

## The Right To Development Or The Right To Migration- The Roots Of The Phenomenon Of Illegal Migration In African Sahelian Countries –

Lakehal Saliha<sup>1</sup>, Ait Ahmed Lamara Mohamed<sup>2</sup>

### Abstract:

*The study includes one of the important topics of concern to researchers, academics, and rapporteurs, namely illegal cross-border migration, which is considered a direct asymmetric threat. The study deals with the reality of this threat between Africa and Europe, i.e., migration from southern Africa to northern Europe. It is in three main axes that study the roots of illegal immigration from the countries of the Sahel, and Africa in general to Europe from the angle of the loss of the right to development, the primary motive for migration and the search for the most appropriate way of life, that is to say, with the loss of the fundamental right allowed the right to seek the best outside national borders. The study of the Afro-European model through a set of agreements, treaties, and meetings that have been concluded over many periods of time, whose main axes have always been the phenomenon of illegal immigration and how to solve it.*

**Keywords:** Development - Immigration - Illegal Immigration -The right to belong-Identity and alienation.

### Introduction:

The African region of the Sahel and Sahara is one of the areas that has seen the rise since the end of the Cold War of a number of new threats that would harm the interests of individuals, groups, and governments due to the vast desert areas of the African country of the Sahel and the Sahara, the nature of the difficult terrain, the lack of available capacity and resources, and the weakness of security coordination and cooperation among their countries, which has rendered the countries of the region largely unable to control their legitimate borders.

Most Sahel countries have experienced armed conflicts that have turned into civil wars in some countries, conflicts fuelled by ethnic and tribal factors, which have led to the spread of organized crime in all its forms ranging from extremism, terrorism, the arms and drug trade, as well as the spread of the phenomenon of illegal immigration, which is the subject of our study today, and on this basis, our study came from a problematic: **To what extent has the failure of development in the Sahel countries contributed to the increase in the severity of illegal immigration to Europe?**

In order to answer this problem, we will briefly discuss in this working paper the following topics:

- The first axis: the right to emigrate, is imposed by the loss of the right to development.
- The second axis: the effects of illegal immigration on the African and European coasts.

---

<sup>1</sup>University Ahmed Bin Yahya Al-Wancharisi, Tissemsilt, Algeria.

<sup>2</sup>University Ahmed Bin Yahya Al-Wancharisi, Tissemsilt, Algeria.

- Third axis: the Afro-European model to deal with illegal immigration.

### **The first axis: the right to emigrate is imposed by the loss of the right to development**

Illegal immigration is known as a modern phenomenon that dates back to the 1990s of the last century, when the doors were closed to legal immigration, and therefore immigration has turned into a secret phenomenon that takes place in secret, where the immigrant walks through the countries of border points, checkpoints, and security agents under the cover of night and in secret. Some have defined it as "those who go beyond the borders of the state and that the immigrant or refugee does not hold any official document, that is, the entry is done unofficially or legally". It was therefore necessary for the international community represented by the United Nations to take the necessary measures to curb that phenomenon, such as the adoption of the Convention against Transnational Organized Crime and the protocols thereto, including the Protocol against the Smuggling of Migrants by Land, Sea, and Air (Hamood, 2006).

The African coast stretches geographically from the Atlantic Ocean to the Red Sea, separating the Sahara in the north and the savannah in the south, and extends west from Senegal through Mauritania, Mali, Burkina Faso, Niger, northern Nigeria, Chad, Sudan, and Ethiopia in the east. The vastness of the geographical space of the African coast has created a kind of analytical confusion about the limits of the dynamics of strategic interaction and the possibility that it will be apprehended by analysts.

As for the European Union's security and development strategy in the African Sahel, the Sahel region stretches from Mauritania in the west, through Mali, southern Algeria, northern Burkina Faso, and Niger, to northern Chad in the east. The Sahel region, it designates: Mauritania, Mali, and Niger as the three countries. The main coastal areas, with Burkina Faso and Chad.

The Sahel and Sahara countries stretch geographically from the Atlantic Ocean in the west, through Senegal and the countries of West and Central Africa, to Sudan and the Red Sea (Mansouri, 2016).

