

## Geneva Trade and Development Forum<sup>1</sup>

# Labour mobility: A win-win-win model for trade and development The case of Senegal

Background study integrating report from theme group's workshop<sup>2</sup> of 24–25 April, 2008  
prepared by Marion Panizzon<sup>3</sup>

### Executive summary

Migratory flows from Senegal to Europe, traditionally moving to France, have increased dramatically in the last few years, trying to reach, in particular, Spain. In response to the high tide of migrant landings on the Canary Islands in the summer of 2006, the governments of Spain and Senegal, the European Commission and the International Organization for Migration (IOM) signed a EU-sponsored Rapid Reaction Mechanism plan for Senegal. This Memorandum of Understanding between Spain, Senegal and the European Commission is said to have legally framed the FRONTEX interventions, to have authorized readmissions and to have facilitated an IOM-organized reintegration support. Despite its *ad-hoc*, experimental quality of emergency intervention in the face of a humanitarian crisis, the Memorandum of 2006 has played a key role in setting the stage for a new generation of bilateral migration agreements emerging between France, respectively Spain. France's and Spain's apply a new mixed strategy of combining development cooperation with border securitization and labour migration. France and Spain's templates, chosen to be first tested on a larger scale with Senegal as the model West African migrant source country, have since relaxed the numbers of unauthorized entries and overstays. Even if this early wave of bilateral migration agreements was facilitated by the EU-funded RRM—in what was the first treaty-based attempt at framing Eurafrican migration departing from Senegal—it was the governments of Spain, France and Senegal who have been at the forefront of designing these new templates for managing Eurafrican migratory flows. Nonetheless, France's and Spain's agreements on migration management will certainly pave the way for a future EU-wide migration agreement, the so-called mobility partnerships. These partnerships are currently in the works for being applied towards migrant source countries, which like Senegal lie outside European Neighbourhood Policy (ENP) and are not eligible for Euro-Mediterranean Partnership (MEDA) funding. France's and Spain's framework agreements are adjusted to each West African country's specificity and base migration management upon a partnership approach in order to include the small-scale and successful non-governmental programmes run by immigrant associations, employer unions and local

<sup>1</sup> Geneva Trade and Development Forum, <http://www.gtforum.org/>, for which this report was prepared, will hold first conference, "Trade as a development tool: partnerships and policies", from 17-20 September 2008.

<sup>2</sup> The workshop was organized by Ndioro Ndiaye, Deputy Director General, IOM, Türkan Karakurt, Director, FES, Marion Panizzon, Senior Researcher NCCR/WTI and Natacha Bogorad, Programme Manager, IDEAS Centre.

<sup>3</sup> Senior Research Fellow, World Trade Institute, Bern; I wish to thank in particular Ndioro Ndiaye and Nicolas Imboden for their invaluable encouragement to my work. Without the generous financial support of the Friedrich-Ebert-Stiftung, this workshop could not have taken place and I specially thank Türkan Karakurt for funding this workshop. I also thank Natacha Bogorad, Sophie Nonnenmacher, Meera Seethi and all workshop participants, including the delegations of Senegal, Spain, France and Switzerland, for their suggestions and critique.

authorities all aiming at facilitating recruitment procedures, integrating and reintegrating migrants. Even though ratification is pending, the dialogue accompanying the agreements' drafting has jump-started a series of initiatives at ministerial level of Senegal's government embracing more actively migration as an opportunity for growth and development. Beyond tapping into the Diaspora for developing Senegal's infrastructure, some programmes seek to reintegrate return migrants (REVA), while others will want to work with the business contacts established by Senegalese workers abroad to draw foreign direct investment into Senegal or to stimulate joint-ventures between a host country firm employing Senegalese migrant workers and small and medium enterprises in Senegal ("Caravane des PME"). The latter initiative seems particularly promising in the fields of tourism, food processing, information and communication technologies, where Senegal has a comparative advantage. In order to attract even more such migration-induced entrepreneurial initiatives and in particular to foster intra-corporate transferee circular labour mobility, Senegal could benefit from opening more deeply and widely its GATS commitments in modes 3 and 4. While France has adopted a softer strategy of enticing voluntary returns by providing for return aid and project-tied reintegration support, Spain has a tougher approach of coupling the opening of its labour market to readmission quotas and police cooperation in border securitization. Yet, Spain's quota-based migrant labour recruitment perhaps more pragmatically than France's, targets the lower and non-formally skilled workers in Senegal and so contributes effectively to reducing unemployment and migration pressure. Prospecting missions by Spanish multinational companies in Senegal have set a clear signal for a demand-based, employer-driven migrant labour recruitment process. France's first proposed entry visa schemes in its 2006 agreement with Senegal did not offer more than what its immigration law reform of 24 July 2006 had already given in terms of labour market admissions to countries of the Priority Solidarity Zone, including Senegal. France's visas targeted more the highly-skilled workers and, in consequence, Senegal voiced brain drain concerns. Pressured by Spain's precedent-setting, preferential recruitment quotas, France, in its 2008 covenant agreement with Senegal, finally offered preferential recruitment quotas for Senegal within the existing visa categories. It also expanded preferentially for Senegal only, the list of professions qualifying for facilitated entry into France. To mitigate brain drain concerns, a joint commission between both countries was established. For non-commercial activities, three new special circular visa categories were created, for elected locals, members of co-development programmes and persons requiring medical care in France. Differences aside, the emerging bilateral agreements of France, respectively of Spain, and Senegal have thus shown the way forward on how sharing responsibility and creating tactical issue linkages in all areas relating to migration can lead to a win-win-win situation, for the migrant source and host countries, but also for the migrant workers.

## **1) Introduction**

This report summarizes the results of workshop Labour mobility: A win-win-win model for trade and development: The case of Senegal/Façonner une mobilité du travail réciproque: Le cas du Sénégal held in Geneva from 24–25 April 2008. Ndioro Ndiaye, Deputy Director General of the IOM opened the discussion. The presentation of this background study prepared by Marion Panizzon, Senior Research Fellow, World Trade Institute laid out what mechanisms the migration management agreements Senegal has recently signed, but not yet ratified with France (2006, 2008) and Spain (2007), were applying to facilitate labour market admissions for Senegalese workers in Europe.

Government representatives from Senegal, France, Spain and Switzerland, together with officers of the IOM, ITC, OECD, WTO and UN, as well as representatives from NGOs (Friedrich-Ebert-Foundation and Africa Forum) and academia were invited to discuss the existing framework of bilateral agreements between Senegal and France, and that with Spain. The workshop focused on how Eurafrican labour migration could be used for improving human capital and enterprise development in Senegal, but also to fill in labour shortages and skill gaps in Europe's labour markets.

