. In Eastern Africa, international migrants constituted more than three percent of the population from 1960 to 1990, but their share has declined markedly since then to reach 1.8 percent in 2000. In relative terms, therefore, international migrants remain more prominent in Western Africa, where they constituted 2.7 percent of the population in 2000, near the average for the 1960-1990 period. In all other regions of Africa, international migrants were estimated to constitute less than one percent of the population in 2000 and, for most of those regions, the share of international migrants in the whole population had declined by at least half since 1960 (Zlotnik, 2003).

SELF-ASSESSMENT EXERCISE
Explain the dimensions of international migration in Africa continent from 1960 to 2000.

3.2   Female Migration in Africa

In Africa, males have tended to outnumber females among international migrants. The proportion of females among international migrants in Africa has generally been lower than the average for the world as a whole. However, the proportion female among international migrants in Africa has been increasing steadily and faster than at the world level. By 2000, it is estimated that 46.7 percent of the 16 million international migrants in Africa were female, up from 42 percent in 1960 when the number of international migrants in the continent stood at nine million. In 1960, Africa had the lowest proportion female among international migrants in comparison to other major areas. For example, in 1960, 45 percent of all international migrants in Latin America and the Caribbean and 46 percent in Asia were female. By 2000, the proportion female among international migrants in Asia (43 percent) was lower than that in Africa (47 percent) but

in all other major areas female migrants constituted more than 50 percent of the international migrant population (United Nations, 2003).

At the regional level, Southern Africa has traditionally had the lowest proportion of females among the international migrant stock (42 percent in 2000, up from 30 percent in 1960). During the 1960s, the reliance of the coal and gold mines of the Republic of South Africa on male migrant workers was largely responsible for the strong predominance of men among international migrants. In the 1970s, however, the government of South Africa began to reduce the dependence of the mining sector on foreign labor, with the result that the number of temporary migrant workers employed by the Chamber of Mines declined steadily and the female proportion of the overall international migrant stock increased (ibid, 2003).

Females were also significantly underrepresented among the international migrant stock of Eastern and Western Africa; they constituted 41 to 42 percent of all international migrants in those regions in 1960. However, the proportion of females in those regions increased steadily after 1960 to reach nearly 48 percent in both regions by 2000, a figure only slightly below the world average of 49 percent. In contrast, the proportion of females declined steadily among the international migrants in Northern Africa, passing from 49.5 percent in 1960 to nearly 43 percent in 2000. Decolonization and the continued dominance of temporary worker migration in that region probably accounts for such a trend. Lastly, in Middle Africa, the proportion of females among international migrants is estimated to have remained nearly unchanged since 1960 at close to 46 percent (Hania, 2004).

SELF-ASSESSMENT EXERCISE
Discuss the female dimension aspect of international migration in Africa continent?

3.3   Refugees in Africa

Refugees have been an important component of international migration in Africa. The number of refugees in Africa increased steadily from 1960 to 1995, passing from 79,000 to 6.4 million in that period. However, during the 1990s, the resolution of conflicts, some longstanding, made possible major refugee repatriations, leading to an important reduction of their numbers. In addition, as will be discussed below, the growing reluctance of receiving countries in Africa to grant asylum and refugee status on a prima facie basis has also contributed to the reduction of official numbers of refugees. By 2000, the total number of refugees reported to UNHCR by countries in Africa stood at 3.6 million, a 44 percent reduction with respect to the number in 1995 (United Nations, 2003).

Since 1970, refugees in Africa have constituted a substantial proportion of the world's refugees. Whereas in the 1960s, as the process of decolonization continued, Africa accounted for less than one in six of all refugees in the world, by 1970 it was hosting two out of every five. The proportion of refugees in Africa peaked in 1975, when three out of every five of the world's refugees had found asylum in the continent. Since 1985, at least a third of all refugees in the world have been hosted by countries of Africa. Only Asia has surpassed Africa in terms of the number of refugees in its midst (Hania, 2004).

During 1960-1975, the countries of Middle Africa provided asylum to the largest proportion of refugees in Africa, with Eastern Africa hosting the second-largest group. As of 1980, Eastern Africa became the region with the largest concentration of refugees, accounting for at least half of all refugees in Africa during 1980-1990 and still providing asylum to 46 percent of the refugees in Africa by 2000. Middle Africa and Northern Africa (which includes the Sudan) have also hosted significant proportions of refugees, though there have been fluctuations in their relative positions since 1980. By 2000, they each accounted for about one out of every seven refugees in Africa (ibid, 2004).

Southern Africa has tended to have the lowest number of refugees in Africa and in 2000 accounted for just one in every 100 refugees in the continent. In contrast, Western Africa, where major refugee movements had occurred in the 1970s and again in the 1990s, accounted for over 20 percent of all refugees in Africa during 1995-2000 (ibid, 2004).

Although refugees in Africa have tended to concentrate in just a few countries of asylum, the list of major countries of asylum in the continent has been expanding steadily. In 1960, a single country, the Democratic Republic of the Congo, accounted for 95 percent of the 79,000 refugees in the continent. By 1970, eight countries hosted 95 percent of the refugees in Africa, and by 1980 that list had increased to 11. In 1990, 15 countries were needed to account for the same proportion and by 2000 there were 18 countries hosting the majority of refugees in Africa. Many of the countries involved are classified as least-developed by the United Nations and, as such, face serious constraints in providing assistance to large numbers of refugees (United Nations, 2003).

Forced migration has been a major component of international migration in Africa. To assess its impact, the proportion of refugees among the international migrant stock has been calculated. In 1960, only one percent of all international migrants in Africa were refugees. By 1970, that proportion had risen to 10 percent and in 1980 it had reached 25 percent. The number of refugees as a percentage of the international migrant stock increased further to 33 percent in 1990 and is likely to have kept on rising until 1995 before declining to 22 percent in 2000 (ibid, 2003).

At the regional level, refugees constituted a very substantial proportion of all international migrants in Eastern Africa, where in 1990 they accounted for 54 percent of the migrant stock, a proportion that declined to 36 percent in 2000. Refugees have also made up a major proportion of international migrants in Middle Africa (31 percent in 1990 and 36 percent in 2000) and in Northern Africa (46 percent in 1990 and 30 percent in 2000). In Western Africa, refugees have accounted for at least 10 percent of all international migrants during the 1990s. Only in Southern Africa have refugees remained a very small proportion of the migrant stock (two to three percent in the 1990s) (Zlotnik, 2003).

In sum, international migration in Africa has not been dominated by refugee movements, over certain periods and in certain parts of the continent, forced migration across international borders has constituted a very substantial component of all international migration. In the major part of the continent, including Eastern, Middle, and Northern Africa, the share of refugees among the international migrant stock has been high since 1980 and currently stands at least 30 percent.

During the 1990s, between one in three and one in five international migrants in Africa was a refugee (Hania, 2004).

3.3   Refugees in Africa

Refugees have been an important component of international migration in Africa. The number of refugees in Africa increased steadily from 1960 to 1995, passing from 79,000 to 6.4 million in that period. However, during the 1990s, the resolution of conflicts, some longstanding, made possible major refugee repatriations, leading to an important reduction of their numbers. In addition, as will be discussed below, the growing reluctance of receiving countries in Africa to grant asylum and refugee status on a prima facie basis has also contributed to the reduction of official numbers of refugees. By 2000, the total number of refugees reported to UNHCR by countries in Africa stood at 3.6 million, a 44 percent reduction with respect to the number in 1995.

Since 1970, refugees in Africa have constituted a substantial proportion of the world's refugees. Whereas in the 1960s, as the process of decolonization continued, Africa accounted for less than one in six of all refugees in the world, by 1970 it was hosting two out of every five. The proportion of refugees in Africa peaked in 1975, when three out of every five of the world's refugees had found asylum in the continent. Since 1985, at least a third of all refugees in the world have been hosted by countries of Africa. Only Asia has surpassed Africa in terms of the number of refugees in its midst.

During 1960-1975, the countries of Middle Africa provided asylum to the largest proportion of refugees in Africa, with Eastern Africa hosting the second-largest group. As of 1980, Eastern Africa became the region with the largest concentration of refugees, accounting for at least half of all refugees in Africa during 1980-1990 and still providing asylum to 46 percent of the refugees in Africa by 2000. Middle Africa and Northern Africa (which includes the Sudan) have also hosted significant proportions of refugees, though there have been fluctuations in their relative positions since 1980. By 2000, they each accounted for about one out of every seven refugees in Africa.

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Forced migration has been a major component of international migration in Africa. To assess its impact, the proportion of refugees among the international migrant stock has been calculated. In 1960, only one percent of all international migrants in Africa were refugees. By 1970, that proportion had risen to 10 percent and in 1980 it had reached 25 percent. The number of refugees as a percentage of the international migrant stock increased further to 33 percent in 1990 and is likely to have kept on rising until 1995 before declining to 22 percent in 2000.

At the regional level, refugees constituted a very substantial proportion of all international migrants in Eastern Africa, where in 1990 they accounted for 54 percent of the migrant stock, a proportion that declined to 36 percent in 2000. Refugees have also made up a major proportion of international migrants in Middle Africa (31 percent in 1990 and 36 percent in 2000) and in Northern Africa (46 percent in 1990 and 30 percent in 2000). In Western Africa, refugees have accounted for at least 10 percent of all international migrants during the 1990s. Only in Southern Africa have refugees remained a very small proportion of the migrant stock (two to three percent in the 1990s).

In sum, international migration in Africa has not been dominated by refugee movements, over certain periods and in certain parts of the continent, forced migration across international borders has constituted a very substantial component of all international migration. In the major part of the continent, including Eastern, Middle, and Northern Africa, the share of refugees among the international migrant stock has been high since 1980 and currently stands at least 30 percent. During the 1990s, between one in three and one in five international migrants in Africa was a refugee.

SELF-ASSESSMENT EXERCISE
Demonstrate that refugees have been an important component of international migration in Africa.

4.0   CONCLUSION

We have been able to explain the dimensions of international migration in Africa regions from 1960 to 2000 including the female aspect of international migration in Africa; and demonstrate that refugees have been an important component of international migration in Africa continent.

5.0   SUMMARY

This unit reviewed the information available on the extent and nature of international migration in the continent of Africa and then discussed the main trends in international migration in the continent.

6.0   TUTOR-MARKED ASSIGNMENT

  i.   Explain the dimensions of international migration in Africa continent from 1960 to 2000?
  ii.   Discuss the female dimension aspect of international migration in Africa continent?

iii. Demonstrate that refugees have been an important component of international migration in Africa continent?

7.0   REFERENCES/FURTHER READING

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UNIT 4:   NIGERIA INTERNATIONAL MIGRATION AND DEVELOPMENT

CONTENTS

1.0   INTRODUCTION

Nigeria plays a key role in African migrations. As Africa's demographic giant, Nigeria has become increasingly involved in international migration to Europe, the Gulf countries and South Africa. Yet Nigeria is also a source and destination country migration *within* west-Africa (Adepoju 2004). Considering the key role Nigeria plays in African migration systems, its role as destination, transit and source country, and considering the fact that it is both confronted with the negative and positive dimensions of migration; improved systematic insight in the views and interests of Nigerian state and non-state stakeholders is essential in designing more effective migration and development policies. Surprisingly few empirical data on Nigerian migration and related policies is available beyond the issue of trafficking of sex workers to Europe. Therefore, to gain insight, this unit is fundamental as it will help you to identify and discuss key issues including the trends in Nigeria international migration starting from the colonial era; immigrants and refugees in Nigeria; the characteristics of Nigerian international migrants; major focus area of the Nigerian migration policies; the development contributions of Nigeria internal and international migration; Nigeria nascent interest in migration and development policies; the obstacles to remittance policy in Nigeria and ways by which formal system of remittances can be encouraged; and identify elements for a coherent policy on migration and development in Nigeria.

2.0   OBJECTIVES

At the end of this unit, you should be able to:

- Review the trends in Nigeria international migration starting from the colonial era;
- Evaluate immigrants and refugees in Nigeria;
- Describe the characteristics of Nigerian international migrants;
- Discuss the development contributions of Nigeria internal and international migration;
- Explain Nigeria nascent interest in migration and development policies;

- Identify the obstacles to remittance policy in Nigeria and state four useful ways by which formal system of remittances can be encouraged; and
- Identify and discuss the elements for a coherent policy on migration and development in Nigeria.

3.0   MAIN CONTENT

3.1   Trends in Nigeria international migration

In the colonial era, parallel to rural-to-urban migration, migration to and from other African countries, Nigerians have migrated to the UK, principally to follow higher education. A significant proportion of them would stay. After independence in 1960 this largely highly skilled migration to the UK continued, although an increasing proportion of Nigerians migrated to the US for study, business and work. The 1973 oil crisis and skyrocketing oil prices caused a tremendous 350 percent increase in oil revenues. The associated economic boom made Nigeria into a major migration destination within Africa. Rising incomes of the urban middle class and rapid industrialisation attracted substantial number of West African labour migrants. However, the post 1981 decrease in oil prices would herald a long period of economic downturn alongside with sustained political repression and violence. In 1983 and 1985 Nigeria expulsed large number of west-African migrants, including about one million Ghanaians (Arthur 1991). It has therefore been observed that Nigeria has witnessed a 'reverse migration transition, transforming itself from a net immigration to a net emigration country (Black *et al.* 2004). Nigerians have increasingly emigrated to countries such as Ghana, Cameroon, and particularly the wealthy economies of Gabon, Botswana and South Africa (cf. Adepoju 2000). Since 1994, South Africa has developed as a major destination for migrants from various African countries, among which numerous Nigerians. In particular the skilled have found the booming economy of South Africa to be convenient alternatives to Europe, the US and the Gulf States (Adepoju 2004). Whereas this migration of students, professionals and entrepreneurs to Anglo-Saxon countries has continued, there has been a diversification of Europe-bound migration following the economic decline and increasing political tensions in the 1980s. An increasing number of Nigerians have migrated to countries such as Germany, France, the Netherlands, Belgium as well as the Gulf states. In the 1990s, Spain, Italy and Ireland have emerged as new major destinations of labour migrants from West Africa and Nigeria (cf. Black *et al*. 2004). There has also been an increasing tendency of Nigerian migrants towards permanent settlement. Increasing restrictions and controls on immigration in Europe have not led to a decrease in Nigerian emigration. Rather, migrants are more often undocumented and the itineraries tend to be longer and more perilous. This has made Nigerian migrants more vulnerable to exploitation and marginalisation.

