

**Regional Conference on Refugee Protection
and International Migration in West Africa**

Dakar, Senegal, 13-14 November 2008

WORKING GROUPS - RECOMMENDATIONS

Working Group E Enhancing border management while ensuring protection

Focus of the discussion

The Working Group examined avenues to overcome the obstacles to human rights and refugee protection at borders identified in the conference background study. It also examined ways that the freedom of movement rights for ECOWAS citizens could be better implemented at borders and how interstate co-operation in border areas could be improved.

Summary of the discussions

Participants provided a wide range of observations on protection-sensitive border management issues. These included the need for fuller awareness by the various actors involved -- immigration, police, security-- of the ECOWAS protocols and their interaction with the international refugee regime. This should be an ECOWAS-led effort, synthesizing the distinct and sometimes inconsistent legal traditions of member states. Knowledge of the content of the ECOWAS free movement protocols and harmonization of domestic laws with this content was considered by most participants to be a condition precedent to the broadly agreed goal of dismantling internal borders.

Some participants mentioned that bilateral agreements concluded between EU countries and ECOWAS states emphasizing control of irregular migration were antipathetic to the efforts to create freer movement within the ECOWAS area. Other participants felt that such agreements do not necessarily reflect EU policy which favours freer circulation within ECOWAS but combined with better migration management and stepped up control at external (i.e. ECOWAS perimeter) borders.

Participants acknowledged that working conditions for border personnel are difficult but that this is true for many other categories of government employee and does not justify the corruption and extortion known to persist in many border areas. Corrupt officials, participants generally seemed to believe, should be prosecuted. Governments and other relevant actors, particularly ECOWAS and civil society, also need to do a much better job of monitoring what goes on at borders, including detention though several participants urged that this does not appear to be a particularly significant issue in West Africa.

Recommendations

1. Ensure harmonization and implementation of the existing national and international legislative framework and in particular **incorporating international human rights guarantees into national and regional migration management policies.**
2. Establish a **regional training centre** for training officials responsible for the enforcement of the protocols. The specialized training would be on an ongoing basis and complementary to the broad-based public awareness initiatives. Thought could be given to co-locating the training centre with existing regional structures, such as the Kofi Annan Training Centre for Peacekeeping in Accra.
3. Organize **broad-based and intensive information campaigns –sensitization, awareness-raising-- on the content of the ECOWAS protocols.** These need to target Governments and responsible officials but also, even more crucially, the broader public. People need to know their rights.
4. Facilitate border crossing of ECOWAS citizens, including through the **systematic issuance of ECOWAS passports**, the establishment of **counters for ECOWAS citizens** at border points and possibly the **adoption of common entrance and residence visas for non ECOWAS citizens.**
5. **Expand monitoring of implementation of protocols** through, for example, replication of the existing pilot monitoring program. Ensure that monitoring entities reflect the broad range of interests in the protocols – e.g. security agencies, Government ministries, regional actors, humanitarian actors and civil society.
6. ECOWAS to establish and make accessible to all of its member states, a **common database of all migrants and refugees** that enter the region while ensuring consistency with standard data protection principles.
7. **Improve working conditions for border personnel**, though the creation of regional support units, increased dialogue with border guards, and provision of adequate equipment.
8. **Prosecute acts of corruption by border personnel** impeding the application of the ECOWAS Protocols, and refer cases of grave violations to ECOWAS Court of Justice.