Also examined were the various programmes developed by international organizations, immigrant or business associations and employers' unions providing support in the form of administrative, technical, financial and human resources to labour market admission procedures offered preferentially on a quota basis or on a most-favoured nation basis within the framework of national immigration laws. An additional focus was on how these agreements seek preferential partnerships with non-governmental entities to manage the return of labour migrants. Such approaches include encouraging entrepreneurship, university appointments, integration into agricultural revitalization and other economic development programmes, with a view to "positivizing" circular migration by offering an economic perspective in the country of origin. Finally, the workshop participants discussed how immigrant associations have successfully entered into partnerships with small and medium-sized enterprises of the host country and have in this role of interlocutors, often promoted investments by these in Senegal, or joint ventures with Senegalese food processing companies, and have thus contributed to the creation of new job opportunities for Senegalese workers at home and abroad.

The aim of the workshop was to gain an overview of what exists in terms of labour market access facilitation, management and prevention of clandestine migration and overstays, as well as for mobilization of diaspora-led development, incentives to increase voluntary return and to facilitate socio-economic reintegration of return migrants to Senegal. Existing and planned, bilateral, unilateral or multilateral arrangements involving Senegal, Spain and France, as well as Switzerland and the European Commission are examined in more detail below.

Information and criticism collected during the two-day workshop on the feasibility of the bilateral migration management agreements, unilateral schemes and international programmes to facilitate Senegalese worker mobility towards Europe, are summarized in the following document which flows into the final draft action plan currently being prepared for the Geneva Trade and Development Forum.

The key challenge perceived by the workshop participants was how to mitigate the risk of clandestine migration for labour-receiving countries and that of enticing the talents of the migrant source country, in the face of a global hunt for talent. Spain's recent preferential quotas for Senegalese agricultural and fishery workers, France's new preferential admission quotas offered to Senegalese workers identified jointly between the two countries on the basis of a list of professions facing skill gaps and shortages were assessed. The prospecting missions by Spanish multinational companies in Senegal to select and recruit workers for the food processing, cleaning, catering, construction and hotel industries, were singled out for creatively contributing to managing Eurafrican migratory flows, as private-sector-based, employer-driven recruitments facilitating the entry into labour markets of low-skilled, non-formally trained or even unemployed young professionals workers, who create most of the migration pressure in Senegal.

## a) Economic Profile and Migratory Patterns in Senegal

Senegal's economic growth rate currently standing at 5% of gross domestic product (GDP) has picked up again following a slowdown in 2006 and now surpasses the population growth rate of 2.5% per year. Since 2001 Senegal has qualified as a least-developed country (LDC) under WTO terms, as 26.3% of the population live on less than 1 United States Dollar (US\$) per day.<sup>4</sup> Foreign direct investment (FDI) has recently gone up from 346 million US\$ in 2003 to US\$ 460 million in 2006 (from a mere 258 million US\$ in 1990).<sup>5</sup> The Highly Indebted Poor Countries Initiative (HIPC) debt relief, promotional activity by Senegal's government, as well as expected returns from high commodity prices for natural resources (biofuel-producing jatropha and castor bean plants, mining of phosphates, iron ore and fisheries)<sup>6</sup> have fuelled foreign capital inflows. The majority of FDI primarily finances infrastructure development, including transport, electricity and other essential facilities. DP World's subsidiary branch, Jebel Ali Free Zone Authority (Jafza) International, for instance, signed a deal in 2007 to construct an international container terminal ("Port du Futur") (455 million euros) by 2011 and to establish a new economic free zone (600 million euros).<sup>7</sup> The US government's Millennium Challenge Corporation (MCC) however, has withdrawn from the planned Diamniadio Free Zone investor park on the outskirts of Dakar, which would have created 45,000 jobs and decongested traffic flow through Dakar's overpopulated centre.<sup>8</sup> The Senegalese government may have found a new partner with the Jafza International, the Dubai-government-owned group in charge of developing a Special Economic Zone (SEZ) 40 km south of Dakar and which will take over the development of the Diamniadio Free Zone.<sup>9</sup> A subsidiary of the Moroccan Bank for External Trade (BMCE-BANK), BMCE-Capital based in Dakar is financing Dakar's new airport "Blaise Diagne", (US\$ 460 million), which the Saudi Binladin Group will be building<sup>10</sup> and Germany's Fraport will manage, while the Senegalese government will retain 45% stake.<sup>11</sup> In July 2007, China signed a soft loan agreement for US\$ 48.41 million with Senegal's state power company SENELEC, which had been struggling with high oil prices and has been responsible for repeated power cuts in 2006. In addition, China promised to build a 250 megawatt coal-fired power station in Senegal.<sup>12</sup> The Canadian group Transrail having run the Dakar-Bamako railway is handing over to the Belgian Vecturis group.<sup>13</sup> Yet, cost-effective low-wage workers from Asia are flown in to build the infrastructure financed by foreign capital so that infrastructure-related investments create few employment opportunities and few multinational companies offer possibilities for

<sup>4</sup> UNFPA, Country Profile Senegal, <http://www.unfpa.org/profile/senegal.cfm>; Senegal is one of the 50 poorest countries in the world.

<sup>5</sup> UNCTAD Handbook of Statistics 2007 (<http://stats.unctad.org/Handbook/>)

<sup>6</sup> Mbalo Ndiaye The Agricultural Economy of Senegal, March 2007, FAS Worldwide,

[http://www.fas.US\\$a.gov/info/fasworldwide/2007/03-2007/SenegalOverview.htm](http://www.fas.US$a.gov/info/fasworldwide/2007/03-2007/SenegalOverview.htm): In 2005, seafood represented 22% of Senegal's total exports, generating more than US\$ 366 million in national income from an annual catch of some 400,000 tonnes, while peanuts, the main cash crop of Senegalese farmers and occupying 1 million of the population accounts for only US\$ 30 million. Cotton, another cash crop, accounts for 3% of Senegalese exports and for US\$ 23 million export income.

<sup>7</sup> DP World, [http://portal.pohub.com/portal/page?\\_pageid=761,274878&\\_dad=pogprtl&\\_schema=POGPRTL](http://portal.pohub.com/portal/page?_pageid=761,274878&_dad=pogprtl&_schema=POGPRTL).

<sup>8</sup> Gouvernement du Sénégal, Extension et modernisation du port de Dakar, [http://www.gouv.sn/grandsprojets/port\\_futur.html](http://www.gouv.sn/grandsprojets/port_futur.html);

Oxford Business Group, Country Business Intelligence Reports, Senegal 2008,

<http://www.oxfordbusinessgroup.com/publication.asp?country=61>.

<sup>9</sup> Millennium Challenge Corporation Senegal, <http://www.mcc.gov/countries/senegal/index.php>.

<sup>10</sup> OT Africa Line Senegal, <http://www.otal.com/senegal/>.