There is circumstantial evidence that these more recent migrants to continental European countries are less skilled on average, and that they more often work in the (formal and, particularly in southern Europe, informal) service, trade and agricultural sectors of the economy. The UK and, in particular, the US (through student and professional migration as well as the Green Card lottery) generally continue to attract the relatively higher skilled workers (cf. Hernandez-Coss *et al.* 2006). The need to expand the UK National Health Service has for instance created opportunities which poorly paid and unmotivated professional health workers find irresistible. UK universities have also embarked upon a recruitment drive of Nigerian

students. In Nigeria, countless immigration 'consultants' promise prospective migrants visa and job opportunities. Also the Gulf states primarily attract the relatively highly skilled at least until recently. Education has always been an important cause of Nigerian emigration. Some Nigerians migrate with their children to pursue studies in the US or the UK, to escape the dismal state of the Nigerian educational system. Labour migration from Nigeria has also become increasingly feminine. For instance, an increasing number of female nurses and doctors have been recruited from Nigeria to work in Saudi Arabia (Adepoju 2000).

A significant number of Nigerians apply for refugee status in European countries. In 2004, Nigerians were the fifth largest group of asylum seekers in Europe. They tend to state ethnic and religious conflict as their reason for asylum. The cases are often denied because it is felt that there are many other states within Nigeria and West Africa for Nigerians to move to if they are faced with persecution at home. Because of its size and its current *relative* stability, Nigerians have less chance of obtaining asylum status than citizens from other, conflict-ridden ECOWAS countries. The issue of trafficking of female Nigerian sex workers to Italy and other European countries has received substantial attention. However, it seems to be important to take into account the complexity of the issue as well as the blurred distinction between forced and voluntary migration. It is also important to make a distinction between trafficking and smuggling. Most recruiting of future prostitutes takes place in the southern Edo state. The most important destination is Italy, where it is said that as much as 10,000 Nigerian prostitutes would be living. Secondary destinations are the Netherlands, Spain and a range of other countries. When Nigerians began migrating to Italy in the 1980s as a response to its high demand for low-skilled labour in agriculture and services, these women where only one of many groups that migrated. The first prostitutes tended to work independently. In the early 1990, immigration restrictions made prospective emigrants increasingly dependent on large loans in order to pay their journey. This provided an opportunity for traffickers, who enticed young women to migrate with promises of good jobs, and subsequently coerced them into prostitution to repay their migration debt. The initial contact with the traffickers is often made through a relative, friend, or other familiar person, who puts her in contact with a *madam* who organises and finances the journey. The costs may range from US$40,000 to US$100,000. The migrants and the *madam* conclude a 'pact', which is religiously sealed by a traditional priest, which obliges repayment in exchange for a safe passage to Europe (Carling, 2005).

In Europe, the women are under the control of a Nigerian madam, a counterpart of the Nigerian *madam*. Most women know that they are going to work as prostitutes, but not necessarily the arduous conditions under which (street) prostitutes have to work as well as the size of the debt. However, this work does offer some 'career' perspective. After repaying their debt in one to three years, women are basically free, and it is fairly common for them to become a supervisor of other prostitutes and, eventually, a *madam* themselves. Carling (2005) stressed that this prospect of upward mobility is a strong incentive to comply with the pact, and that this strong element of reciprocity between traffickers and the victims make it difficult to reduce this form of trafficking.

Whereas labour migration and trafficking to Europe used to predominantly use air links, visa requirements and increasing immigration controls at air and seaports, seem to have led to an increasing reliance on trans-Saharan, overland routes to the Maghreb countries, and in particular Morocco, from where Nigerians and other sub-Saharan Africans attempt to cross the

Mediterranean sea to southern Europe or the Atlantic ocean to the Canary Islands (de Haas 2006b). According to a recent study, traffickers especially in Kano state successfully exploited the annual pilgrimage to Mecca to traffic children, men and women for different exploitative purposes e.g. prostitution, begging and all forms of domestic work (cf. Ehindero *et al*. 2006).

SELF-ASSESSMENT EXERCISE
Review the trends in Nigeria international migration starting from the colonial era?

3.2 Immigrants and refugees in Nigeria

Despite past expulsions and the economic decline after 1980, substantial communities of west-Africans migrants remain in Nigeria, and immigration has continued at more modest levels. Between 1984 and 1991, the numbers of migrants from Mali and particularly Ghana declined, whereas the numbers of Togolese and Beninoise seem to show an increasing trend. Although official figures probably underestimate the true number of migrants, table 1 suggests that migrants from Benin, Ghana, Mali, Togo and Niger form the largest groups, altogether comprising 305,000 officially registered migrants in 1991. It is difficult to guess the actual numbers of foreigners, although according to recent UN estimates, over 971,000 immigrants would live in Nigeria.

Table 1. Estimates of West-African migrants living in Nigeria

Country	1970	1975	1980	1984	1991
Ghana	129,872	312,904	511,859	680,384	78,706
Mali	85,003	92,656	87,221	112,970	56,471
Gambia	30,600	38,979	49,680	52,134	2,754
Sierra Leone	28,000	29,112	38,190	43,458	1,623
Togo	19,021	26,989	25,908	29,003	48,993
Benin	9,981	15,767	27,103	29,979	100,939
Côte d'Ivoire	3,879	5,721	8,931	10,432	1,845
Burkina Faso	45,890	52,732	65,579	72,328	3,515
Liberia	6,980	5,789	6,998	8,547	8,175
Senegal	2,542	3,381	3,920	5,468	2,009
Total	**361,768**	**584,030**	**825,389**	**1,044,703**	**305,030**

Source: Arthur 1991:74 (1970, 1975, 1980, 1984); 1991 Census (1991).

Compared to other ECOWAS countries, Nigeria hosts a relatively small number of refugees. Nigeria does not see the refugee issue as a major problem because of the much large IDP problem within the country. Authorities and the UNHCR estimated that there are 19,000 refugees and asylum seekers, of which 9,000 are registered with UNHCR. The majority of refugees are from Liberia (about 7,000). Other groups come from Sierra Leone (1,700) and Chad (3,200). There are 300-500 refugees and asylum seekers from the Democratic Republic of Congo (DRC) as well as refugees from Sudan (Darfur), Somalia, Côte d'Ivoire, Niger and Cameroon.

SELF-ASSESSMENT EXERCISE
Write short note on immigrants and refugees in Nigeria.

3.3 Characteristics of Nigerian international migrants

Scattered evidence on the origin of Nigerian immigrants in Europe and the US strongly suggest that the majority originates from the relatively developed and densely populated southern provinces. The Ibo from the southeast and the Yoruba from the southwest, and, to a lesser extent the Edo and the Ogoni ethnic groups seem to constitute the majority of Nigerian migrants in the UK (Hernandez-Coss *et al.* 2006). The majority of Nigerians trafficked to Europe seems to originate from Edo state, and Benin City in particular. Edo and, to a lesser extent, the Delta states are known as the main origin areas of sex workers. The Hausa and other northern groups from the north seems relatively more oriented on migration to the Gulf States. The predominantly Muslim character of the north as well as the position of the northern city of Kano as a major air hub in the *hadj*, the Muslim pilgrimage to Mecca, might partially explain this connection. Reliable or even approximate data on Nigerian migration is generally lacking.

Nigerian authorities do not register or estimate emigration, presumably reflecting the low interest in the issue. Receiving country statistics are incomplete, as many countries do not include naturalised and second-generation Nigerians in immigrant statistics and because of the substantial presence of undocumented migrants. Nigeria's Poverty Reduction Strategy Paper (PRSP) estimated that more than 2 million Nigerians (mostly highly educated) have emigrated to Europe and the United States (NNPC, 2004), but the empirical basis for this claim remains unclear. A compilation of existing migration statistics shows that more than 300,000 first generation Nigerian migrants were legally living abroad at the beginning of the 21st century (see table 2). Although the real number is certainly higher if we include second and third generations as well as undocumented migrants, claims that "millions" of Nigerians would live abroad appear to be rather unlikely.

Table 2. Estimates of Nigerians living outside Africa

Country	Nigerians abroad	Arrival of asylum seekers (2004)
US	160,000 (2004; country of birth)	NA
UK	88,380 (2001; country of birth)	1,209
Germany	16,183 (2002; nationality)	NA
Canada	10,425 (2001; country of birth)	589
Ireland	9,225 (2002; country or birth)	NA
Netherlands	4,564 (2003; country of birth)	NA
Italy	3,575 (1989; nationality)	NA
Austria	2,913 (2001; country of birth)	1,828
Greece	2,021 (2001; nationality)	NA
Australia	1,783 (2001; country of birth)	NA
Belgium	1,636 (2004; nationality)	NA
France	1,425 (1999; nationality)	1,572
Total	**302,130**	

Source: OECD 2006 and http://www.migrationinformation.org

Black *et al.* (2004) refer to sources suggesting that nearly 15,000 Nigerians enter Europe and North America annually. The UK census in 2001 reported 86,958 Nigerians living in the UK,

with about 80 percent living in greater London. However, this does not include undocumented migrants and UK citizens of Nigerian descent (Hernandez-Coss *et al.* 2006). There would live between 200,000 and 300,000 first and second generation Nigerians in the US. This figure would perhaps include up to 21,000 Nigerian doctors, although these figures are contested. According to 2000 census, 90,000 of the 109,000 Nigerian-born immigrants in the US aged 25 or over were tertiary educated (Adams, 2003).

SELF-ASSESSMENT EXERCISE
Describe the characteristics of Nigerian international migrants.

3.4   Nigerian migration policies

Nigerian immigration and emigration policies: regulations
Nigeria has largely pursued a *laissez faire* policy concerning emigration of its citizens. It has only actively intervened in the case of anti-trafficking policies. However, since European countries started to put pressure on Nigeria to collaborate with the re-admission of undocumented migrants, the Nigerian state seems to have begun more active emigration policies through negotiating immigrant quota in exchange for collaboration with re-admission. Nigeria's own immigration policies are rather restrictive, with the exception of ECOWAS citizens who nominally have the right to settle, work and do business. Most non-ECOWAS foreigners have to obtain a visa to come to Nigeria.

Migration relations with European states: focus on control and re-admission
The focus of migration policies of European states as well as their embassies and consulates in Nigeria is on immigration control, and restrictive visa polices are the main instrument of trying to limit immigration. A major problem in this process the widespread forgery of documents supporting visa applications, such as false bank statements and reference letters. This makes Nigerians particularly suspect in the eyes of immigration officials. Nigerians are also thought to be regularly involved in various forms of crime, such as the global trade in cocaine, financial fraud, money laundering and internet scams. Nigerians stakeholders tend to complain that their migration is only put in a negative light through the persistent association with trafficking, crime and fraud, whereas the vast majority of Nigerian migrants are law abiding.

In recent years, migration has clearly risen on the agenda in bilateral relations between Nigeria and European states, who specifically seek Nigeria's collaboration in the *readmission* of undocumented migrants or rejected asylum seekers of Nigerian citizenship. Nigeria is known as one of the most 'cooperative' African states on this issue. Several European countries have signed re-admission agreements with Nigeria, such as Italy, Spain, Ireland and Switzerland. Some countries are hesitant to concede to demands of the Nigerian side for certain quota of legal migrants in exchange for cooperation on re-admission – such as Italy is doing.

Visas are described as a major bargaining chip that European states use in negotiations, and that they do not want to give up, while Nigeria tends to ask for immigration quota in exchange for collaboration with re-admission. There is resistance among European states to deal with these issues on the European level due to a lack of agreement on a common migration policy. Although European embassies tend to describe Nigeria is rather willing to cooperate in

increasing border control and readmissions, they tend to state that the main obstacle is the limited resources and organisational and infrastructural capacity on the Nigerian side. Also the sheer size of the country, which counts 147 overland border crossing points, makes it notoriously difficult to control migration. Although 're-admissions' from several European countries to Nigeria do take place by sending back planes, the numbers returned are fairly small, and interviewees do not tend to see them as a very effective way of limiting undocumented migration. Several stakeholders claim that these repatriations are largely 'symbolical', which would function to give the impression that policy makers are doing 'something'. Although the readmission agreements with European Countries state that undocumented migrants should be returned on a voluntary basis, some Nigerian interviewees as having the character of deportations, whereby undocumented migrants would be treated "as criminals". Undocumented migrants who are apprehended in Europe are imprisoned in detention centres before being deported, and aircrafts are full of police and security people.

ECOWAS: infringing nominal freedom of movement
Nigeria is a founding member of ECOWAS and hosts its headquarters in Abuja. The purpose of the ECOWAS is to have common trade, elimination of tariffs, and freedom of movement of people. Freedom of movement is enshrined in the ECOWAS protocol of 29 May 1979 on the Free Movement of Persons, the Right of Residence and Establishment. This protocol allows ECOWAS persons to (1) enter any ECOWAS state without a visa; to (2) reside in any ECOWAS country up to 90 days; and (3) after 90 days, citizens can apply for a residence permit which is permanent and allows them to start businesses, seek employment, and invest. An ECOWAS passport was established in 2000. National passports will be gradually phased out. However, the implementation of the protocol on free movement leaves much to be desired. A major obstacle is the frequent corruption by police, *gendarmerie* and border officials in all ECOWAS countries, which hinders free movement in practice.