There are several names given to this term, including "irregular immigration," which is in accordance with the term "illegal immigration," and both call this phenomenon because it is in violation of the laws established by countries regarding border crossing, and given that it is hidden from the eyes of border guards, it is also called "illegal immigration." The immigrant thus enters the country of destination and lives there stealthily. But these labels, along with their many international non-governmental organizations, such as the International Labour Office, reject them all because to characterise the description as illegal or illegal is incompatible with the requirements of Article 13 of the Universal Declaration of Human Rights, which states that everyone has the freedom to move and choose his place of residence within borders. Every individual has the right to leave any country, including his own, and the right to return to it (Sayesh, 2011).

Political, security, and social problems are among the most important factors that have led to the acceleration of illegal immigration. Political reasons for immigration include lack of democracy, civil wars, and political instability, in addition to deteriorating security. All this contributes to the rush toward illegal immigration, but economic reasons are a major factor in illegal immigration because of their ability to influence the decision to emigrate, as immigrants leaving for economic reasons are considered one of the most important reasons. This was addressed by immigration experts in relation to high unemployment rates and the presence of a large percentage of people living below the poverty line (Taibi, 2012).

The Sahel region of Africa is one of the poorest regions in the world. The economies of their countries are fragile and deteriorating, as most of them are currently

classified among the category of "least developed countries," which suffer from several economic imbalances and political and economic corruption, in addition to the large external debt that these countries suffer. According to 2009 statistics provided by the three African institutions: the African Development Bank Group, the African Union, and the Economic Commission for Africa, Burkina Faso's external debt was estimated at about US\$1,751 million, Chad's at about US\$2,134 million, Mali at US\$1,863 million, and Sudan at US\$34,360 million. In 2012, the GDP of Morocco, Algeria, and Tunisia was 11 times higher than the GDP of Chad, Mauritania, Mali, and Niger, and oil constitutes about a quarter of the GDP of the Sahel and Saharan countries except Libya and Algeria, the rest of the Sahel countries are modern countries in terms of the exploitation of petroleum wealth (Taibi, 2012).

Although the African coast is an area of economic importance, its richness in mineral resources such as gold, uranium, phosphates, and oil has become a major pull factor for countries around the world, with Chad exporting oil since 2003 at a rate of nearly 200 thousand barrels per day. Mali has also become Africa's third-largest gold producer after South Africa and Ghana, and Niger is the world's third-largest uranium exporter after Australia and Canada. Nigeria is the world's largest oil exporter, with a daily production volume of 27 million barrels and reserves of 36 billion barrels (The Central Sahel at the heart of the storm, 2015). Where Dr. Ahmed Wahdan explains this situation by saying: "Illegal immigration reflects a state of misery (insecurity) resulting from unemployment, poverty, and the high cost of living. Thus, a separation and disconnect occur between the unemployed and society (ikhwanonline, 2020).

### **The second axis: the effects of illegal immigration on the African and European coasts**

Some reports indicate that the phenomenon of illegal immigration from Africa to Europe has exceeded hundreds of thousands or even millions in recent years, especially after the current events in the Middle East region in Libya, Egypt, and Syria. In 2012, the European Commission for Refugees estimated the number of illegal immigrants at around 207,000. A thousand migrants crossed the Mediterranean to Europe; most of them crossed Libyan shores, and this number is more than three times higher than the number recorded in 2011, which was estimated at about 7,000 migrants. In the first months of 2015, the number of migrants reached more than 60,000. It was noted that three-quarters of illegal immigration from the southern Mediterranean transits through Libya to Europe, due to Libya's proximity to southern European ports and the security vacuum after the events of February (Al-Daghari, The Dangers of Illegal Immigration from Africa to Europe and Policies to Combat It, 2016).

Immigration has many problems, which has made it a source of concern for many countries and policymakers, as it is linked to crime, terrorism, disease, economic and cultural levels, national identity, educational standards, and other problems. These problems have serious implications for the stability and security of countries (Ramses, 2009).

And if we take Libya as a model transit country for illegal immigration, for example, during the years 2006–2007, we see that the crimes committed there have doubled, such as murder, theft, fraud, and drug addiction. So what about Libya today, after the February 2011 revolution, anarchy at all levels of security, and the army Up to the point where Libya has become an open door for all nationalities to cross, trafficking in human beings, drugs, and weapons, but has rather become a source of terrorism and a destination for terrorist groups, and Libya has become a source of concern for neighbouring countries, especially the northern Mediterranean countries, because of the influx of illegal immigrants (Hamed, 2005).