<sup>11</sup> SBAC, Senegal's Wade starts second terms with airport project, 5 April 2007,

[http://www.sbac.co.uk/community/cms/content/preview/news\\_item\\_view.asp?i=16179&t=0](http://www.sbac.co.uk/community/cms/content/preview/news_item_view.asp?i=16179&t=0)

<sup>12</sup> Reuters, China cash to help Senegal end power cuts, 12 June 2007.

<sup>13</sup> OT Africa Line Senegal, <http://www.otal.com/senegal/>.

Senegalese workers to upgrade their skills. Investors' expectations of high returns from exploitation of natural resources (e.g. a US\$ 2.2. billion iron ore mine investment by the Indian/Netherlands company Arcelor Mittal is planned), have led to diversification of foreign investment (agrobiotech) and dynamic public finance management by the Senegalese government has succeeded in increasing levels of domestic investment.<sup>14</sup> Nonetheless, in the same year that FDI flows reached new heights in 2005, the exodus of Senegalese migrants by sea to the Canary Islands of Spain reached 3,000 only to hit the 15,000 mark a year later.<sup>15</sup> Senegal has 12.4 million inhabitants,<sup>16</sup> and 409,000 Senegalese are living abroad.<sup>17</sup> Contrary to the widely held belief, it is not rural–urban, but rather secondary urban city-to-Dakar migration which is a main push factor for Eurafrikan or international migration of Senegalese. For instance, according to the Second PRSP of December 20, 2006, of Dakar's 2,333,420 residents in 2002, 877,330, or 37.6%, had moved there less than one year earlier.<sup>18</sup>

## 2) Strengths of Senegal's Migration Management

Senegal's government has been successful in identifying the Senegalese living abroad and enlisting these to take on some responsibility for the development of their local communities in their country of origin. In particular, Senegal's Diaspora has financed infrastructure development. The role of the Senegalese Diaspora generally, and of immigrant associations, specifically in transferring knowledge and intangible resources to Senegal is also quite important given the favourable approach in Senegalese society towards migration. Such cultural, scientific, academic exchanges have been particularly intensive especially between Senegal and France, as they are facilitated by linguistic ties and shared education systems. Contributing to Diaspora-led capacity building in technical, vocational training and professional education are UNDP's Transfer of Knowledge through Expatriate Nationals (TOKTEN)<sup>19</sup> programmes and similar initiatives in the context of the co-development programme with France. Yet, development of human capital in the Senegalese population at large has not really benefited from these exchanges, which take place among elites usually confined to the Dakaraise population. Knowledge and economic exchanges with the Diaspora have failed to reach the unemployed workforces in Senegal, as Islamic traditions and shared French cultural values estimate intellectual careers and academic exchanges more highly perhaps than technical and vocational training, entrepreneurship and managerial skills. More recently, Senegalese Diaspora in Northern Italian provinces has shown a different pattern of contributing to their home country's development. Predominantly composed of lower-skilled workers, Senegalese living in Italy have been instrumental in establishing joint ventures and partnerships between Italian food processing small and medium enterprises (SMEs) and Senegalese agricultural associations, namely in the dried tomato and biscuit industries. They also have successfully lobbied their government to play a more active role in facilitating commercial ties between Senegal and Italy, a phenomenon which provides for burgeoning and necessary Diasporic involvement in commerce, trade and entrepreneurship.<sup>20</sup>

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<sup>14</sup> IMF, Regional Economic Outlook, Sub-Saharan Africa, April 2008, p. 57.

<sup>15</sup> World Bank, Senegal: Trade-at-a-Glance, <http://info.worldbank.org/etools/tradeindicators/CountryReports/report163.pdf>.

<sup>16</sup> UNDP Human Development Report 2005.

<sup>17</sup> Republic of Senegal, Poverty Reduction Strategy Paper (PRSP) 2006, p. 58.

<sup>18</sup> Republic of Senegal, Poverty Reduction Strategy Paper (PRSP) 2006, p. 58.

<sup>19</sup> Transfer of Knowledge Through Expatriate Nationals, [http://www.diplomatie.gouv.sn/maeuase/tokten\\_note\\_presentation.htm](http://www.diplomatie.gouv.sn/maeuase/tokten_note_presentation.htm); Actualités PNUD Sénégal, [http://www.undp.org/sn/html/ind\\_actualite.htm](http://www.undp.org/sn/html/ind_actualite.htm).

<sup>20</sup> République du Sénégal, Ministère des Petites et Moyennes Entreprises, de l'Entreprenariat Féminin et de la Microfinance, Caravane des PME en Italie, June 2006.

## a) Mobilizing the Diaspora

**Diaspora-led-investments:** Senegal's government through the Agence pour la Promotion des Investissements et des Grands Travaux (APIX) agency and at least three different ministries (Exterior, Women Entrepreneurship, as well as Senegalese Abroad and Tourism) is quite active in promoting the investments of the Senegalese Diaspora mostly into government-initiated infrastructure projects in Senegal. In addition, each of the three ministries is actively seeking to use the business contacts and professional networks, which immigrant associations of Senegalese abroad have succeeded in establishing with host country enterprises and entrepreneurs. The **Investment Promotion and Major Works Agency** (Agence pour la Promotion des Investissements et des Grands Travaux, APIX) founded in 2000 and immediately placed under the auspices of the President of the Senegalese Republic has played an important role in attracting private capital, including, through its "**Entrepreneurship Diaspora**", the investments of Senegalese abroad.<sup>21</sup> APIX also invests loans made by foreign governments, such as those of France and Germany to finance projects facilitating the economic reintegration of return migrants.<sup>22</sup> **Co-development Convention of 25 May 2000** between France and Senegal, supplemented by the FSP Co-development financing agreement of 2005 was the first bilateral tool between a Senegal and a migrant host country to "officialise" the role Diaspora has played in mobilizing human capital and financial resources and directing these towards their country of origin. Though France's co-development conventions and ensuing FSP-co-development funding agreements with the Comores, Morocco and Mali were concluded prior to or concomitantly to the one with Senegal,<sup>23</sup> only the one with Senegal eventually paved the way for a more comprehensive agreement on the joint management of migratory flows, as France and Senegal have signed in 2006. The co-development convention of 25 May 2000 between France and Senegal is operationalized through the 2005 financing agreement Priority Solidarity Funding (FSP), by which 25% of the costs of the Diaspora-led projects are matched by funds from the FSP. One of the co-development's projects, **pS-Eau** has been particularly successful at channelling investments into Senegal so that today it runs all co-development projects in Senegal.<sup>24</sup> Also, independent co-development projects, such as **UNILCO**<sup>25</sup> have intensified Diaspora-led-investment in the development of Senegal's infrastructure (e.g. public facilities and water sanitization). The overall balance sheet of investments and intangible resource transfers by Senegalese living abroad is difficult to assess, yet stocktaking of these is statistically easier to obtain for those investments, exchanges and flows undertaken in the context of a co-development agreement. Numbers show, however, that compared to the important number of investments in public infrastructure, housing and education and with the exception perhaps of the abovementioned Northern Italian joint venture cases, Senegalese abroad direct little investments towards projects relating to entrepreneurship, businesses or trade.<sup>26</sup>

**Diaspora-driven human capital development:** Adding to the incentive mechanisms aiming at encouraging Senegalese residing abroad to contribute not only financially, but also through their skill

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<sup>21</sup> APIX, [http://www.investinsenegal.com/boite\\_ent.html](http://www.investinsenegal.com/boite_ent.html).