In Nigeria and throughout roads in the ECOWAS zone, several interviewees mentioned the presence of many unofficial road-blocks where police, *gendarmerie* and border officials take bribes as a form of unofficial toll. It was also reported that it is very difficult if not impossible to obtain residence permits for ECOWAS citizens due to widespread corruption, bureaucracy and a general lack of awareness among migrants of their rights. Migration issues have also become more important in EU-ECOWAS relations, presumably because of the increasingly visible presence of sub-Saharan migrants in North Africa and Europe and the deaths of West Africans attempting to enter EU. It is seen as a problem by Nigerian and other ECOWAS stakeholders that most negotiations between ECOWAS and EU countries on issues such as migration (i.e., readmission) agreements are done on a bilateral, country-to-country level. ECOWAS would prefer to have block-to-block ECOWAS-EU negotiations.

Focus on forced migration:
So far, the focus of Nigerian migration policies has been on the prevention of trafficking of women and children to Western Europe and other African states. This partly reflects domestic concerns, and in particular those of the wife of the vice president, but also the priorities of international donors. Nigeria has been under intense pressure particularly from the US to 'combat' trafficking. Trafficking is also seen as harmful for Nigeria's image abroad. The Nigerian Women Trafficking and Child Labour Eradication Foundation (WOTCLEF) was one of

the first Nigerian organisations working on trafficking issues. Since its inception in 1999, 600 women and children have used WOTCLEF's Abuja shelter. WOTCLEF activities focus on awareness raising, through establishing volunteer clubs in each state (of which 23 have been realised) and visiting schools, markets local leaders, and hair salons in order to raise awareness of trafficking. A WOTCLEF-sponsored TV programme on trafficking played for a number of years. WOTCLEF has supported the elaboration of the national law prohibiting human trafficking, which was adopted in July 2003.

The National Agency for the Prohibition of Traffic in Persons and other Related Matters (NAPTIP) is the agency, which was created to implement the law. Its primary functions include the prosecution of traffickers, investigation, rehabilitation of victims of trafficking, the 'enlightenment' (awareness raising) of general public and institutions such as immigration, police, and justice departments. NAPTIP has a staff of approximately 250 persons located in 6-7 offices around the country. Strategies to identify traffickers include working with paid informants in schools, motor parks, and hair salons in states where trafficking is prevalent. NAPTIP works with government agencies, WOTCLEF, UNICEF and IOM. There is a donor group on Child Trafficking headed by UNICEF. In May of 2006 the NAPTIP headquarters was entered and the trafficking files were stolen. Ironically, this might be a positive indication of NAPTIP's effectiveness. Between February 2004 and April 2006, NAPTIP was involved in the return of 520 trafficking victims. This includes those apprehended *en route* to North Africa and those who are deported from Europe in the context of re-admission agreements Nigeria has signed with several European countries such as Italy and Spain. This number only includes the women and girls who admit to have been trafficked. The true number of returned trafficking victims is felt to be much higher. It is estimated that of returned undocumented migrants, only a small fraction admit to have been trafficked, because of the negative stigma attached to female sex workers and their presumed fear to be retraced and punished by their traffickers. Trafficked persons enter an 'oath of secrecy' (or a 'pact'.) with their *madam* in Europe. The belief in these oaths is said to be very strong and deters the victim from seeking police support or from saying they have been trafficked. Deportees include both traffickers (*madams*) and trafficking victims. When the Italian authorities do 'sweeps', the traffickers are also included among the returned undocumented migrants. Upon arrival in Nigeria, NAPTIP used to put them together, which decreased the chances that victims want to denounce the traffickers. Therefore, NAPTIP now interviews expelled girls and women upon re-entry in Nigeria, so that it becomes apparent who are the traffickers.

The ILO office in Abuja is active in anti-trafficking, although with an emphasis on forced labour. ILO's Special Action Programme to combat Forced Labour (SAP-FL) has since 2004 implemented the Programme of Action to combat trafficking in West Africa (PATWA) to address the structural aspects of the demand and supply of trafficking in persons and its consequent forced labour in West Africa. ILO collaborates with government (Ministry of Labour), unions (National Labour Union), and employers (National Labour Consultative). IOM Nigeria has conducted a project on Trafficking of Women and Children from 2001 to 2005. There is little evidence that Nigeria's new anti-trafficking policies have led to a measurable decrease in trafficking, although most interviewees state that people are more aware of the dangers of trafficking. Some interviewees criticised the public awareness campaigns for having

the character of general anti-migration manifestations which try to convince the youth that they should not migrate. One interviewee said:

> *They simply say 'East, west, home is best'. But this is the wrong message. You won't stop people from going. You should instead inform people how to migrate legally so as to create a balanced opinion. Migration is not really a bad thing.*

Nigerian stakeholders tend to criticize the failure of European receiving countries, such as Italy, to identify the traffickers in country and not deport them with the trafficking victims. Currently, no such differentiation is made, and all undocumented migrants are categorised as 'illegal':

> *The focus on improving Nigeria's rather negative image abroad through anti-trafficking campaigns is subject of criticism by civil society actors, because this would coincide with an emphasis on repression and a lack of attention to the victims themselves: "The Nigerian government wants to make a good show, laundering its international image, rather than protecting the rights of individuals. For instance, the preamble of the anti-trafficking law only mentions the bad image migrants are creating for Nigeria. It does not address the rights of the individuals.*

Because victims of trafficking are not well protected in Europe and in Nigeria, they are generally not inclined to denounce traffickers, which is seen as essential to really address the issue. It was suggested that undocumented migrants should be given a temporary or permanent residency status if they inform on a trafficker and will not be deported straightaway.

SELF-ASSESSMENT EXERCISE
Explain major focus area of the Nigerian migration policies.

3.5   Development contributions of internal and international migration

In this context, it is relevant to assess what has been the actual contribution of internal and international migration to social and economic development. The contribution of internal migration has possibly been more positive than that of international migration, although the dominant policy analysis tends to put international migration into a more positive light, in contrast to the negative role ascribed to internal migration. International migration of the elite, although numerically not impressive, is widely associated with a large-scale capital flight, in which large parts of the country's oil windfall is transferred to foreign bank accounts and invested abroad. The recent, often undocumented, migration of people from more modest socio-economic backgrounds to southern Europe and elsewhere may therefore have been more beneficial for national economic development. This can even be the case of trafficking-related migration of female sex workers, as is testified by the visible increases in remittance-driven wealth in Edo state and Benin City in particular, from where much recent emigration including trafficking takes place.

Over the past years, there has been a remarkable increase in remittances. As part of its wish to develop a so-called remittance partnership with Nigeria, of the UK Department for International Development (DfID) recently completed a study on the UK-Nigeria 'remittance corridor'. The

study concluded that Nigeria received about 2.26 US$ billion in registered remittances in 2004, while in kind remittances (such as cars and electronics) were estimated at a level of 0.510 US$ billion. Based on the assumption that fifty percent of the remittances to Nigeria are unrecorded, it was concluded that the real level of remittances must be around 5 US$ billion (Hernandez-Coss *et al.* 2006).

Most UK remittances are destined to cities in the main origin areas of Nigerians migrants in the southwest and southeast regions (Hernandez-Coss *et al.* 2006). Thus, international remittances seem to exacerbate rather than level down the income differentials between Nigerian states. Internal migration has probably more contributed to income redistribution from urban to rural areas, which might seem surprisingly in the light of the bad press it tends to receive in comparison to international migration. Back in the 1970s, on the basis of a survey conducted in rural Nigeria, Adepoju (1974) already concluded that internal remittances enabled rural households to significantly improve their livelihoods, construct houses and enabled children's education. However, there is virtually no empirical evidence to assess the development impacts of internal and international migration more precisely.

SELF-ASSESSMENT EXERCISE
Discuss the development contributions of Nigeria internal and international migration.

3.6   A nascent interest in migration and development policies

So far, Nigeria has never pursued a migration or a remittance-led development strategy, as has been the case in countries with far higher rates of out-migration. Migration prevention has ranked higher on the agenda. In recent years, there seems to be a certain (re) appreciation of the potentially positive contributions of international migration and remittances to national development. There is also growing awareness that the migrants themselves are not the culprits for the loss of resources, but rather the rather dismal economic, institutional and security conditions prevailing in Nigeria. As one interviewee said: "Instead of pushing migrants not to migrate or to come back, the state should create the circumstances to lure them back" The formal re-introduction of democracy in 1999 and increasing freedom of speech was generally recognised as an important step forward in restoring trust among Nigerian migrants in Nigeria. Yet at the same time the high insecurity and crime rates as well as the omnipresent corruption and lack of economic reform were seen as massive obstacles.

Political change towards democratisation after 1999 also seems to have coincided with a certain policy shift towards more positive attitudes on international migration and development. For instance, Nigeria's PRSP draws a clear link between democratisation and economic growth on the one hand, and the role of emigrants and donors in national economic development on the other: "Some momentum for change has been building since the transition to democracy in 1999… Increasing numbers of Nigerians in the diaspora are willing to return and contribute to the economy, and many of the donor agencies that boycotted Nigeria during the military era have returned" (NNPS, 2004). It also aims to "Continue to actively strengthen links with Nigerians and other Africans in the diaspora to deepen technical and business ties with the rest of the world, and improve export market penetration, especially in textiles, food, and cultural artefacts" (NNPS, 2004). It is also interesting to observe the contrast with internal migration, whose

contribution to national development is still seen as negative. Strikingly, the PRSP also refers to attracting investments from *non-Nigerian* African migrants: "With better management of the economy and the restoration of investor confidence, a higher level of investment inflow is expected … Efforts will be made to attract investment from wealthy Nigerians at home and abroad, and strategies will be developed for inducing other Africans in the diaspora to invest in Nigeria" (NNPS, 2004).

The launch of the "presidential dialogue with Nigerians abroad" in 2002 marked this shift in policies. The presidential dialogue aims at incorporating the Nigerian Diaspora in national development policies. This also coincides with the stated willingness among the government to establish and reinforce links with Nigerian migrants as well as the numerous associations they have established abroad.

A study on the contribution of UK-based Diasporas to development and poverty reduction conducted by Van Hear *et al.* (2004) highlighted the diversity of Nigerians living in the UK and their organisations. It also showed that UK-based Nigerian diaspora organisations draw on a variety of constituencies, such as national or state level interest groups such as business associations, associations of particular ethnic groups; whereas others are based on gender, religion, political and cultural activities. Van Hear *et al.* (2004) also reported that, beyond such particular interest groups, Nigerians (and Ghanaians) in the UK figure prominently in pan-African diaspora development organisations, for instance the London-based NGO the African Foundation for Development (AFFORD). Van Hear *et al.* (2004) stated that the Nigeria diaspora provides a substantial contribution, especially by way of remittances, to the homeland, and that, in addition to these transfers, members of the Nigerian diaspora(s) contribute to poverty reduction and development in Nigeria through temporary or permanent return programmes for highly skilled (partly realised through UNDP's TOKTEN - Transfer of Knowledge Through Expatriate Networks - programme) and numerous efforts to mobilise Nigerians for the social and political development of Nigeria.

It is not so much the engagement of Diaspora groups that is new, but rather the interest of the Nigerian government in their potential contribution to national development. While the government has focused its hope on individual emigrants to invest, their associations are primarily ascribed a role in running and sustaining development projects. As part of the presidential dialogue with Nigerians abroad, the president had meetings with Nigerians living abroad in Atlanta and London.

The government has also established the Nigerian in the Diaspora Organization (NIDO), which has an office based in the Ministry of Foreign Affairs. NIDO has set up a network of branches in the Nigerian embassies abroad as well as destination country-specific websites. The official aims of NIDO comprise to (1) Encourage the participation of Nigerians in Diaspora in the affairs of the country; (2) Provide a forum to organisations for the exchange of views and experience; (3) Enhance the image of Nigeria through networking; and (4) Build a database of Nigerians with professional skills and make such database available for the benefit of government, the private sector and Nigeria's partners The President also appointed a Special Assistant to the President on Nigerians in the diaspora was appointed. Nigerians are officially encouraged to organise themselves and to link up with NIDO branches. There would be NIDO branches in almost all

European countries, but also three in Asia (Singapore, Malaysia, Australia) , and in African countries (South Africa, Ghana, Burkina Faso, Côte d'Ivoire). NIDO organises meetings and aims to development projects in collaboration with Nigerians abroad.

The Nigeria National Volunteer Services (NNVS) is another government agency, which has been established to reinforce bonds with the Nigerian Diaspora. NVVS aims to engage the Diaspora in a dialogue and to create a reverse brain drain ('brain gain') of their skills and knowledge. NVVS attempts to mobilise Nigerians professionals living abroad for capacity building, through encouraging temporary visits, technical missions and sabbaticals to Nigerian institutions or through giving summer courses. These contacts are partly established through linking up with Nigerian professional associations abroad. However, it is unclear how NIDO and NNVS function in practice, and no (independent) evaluations are available

SELF-ASSESSMENT EXERCISE
Explain Nigeria nascent interest in migration and development policies.

Remittances and remittance policies

At least until recently, Nigerian policy makers and banks paid scant attention to the issue of remittances. The Nigerian government and banks seemed mainly interested in large money transfers and major investments by Nigerians living abroad. Small-scale person-to-person remittances were no major issue of interest. Although the Nigerian Central Bank is part of the technical committee responsible for drafting a coherent migration policy, it is unclear to what extent the globally increased interest of donors in remittances is going to change the attitudes of the Nigerian government and banks.