One of the most important invisible problems that cause illegal immigration in the regions of Africa is that the majority of immigrants are young people, especially the age

group between 15 and 45 years, which means that these regions lose the real human wealth that is the basis of development, not to mention whether this category is of scientific specialization, which means bleeding in the arteries of these homelands. It has been observed that the majority of migrants from sub-Saharan Africa to Europe are young men of working age (Al-Daghari, *The Dangers of Illegal Immigration from Africa to Europe and Policies to Combat It*, 2016).

Illegal immigration is also a source of many diseases, as most immigrants come from backgrounds characterised by poverty, famine, disease, and epidemics such as SARS and hepatitis C. In addition to this, many immigrants do not have the capacity to bear the costs and expenses of treatment. Many African countries suffer from diseases and epidemics such as malaria, tuberculosis, and AIDS, according to World Health Organization reports (Al-Tamimi, 2011).

The region has become a cheap market for trafficking of children and women for sexual exploitation and cheap labour, as well as the recruitment of these children into armed conflict and smuggling operations throughout sub-Saharan Africa, and many studies consider that children are mainly trafficked to Europe and the Arab Gulf countries. Starting from the south of the Sahara via Algeria and Mauritania, or via the Morocco-Spain axis, smugglers also take the Algeria-Mali route, then Tunisia to be the destination Italy or France. The trafficking of a child through these areas is estimated at \$10,000 to \$20,000, with 3,800 to 5,000 women and girls trafficked annually from West Africa to Europe, with an estimated total value of between \$152 million and \$228 million in profits for smugglers in the region (Othman Al-Hassan Muhammad Nour and Yasser Awad Al-Karim Al-Mubarak, 2008).

### **Third axis: the Afro-European model to deal with illegal immigration.**

First of all, it should be carefully noted that since the mid-90s of the last century, the focus began on the enactment of laws limiting illegal immigration, and the issue has turned into European agreements with some North African countries, which are a major transit point for illegal immigrants on European shores. The issue of immigration takes on a glaring security dimension, gradually turning into a kind of global war on immigration, and with the beginning of the Western war on terror, Europe's concerns about immigration have increased, which could be brought to it as part of what carries terrorist elements, and European countries began tightening immigration laws to ensure that immigration opportunities were reduced. Coming from the Middle East and Africa. The events of September 11, 2001, were the wake-up call that drew attention to the danger of illegal immigration to Europe, as the events of September were both religious and economic in nature (GIL, 2014), thus linking extremist Islamic movements and international terrorism. The Western war on terror has pushed these countries to seek to strengthen their internal security against illegal Muslim immigrants from various parts of the world, whether from the southern shore of the Mediterranean or Eastern Europe (Bosnia). And then the European Union saw in the phenomenon of illegal immigrants from the southern shore of the Mediterranean a source of all dangers and a threat to European security.

In this regard, Spain, in June 2002, at the European Union summit in Seville, presented an exciting European project aimed at penalising immigration-exporting countries if they did not accept expelled migrants from other countries (Al-Tamimi, 2011), an article on the joint management of vague migration and on the need to accept the return of illegal immigrants to the countries from which they left in case of arrest, and committed at the same summit to provide technical and financial assistance to countries in migration situations to help them control the movement of migration. With the opening of the Space for Deep Reflection on the Causes Fuelling Migration Waves, this difficult summit, described by Amnesty International as the "Global War on Immigration," this

Furthermore, in 2003, another summit was held in Thessaloniki, which tried to tone down the severity of the first summit, by setting unified standards for the countries of the

Union, in order to combat illegal immigration and reduce the possibilities of entry into Europe, except under special conditions, and the summit failed in this because of the difference between Europeans in the assessment of the issue of immigration and its importance. for European economies.

Among the most important agreements, dialogues, and public meetings that have played a key role in bringing the European and African sides around the same table to address the migration phenomenon, we mention them as the axes of their joint work:

### **Schengen Agreement:**

The Schengen Agreement was signed in Luxembourg in 1985 by 30 countries, most of which are members of the European Union. The entry of illegal immigrants who deceived entry from countries other than the country of destination, which had previously rejected their travel application, by obtaining a visa to travel to another country for tourist purposes and then travelling from there to the country of destination the fight against illegal immigration, particularly in the Mediterranean basin (Messoud, 2014).