<sup>22</sup> APIX, <http://www.investinsenegal.com/>

<sup>23</sup> Martin, Philip L., Susan Forbes Martin and Patrick Weil (2006) *Managing Migration, The Promise of Cooperation*, Lexington Books, p. 236.

<sup>24</sup> pS-Eau, Programme solidarité eau, [http://www.pseau.org/index\\_fr.php](http://www.pseau.org/index_fr.php).

<sup>25</sup> Union of Local Initiatives for Co-development (UNILCO), <http://unilco.club.fr/summary.htm>.

<sup>26</sup> Gouvernement du Sénégal, *Projet Initiatives de Co-développement, Actions financées*, [http://www.codev.gouv.sn/actua\\_actionfinance.html](http://www.codev.gouv.sn/actua_actionfinance.html).

endowment, talents acquired and networks established abroad to the development of Senegal is TOKTEN, a programme run by UNDP and established for other developing countries as well. **UNDP TOKTEN** was launched for Senegal in 2002 with US\$ 200,000.<sup>27</sup> France's co-development convention with Senegal of 2000 and the FSP-co-development funding agreement of 2005 have in place similar capacity-building programmes through circular mobility of Senegalese technicians abroad, which Article 5 on the mobilization of Diasporic skills and resources of the 2006 France—Senegal agreement further operationalizes by offering a multiple entry visa to highly qualified Senegalese citizens residing in France.

**Diaspora-led entrepreneurship:** Senegalese society has a positive attitude towards migration, which makes reintegration of return migrants a difficult task, rendered even more challenging by the high unemployment rates facing return migrants in Senegal.<sup>28</sup> In 2003, Italy and the IOM launched two migration for development programmes (**MIDA**) to promote links between hometown associations of immigrant local communities in Italy and local communities in Senegal, Ghana and Ethiopia and to facilitate entrepreneurship (and thus socioeconomic reintegration) of migrants returning home.<sup>29</sup> The project was reformulated as MIDA Italy/Senegal/Ghana and excluded Ethiopia.<sup>30</sup> One of its key operational measures is a database, where Senegalese residing abroad can register their interest in contributing to the development of their country of origin and list their skills.<sup>31</sup> The **UN Digital Diaspora Network** (launched in 2002 and in 2003 for Africa) as a partnership of different UN sub-organizations, including the UN Information and Communication Technologies (ICT) task force and the United Nations Development Fund for Women (UNIFEM) and seeks to promote development and the achievement of the Millennium Development Goals through mobilizing the resources of Diaspora.<sup>32</sup>

The Ministry of Senegalese Abroad and Tourism (**Ministère des Sénégalais de l'Extérieur et du Tourisme**)<sup>33</sup> and its two sub-entities, the functions of which are not entirely clear—the Council on Senegalese Abroad (Conseil Supérieur des Sénégalais de l'Extérieur) and a Bureau of Integration, Information and Follow-Up for Emigrants (Bureau d'Accueil, d'Orientation et de Suivi des Emigrés, BAOS) also cultivate links with the Diaspora.<sup>34</sup> Since 2007 this Ministry is complementing the investment-promotion activities of APIX, in the sense that it is not only encouraging, as APIX does, Diaspora-led-investments, but is targeting the Senegalese abroad more indirectly, as facilitators for FDI by host country firms; since June 2008 this Ministry has had a new internet portal to enable it to keep in touch with the emigrants **<http://www.senex.sn/>**. In addition to the new strategy of targeting the Senegalese abroad as brokers of FDI, the portal, somewhat in competition to APIX, allows foreigners interested in investing into tourist

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<sup>27</sup> République du Sénégal, [http://www.diplomatie.gouv.sn/maeuase/tokten\\_note\\_presentation.htm](http://www.diplomatie.gouv.sn/maeuase/tokten_note_presentation.htm).

<sup>28</sup> Gerdes, Felix, Senegal Country Profile, No. 10, focus Migration, November 2007, Hamburg Institute of International Economics (HWWI).

<sup>29</sup> Gallina, Andrea (2007), "Migration & Development Linkage in Italy: A De-centralised Cooperation Approach", *Federico Caffè Centre Research Reports* Nr. 1/2007.

<sup>30</sup> IOM, MIDA Ghana- Senegal 2006/2007 Migration for Development in Africa [http://www.iom.int/jahia/webdav/site/myjahiasite/shared/shared/mainsite/microsites/mida/MIDA\\_Gha\\_Sen\\_4\\_Website\\_EN.pdf](http://www.iom.int/jahia/webdav/site/myjahiasite/shared/shared/mainsite/microsites/mida/MIDA_Gha_Sen_4_Website_EN.pdf)

<sup>31</sup> De Haas, Hein, Engaging Diasporas: How governments and development agencies can support diaspora involvement in the development of origin countries, Oxfam Novib Study, June 2006, p. 29.

<sup>32</sup> Kampala Declaration, Africa Launch of the Digital Diaspora Initiative 5–7 May 2003, Kampala Uganda, <http://www.unifem.org/campaigns/wsis/documents/KampalaDeclaration.pdf>.

<sup>33</sup> République du Sénégal, Ministère des Sénégalais de l'Extérieur et du Tourisme, <http://www.gouv.sn/ministeres/msen/service.cfm?sigle=MSE&serv=BAOSE>.

<sup>34</sup> République du Sénégal, Ministère des Sénégalais de l'Extérieur et du Tourisme, <http://www.gouv.sn/ministeres/msen/contacts.cfm>.

developments in Senegal to signal their interest and get in touch with the Ministry. The portal feeds into an **IOM project to create a census** of the Senegalese living abroad, especially to categorise these according to their professions.<sup>35</sup> Since 31 May 2008, **La Fondation des émigrés sénégalais** (FES) yet another entity has been aiming at facilitating Diaspora-led-investments into Senegal. It has been supported largely by Spain and also comes under the auspices of the Ministry of Senegalese Abroad.<sup>36</sup> Similarly, the Ministry of Family, Womens' Entrepreneurship and Micro-finance (*Ministère de la famille, de l'Entrepreneuriat et de la Micro finance*) is seeking to formalize through public-private partnerships those business contacts and professional networks established by the Senegalese abroad and to draw benefits from these for the public purse. In this context, a recent initiative, the "**Caravane des PME en Italie**" used the contacts made by the important Senegalese Diaspora in the Italian towns of Brescia, Lecco and Parma, to seek out joint ventures and public partnerships between food processing enterprises in Northern Italy (dried tomatoes and biscuits) and Senegalese agricultural producers.<sup>37</sup> Although it is not known whether these projects have actually materialized, one Italian enterprise interested in investing in Senegal proposed to use Senegal's sweet potatoes as a main ingredient for biscuits and is planning to open a biscuit factory in Matam, Senegal, and another was exploring the possibility of setting up a tourist village in Senegal's Somone zone. The success of such enterprises would be measured in terms of the success of both governments at organizing into a package not only the production of processed foodstuffs, but also the transport issues. For instance, Parma is proposing to receive charter flights by Air Sénégal International and to make available freezer storage spaces for storing tomatoes flown in from Senegal to have them dried in Italy.<sup>38</sup>