At the 2004 G8 summit, countries agreed to engage in remittance partnerships. Nigeria is one of the countries with which the UK government wishes to engage into such a partnership, but up to now this has been obstructed by a (1) general lack of information on remittances and migrants abroad and (2) very little interest by the Nigerian Central Bank to engage in the discussion. The recent DfID study on the UK-Nigeria remittance corridor identified the weakened banking structure as a major obstacle for facilitating remittances. Due to decades of economic crisis, the number of Nigerians banks that have branches abroad has decreased. For small remittance amounts, their fixed fees are higher than sending money through Western Union, the main money transfer agency in Nigeria, which is also quicker. In addition, money transfer agencies offer the option to pay out in US$ instead of Nigerian Nairas to avoid the official, low exchange rate. Informal systems of value transfer are common, in particular in Italy, where there are a high number of undocumented Nigerian migrants who have difficult access to formal remittance channels (Hernandez-Coss *et al.* 2006).

The main recommendation of the DfID report is to encourage the use of formal remittance systems through (1) increasing competition in the remittance market and facilitating the entry of more competitors including the postal service and telecommunications providers which can offer remittance products through mobile phone techniques; (2) making regulations affecting remittances more transparent and predictable; (3) encouraging banks to go beyond the role of being money transfer agents and to become more proactive by designing remittance products for

the Diaspora, and offering other products, such as mortgages; and (4) building confidence in and capacity of formal financial institutions. The report also observed that banks are the only institutions authorized to pay remittances in Nigeria, the extensive national network of post offices is currently underutilized for distributing remittances. It was also suggested that in order to increase the development impact of remittances in Nigeria, the government could consider matching the collective remittances from Diaspora associations (Hernandez-Coss *et al.* 2006). This proposal is apparently inspired by the Mexican *tres-por-uno* programmes.

SELF-ASSESSMENT EXERCISE
Identify the obstacles to remittance policy in Nigeria and state four useful ways by which formal system of remittances can be encouraged.

Elements for a coherent policy on migration and development

The Nigerian president has appointed a Special Assistant to the President on Migration and Humanitarian Affairs. Her office has established a technical committee of government ministries and agencies, which currently discusses a coherent policy on migration and development. Civil society actors do not seem to be actively involved in the process. This process is facilitated by IOM Nigeria. The national agencies have asked IOM to support the policy development process by providing guidelines or examples of other similar policies in other countries. IOM suggested using the African Union Strategic Framework on Migration, which has been drafted in 2006, to guide the process. The IOM will also provide training on migration management. The committee had met six times until July 2006 and intends to submit the draft policy paper to the Federal Council by November 2006 and in any case before the 2007 elections. According to the office of the special Assistant to the President on Migration and Humanitarian Affairs, the main components of the migration policy are likely to be focused on mapping Nigerian migration and identifying the most needed expatriates, how not to lose skilled labour, how to bring back the diaspora, and how to prevent undocumented migration. It has also been mentioned that, as part of this new policies, migrants will possibly be granted voting rights in the next elections.

Several interviewees expressed a fair level of skepticism about these initiatives. According to one Nigerian interviewee, the government's policies still essentially boil down to anti-emigration policies: "The message is still 'do not migrate'. When the president talks to Nigerians living abroad he says 'come back struggle it out in Nigeria'. This is unrealistic if you take into account the enormous numbers of graduates without decent employment. They don't recognise the unattractive environment that Nigeria is. The government is not trying to regulate it through managing migration and protecting migrants. It is still seeing migrants as deviants. At the same time, ministers send their children to study and work abroad, but they don't call it migration".

This skeptical view seems to be partly based on doubts on the intentions of the government for developing a migration and development policy. One interviewee feared that, just as it has been the case with trafficking, that the issue of migration and development is been imposed by the international community and that is predominantly a fashion: "When trafficking became fashionable, many NGOs "jumped into trafficking" The fear is that the same might happen with the issue of migration, remittances and development. According to many interviewees the low levels of security and institutionalised corruption are among the main concerns of migrants who

return temporarily or permanently. Due to their alleged wealth, many migrants are said to be attacked and robbed when they visit Nigeria. NNVS tries to address this problem by providing police protection for returning migrants, which shows how worrying the security situation is.

SELF-ASSESSMENT EXERCISE
There are elements for a coherent policy on migration and development in Nigeria. Discuss.

4.0   CONCLUSION

The issue of migration and development has only recently been put on the agenda of the Nigerian government as well as development agencies. This unit has identified a number of specific obstacles that impede the implementation of policies that to reinforce the development potential of migration:

- The lack of rights of many recent Nigerian migrants to Europe, which make them vulnerable and easy to exploit. This obviously diminishes their own socio-economic mobility as well as their capacity to contribute to origin country development.
- A general feeling of distrust of migrants towards the Nigerian state, which makes it difficult to 'reach out' to diaspora groups. This seems to be the result of years of repression and neglect, and is unlikely to be changed overnight. This is visible in the NIDO initiative, which obviously lacks a firm connection with the already very active development associations of Nigerians abroad.
- The general lack of insecurity, high prevalence of crime, high levels of corruption and a generally unfavourable investment environment prevent Nigerian migrants from investing, circulating and returning.
- Both the Nigerian and European states have put severe limitations on legal migration.
- The development missions of receiving countries in Nigeria have not made a genuine link between migration and development issues. In practice, policies of receiving countries tend to almost exclusively associate migration with security issues and crime.
- Both the Nigerian and European states base their policies on the assumption that migration is the result of a lack of development. This makes it difficult to envisage a policy that creates a positive link between these phenomena.
- The fact that a significant proportion of Nigerian migrants are *relatively* wealthy and the fact that most migrants are from the relatively developed south, will make it difficult to establish a direct link between migration, poverty reduction and reducing inequality at the national level. However, more research is needed to identify in which regions and under which circumstances such positive connections can be made.
- There is striking lack of empirical knowledge on the number of Nigerians living abroad, their origin and whereabouts as well as the reciprocal connections of this migration with development. This lack of knowledge seems to be indicative of the past neglect of emigrants.

5.0   SUMMARY

There need to pursue sustained *general* economic and political reform in order to restore trust among migrants, the following specific policy suggestions can be formulated:

- In order to reinforce links with Nigerian migrants and their organisations, the Nigerian state wishes to encourage migrants to register at Nigerian embassies abroad. However, they will only do so, if the Nigerian state assumes a more active role in assisting and defending the rights of both documented and undocumented migrants. After years of repression, the Nigerian state is generally distrusted. Granting migrants voting rights is also believed to contribute to restoring trust.

- With regards to the desire of the Nigerian government to 'reach out' to Diaspora groups and to 'tap' their development potential, a important point of departure seems to be that the governments and development agencies should not so much try to 'mobilise' diasporas for development, but rather link up with and build on the wealth of *existing* initiatives of Nigerian (and other West-African migrants), such as AFFORD in the UK. Current initiatives of the Nigerian state such as NIDO seem to be rather top-down and this is perhaps an obstacle for their successful implementation. It is important to recognise that many migrants *are* already mobilised for development on their own force. They are unlikely to be willing to be 'tapped' by the Nigerian government. A more fruitful approach could therefore be if the Nigerian state and development agencies try to reinforce rather than direct the transnational engagement of Diaspora groups in development cooperation.

- The 'brain drain' cannot be prevented as long as general conditions in Nigeria do not improve substantially. In Nigeria basic rights are not upheld and there is not a feeling that the government protects its citizens. Besides improving investment conditions, personal security needs to be addressed before the 'brain drain' can be turned into a brain gain through increased remittances, transfer of knowledge and competencies and even a reversal of the capital flight.

- Encouraging free and circular movement through liberalising migration polices. This applies both for West-African as European countries. Migrants that can freely travel back and forth are more likely to contribute to development. Most Nigerian stakeholder felt that EU must create more ways for Nigerians and other West Africans to migrate legally and move freely in and out. The high restrictions mean that the poorer Nigerians cannot migrate, and also provoke undocumented migration. As it is difficult to obtain visas, it was said that once a West African gets one they are likely to stay a long time. If there is freer movement, West African nationals would be less compelled to stay permanently. Increasing possibilities for legal migration and freer movement should preferably be negotiated on EU-ECOWAS ('block to block') level instead of on bilateral level.

- In the same vein, it was felt that also the Nigerian state should liberalise its immigration policies and that Nigeria and other ECOWAS states should genuinely implement the ECOWAS protocol on the free movement of persons, the right of residence and establishment. Regional integration, both in economic and migratory terms, is seen as a powerful tool for national development.

- For the Nigerian state and banks, there is substantial scope to decrease the costs of remitting money and to encourage the use of formal remittance systems through increasing competition and transparency, offering remittance products through mobile

phone techniques, encouraging banks to design remittance products for the Diaspora, and building general confidence in and capacity of formal financial institutions.

- In order to create a knowledge base for policies, data should be gathered on Nigerians living abroad as well as the development contribution of migration on the local and regional level. There is a striking, almost total lack of basic data and research on Nigerian migration and its reciprocal connections with national and regional development. Therefore, more research on the nature and recent trends of Nigerian migration as well its development implications is urgently needed in order to elaborate policies that can enhance the development potentials of migration. Such research should increase insight into the differentiated and interconnected roles of internal, intra-regional (ECOWAS), African and trans-continental migration in national development.

6.0 TUTOR-MARKED ASSIGNMENT

i. Review the trends in Nigeria international migration starting from the colonial era?
ii. Evaluate immigrants and refugees in Nigeria?
iii. Describe the characteristics of Nigerian international migrants?
iv. Explain major focus area of the Nigerian migration policies?
v. Discuss the development contributions of Nigeria internal and international migration?
vi. Explain Nigeria nascent interest in migration and development policies?
vii. Identify the obstacles to remittance policy in Nigeria and state four useful ways by which formal system of remittances can be encouraged?
viii. Identify and discuss the elements for a coherent policy on migration and development in Nigeria?

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MODULE 4: ISSUES IN GLOBAL MIGRATION

INTRODUCTION

The main purpose of this module is to enable you gain in-depth knowledge on the issues in global migration including humanitarian and border issues, the EU multilateral approach toward the threat of irregular cross-boundaries migration through regional and global perspectives. However, this module is significant as it provides you comprehensive discussion on the current unprecedented level of internal displacement of persons in the world; neigbour countries fatigue on the inflows of migrants from the violence in Syria; the instability that continues to fuel massive displacement across Middle East; the uncertainty to ending violence displacement in Africa; international response to the recent humanitarian issues in the world. Europe and United States shift in policy and how it influences on migrants entry strategies in 2014; the experience of migrants fleeing perilous condition in their States while trying to reach Europe or United States in 2013 and 2014; the European and U.S. policy responses on the issue of migration in 2013 and 2014. Why States need to regulate, manage or preserve internal borders appropriately; the EU approach towards migration as well as the quality of multilateral governance in migration.

Under this module are four units, which contains comprehensive discussions for your study:

Unit 1: Humanitarian Issues and Responses
Unit 2: Border Issues and Responses
Unit 3: Migration as Global Security Threat
Unit 4: Multilateral Approach Towards Migration Threat

UNIT 1:   HUMANITARIAN ISSUES AND RESPONSES

CONTENTS

1.0   INTRODUCTION

The number of people forcibly displaced by conflict or persecution reached 51.2 million - the highest total recorded since World War II, the UN refugee agency reported on World Refugee Day in 2014. And the numbers continued to increase throughout the year. More than half of all refugees worldwide came from just three countries: Afghanistan, Syria, and Somalia. In Syria and Iraq alone, an estimated 13.6 million people have been displaced by the conflicts, constituting what UN High Commissioner for Refugees António Guterres dubbed a "mega-crisis." "We are witnessing a quantum leap in forced displacement in the world," said Guterres, who blamed the flows on the failure to resolve or prevent conflict. While humanitarian assistance helps mitigate suffering in the short term, he warned that without political solutions, "the alarming levels of conflict, and the mass suffering that is reflected in these figures will continue." Therefore, this unit provide you with clear understanding including on the recently witnessed unprecedented level of internal displacement of persons in the world; justifies that neigbour countries are already tired of the inflows of migrants from the violence in Syria; accounts for the "instability that continue to fuel massive displacement across Middle East; justifies the statement "no end to violence, displacement in Africa; and explains the international response on humanitarian issues in the world.

2.0   OBJECTIVES

At the end of this unit, you should be able to:

- Explain that internal displacement of persons in world reaches unprecedented level;
- Justify the assertion that neigbour countries was tired of inflows of migrants from the violence in Syria;
- Briefly account for the statement, instability continues to fuel massive displacement across Middle East;
- Justify the statement, no end to violence, displacement in Africa; and

- Explain the international response to the recent humanitarian issues in the world.

3.0 MAIN CONTENT

3.1 Unprecedented Level of Internal Displacement Persons

Refugee flows, while striking on their own at an estimated 16.7 million, are dwarfed by the staggering number of internally displaced persons (IDPs) in the world today, who accounted for more than half of total displacement last year. The number of IDPs worldwide stood at 33.3 million people at the end of 2013, the highest ever recorded, according to the Internal Displacement Monitoring Centre (IDMC). Many have been displaced for years, particularly in countries like Colombia that are the sites of long-standing civil conflicts. But new large-scale internal displacement accounted for the largest increase of any category of the displaced, UNHCR reported in 2014. Countries with more than 1 million IDPs currently include Colombia, Democratic Republic of Congo, Iraq, Nigeria, Pakistan, Somalia, Sudan, and Syria. This year, new waves of violence in countries including the Central African Republic, Iraq, Nigeria, and Ukraine forced hundreds of thousands to flee their homes.

SELF-ASSESSMENT EXERCISE
Briefly explain that internal displacement of persons in world reaches unprecedented level?