### **Euro-Mediterranean Partnership Framework**

The Euro-Mediterranean Partnership Project has adopted the concept of partnership to ensure stability and improve security between the two shores of the Mediterranean, and this partnership included three axes, including the partnership and security axis, which includes internal affairs, justice, human rights, democracy, and the migration file with its security-political and social dimensions (Kateb, 2001). And since illegal migration is a transboundary and regional phenomenon that threatens the security and stability of the Mediterranean region, it has become a common bet for the countries of the North and South of the Sea. The first Euro-Mediterranean meeting on migration was held in November 2007 in Portugal and focused on the fact that illegal migration must be reduced by improving the labour market and supporting countries of origin. Reference was made to procedures for documenting illegal migration and promoting the best standards for the voluntary return of illegal migrants to their countries (Messoud, 2014).

These measures are the result of cooperation with the League of Arab States, some Western countries and the African Union. The Barcelona Declaration, approved at the Euro-Mediterranean Conference (2-27 November 1995), in which the Arab countries, Algeria, Egypt, Jordan, Lebanon, Morocco, Tunisia and the Palestinian Authority participated, is the basis for the establishment of a comprehensive partnership between the Euro-Mediterranean countries, in particular the economic and financial partnership aimed at building an area of shared prosperity aimed at: among other things, to improve the living conditions of the population, to raise the level of employment (Abdou, 2010), to reduce the growth gap, encourage North-South cooperation and integration in conjunction with a massive increase in EU financial aid to poor developing countries in the South and recognition of the key role of civil society organisations in several areas, including increasing cooperation to combat illegal immigration, taking into account the readmission of illegal immigrants and taking into account nationals of the Member States of the partnership as residents according to the definition of the European Community (Abdou, 2010).

The Barcelona Declaration is accompanied by a programme of action requiring the implementation of its objectives and respect for its principles through regional and multilateral programmes, in addition to the fact that the work programme is a continuation of existing bilateral cooperation, in accordance with the agreements concluded between the European Union and its Mediterranean partners and existing cooperation between it and the League of Arab States and between it and the African Union, such as cooperation between Morocco and Spain, cooperation between Libya and Italy, cooperation between Egypt and Italy, and cooperation between Tunisia and Italy (Kateb, 2001).

And the declaration issued by the seminar of Ministers of the Interior of the Western Mediterranean countries, held in Venice in November 2009, included a series of practical measures to combat organised crime, terrorism, money laundering, and illegal immigration, including the fight against immigration, as follows:

- Encourage legal migration based on supply and demand in the labour market and the interests of exporting and receiving countries while respecting human rights.
- Simplifying visa procedures for nationals of countries on both shores of the Mediterranean.
- Intensify the exchange of information on illegal immigration and the smuggling of migrants (Abbou, 2016).
- Cooperate to reduce the flow of migrants in countries of origin, transit, and destination in the Mediterranean, paying attention to children and their needs within the framework of bilateral agreements. (Website of the Algerian Press Agency.) That is, the declaration aligns with the Barcelona Declaration. However, the implementation of the Barcelona Declaration, especially after the events of September 11, 2001, has shown a tendency to take strict security measures to curb illegal immigration, which is criticised by the South Center for Human Rights, which sees the emphasis on supporting development projects based on civil society institutions in villages and rural areas, and this has resulted in Germany adopting the strictest European regulations in the face of those that come. According to Carita Svan, 50% of asylum applications from Maghreb countries via Frankfurt airport are rejected and immediately deported to their country (Ratiba, 2009), knowing that Moroccans represent between 40% and 30% of asylum applications. Despite the presence of many reception centres for refugees and their social care, Germany still insists on not setting them up. website of the Information Network on the Rights of the Child in Germany.

### **European Neighbourhood Policy:**

In 2003, with the increase in the existing expansion of the European Union, the European Commission introduced a new concept called the "European Neighbourhood Policy" to all the EU's eastern and southern neighbours, which include Algeria, Egypt, Jordan, Libya, Lebanon, Morocco, Israel, occupied Palestine, Syria, Tunisia, and from the eastern side of Europe Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine. Programs represented in

- Regional programmes related to Eastern Europe and the southern shore of the Mediterranean
- Specialized programmes related to human rights, democracy, immigration, asylum, and poverty alleviation
- Cross-border programmes through cross-border cooperation to control migrant flows had as their most important objective the establishment of economic partnerships to reduce poverty and create real development in the countries of the southern Mediterranean, which contributed to reducing the proportion of illegal immigrants (Messoud, 2014).

The European Neighbourhood Policy also allows for the establishment of a common border administration, whose work is based on the external control of the entry of illegal immigrants into the European Union, the construction of waiting areas outside the borders of the Schengen countries (Faiza, 2011), the control of border guards during the establishment of the "Schengen partner" forces, and the control of illegal immigrants, people, drugs, and weapons.