**Craft development** through public–private partnerships spurred by Diaspora, such as **Aid to Artisans** (ATA)<sup>39</sup> contributes to services trade and export-led growth and can prevent outmigration through skill retention. Loans from the Senegalese government can be tailored specifically for migration-related craft-development projects; either when a joint venture is facilitated by the Diaspora or when Senegalese return migrants plan a start-up or a micro-enterprise, perhaps in a joint-venture with host country firm in the field of crafts. **Aissa Dione** is a Senegalese textile producer and designer born into the Diaspora, but working today from Dakar and with artisans in Senegal. She has thus created jobs, and retained artisanal skills at home while promoting their added-value to cultural diversity by rendering them globally competitive.<sup>40</sup> Her constraints are Senegal's restrictive labour regulations, which do protect workers, but keeps employers from employing more workers. Another restriction is Senegal's banking system which does not offer access to loans. Aissa Dione was able to start her business, however, with a **loan from the Senegalese Ministry of**

<sup>35</sup> Osiris Observatoire sur les Systèmes d'Information, les réseaux et les inforoutes au Sénégal, Le ministère des Sénégalais de l'Extérieur et du Tourisme a mis en place un portail Internet pour être en "contact permanent" avec les expatriés, et pour une "meilleure efficacité" de son action, 3 June 2008, Agence de Presse Sénégalaise, [http://www.aps.sn/aps.php?page=articles&id\\_article=44384](http://www.aps.sn/aps.php?page=articles&id_article=44384).

<sup>36</sup> Co-Developpement.Org, Les Sénégalais de l'extérieur créent une fondation, 4 June 2008, <http://www.co-developpement.org/?p=522>.

<sup>37</sup> République du Sénégal, Ministère des Petites et Moyennes Entreprises, de l'Entrepreneuriat Féminin et de la Microfinance, Caravane des PME en Italie, June 2006.

<sup>38</sup> République du Sénégal, Ministère des Petites et Moyennes Entreprises, de l'Entrepreneuriat Féminin et de la Microfinance, Caravane des PME en Italie, June 2006.

<sup>39</sup> USAID, <http://www.value-chains.org/dyn/bds/docs/604/AnalyseTextileSenegal.pdf>, funded in Senegal in 2006 by USAID initiative, *Support for Accelerated Growth and Increased Competitiveness* (SAGIC), carried out a value chain and sector analysis on Senegal's textile sector, particularly on hand-woven textiles, which Senegal's ministry of commerce had chosen as having an export potential.

<sup>40</sup> Doing Business, Creating Jobs through Art, [http://www.doingbusiness.org/documents/Women\\_in\\_Africa-AissaDionne.pdf](http://www.doingbusiness.org/documents/Women_in_Africa-AissaDionne.pdf).

**Women's Entrepreneurship.** The question will be how to use international donor or Senegalese government sponsored craft-development projects, perhaps joint-venturing with a SME in Europe, to reintegrate return migrants.

## **b) Reintegrating Return Migrants**

**Sector-specific** return initiatives for enticing physical returns by the Diaspora in **health and agriculture:** Two sectoral cooperation-for-development initiatives of France in the context of its 2006 agreement with Senegal on managing migratory flows incentivize returns outside the context of the co-development convention of 2000: Articles 5, 6 and Annex II seek the voluntary returns of Senegalese medical doctors and other health professionals in France by offering research equipment or the prospect of **joint university appointments.**<sup>41</sup> In agriculture, Article 5 of the France—Senegal agreement of 2006 aims to **train** Senegalese migrants desiring to return to Senegal and who have been selected by immigrant associations in France in French technical colleges in the field of agriculture or fisheries, so that they can acquire the necessary skills for developing an economic activity in the rural areas of Senegal.

**Agrobiotech** for reintegrating return migrants in the context of the return towards agriculture (Retours vers l'agriculture, REVA) plan and more specifically for the Energy, Environment, Development (ENDA) **jatropha biofuel** production programme have been initiated by Senegal's Ministry of Agriculture. The biofuel production programme operates through a public–private partnership with India providing the funding and Brazil the know-how and it uses the jatropha plant which is widespread throughout Senegal. The programme also involves the specific section on returns of immigrants to agriculture (Retours des immigrés vers l'agriculture, **REVA plan**)<sup>42</sup> co-founded by the EU and Spain (20 million Euros) in the context of Senegal's government-run REVA programme.<sup>43</sup> The 2006 agreement between Senegal and France in Article 6-2 strengthens the significance of the Senegal's government-run REVA plan, especially its programme for reintegrating return migrants. The regional council of the Spanish island of **Tenerife** is promoting another biofuel project in Senegal specifically geared at curbing illegal migration by retaining skills and workers in Senegal. Both initiatives provide for modernization of the agricultural sector, which could help develop the global competitiveness of Senegal as an exporter of agricultural products. Agrobiotech and modernization of agriculture also function as incentives for highly-skilled professionals in the Diaspora to return to Senegal and to retain skills in Senegal thus to deter migration, yet the risk of industrialized, high-tech agriculture and which such programmes should address lest migration pressure is recreated, lies in displacing local, small-scale and subsistence farming.

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<sup>41</sup> Sénat, Le Co-développement à l'essai, Travaux Parlementaires, Rapports d'information, <http://www.senat.fr/rap>.

<sup>42</sup> ENDA; Biofuels in Senegal, Jatropha Programme, <http://www.compete-bioafrica.net/policy/JATROPHA%20PROGRAM%20IN%20SENEGAL.pdf>.

Ethical Sugar, <http://www.sucre-ethique.org>, SciDev.Net (London)- Wagdy Sawahel - Wednesday 1 November 2006, Senegal-Brazil-And-India-Join Reduce Senegal's oil imports by 10 per cent: "jatropha plants will be grown on 4,000 hectares of land in Touba. The extracted oil will be transformed into biodiesel in production units to be set up in Khelcom, some 100 km from Dakar. The pilot project also aims to provide a knowledge hub from which other plantations could develop, according to Biopact, an organization working for cooperation in biofuel and bioenergy between Europe and Africa. Senegal will carry out an experiment growing castor oil plants, sunflowers or jatropha over an area of 50,000 hectares in Kolda and Tambacounda, in southern and eastern Senegal."