3.2 Host-Country Fatigue - Syria's Neighbours

The war in Syria, now in its fourth year, continues to force large numbers of people from their homes. Around 3.3 million people have fled the country and 7.6 million others are internally displaced - totaling more than 40 percent of the population—according to UNHCR and IDMC estimates as of late November. Some 2.2 million people fled in 2013 alone, making this the largest annual exodus by any group since the 1994 Rwandan genocide. The massive Syrian outflows continue to greatly stretch resources in neighboring Jordan, Lebanon, and Turkey, which together host almost 90 percent of Syrian refugees. At a Berlin conference in late October to raise money to aid Syrian refugees, attended by delegates from 40 countries, host-country representatives signaled they were approaching the limits of their ability to admit Syrians. Lebanon's prime minister, whose country of 4.5 million has taken in more than 1.1 million Syrian refugees, warned of the destabilizing effects of this influx. Turkey's deputy foreign minister bemoaned the low level of financial support from the international community; as of early December, his country hosted more than 1.6 million Syrian refugees. Despite the continuing violence in Syria, the pace of new refugee registration slowed in recent months as neighbouring countries took steps to restrict the flows crossing their borders. Common policies include barring refugees who returned to Syria from re-entering, as well as deporting and denying entry to those without documentation. As a result of such measures, the number of refugees registered by UNHCR in October was 18,453, down 88 percent from the 2013 monthly average of 78,000, according to the Norwegian Refugee Council.

SELF-ASSESSMENT EXERCISE

Briefly justify the assertion that neighboring countries were tired of inflows of migrants from the violence in Syria?

3.3   Instability Continues to Fuel Massive Displacement across Middle East

While the Syria crisis has attracted the most public attention, other countries are more quietly experiencing significant refugee crises of their own. The still-fragile security situation in Afghanistan kept it at the top of the list of refugee-origin countries for the 33rd consecutive year in 2013, with 2.6 million Afghan refugees in 86 countries. The largest numbers can be found in Pakistan and Iran, while Germany serves as the largest host outside the region. As 2014 draws to a close, the number of refugees from Syria has surpassed that of Afghanistan, where there is a slower rate of displacement. In Iraq, the rise of the jihadist group Islamic State in Iraq and Syria (ISIS) and ensuing sectarian violence forced many Iraqis to flee over the course of the year. In August, ISIS fighters seized control of the town of Sinjar, leaving thousands of Yazidis - ethnic Kurds who practice a distinctive religion trapped for days on a mountainside without food or water. As many as 200,000 people, most from the Yazidi community, fled within the country, while thousands more left for Turkey, according to UNHCR. As of late November, more than 3 million Iraqis were internally displaced, including 1.9 million newly displaced in 2014, half of whom are seeking refuge in the country's Kurdish region.

SELF-ASSESSMENT EXERCISE

Briefly account for the statement "instability continues to fuel massive displacement across Middle East?"

3.4   No End to Violence, Displacement in Africa

Heavy fighting between Christian and Muslim militias in the Central African Republic (CAR) prompted new refugee outflows during 2014, with nearly 420,000 seeking refuge in neighboring Cameroon, Chad, and the Democratic Republic of Congo (DRC). The number of internally displaced persons, which hit a peak of 922,000 in January, had declined to 437,400 by mid-December. Across Africa, new displacement rose in 2014. Insecurity and famine in Somalia, long a refugee-origin country, pushed the number of IDPs past 1.1 million. In Nigeria, Boko Haram's reign of terror continued to displace hundreds of thousands of people, bringing the number of IDPs to at least 3.3 million, the third-highest in the world behind Syria and Colombia. In total, more than 11.4 million people have been displaced in 12 East African countries, including the DRC, Sudan, South Sudan, and Somalia.

SELF-ASSESSMENT EXERCISE

Briefly justify the statement "no end to violence, displacement in Africa?"

3.5   International Response to Humanitarian Issues

While the neighbors of conflict-ridden countries have primarily shouldered the burden of accepting refugee flows, other, particularly wealthier, countries outside the affected regions have been reluctant to increase refugee resettlement places. At the Berlin conference, High

Commissioner Guterres bluntly told delegates that the international community response has fallen far short of what is needed - indeed, the UN's appeal for Syrian humanitarian aid has met only 47 percent of its funding goal for this year. As of December, when UNHCR held its most recent pledging conference, the refugee agency had received pledges from 28 countries to admit or resettle more than 66,000 Syrian refugees, though the pledges fall well short of the agency's target of 130,000 places in 2015-16, and even further from the estimate of 300,000 most in need of resettlement. European countries have provided the majority of pledges, but the actual numbers of resettled refugees remain low. Sweden tops the list with more than 30,000 Syrians granted permanent resident status since the war began. Over the same period, Germany resettled 6,000 refugees, took in another 11,800 Syrian asylum seekers, and pledged to accept an additional 20,000 Syrians on humanitarian grounds. All in all, the spaces promised by non-neighboring countries amount to only a small fraction of Syria's resettlement needs.

While traditional resettlement countries like Canada and the United States have declined to establish large-scale programs for Syrian refugees, new avenues have opened within the international community. Several Latin American countries have created programs to accept Syrian refugees. With only 6,000 refugees resettled in the region thus far, the trend is largely symbolic but has the potential to grow substantially over time. Brazil issued 5,700 humanitarian visas for Syrians as of December, allowing recipients to apply for refugee status once in the country; as of August, refugee status has been granted to 1,245 applicants. Argentina has resettled some 300 Syrian families over the past two years. This year, Uruguay received its first 42 Syrian refugees of the 120 it has offered to admit, and is the first Latin American country to cover all resettlement costs. And Colombia, itself torn apart by displacement, has accepted all 19 Syrians who applied for asylum since 2011.

With strains on resources in refugee-accepting countries and slow growth in refugee resettlement abroad, 2014 was a dismal year for the millions forced to flee their homes. Funding shortages among humanitarian organizations will likely make this winter a difficult one for refugees in the Middle East and Africa. As violence in many countries, particularly Syria, continues unabated, high levels of displacement are likely to remain a sobering reality facing the international community in 2015.

SELF-ASSESSMENT EXERCISE
Explain the international response to recent humanitarian issues in the world?

4.0   CONCLUSION

In this unit we have explained that internal displacement of persons in the world has reaches unprecedented level; justified that neighbor countries are already tired of the inflows of migrants from the violence in Syria; accounted for the "instability that continue to fuel massive displacement across Middle East; justified the statement "no end to violence, displacement in Africa; as well as explains the international response on humanitarian issues in the world.

5.0 SUMMARY

This unit showcases that conflict or violence driven migration across international border and the fatigue demonstrated by the countries for which the displaced persons flows has posed a global humanitarian challenges. It also reminded us that there is clear link between conflict and migration in the world.

6.0 TUTOR-MARKED ASSIGNMENT

i.   Explain that internal displacement of persons in world reaches unprecedented level?
ii. Justify the assertion that neighboring countries were tired of inflows of migrants from the violence in Syria?
iii. Briefly account for the statement "instability continues to fuel massive displacement across Middle East?
iv. Justify the statement "no end to violence, displacement in Africa?
v.   Explain the international response to recent humanitarian issues in the world?

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UNIT 2:   BORDER ISSUES AND RESPONSES

CONTENTS

1.0   INTRODUCTION

As governments in Europe and North America remain vigilant about border security, and even take steps to further strengthen certain aspects of enforcement, they are finding their systems and policies tested by a development that gained strength in 2014: Increasingly creative entry strategies. Some migrants headed for the United States or Europe, apparently confident in the knowledge that they will not be immediately returned if encountered by enforcement officials, now act in a seemingly counterintuitive way, presenting themselves to authorities for processing rather than trying to evade border controls. Many of these migrants can stay for extended (sometimes permanent) periods once they reach their destination, regardless of the legitimacy of their claim, because of legal and political complications that states face when attempting to repatriate those judged not to meet national or international standards designed to protect vulnerable populations. However, this unit provide you substantial understanding and with special reference to Europe and United States, (i) how the shift in policy environment influences the migrants entry strategies in 2014; (ii) the experience of migrants who fled perilous condition in their States to reach Europe or United States in 2013 and 2014; and (iii) the European and United States policy responses on the issue of migrants inflows in 2013 and 2014.

2.0   OBJECTIVES

At the end of this unit, you should be able to:

*   Substantiate with reference to Europe and United States, how the shift in policy influences the migrants entry strategies in 2014;
*   Explain the experience of migrants fleeing perilous condition in their States while trying to reach Europe or United States in 2013 and 2014; and
*   Discuss the European and U.S. policy responses on the issue of migration in 2013 and 2014.

3.0   MAIN CONTENT

3.1   Highly Adaptive Flows - Migrants Entry Strategies

The mixed flows of would-be entrants arriving without authorization which include asylum seekers as well as economic and family-stream migrants are highly adaptive (or responsive) to perceived changes in policy or new opportunities at destination. A high-profile example of this trend occurred in late spring and summer of 2014, when tens of thousands of unaccompanied minors and parents with young children from Central America reached the U.S.-Mexico border. Nearly 52,000 unaccompanied children from El Salvador, Guatemala, and Honduras crossed the U.S.-Mexico border during fiscal year (FY) 2014, presenting themselves to authorities for processing in the expectation - based on the experiences of earlier entrants - that they would be placed with family members already in the United States until their immigration court hearings, typically years later.

In Europe, the ever-growing flows of migrants crossing the Mediterranean in 2014 - with frequently tragic results - also provided examples of people adapting their entry strategies in response to a shift in the policy environment that emphasizes rescue over enforcement. In response to this shift, smugglers and their cargo now actively seek out European coast guard or navy vessels - drawing attention to their boats or even intentionally disabling them, so that passengers can be taken to shore and processed. With the advent of Italy's now-ended Mare Nostrum search-and-rescue operation, which intercepted an estimated 150,000 migrants since October 2013, many smugglers began sending boats full of migrants without facilitators, and little fuel, food, or water as "they would be rescued by Italian authorities after two days at sea anyway," according to interviews of migrants conducted by Frontex, the European Union's border agency.

Similarly, Australia has faced a significant number of asylum seekers arriving by boat in recent years, leading the government to implement a deterrence policy of offshore refugee processing in Papua New Guinea and Nauru. As the number of boats reaching Australian waters dwindled in 2014, the number of asylum seekers and refugees registered with the UN High Commissioner for Refugees (UNHCR) in Indonesia rose to nearly 11,000 as of the end of November 2014. Seeking to pre-empt changing migrant strategies, including efforts by some to travel to Indonesia and apply there for refugee admission to Australia, Australian Immigration Minister Scott Morrison announced that refugees who applied for resettlement after July 1, 2014 through UNHCR Indonesia would not be accepted in Australia; the country also reduced the overall number of resettlement places from Indonesia. The government's rationale for this policy, and the reintroduction of temporary protection visas for asylum seekers (which replace permanent refugee status) in a new migration law adopted in early December, is to deter unauthorized arrivals and drive all migration to approved channels.

SELF-ASSESSMENT EXERCISE
Substantiate with reference to Europe and United States, that the shift in policy environment influences migrant's entry strategies in 2014?

3.2   Increasingly Perilous Conditions of Migrants

Beyond deliberate strategies to adapt to changing enforcement and policy realities, migrants fleeing desperate conditions have been forced into increasingly dangerous routes in order to reach Europe or the U.S. border. The burgeoning demand for humanitarian protection, with crises in Syria, Iraq, Pakistan, Afghanistan, a constellation of unstable states in sub-Saharan Africa, and in Central America, have outpaced the ability and political willingness of neighbours in the region and the broader international community to offer meaningful protection to all, let alone resettlement opportunities, pushing many to embark on precarious voyages to safer destinations. With global estimates of more than 4,000 migrants deaths in 2014, the Mediterranean has proven the world's deadliest crossing this year. More than 3,000 migrants drowned attempting to reach Europe, up from an estimated 700 in 2013, according to the International Organization for Migration (IOM). Similarly, many of the Central American children and families heading to the United States also face difficult and dangerous journeys - with widespread reports of extortion, gang violence, sexual assault, and even serious injury or death at the hands of traffickers, or, until recently, aboard the freight trains atop which many travel through Mexico on their journey to the United States.

Treatment of Migrants at Arrival: Once they reach the U.S. border, unaccompanied child migrants and parents traveling with young children capitalize on U.S. policies and processing backlogs that often allow them to stay in the United States for several years, as well as the limits of political will to enforce the removal of such vulnerable populations. Many ultimately receive, if not refugee status, various forms of subsidiary protections. Nor are some less sympathetic populations likely to be removed either in the U.S. or European contexts. Some abscond during the adjudication process, others lack the necessary identity documents for processing their claim and/or return, while yet others are protected by requirements for states not to deport them to countries that lack a readmission agreement, are deemed unsafe, or will not accept their return.

SELF-ASSESSMENT EXERCISE
Recently migrants fleeing perilous condition in their States were forced into dangerous routes to reach Europe or United States in 2013 and 2014. Discuss?

3.3   The Policy Response

With European countries' protection systems already under strain and policymakers increasingly sensitive to public concerns over rising asylum claims, border control policies and operations in the Mediterranean came under increasing scrutiny and adjustment in 2014. The U.S. government, facing a sharp public outcry over the spike in arrivals of unaccompanied minors from Central America over the late spring and summer and questions over its control of the U.S.-Mexico border, also responded with a range of measures.

***The European Response*:** Italy, which implemented Mare Nostrum in international waters following the drowning of more than 360 migrants off the coast of Lampedusa in October 2013, repeatedly called for the European Union to supplement or replace the operation, which Italy claimed cost more than 9 million euros a month. Frontex launched Operation Triton, a maritime mission focused on Italian coastal waters, to replace Mare Nostrum in November 2014, but has

found little support from Member States, with only seven ships, two planes, one helicopter, and personnel from the Netherlands, Finland, and Portugal; the United Kingdom has refused to participate, arguing the rescue mission encourages more people to attempt the dangerous crossing - a viewpoint shared by several other EU Member States. While Operation Triton represents a more limited response than Mare Nostrum, it is nonetheless a step forward in terms of the collective European response to Mediterranean migration over the past several decades. Europe may be reaching an inflexion point on this issue, with the growing realization by governments that crisis-propelled flows are not going to disappear overnight, and that the policy response will need to be rethought. The undertaking, already complex in a union of 28 Member States with different policy contexts and realities, will be made all the more difficult at a time when there are strong voices calling for less immigration and publics are skeptical about the ability to integrate immigrants effectively.