### **Rabat Manifesto 2006**

On July 13, 2006, 60 African and European countries requested the assistance of the Office of the United Nations High Commissioner for Refugees in solving the problem of illegal immigration from Africa to Europe. The Minister of Africa, in the Moroccan capital, Rabat, issued a statement in which they agreed to cooperate and assume common responsibility in solving the problem of illegal immigration from Africa to Europe, while respecting the rights of migrants and refugees and guaranteeing international protection (Messoud, 2014).

This is in addition to the numerous agreements that have taken place in the form of bilateral meetings in the field of the fight against illegal immigration between the European and African parties. These bilateral agreements were also effective for the Moroccan-Spanish Agreement, the Egyptian-Italian Agreement, the Algerian-Italian Agreement, and the Libyan-Italian Agreement (Messoud, 2014).

Despite the recommendations that have been made, anti-immigration policies adopted by Europe have focused on the use of the heavy security arm by adopting policies aimed at preventing secret immigrants by force from infiltrating Europe, establishing detention centres and forced deportations (Rafik, 2006), and strengthening border controls. The concrete policies of European countries bordering the sea have become evident. The Mediterranean is increasingly mobilising military police and military security forces in support. In addition to creating a safe haven for the development of military devices and tools to prevent illegal immigration and border crime, the increasing militarization of borders to fight immigration and crime along the borders of the Mediterranean and the European Union.

## **Conclusions**

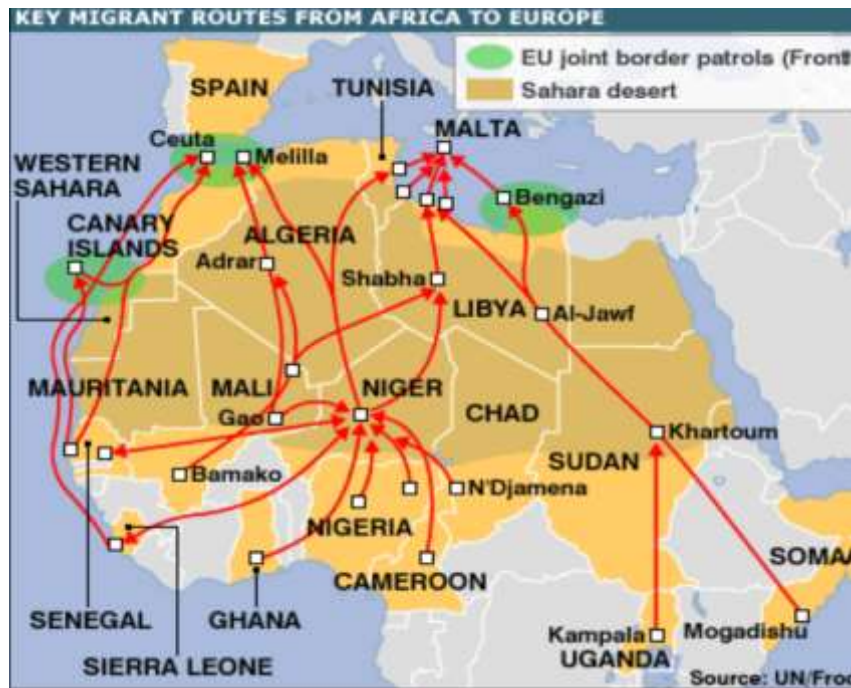
Dealing with illegal immigration in Sahel countries and cooperating with European Union countries, as well as advanced security measures and means, as well as bilateral and collective agreements, may succeed in limiting the phenomenon for a time, but will not be able to eliminate it permanently through security treatment as long as its main causes of the large gap between Africa and social and economic Europe persist.

Indeed, the fight against illegal immigration on the African coast must focus on the issue of local development in countries exporting illegal immigration, and European countries must help these countries find appropriate solutions to their economic, political, and social problems; this is perhaps the only optimal solution to confront and eliminate illegal immigration.

Work to provide employment opportunities in the countries of the region to millions of young Africans. What is crushed by poverty and misery is the most important guarantee for curbing illegal immigration and improving and developing marginalised and remote areas. Undoubtedly, this will limit base growth in these remote areas. This necessitates serious policies and reforms on the part of the region's countries, as well as the international community's commitment to an urgent Marshall Plan to assist. The region's countries must take these measures, which have become necessary due to the worsening and deterioration of the situation in the African Sahel region, and which have become a threat to international peace and security.