<sup>43</sup> Diplomatie France, Présentation du Sénégal, [http://www.diplomatie.gouv.fr/fr/pays-zones-geo\\_833/senegal\\_355/presentation-du-senegal\\_1293/index.html](http://www.diplomatie.gouv.fr/fr/pays-zones-geo_833/senegal_355/presentation-du-senegal_1293/index.html); Ministry of Agriculture, New orientation for the Agriculture Sector Policy, REVA Plan, Special Biofuels Program, March 2007, ENDA, Energy, Environment, Development Programme, Biofuels in Senegal, Jatropha Programme, 2007-2012 Programme; see also Biopact, Spain and Senegal to cooperate on biofuels as a way to curb illegal migration, 24 August 2007, <http://biopact.com/2007/08/spain-and-senegal-to-cooperate-on.html>.

**Rapid Reaction Mechanism:** In the context of the EU-funded **Rapid Reaction Mechanism (RRM)** convention established in April 2007, for Senegal, IOM Dakar together with Senegal's Ministry of the Interior, the Ministry of Youth and Employment, the government of Spain and the European Commission have, in addition to the mainstay goal of preventing and combating clandestine migratory movements, created a programme for reintegrating return migrants. It is funded by the AENEAS programme of the EU, which since 2004, provides for "financial and technical assistance to third countries in the field of migration and asylum". The scope of the RRM Senegal, however, may possibly be limited to potential emigrants apprehended at sea by Senegalese coast guard in cooperation with Spanish or other EU-run FRONTEX patrols. Thus, voluntarily returning (labor) migrants nearing the end of their lawful stay in Europe are possibly not eligible for this type of reintegration support.<sup>44</sup>

**Gie Tekki fi ci Sénégal** ("to succeed here in Senegal") is an economic interest association ("Groupement d'intérêts économiques") of 140 members, which is a not-for-profit and non-governmental organization. It was formed by return migrants from Spain, namely ones that were repatriated in the course of their clandestine journey at sea or during an attempted entry into Spain. Their goal is to create employment opportunities and entrepreneurships in Senegal to demonstrate to their fellow citizens that what you wish for in Europe can be realized in one's own home country, that there is way to live well in Senegal too. They have asked and obtained some support from Senegal's government through the regional council of the city of Dakar. They have also organized a championship at the Senegalese traditional wrestling, "la lutte" and have invested these funds into their organization.<sup>45</sup> Mostly recently, they have collaborated with IOM Dakar and Senegalese artists from the Pikine region to set up an exhibition of artworks at the IOM regional headquarters for West Africa in Dakar. The funds obtained from the sale of the artworks on the themes of clandestine migration were also invested into the organization.<sup>46</sup> The women's network, **FENATRAMS (Fédération Nationale des Femmes Transformatrices et Micro-mareyeuses du Sénégal)** resenting to lose their sons attempting the dangerous journey by sea to Europe is also supporting the Tekki fi ci Sénégal association.<sup>47</sup>

**Student Returns:** the franco-senegalese agreement of 2006, seeks to mobilize Senegalese students to return to Senegal at the end of their studies. The programme is firstly, in France's interest to avoid overstays and possible unemployment of young Senegalese in France. It is also in Senegal's interest to have highly-skilled young Senegalese return to contribute to the development of the human capital of Senegal. Pursuant to Article 3 of the France–Senegal agreement of 2006, the **Centre pour les Etudes en France (CEF)** in coordination with a job offer database or manpower agency monitored by the Senegalese government, will run an **Internet site** with job offers for public and private sector employment in Senegal

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<sup>44</sup> IOM Assistance to Stranded Migrants from Western Africa Migrants stranded in Senegal are assisted by IOM in their voluntary repatriation process, [http://www.belgium.iom.int/index.asp?News\\_ID=507&Selected=1&sm=65](http://www.belgium.iom.int/index.asp?News_ID=507&Selected=1&sm=65).

<sup>45</sup> Fadjri, Wal, Sénégal: Organisés en GIE - des rapatriés d'Espagne veulent réussir chez eux, 11 September 2007, <http://fr.allafrica.com/stories/200709110409.html>.

<sup>46</sup> IOM Press Briefing, Africa and Middle East, Exhibition on the Realities of Irregular Migration, 7 September 2007, <http://www.iom.int/jahia/Jahia/pbnAF/cache/offonce/lang/en?entryId=15125>.

<sup>47</sup> IOM Dakar, Atelier et Exposition de Peinture, "Regards croisés sur l'Émigration clandestine, <http://www.iom.int/senegal/doc/RRM/R%C3%A9gard%20crois%C3%A9s%20sur%20l'Emigration%20clandestine.pdf>.

and even communicate **by email** to individual Senegalese students close to completing their studies in France those job offers which the Senegalese government communicates to them.

### **3) Challenges faced by Senegal with respect to trade, private capital inflows and outmigration of talent**

This chapter looks at the challenges Senegal is facing with respect to trade, private capital inflows and outmigration of talent. Some of the constraints of Senegal's economy and labour market may be similar to those facing other sub-Saharan LDCs or West African migrant source countries, others may not.

#### **a) Foreign Direct Investment**

**Investment in infrastructure and job creation:** Senegal's investment promotion agency (APIX) has created a one-stop shop for facilitating administrative procedures relating to (foreign) business entry and offers to conduct feasibility studies.<sup>48</sup> APIX is actively promoting Senegal's political stability with a view to attracting private capital, namely from Asia (India and China), the Arabian Gulf Region and Brazil for financing many of Senegal's infrastructure projects ("Grands Projets") through private-public partnerships which are now putting European investors in the shade.<sup>49</sup> Despite rising levels of foreign capital and domestic investment (US\$ 416 million in 2006)<sup>50</sup> the volume of investment, unlike for many other sub-Saharan countries, for Senegal, has not yet exceeded income from official development assistance (US\$ 689.3 million 2005)<sup>51</sup>, or remittance flows (US\$ 617 million in 2006).<sup>52</sup> Like in other sub-Saharan African countries, despite FDI, unemployment and outmigration rates from Senegal have remained high.

**Investment-in-services and domestic employment:** There are many impediments to FDI in services in Senegal. These include the difficulties for firms in gaining access to capital, high corruption rates (40% of the surveyed firms in Senegal in 2005 reported corruption issues), absenteeism due to malaria, lack of confidence in law enforcement, infrastructure constraints (ranging from a lack of a railway network to subregions, including Mali, and irregular electricity supplies). The lack of GATS mode 3 commitments, and incomplete labour-market related information (statistics on labour force participation, education, professional training) also, have been important challenges to the inflow of capital and business, overcome by some, mostly emerging country investors, but which have deterred the development of a global services industry (call centres, tourism and finance) in Senegal.<sup>53</sup>

#### **b) External Trade**

**Trade barriers to export-led growth:** Despite its economy being more open in terms of trade restrictiveness than many other sub-Saharan African countries, exports as share of GDP remain low in

<sup>48</sup> US Department of State, Senegal, 2007, <http://www.state.gov/e/eeb/afd/2007/80768.htm>.