The U.S. Response: In North and Central America, responses by the U.S., Mexican, and Central American governments resulted in a dramatic decline of flows of unaccompanied minors and parents with young children from a peak of 26,951 apprehended in June 2014, to 6,788 in October. In the United States, the government established fast-track immigration court hearings, increased detention of family units, and worked with Central American governments to launch public awareness campaigns warning of the dangers of the journey and making clear that migrants would not be given "permisos" to remain permanently in the United States. The United States also announced in September that it would establish in-country refugee processing centers in El Salvador, Guatemala, and Honduras, allowing for certain lawfully present parents in the United States to request refugee resettlement in the United States for children still resident in one of the three countries. Mexico also stepped up its immigration enforcement, both along its southern border and in the interior. As part of that strategy, Mexico had deported nearly 107,200 Central Americans during the year, as of December 8, a 47 percent increase over 2013, according to Guatemala's General Directorate for Migration.

SELF-ASSESSMENT EXERCISE
Discuss the European and U.S policy responses on the issue of migration in 2013 and 2014?

4.0   CONCLUSION

In this unit we have discussed substantially with reference to Europe and United States, how the shift in policy environment from enforcement to rescue influences migrants entry strategies in 2014; (ii) explained the experience of migrants fleeing perilous condition in their States while trying to reach Europe or United States in 2013 and 2014; and (iii) the European and U.S policy responses on the issue of migration in 2013 and 2014.

5.0   SUMMARY

It is obvious form the above discussion, that as governments in Europe and United States remain vigilant about border security, and even take steps to further strengthen certain aspects of enforcement, they are finding their systems and policies tested by a development that gained strength in 2014 particularly with the Increasingly creative migrant entry strategies. Therefore, the recent mixed flows of would-be entrants arriving without authorization which include asylum

seekers as well as economic and family-stream migrants are highly responsive to perceived changes in policy or new opportunities at destination.

6.0   TUTOR-MARKED ASSIGNMENT

i.   Substantiate with reference to European and United States, how the shift in policy environment influences migrants entry strategies in 2014?
ii.   Explain the experience of migrants fleeing perilous condition in their States while trying to reach Europe or United States in 2013 and 2014?
iii.   Discuss the European and U.S policy responses on the issue of migration in 2013 and 2014?

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UNIT 3:   MIGRATION AS GLOBAL SECURITY THREAT

CONTENTS

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7.0   References/Further Reading

1.0   INTRODUCTION

Migration stands on top of the European policy agenda. Aside from its intrinsic importance, over the last years it has become one facet of European relations with the outer world. Defined as a strategic priority impinging on overall stability, the management of migration is considered as a security matter needing coordination and cooperation processes at more levels and with more actors. As security is no longer associated with pure military force new 'risks' threaten the stability or the typical functions of states. Dealing with these threats often requires processes of cooperation with other actors, so as to avoid unwanted outcomes. Therefore, this unit is vital as it bring to your limelight that recently the European approach towards migration is following through the lenses of multilateralism and security governance as well as the significant of States border preservation in achieving success.

2.0   OBJECTIVES

At the end of this unit, you should be able to:

•   Discuss the approaches of European Union in tackling migration issues; and
•   Explain why States need to regulate, manage or preserve internal borders appropriately.

3.0   MAIN CONTENT

3.1   Dealing with migration as a security issue

This work will not go through the issue of 'securitization' of migration. That is, it will not debate about whether the issue represents a security challenge or risks or instead represents an economic or humanitarian concern. A lot of authors have explained how migration has been presented as a security threat posing a danger on people well-being and identity, even if sometimes they did not properly explain why this has happened (political opportunism can explain national provisions or intergovernmental frameworks but less so cooperation at the European level). Instead, this aspect focuses on whether the European Union deals with migration as a security threat, conceived this latter as a basic threat to European stability and whether it acts accordingly and consistently. The

logic behind this is that as long as the EU deals with migration as a security matter, a 'securitization' approach cannot help any longer to investigate the logic underneath cooperation dynamics. In particular, this section will explore if uncontrolled and massive inflows of third country citizens towards the Union's territory have been associated with security threats. If this is so some indicators would show a certain attitude at control and inflow limitation to the point of creating filters or barriers at the EU's physical and political borders. Also, links among current threats and immigration should be noticed: external events such as terrorist attacks or civilian conflict should spur closure reactions and more difficult access to the Union. Because of its prevalent external origin, migration is likely to be managed as a facet of European foreign policy, tailored to accommodate different interests in different geographical areas. Finally, if migration is dealt with as a security threat a certain reluctance at supranationalization should be noticed notwithstanding the value of completely harmonized policies among Member States.

Over the '60s and the '70s migration was a bargaining tool in economic states' relations within the European context. The need for hands to trigger production after the World War and endowment differences within countries were at the basis of the bilateral contracts signed at that time. Migration was not properly seen as a danger, the main reason being that migrants were supposed to go back to their home countries at the expiration of the contract span. Contracts, though, requested 'useful' workers, quantified in numbers. When migrants started to settled down in recipient regions, - a process this latter that both anticipated and followed the economic downturn of the '70s - a certain contagious restrictive approach towards inflows was progressively undertaken, concretized by the creation of *ad hoc* groups charged to discuss about the consequences of 'unwanted' migration and possible related dangers. One of these loose intergovernmental structures, the Trevi Framework (1975-1993), a part of the European Political Cooperation structure and working on terrorism, drug trafficking and organized crime, was an important stepping stone for cooperation among states and set forward the relation among inflows and international terrorism and organized crime.

Another important group created at that time was the ad Hoc Group on Asylum and Immigration for the coordination of asylum and immigration policies. Restrictive actions related to the mounting concerns for the consequences of migration though, did not stop flows which continued in different forms and as a consequence of closure dynamics through asylum guarantee, family reunification, illegal entries and overstays. As a matter of fact, huge is the number of immigrants who applied for asylum status, while small was the percentage in real need of international protection. Also, the issue of family reunification was a scapegoat able to exploit European normative and juridical commitments, " the adoption of obstruction policies ends up this way putting directly in contrast the states' restrictive intentions with the embedded liberalism regime that the same promoted under the Cold War pressure". The incapability of stopping such unwanted flows created a problem of 'control': states no longer able to monitor who crosses a border encounter a security problem. The '90s have seen the birth and the quick expansion of the Justice and Home Affairs domain.

The European economic project together with external factors put under the spotlight the potential consequences of the free movement of people. The Single European Act (1986), was a significant watershed for migration issues: internal free movement of goods, persons, services and capital was said to require 'compensatory' security measures to strengthen external border

controls: it was clear that the movement of workers had to be freed only within the Union through the abatement of internal barriers. It was the willingness of France and the Federal Republic of Germany to speed up the abolishment of controls on common frontier, that built the basis of the Schengen Agreement in 1985 with the Benelux countries. This latter came into force in 1995, abolishing internal controls on the borders of signatories countries. When the Schengen Agreement did expand to encompass all other European states (albeit with exceptions), and internal controls were removed, it was even more apparent that controls at the external border together with cooperation on internal issues had to be intensified in order to enjoy a common internal security space, "from 1986 to 1991 the Member States created over 20 new intergovernmental bodies dealing with issues such as police and custom cooperation issues relating to the abolition of internal controls, asylum, immigration and external border controls and drug-trafficking".

To a situation of free movement within the Union, which rendered *de facto* less traceable security threats, pressures exerted on the European borders and determined by the implosion of the Soviet Union and the end of the Cold War were added. As Monar recalls, "the sharp increase in the number of asylum application and the mounting illegal immigration pressure at the end of the 1980s played a key role in bringing asylum and immigration on to the agenda of the 1990-91 Intergovernmental Conference and in making member states-under strong pressure by Germany as the main 'frontline' country-agree on the introduction of the third pillar".

Thus, international factors and structural changes have exerted a great impact on migration dynamics: to a certain extent the end of the military confrontation has determined or brought to the fore a series of security threats hardly manageable through traditional and confrontational strategies "even sovereign states have begun to view security as a collective management of sub-national or transnational threats and the policing of borders and internal realm, rather than just the defense of territory against external attack". The implosion of the Soviet Union, which for decades controlled and contained migration flows, pushed a huge amount of people towards the West, creating souring pressures on border states such as Germany. The Yugoslavian conflicts have speeded up provisions regarding refugees within Europe, while opening up a case of humanitarian intervention to avoid the outflow of the same, "it was the armed conflict in Bosnia-Herzegovina, the 1999 Kosovo war and the humanitarian crisis triggered by the displacement of more than 850000 people from the region that prompted EU Member States to adopt a coordinated response to tackle the critical situation on the Union's borders".

The flow of refugees was considered as a threat to regional security also because their movement could spread out the conflict in all Yugoslavia. In 2000 a European Refugee Fund has been created (a new one has become operational since 2008). In the same vein, the soaring number of Iraqi asylum seekers towards Europe after the Iraq Wars at the end of the '90s shaped the debate on international protection and internal security within the EU. All these external factors are said to have had a great impact on taking forward migration legislation and on creating institutional provisions for that purpose. Against this background, not only illegal immigrants but also asylum seekers and refugees started to be framed as security problems requiring proper actions: the Dublin Convention which makes it impossible to submit an application for asylum in more countries is a restrictive policy aimed at curtailing the total number of applications, Dublin II,

agreed on 2003, adds to the 1990 Convention the Eurodac fingerprint data system, which is basically a tool for recording asylum applications.

The belief that a major engagement of sending and transit countries was necessary to manage migration consistently started to take ground in the mid '90s. While not new the idea was first outlined by the High Level Working Group (HLWG, 1998) and then formalised at the European Council in Tampere in 1999, where it was stressed that the real causes of migration had to be faced, envisioning a broad participation in policy formulation. Therefore, in addition to a common EU asylum and immigration policy an 'external dimension' of EU cooperation in justice and home affairs (JHA) had to be tabled. The external projection of migration policies, recalls Pastore, was essentially spurred by control and security logics and priorities, so that it became an essential element of the European foreign policy. As Boswell recalls, two main directions have been undertaken since then to control and limit the inflows through external policies: the externationalization of traditional instruments of EU borders control -focussed on engaging third countries in controls on illegal flows, trafficking and smuggling and the draft of re-admission pacts and carriers sanctions- and a preventive approach focused on the reasons determining the abandonment of home countries and on foreseeing regional arrangements for the protection of displaced persons. Also in the latter case, the end objective was to reduce pressures on EU borders, "in the end our aims must be to achieve durable solutions on a regional basis. And that will help to reduce the flow of migrants to Europe".

The security threat posed by migration was underlined later on after the terrorist attacks on September 11th 2001. In this case, as in the cases of the terrorist attacks in London and Madrid, the emphasis on borders closure gained prominence. In the following Council meetings (Laeken, 2001; Seville, 2002), the necessity of hampering illegal immigration for security reasons was set as the first objective to be met. The security approach was confirmed by two other factors: the European Security Strategy and the Transatlantic Relation. From 2001 on, the idea was taking more ground within the European strategic planning that terrorism as a rather immaterial and non-identifiable threat could travel with persons and could menace directly the security of the Western world. More to that, the influence that the Transatlantic Relation has exerted on the strengthening of control measures at the borders after September 11th cannot be overlooked. The connection made principally but not exclusively between terrorism and migration was made clear at the meeting of the Strategic Committee on Immigration, Frontiers and Asylum (SCIFA) and a US Delegation: the US expected the European Union to cooperate on border control in transit areas, border information exchange, return of inadmissible persons, expulsion/extradition, border security, visa. As it is reported, "visa measures have been affected by the desire to obtain information about those crossing frontiers and ensure maximum security".

Thus, measures to make it more difficult to enter the Union have for example seen the codification of two lists of countries: the citizens of the white list can have access into the Union without a visa for a period of less than three months, "a series of instruments, related especially to visa policies, have been activated in order to make it more difficult to travellers coming from troubled countries to reach the national territory". Those of the black one should apply for a visa, undergo the common Visa Information System (2007) - which allows Schengen Member States to gather and exchange data (also photographs and fingerprints) of citizens of countries in the black list applying for a visa- and should not have any 'alert' within the Schengen Information

system. Moreover, border control agencies have been agreed upon, such as the European Agency for the management of operational cooperation at the external Borders (FRONTEX, 2005), while an external borders Fund of 1.82 billion euros covering the period 2007-2013 (30% land borders, 35% sea borders, 20% airports 15% external borders) has been scheduled.

The enlargement processes in 2004 and 2007 have answered the double objective of security and stability. The exportation or externalization of the European governance system on migration to those states was strongly characterized by security concerns, as the broadening of the border was likely to get the Union closer to trouble-spots.31 The new-states had to accept and apply the *acquis communautaire* on external border controls as a condition for full membership within the EU, while entering a five years transition period before the whole elimination of their internal borders. This has somehow shifted the burden of control from the core Europe, while broadening the new eastern borders, "there are also likely to be new security challenges linked to enlargement, such as longer and more exposed borders and a potentially increased attractiveness of the enlarged internal market for organized crime, traffickers, facilitators involved in huge business that illegal immigration has become". Some of the new Member States that shifted from a transit to a destination country condition seem sometimes eager to strengthen entry requirements for third citizens, especially because of the persistence of limitations within the Union for their citizens. The new periphery of the Union, bordering troubled regions such as the Balkans and Caucasus is emphasizing the relevance of and the connections between the European foreign policy agenda, the idea being that stability within the Union can be assured when stable is its outside edge.