## **The path of illegal immigrants in the Sahara Desert to Europe**





Source: <http://newsing.bbc.co.uk/media/images/4245300/gif/42453786>

#### References:

- 1- Sarah Hamood, African Transit Migration through Libya to Europe, The Human Cost, Forced Migration, and Refugee Studies, The American University in Cairo, 2006FMRS/AUC
- 2- Adel Zaggagh and Soufian Mansouri, "The reality of organised crime in the African coastal region," *Journal of Human and Social Sciences*, p. 23 (March 2016), p. 157–15.
- 3- Abdelmalek Sayesh, "Fight against illegal immigration: a look at Law 09, including the amendment of the Penal Code," *Academy of Scientific Research, Faculty of Law and Political Science, Abd al-Rahman Mira Bejaia University*, p. I (2011), p. 9.
- 4- Ratiba Taibi, « Le chômage et sa relation à l'immigration clandestine en Algérie », *Revue des arts et des sciences sociales, Publications Saad Dahlab Blida*, p. 8 (2012), p. 103.
- 5- "The Central Sahel at the Heart of the Storm," *Crisis Group Africa Report N°227*, (June 25, 2015), p. 86.
- 6- <http://www.ikhwanonline.com/print.aspx?ArtID15/10/2020>.
- 7- Mbarek Idris Taher Al-Daghari, "The Dangers of Illegal Immigration from Africa to Europe and Policies to Combat It," *Libyan International Journal, University of Benghazi*, p. 8 (July 2016), p. 6.
- 8- Ramses, A critical Analysis of Migration Policies in the Mediterranean: The Case of Italy, Libya, and the EU, (Emanuela Paoletti), Ramses Working Paper 12/09, April 2009(, European Studies Centre, University of Oxford.
- 9- Nasser Hamed, Migration Problems to the European Union, *Journal of International Politics, Al-Ahram Foundation*, p. 159, p. 41, Egypt (2005) p. 190.
- 10- Mbarek Idris Taher Al-Daghari, "The Dangers of Illegal Immigration from Africa to Europe and Policies to Combat It," *Libyan International Journal, University of Benghazi*, p. 8 (July 2016), p. 12.
- 11- Othman Al-Hassan Muhammad Nour, Yasser Awad Al-Karim Al-Mubarak, "Illegal Migration and Organized Crime," (Riyadh: Center for Studies and Research, 2008), p. 93.
- 12- UNODC, "Transnational Trafficking and the Rule of Law in West Africa: Threat Assessment" (July 2009).
- 13- Manuel Manrique Gil, Mediterranean Flows into Europe: Migration and the EU's Foreign Policy, Policy Department, Directorate-General for External Policies, European Union, 2014(, p. 7.
- 14- Mohamed Reda Al-Tamimi, Illegal immigration through national legislation and international covenants, policy and law notebooks, p. 4 (January 2011), pp. 220-260.
- 15- Dekhala Messoud, The reality of illegal immigration in the Mediterranean basin: its repercussions and its mechanisms of struggle, *Algerian Public Policies*, p. 5 (October 2014), p. 123–154.



- 16- Ahmed Kateb, "Contexts of the Euro-Mediterranean Partnership," MA unpublished, University of Algiers, Faculty of Political Science and International Relations, 2000-2001), p. 97.
- 17- Muhammad Fathi Abdou, *International Trade and Combating Illegal Immigration* (Riyadh: Naif Arab University for Security Sciences, I. 1, 2010), p. 82.
- 18- Abdullah, Ali Abbou, *International Efforts to Combat Illegal Migration, Sharia, and Law*, p. 65 (April 2016), pp. 188–229
- 19- Bared Ratiba, *Euro-Mediterranean Dialogue between Barcelona and the 5+5 Forum* (Master's thesis, unpublished, Youssef Ben Khadda University of Algeria, Faculty of Political Science and International Relations, 2008-2009), 180
- 20- Khetrou Faiza, *The Security Dimension of Illegal Immigration in the Framework of Euro-Maghreb Relations, 1995–2010* (Master's thesis, unpublished, University of Algiers 3, Faculty of Political Science and Media, 2010–2011), p. 170.
- 21- Kechout Rafik, *European common defence and the future* (Master's thesis, unpublished, University of Algiers, Faculty of Political Science and Media, 2005-2006) pp. 41–42.