<sup>49</sup> Gouvernement du Sénégal, Les Grands Projets du Chef de l'Etat, <http://www.gouv.sn/grandsprojets/index.html>.

<sup>50</sup> UNCTAD Handbook of Statistics 2007 (<http://stats.unctad.org/Handbook/>).

<sup>51</sup> UNDP Human Development Report, 2007-08, [http://hdrstats.undp.org/countries/data\\_sheets/cty\\_ds\\_SEN.html](http://hdrstats.undp.org/countries/data_sheets/cty_ds_SEN.html); France is still the largest donor of aid ahead of Japan, Kuwait, Saudi Arabia, Taiwan and the US. The amount of French ODA for Senegal is third largest overall coming after Algeria and Morocco; see France Diplomatie, [http://www.diplomatie.gouv.fr/en/country-files\\_156/senegal\\_233/france-and-senegal\\_5382/other-types-of-cooperation\\_8446.html](http://www.diplomatie.gouv.fr/en/country-files_156/senegal_233/france-and-senegal_5382/other-types-of-cooperation_8446.html).

<sup>52</sup> World Bank, Africa Development Indicators 2007.

<sup>53</sup> World Bank, Senegal at a Glance, updated 28 September 2007, [http://devdata.worldbank.org/AAG/sen\\_aag.pdf](http://devdata.worldbank.org/AAG/sen_aag.pdf).

Senegal (30.9% in 1995–1999 falling to 26.9% in 2005–2006).<sup>54</sup> Senegal today ranks 100th out of 131 countries on the World Economic Forum's global competitiveness index, lower than South Africa, Nigeria, Namibia and Kenya, but higher than Tanzania, Benin, Cameroon and Zambia.<sup>55</sup> As a Member of the West African Economic and Monetary Union (WAEMU), since January 2002, Senegal has a common external tariff (CET) which has led it to reduce its customs duties by 50% and has thus eliminated the protection of its economy.<sup>56</sup> Yet, Senegal still runs an external commercial trade deficit, importing (2005: US\$ 2228 million) more than exporting (2005: US\$ 1486 million).<sup>57</sup>

Trade in **goods**: As an LDC, Senegal benefits from a quota-free and duty-free import regime within the European Union's Everything-but-Arms initiative and the US counterpart of the African Growth and Opportunity Act (AGOA). Yet, the challenges its merchandise faces in complying with international phytosanitary and technical standards and supply-side capacity constraints are greater for Senegal and make it difficult for its exporters of fruits and vegetables (cherry tomatoes, green beans, mangos, melons as emerging export crops usually heading towards European markets) access to the EU and to international markets than it is for exporters of comparable merchandise from other sub-Saharan or low income countries.<sup>58</sup>

Trade in **services**, including capital: Lingering capital account restrictions and a minimally active stock and inter-bank foreign exchange market,<sup>59</sup> hamper liberalization of trade in services and deter from the development of its services sector. Few GATS market access commitments in services generally, and, compared to neighbouring countries, fewer multilateral openings in the financial services and tourism sectors seriously impair joint ventures with foreign services providers, for instance in tourism and banking and what could be an important source of employment and skill retention.<sup>60</sup>

**Fisheries and aquaculture** are increasingly becoming Senegal's "blue gold" as the worldwide demand for fish increases. Nonetheless, these sectors, due to incoherent EU fishery policies, have rather created than prevented migratory pressure for Senegal, far less succeeded in providing a place to reintegrate return migrants. The artisanal and industrial fisheries of Senegal provide about 160,000 jobs and 66% of Senegal's piscatorial exports go to Europe, with some octopuses going to Japan.<sup>61</sup> Senegal's piscatorial exports have become more competitive also due to the Asia, Caribbean and Pacific (ACP) preferential zero tariff rate for imports to Europe but its exports were overly reliant on the EU market.<sup>62</sup> Job displacement due to Senegal's artisanal fishing competing with the EU fleet fishing is a risk factor for migration. The EU–

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<sup>54</sup> World Bank, Senegal: Trade-at-a-Glance, <http://info.worldbank.org/etools/tradeindicators/CountryReports/report163.pdf>.

<sup>55</sup> World Economic Forum, Global Competitiveness Report 2007–08.

<sup>56</sup> Diagne, Abdoulaye, Cabral, François Joseph and Cissé, Fatou, "Trade Policies, Regional Integration, Poverty and Income Distribution in Senegal (Politiques Commerciales, Intégration Régionale, Pauvreté et Distribution de Revenus au Sénégal)" (April 2007), *Cahier de recherche MPIA* 2007-15, <http://ssrn.com/abstract=984532>.

<sup>57</sup> World Bank, Africa Development Indicators, 2007, [http://siteresources.worldbank.org/INTSTATINAFR/Resources/adi2007\\_final.pdf](http://siteresources.worldbank.org/INTSTATINAFR/Resources/adi2007_final.pdf).

<sup>58</sup> World Bank, Senegal: Trade-at-a-Glance, <http://info.worldbank.org/etools/tradeindicators/CountryReports/report163.pdf>.

<sup>59</sup> IMF, Regional Economic Outlook, Sub-Saharan Africa, April 2008, p. 57.

<sup>60</sup> Abdoulaye Ndiaye (2001) GATS 2000: As seen from Senegal", in: *Services in the International Economy*, Robert M. Stern (ed.), pp. 285–304, <http://siteresources.worldbank.org/INTRANETTRADE/Resources/ServicesSenEng.pdf>.

<sup>61</sup> UNDP Human Development Report 2005, Human Development Report Office Occasional Paper, Policy Incoherence: EU Fisheries Policy in Senegal.

<sup>62</sup> UNDP Human Development Report 2005, Human Development Report Office Occasional Paper, Policy Incoherence: EU Fisheries Policy in Senegal.