The intergovernmental approach has characterized to a great extent cooperation on migration and asylum. From this point of view this topic has shown that when a problem touches security dynamics the role of the state is still of the paramount importance. Thus, while states found it less problematic to agree on provisions regarding the strengthening of external borders measures and the undertaking of more protective and restrictive provisions, they found it more difficult to undertake a more 'positive' path impinging on their national legislation, "since the last thirty years, prevention, containment and repression (trough the expulsion of the outlaws) of non authorized migration flows have represented the key axis of the migratory policy of West Europe states". As this point is fundamental to see how cooperation has developed within and outside the Union, the next section will be devoted to the assessment of internal cooperation dynamics.

SELF-ASSESSMENT EXERCISE
Discuss the approaches of European Union in tackling migration issues?

3.4   Preserving internal 'borders'

Throughout the theoretical part it has been explained why security challenges spur cooperation among actors within a region. Coordination of security practices has time and again characterized states' efforts to face or avoid risks and threats. This was true in the case of traditional security issues, and is more so with 'new' challenges: in both cases a certain conformity of practices among actors is needed to avoid that an un-coordinated move by an actor risks endangering overall security. If states were able to face the threat alone there would be no reason for cooperation: instead, everyone's participation in the coordination effort is needed in

order to avoid a likely result. Also, because of the nature of the threats ahead, states' actions impact on other states, independently from the own provisions. As in all security issues though, it is likely that the coordination path falls short of its potentialities: actors are willing to engage in patterns that strengthen their security (independence, ability to pursue their own interests) but less willing to agree on a 'positive' approach undermining national legislations.

If the topic of our concern, migration, is conceived as a new security threat we should witness an attempt at coordinating actions among actors within the same region, "given traditional national differences, the interesting question is not why the immigration issue has become politicized in the EU, but why states would cooperate, and on what bases they would converge if at all".

Governance, that focuses on 'who does what', is based on the degree of coordination of national politicies at a European level. It should be probable that overall arrangements are agreed upon on measures strengthening states' security. According to what said before, it should be also likely that common measures impinging on states' internal prerogatives will be hardly found or strongly debated. If the final referents of security provisions are national states, cooperation will not be as encompassing as needed by the topic to be handled. The analysis of cooperation on migration within the Union is a necessary step to be made, because the breadth and the features of the policies agreed upon within the regional cluster have an impact on the character and degree of multilateralism and governance with third actors.

As seen in the previous unit, the European project for the free movement of people together with external facts have been the main reasons triggering cooperation among European states. As a consequence of these two macro-variables though, there was also the willingness to share evenly among states the burden of massive inflows of persons. From an external point of view, abating controls among states meant that third country citizens were able to go wherever they wanted once entered the EU. Thus, states with weak controls systems were not only a magnet for outside persons but also an easy transit towards other states within the region, "the system is only as strong as its weakest link, with a single weakness in any part of it having potentially serious implications for all other parts". States needed each other to increase their security: thus, for example, Germany needed Italy for the patrolling of the Southern border, while Italy needed Germany for the Eastern one. External factors increased pressures on European borders: massive inflows of non 'economic' migrants would have created organizational and management concerns for states. These factors determined an 'escape towards Europe'.

Cooperation on migration and asylum issues has been started through an inter-governmental path, and was mainly based on the connection between migration and organized crime or terrorism. It was only with Maastricht that this policy framework was inserted within the structures of the EU and placed in the third pillar of Justice and Home Affairs. Cooperation at this point was minimal, ineffective and cumbersome, and Germany and France, more eager to foster cooperation at a broader level, proposed in 1995 a flexible (with opting out possibilities) but more efficient path. The end result reached in Amsterdam in 1997 was a compromise solution among 'minimalist and maximalist positions', with states committed to harmonize national policies on European guidelines within a given time-span. Although moved from the third to the first pillar of the European architecture, for almost five years migration and asylum continued to be handled unanimously, with a shared initiative power between the Commission

and Member States. After this period the Commission gained the sole initiative power, while agreements on the co-decision procedure and the qualified majority voting were subject to states' unanimous approval. As an author emphasizes, if the shift from the third to the first pillar has conferred some prerogatives to the Community it is also true that this has introduced the logic of exclusion and of security characterizing the third pillar into the first one. Thus, notwithstanding the importance of the issue, harmonization among states has been based on common standards approximation by no way modifying internal policies, "the consequence of the intergovernmental origins of today's Area of Freedom, Security and Justice (AFSJ) has been that most of its *acquis* has been based on intergovernmental consensus favouring agreements on the lowest common denominator. The lowest common denominator, however, has in most cases meant restrictive measures". Still today, and notwithstanding economic and demographic imperatives, decisions regarding legal migration require unanimous voting, while integration policies do not even appear among Communitarian competences. Thus, authors that analyse the juridical profile of migration procedures highlight that speaking of a 'common policy' in the way it is possible to speak of the Common Agricultural Policy (CAP) is hazardous. It is hard to affirm that the end objective of the migration policy is the internal harmonization of Member States policies, and this can be assessed by the difference occurring between the proposals of the Commission and the measures adopted subsequently by the Council. These aspects underline the security dimension conferred to migration and the fear of states to relinquish their prerogatives. From this point of view the concept of a European security seems to conflate with the security of the states composing it, "there is the idea that the communitarization of the migration policy is not a farewell to states but rather a new form of protecting their security".

The Amsterdam Treaty covered three fields of cooperation: immigration, asylum and external borders. The basic idea was that in order to limit the flow of people within the Union as well as to live up to its aspiration as an international and normative actor the European Union had to envision a packet of measures to regulate and manage trans-border movements in a responsible way. As for immigration, pundits lament the lack of a thorough policy framework aside from family reunification and admission of students and researchers. As for asylum, common standards for asylum procedures, for refugees qualification and asylum seekers reception where delayed until the very ending period of the decided schedule (2004) and produced scarce outcomes, so that a Common European Asylum System is envisioned, very skeptically, in 2010, "the need for unanimous decisions on these 'first stage' instruments meant that discussions on specific issues were often protracted as individual Member States sought to safeguard national practices". Thus far, three new proposals by the Commission have been forwarded to the Council and the Parliament: one on the minimal norms on shelter for asylum seekers in Member States, one on the adaptation of the Dublin system and the latter on Eurodac. Three proposals are still missing. The lukewarm expectation for 2010 is determined by two factors: first, the European economic slowdown will complicate provisions regarding asylum seekers shelters. Second, strong disagreements among states are foreseen for the modification of the Dublin system, also because of the increased number of member-states and of different frontiers.

Thus, it is in the realm of security controls that the European Union shows the most important achievements thanks to a series of adopted provisions regarding visa, sanctions to carriers, expulsion, the setting of the FRONTEX agency, the European Fund for readmission and the European Fund for External Borders. Also, the Return Directive adopted in 2008 and setting

standards for sending illegal immigrants back home goes in the same direction, "while differing over details, all Member States have a common interest in a strong external border. But this consistency has been lacking in almost all other areas…while political rhetoric about demographic change and the role of migration in Europe's future competitiveness has increased exponentially, only the bare minimum has been achieved in concrete terms".48 The cluster of policies adopted is based mainly on making sure that unwanted persons keep outside of the common borders, while it does not provide information on who can lawfully enter the Union.

It is also noteworthy that, because of security concerns, membership within the Union acquired through various enlargement stages has not granted a simultaneous accession within the Schengen area. Thus, Italy has joined Schengen only in 1998, while the last comers, Romania and Bulgaria will eventually join it. In this case the process of regional governance has seen exclusionary provisions even within the Union.

One of the most important fault lines among states within the region is geographical: thus, states on the borders have always had to bear a disproportionate cost vis-à-vis migration and asylum policies. This has rendered difficult a thorough regional governance of the matter and has required for a fairer burden-sharing among states. It goes without saying that sometimes the lack of a fair distribution of work has impacted negatively on cooperation at the regional level, causing inefficiencies and disputes among states. As abovementioned, this has been the case in Southern Europe, which had to sustain huge inflows coming from Africa and the Balkans and in the new Member States, which have to patrol a widespread borderline. In order to partly compensate for these shortfalls a European Refugee Fund and a Directive on Temporary protection have been envisioned to help states manage massive inflows of displaced persons.

SELF-ASSESSMENT EXERCISE
States need to regulate, manage or preserve internal borders. Discuss

4.0 CONCLUSION

In this unit we have been able to discuss the approaches of European Union in tackling migration issues as well as the significant of states in regulating, managing or preserving internal borders.

5.0 SUMMARY

This unit reveals that migration stands on top of the European policy agenda. Aside from its intrinsic importance, in the recent years it has become one facet of European relations with the outer world. Defined as a strategic priority impinging on overall stability, the management of migration is considered as a security matter needing coordination and cooperation processes at more levels and with more actors. As security is no longer associated with pure military force new 'risks' threaten the stability or the typical functions of states. Dealing with these threats requires processes of cooperation to avoid unwanted outcomes.

6.0 TUTOR-MARKED ASSIGNMENT

i.   Define the term migration?

ii.   Who is to be considered as a migrant?

7.0   REFERENCES/FURTHER READING

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UNIT 4:   MULTILATERAL APPROACH TO MIGRATION

CONTENTS

1.0   Introduction
2.0   Objectives
3.0   Main Content
        3.1   EU Approach Towards Migration
        3.2   Assessing the 'quality' of Multilateral governance in migration.
4.0   Conclusion
5.0   Summary
6.0   Tutor-Marked Assignment
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1.0   INTRODUCTION

This unit is a proceed to previous one. It is on the issues of threat of security cause by migration and approach towards tackling it. Particularly, this unit is fundamental as it provide you with deep understanding on the EU approach towards migration and assess the quality of multilateral governance in migration.

2.0   OBJECTIVES

At the end of this unit, you should be able to:

•   Discuss the EU approach towards migration; and
•   Evaluate the quality of multilateral governance in migration.

3.0   MAIN CONTENT

3.1   EU Approach towards Migration

As seen in the previous unit, the European handling of the migration issue has emphasized control measures. The reason is twofold: on the one hand the strengthening of controls increased states' security. On the other hand, the difficulty of harmonizing national measures has created a migration policy based principally on the restriction of inflows, easily agreed upon. At a certain point in time though, it became clear that simply restrictive policies were not able to stop inflows and that a more promising approach was to try to dialogue and work with origin and transit countries, with Organizations and other actors trough a multilateral path. Hereafter the 'external dimension' of the migration policy will be introduced, while the debate on the 'quality' and 'efficiency' of the same will be postponed to the next section.

At the European Council held in Tampere in 1999, the European leaders reaffirmed their determination to develop the Union as an area of freedom, security and justice employing all the instruments provided by the Treaty of Amsterdam.51 The political will expressed by the leaders at that point was so extensive as to endorse the objectives to be met for a sound and consistent

European migration policy (Action Plan) and the organizational framework to achieve that: a five year timetable of deadlines together with a scoreboard for the constant review of the progresses made. That was the structure envisioned for the development of the common migration policy: in 2004, the Hague Conference did take notice of the thresholds achieved and provided a new five years agenda for the further development of a common policy to be evaluated anew in 2009. Thus, Tampere is considered as a paramount stepping stone for the purpose of a common policy: the idea was that in order to ensure freedom in conditions of security and justice a common policy on asylum and immigration had to be developed. Also, an efficient and consistent approach on migration requested a partnership with countries of origin and transit, "this requires combating poverty, improving living conditions and job opportunities, preventing conflicts and consolidating democratic states and ensuring respect for human rights".

Hence, the Council referred to a 'root cause' approach that would have inevitably linked migration with external relation policies. The implication was twofold: on the one hand, migration had to be dealt with encompassing all the actors engaged in the process, i.e., countries of origin and transit; International Organization; nongovernmental organizations; regional organizations; thus advancing a multilateral and multilayered path of governance. On the other hand, migration had to be framed within European external relations and combined with their multiple facets: development, foreign and security policy, trade. This would have assured a long-term but reasonable path for alleviating pressures on borders while also guaranteed that Europe could live up to its aspiration as an international actor and as an example. As was repeated, "the external dimension of justice and home affairs contributes to the establishment of the internal area of freedom, security and justice and at the same time supports the political objectives of the European Union's external relations, including sharing and promoting the values of freedom, security and justice in third countries".

The emphasis on a comprehensive approach towards migration based not only on controls but also on a multilateral and cross-pillar agenda was stressed in a significant way through the 'global approach on migration' in 2005 and spurred to a great extent by the facts happened in Ceuta and Melilla and in the Adriatic sea, concerning desperate persons trying to reach the European border. The first priority envisioned by the global approach was to deepen relations with Africa and the Mediterranean countries pooling both Member States and Union's effort to strengthen dialogue and cooperation. Partnership was therefore to be pursued with regional organizations such as the ECOWAS and the African Union and with single countries in the North (Morocco, Algeria and Libya) or Sub-Saharan ones on the basis of Article 13 of the Cotonou Agreement.

The patrolling of frontiers through FRONTEX had to be partnered between North African countries and EU Member States; support, training and equipments as well as financial assistance in facing illegal migration and related issues had to be supported by the EU, taking always into account the paramount link existing between migration and development. As tabled, networks of immigration liaison officers should be regionally established in origin and transit states and work in cooperation with the Union to report on illegal immigration and trafficking in specific countries. The aim, again, was to overcome an almost unidirectional approach towards Africa thus far, and foster patterns of circular mobility, mobility partnership to manage forms of

legal migration opportunities between countries of origin and destination and draw migration profiles so as to answer with informed polices different situations.

More to that, the global approach on migration was a wording to recall that migration had to be faced in external relations worldwide, 'with an extended geographical scope and an enhanced content'; thus, if the Mediterranean and African regions or the Western Balkans and Eastern ones were geographically strategic priorities, cooperation and dialogue had to be broadened to Latin America, the Caribbean and to Asia.

Towards the South-eastern region the EU's approach focuses on how to reconcile the European security concerns and interests with neighbors' expectations. With Asia, instead, readmission agreements constitute the bulk of cooperation relations; Europe foresees regional cooperation with Central Asia on issues regarding border management, drug trafficking, organized crime, and more generally democratization.

The channels in which the European security governance on migration has manifested itself are multiple: as it will be seen in the next section, this multilateral approach is not a guarantee of sound management. Nevertheless, the awareness that migration as a security challenge has to be tackled in cooperation with third actors is a building block of overall European security dimension. From 1999 the European Union has deepened relations on migration with third countries through different instruments and multilateral path, encompassing different actors: *bilateral agreements:* Association or Partnership and Cooperation agreements; readmission agreements, visa facilitation agreements, mutual legal assistance and extradition agreements; *enlargement and pre-accession processes:* with Croatia and Turkey and the Stabilisation and Association Process with the Western Balkans. This latter area stability is one of the European priority, "irregular population movements and unresolved displacement issues remain among the critical factors creating instability within South Eastern Europe"; on this point Migration, Asylum, Refugees Regional Initiative (MARRI) is paramount to support a regional partnership approach and advancing harmonization with Union standards;
- European Neighborhood Policy (ENP) Actions Plans;
- Regional cooperation, i.e. ASEM (Asia-Europe meeting) and Euro-Med process.

The proposal was also set forward to create a regional Black Sea Cooperation Platform encompassing Member States, EU agencies, countries bordering the Black Sea and regional organizations using existing cooperation frameworks, such as the Black Sea Economic Cooperation (BSEC), to enhance dialogue and work out together patrolling measures.

The Commission' s support for regional approaches has been strongly emphasized: cross-border challenges as migration or border controls measures can be better tackled through combined regional approaches.63 Thus, the Union expects to deepen the regional cooperation framework with the Africa Union and to speed up those with the Middle East and Eastern Europe64. The understanding behind this is that migration regards not only the movement of people from a region to another, but also and for the most intra-regional routes. Thus, regional approaches could be better tailored to manage all the complexities and risks that states encounter and be better able to control flows of migrants between countries of origin and transit. Cooperation among regions is the further step towards a more reliable migration policy, which links countries

of origin, transit and destination. Indeed, the aim of the EU is not only to cooperate but to understand migratory flows within continents and have data on that. Attempts at regional cooperation have been tried through the Euro-Mediterranean Partnership, with the 5+5 Dialogue (Algeria, Lybia, Tunisia, Morocco, Mauritania and Italy, Spain, Portugal, France and Malta) and with Sub-Saharan Africa. To-date, though, the Union tries to enhance dialogue and cooperation between North and Sub-Saharan African countries. As an example, the Rabat Conference of 2006 endeavoured to advance cooperation and dialogue on migration and development among the EU, the West, Central and North African countries and saw the participation of various international organizations such as OSCE, UNODC, UNIDO, the African Union Commission, Global Commission on International Migration (GCIM), Arab Maghreb Union (AMU), International Organization for migration (IOM), International Labour Office (ILO), International Centre for Migration Policy Development (ICMPD), United Nations High Commissioner for Refugees (UNHCR), United Nations Development Program (UNDP), the World Bank, Communautè des Etats Sahélo-Sahariens (CEN-SAD), Communauté Economique des Etats de l'Afrique de l'Ouest (CEDEAO), Communauté économique et Monétaire de l'Afrique Centrale (CEMAC), the African Union. Another EU-Africa ministerial Conference was held in Tripoli in 2007 also with the participation of Algeria (which did not participate in Rabat). The last step on the south-dimension cooperation approach has been the creation in 2008 of the Union for the Mediterranean, with a chapter on migration collects statistical information on migration), even if far below of its expected potentialities.

At the Hague in 2004, an external dimension for asylum was emphasized: Regional Protection Programmes (RPPs) were thus envisioned in the framework of a more entrenched cooperation with third countries and with the aim of providing protection and durable solutions (repatriation, local integration or resettlement in a third country). The objectives were on the one hand to curb asylum requests towards the Union, and on the other hand to help third countries to develop consistent protection measures in regions with a huge number of refugees based on a cross-pillar cooperation, respect of the Geneva Convention and multilateral cooperation among the EU, UNHCR, Member States sustained by EU funds (AENEAS). Pilot RPPs have been started in Ukraine, Moldova and Belarus (Western Newly Independent States) and in Sub-Saharan African countries that experienced huge inflows from East Africa and the Great Lake region. Other regions for consideration are North Africa, the Afghanistan region and the Horn of Africa; - individual arrangements with the US, Russia, Canada, Australia, Japan, China and Ukraine.

As seen above, the security relationship the Union shares with the United States under the Transatlantic Agenda has a deep impact on migration policies. On the other hand, the paramount trade relationships that the Union and its single countries entertain with China or Russia overshadow sometimes migration agreements and concerns; - External aid programmes through external relations assistance programmes (CARDs, TACIS, MEDA) plus a Thematic programme for migration and asylum to be substituted to the AENEAS one. This latter is the "Thematic Cooperation Programme with Third Countries in the Developing Aspects of Migration and Asylum". It will cover the period going from 2007 to 2013, and has a specific focus on migration towards the European Union; - International Organizations: International Organization dealing with development issues or with human rights protection cannot but take part, at least formally, to the multilateral negotiation process, especially now that migration starts to be more and more coupled with development. The Union recognizes the impact and the value of international

forums. These latter can contribute to a great extent to advance European objectives: the Union has participated to the work of the 'High Level Dialogue on International Migration and Development' of the United Nations in 2006. Also, membership within the European Council and the UNHCR and other UN bodies guarantees a platform to work together and helps the promotion of common values. In most of the Commission Communications it is emphasized that the EU has to play a more prominent role within International Organizations. In fact, pursuing a multilateral approach is said to increase EU leverage in international bodies as well as to assure EU observance of agreed international standards. While the Union has given priority to the areas at its periphery, with which it has also envisioned cooperation on economic or development issues, migration stands more and more on the forefront of relations with further countries or regions. Ideally, the cooperation scheme should envision a concentric-circle policy that sees the centre cooperating with external circles and these latter cooperating among them. It goes without saying that as different regions provide different security challenges for the Union and since European interests diverge in different regions, the approaches undertaken are different, country or region specific - through Country Strategy Papers or Regional Strategy Papers- the levels of cooperation multiple and the degree of success variable. The broadening of the geographical space of migration policies together with increasing tools at disposal, the cross-pillar approach and the encompassing of various actors testify to the weight of migration as a European strategic and security priority.

SELF-ASSESSMENT EXERCISE
Critically analyse the EU multilateral approach towards migration.

3.2 Assessing the 'quality' of Multilateral Governance in Migration

Thus far, we have presented two aspects of migration governance: one focused on regional cooperation, the other focused on relations with third actors. The key objective of investigating the internal and external aspects of cooperation is to find out if and in which ways the loosely coordinated approach observed at the regional level determines the shape of multilateralism with other actors. In fact, the last part has showed that multiple channels of cooperation have been envisioned and created with a view to 'secure' border zones and make them purposeful to migration policy: nevertheless this does not say much about the quality and the efficiency of this multilateral path from a broader point of view.

At the basis of the connection between internal and external cooperation is the understanding of migration as a security concern, risk. It has been underlined that security is deeply imbued in attempts at managing migration and at policy-making at regional and multilateral level. Therefore, in order to grasp the way in which internal regional coordination impacted on the quality of multilateral efforts it was first necessary to assess the way in which security concerns did shape and direct internal governance. This attempt has been tried emphasizing the need for coordination to handle the security threat, but the lack of a thorough and common approach impinging on national prerogatives. As assessed in the European Security Strategy and in Commission documents, security within Europe is inevitably linked to security outside it: this has been the main underpinning behind efforts to cooperate with other states and regions,

over the coming decade and beyond, the Union's capacity to provide security, stability and sustainable development to its citizens will no longer be distinguishable from its interest in close cooperation with the neighbors.

The lack of a thorough approach to migration and the resilience of national states and of a state's concept of security has exerted its influence on external multilateral relations. Thus, even if the European Union understands the importance of a comprehensive cross-pillar and multi-level approach towards migration, states are still struggling to keep away from completely harmonized asylum measures, refugees qualification and legal immigration provisions. Alas, these are the real terms on which a sound multilateralism can be advanced and worked out and that assures and strengthens a fair coordination process within the regional clusters, "an essential component of EU migration management is partnership with third countries with a view to ensuring coherence between internal and external action". The end result is twofold: on the one hand measures with a strong security connotation are those that seem to prevail in multilateral relations. As seen, coordination among Members on control and security measure creates restrictive postures conferring the idea of a fortress Europe, and promotes provisions to 'externalize' controls. If a uniform approach cannot be achieved internally, then security has to be strengthened at the borders. On the other hand, the lack of a 'positive' common approach on some facets of migration (legal migration, integration, asylum…) has detrimental consequences for Europe itself both because it cannot provide a legal and homogeneous system to enter the EU, and because different national policies will continue to have an impact on other Member States as long as migrants keep flowing into the region. Cooperation with third countries can of course be achieved without internal harmonization, nevertheless this does not make sure that states' security is reached and that migration is handled properly in all its features. Thus, the kind of the multilateralism advanced is paramount: the spurious management of the issue within the Community (shared initiative power, opting out provisions…) and the strong emphasis on security has let national states determine the course of the governance with third countries in a rather unidirectional way; the same condition of 'destination country' confers a certain power to be exerted towards origin states so as to obtain agreements functional to control purposes.

The last case in point is the European Pact on Immigration and Asylum proposed by the French EU Presidency in Spring 2008. This pact is said to create the main political underpinnings upon which the new agenda (2009-2015) on migration should be based. The Pact exhibits a strong emphasis on the Return Directive just approved (2008), on controls, and on national prerogatives and interests in legal migration and integration. In order to re-gain its competences in migration issues the Commission published in June 2008 a communication, 'A Common Integration Policy for Europe: Principles, Actions and Tools' and a policy plan 'Asylum: an Integrated Approach to Protection across the EU'. The Commission's emphasis on prosperity, solidarity and security insists on a multi-dimensional overview of migration and call for coordination and integration at a European, national and regional level. Even if the multilateral character of migration governance is apparent, security concerns are always at the basis of the cooperative process, and this basic factor influences the way in which plans towards third countries or regions are envisioned or funds provided. This has led to say that there has been a slowdown from Tampere's principles; somebody else has contested that after September 11th and the adaptation to the new threats scenario, having rescued even a minimal European migration policy sounds like an astonishing threshold. The idea that migration policy requires cooperation both among

Member States and with third actors is borne in mind to-date. Also, as seen in the previous discussions, migration is now encompassed within the framework of external relations and represents therefore an important building block of the European foreign policy. Development is also recognized as an important facet of the migration policy, due to the fallacy of policies based purely on security and controls terms. To a certain extent, the presence of a 'migration dimension' within external relations and development policies has created overlapping schemes of cooperation that sometimes create inconsistencies because of conflicting aims between security and development and because of different decision-making procedures and actors encompassed in each policy field. Primarily, the lack of clear objectives and priorities can create policy incongruence.

Given the complexity of the issue, various stakeholders should take part into policy formulation or at least be consulted for that purpose: migrants, third countries, International Organizations, NGOs, the civil society represent all important sides of the topic. Instead, these actors' participation is very limited in European multilateral cooperation schemes and their influence in decision-making scarce. Thus, the UN Refugee Agency did approve the European plan to work out Regional Protection Programmes but emphasized that attempts at creating regional protection programmes cannot substitute the possibility to get asylum in Europe. In fact, among International Organizations and NGOs, a certain feeling exists that the decrease in asylum applications within the European Union space has been determined not only because of a decline in displaced persons around the world but also because of the instruments undertaken at the European level to render more difficult the application process: this causes both a political and a moral issue for Europe.

As an example, Elspeth Guild sustains that within the list of countries whose citizens should be in possess of a visa are those states from which the flow of asylum seekers is higher, i.e., Afghanistan, Iran, Iraq, the Democratic Republic of Congo, Nigeria, Ethiopia, Eritrea, Somalia, Ghana and Sri Lanka. From this point of view, highlighting is the statement of a migration expert, "the driving force behind the decision to grant the EU competence in the field of asylum…was not a noble and abstract political will to reinforce and improve the overall protection of refugees in Europe. Rather, the fundamental priorities were to (a) regain control over forced migration flows into the EU; and (b) spread the effort and cost of providing asylum more evenly among the EU's Member States…". From the very first steps of a 'root cause' approach with the HLWG on immigration and asylum it was underlined that too much attention was paid to 'control' measures. In general terms, the opinion is shared that as long as the migration policy is based mainly on limiting the inflows of persons without providing efficient and uniform measures to grant their legal entrance or safeguard their integration, the Union will not live up to its aspirations and will not acquire that international role that may be the example of a new and fair multilateral governance process. What is more, it will not achieve its expected goals.

SELF-ASSESSMENT EXERCISE
Assess the 'quality' of multilateral governance in migration?

4.0   CONCLUSION

In this unit we have analysed the modalities through which the European Union deals with migration as a security matter, from the perspective of multilateralism and security governance. The relevance of the theoretical part presented has been to set the stage for the investigation of the empirical part by providing a consistent frame of analysis, and to help understand the multiple levels of cooperation needed to face new, many-sided and trans-border threats to security. While a lot of experts have studied the likelihood of regional patterns of cooperation and the necessity of a multilateral and encompassing approach to handle new security challenge, few of them have pinpointed the backsides that a security dimension of the matter can determine on overall governance processes.

5.0   SUMMARY

This unit is a proceed to previous one. It yet on the issues of threat of security cause by migration and approach towards tackling it. Fundamental it has provided you with in-depth understanding on the EU approach towards migration and on the concept of multilateral governance in migration.

6.0   TUTOR-MARKED ASSIGNMENT

i.   Discuss the EU approach towards migration?
ii.   Assess the 'quality' of multilateral governance in migration.

7.0   REFERENCES/FURTHER READING

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