Senegal fisheries agreement foresees a **50% quota of Senegalese personnel** employed on EU fishing boats operating in Senegalese waters, but EU fishing vessels are also responsible for destroying artisanal fishing by Senegalese, which traditionally has been an important source of employment for Senegalese. Displaced Senegalese fishermen are increasingly using their boats (called picayunes, pirogues or pateras) for transporting migrants to Europe rather than catching fish for their customers at home or abroad.<sup>63</sup> The latest (the sixteenth, since the adoption of the 1980 framework agreement on fisheries between Senegal and the EC), was valid from, 1 July 2002 to 30 June 2006, but it has not been renewed since 2006.<sup>64</sup>

### c) Migration

**Regional and secondary urban centre-to-Dakar migration:** Refugee-type migration from Mauritania and Guinea<sup>65</sup> ethno-nomadic, economic and environmental migration from Mali and Mauritania of people escaping desertification of the Saharan region and entering Senegal are indirect push factors for Eurafrikan migration using Senegal as a point of departure for Europe. The Senegal river basin with its multiple ethnic groups including nomads, and Casamance – an area of conflict – are some of the poorest areas and consequently contribute not only to rural–urban migration within Senegal, but poverty in these areas forms one of the root causes of Senegalese outmigration to Europe.<sup>66</sup> Replacing the Senegalese who have left the country and migrated outwards to Europe are Malians escaping desertification and migrating as seasonal workers into Senegal’s rural areas.<sup>67</sup>

**Lack of migration statistics:** The Senegalese statistics office does not seem to collect regular statistics on Senegalese outmigration and return, nor does it publish the annual stock or change in unemployment rates.<sup>68</sup> In 2003–2004, the ILO subregional office for Sahel in Dakar conducted a tripartite study on a subregion of the West African Monetary and Economic Union (UEMOA). The study which focused on Senegal, Mali and Burkina Faso recommended in particular that “migration statistics” in the subregion must be “improved” and that the ILO should contribute.<sup>69</sup> Article 1 of the France–Senegal agreement of 2006 announced the creation of a **general observatory on migratory flows** (*Observatoire general des flux migratoires*) to be jointly established by France and Senegal. Its tasks will be similar to those of the “observatory on emigration”, which Spain’s framework agreement with West African countries on cooperation in immigration matters envisages (in Article 7, para. 3 I), which is namely to monitor tendencies and impacts of the migratory movements on the regions from which the migrants originate.

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<sup>63</sup> Lafranière, Sharon, Europe Takes Africa’s Fish, and Boatloads of Migrants Follow, New York Times 14 January 2008

<sup>64</sup> EC Commission, About the Common Fisheries Policy, Senegal, [http://ec.europa.eu/fisheries/cfp/external\\_relations/bilateral\\_agreements/senegal\\_en.htm](http://ec.europa.eu/fisheries/cfp/external_relations/bilateral_agreements/senegal_en.htm), the sixteenth protocol established fishing opportunities for crustaceans, small pelagic species, demersal species and tuna; for tuna fishing, in and of itself, the Protocol provided for 16 pole-and-line vessels, 39 tuna freezer seiners and 23 surface longliners.

<sup>65</sup> <http://www.unhcr.org/country/sen.html>.

<sup>66</sup> The Senegal River Case, [http://hdr.undp.org/en/reports/global/hdr2006/papers/olli\\_varis\\_senegalriver\\_casestudy.pdf](http://hdr.undp.org/en/reports/global/hdr2006/papers/olli_varis_senegalriver_casestudy.pdf).

<sup>67</sup> Cotula, Lorenzo, Camilla Toulmin, Hilde van Vlaenderen, Serigne Mansour Tall, Gora Gaye, Jacqueline Saunders, Clement Ahiadeke and John K. Anarfi, Till to Tiller: Linkages between International Remittances and Access to Land in West Africa, International Institute for Environment and Development (IIED), UK, July 2004.

<sup>68</sup> <http://www.ansd.sn/>

<sup>69</sup> ILO Subregional Office, Dakar, Rapport Général du Séminaire National Tripartite sur la Migration Internationale et le Développement au Sénégal, Dakar, 12-13 Novembre 2003, p. 10, <http://www.ilo.org/public/english/protection/migrant/projects/africa04.htm>.

#### d) Labour Market Regulation and Education

**High costs of labour and over-restrictive labour regulations:** Senegal's wages compare positively to Uganda and Kenya's even higher wages, but negatively to those paid in Tanzania, India and China,<sup>70</sup> This fact leads investors from Asian and Arabian Gulf countries to move their labour forces of Asian workers into Senegal. Employment opportunities for Senegalese workers are thus either never created or worse, jobs – mainly in Senegal's artisanal sector (fisheries and textiles) – are displaced or destroyed through competition against foreign wages and working conditions or by technical equipment replacing domestic workers. Since Senegal does not have wage or working conditions parity barriers inscribed in its GATS schedule of commitments, it cannot guarantee that mode 4 intra-corporate transferees or other movement of service suppliers relating to mode 3 will not compete against domestic workers. Since Senegalese labour regulations are so restrictive, few new workers get hired and unemployment of (urban) youth is high.<sup>71</sup> Senegal has scored 71 out of 100 in the difficulty of hiring index, worse than Guinea and Mali.<sup>72</sup>

**Low levels of education** of the labour force (one third of Senegalese firms do not provide training to their employees or the training does not match labour market needs).<sup>73</sup> The literacy rate in Senegal is 39%, which is rather low compared to other sub-Saharan countries – the sub-Saharan African average is 59%. The primary school enrolment rate, reported to be 68% to 78%, is also low (compared to an average of 92% for sub-Saharan Africa.<sup>74</sup>) In the UNDP human development index, which takes into account criteria such as literacy rate, infant mortality, expenditures on public health and education, refugees, energy and environment, gender empowerment, human rights instruments and labour conventions, Senegal is 155th out of 177 in the low human development category.<sup>75</sup> **UNESCO** has sponsored two chairs at Senegalese universities, one in coastal management (1997) and the other in education sciences (1994).<sup>76</sup> Senegal will create **four new-generation universities** in cities outside Dakar to promote development of human capital in the region. It is said that roughly 1000 university professors are teaching in France and want to return to Senegal.<sup>77</sup> To improve levels of education, the **France–Senegal agreement of 2006** provides for stays at universities in France for students having received a French-based baccalaureate degree at the completion of a an education in a French college in Senegal or Senegalese students on a French or Senegalese scholarship. The agreement seeks to facilitate the delivery to the Senegalese students on a Senegalese government scholarship of a permit of stay. With a permit of stay for France, the students can obtain a work permit for France as well. While these openings for students in the 2006 agreement contribute to improving the education of a few, they do not serve to raise the educational levels of the majority of Senegalese who cannot afford to send their children to French colleges in urban areas which is a pre-condition for obtaining

<sup>70</sup> World Bank Group, Africa Region, Private Sector Unit, Summary of Senegal Investment Climate Assessment, Note Number 10, September 2005.

<sup>71</sup> [http://www.doingbusiness.org/documents/Women\\_in\\_Africa-AissaDionne.pdf](http://www.doingbusiness.org/documents/Women_in_Africa-AissaDionne.pdf)

<sup>72</sup> Doing Business, Employing Workers, <http://www.doingbusiness.org/ExploreTopics/EmployingWorkers/>.

<sup>73</sup> World Bank Group, Africa Region, Private Sector Unit, Summary of Senegal Investment Climate Assessment, Note Number 10, September 2005.

<sup>74</sup> World Bank, Senegal at a Glance, updated 28 September 2007, [http://devdata.worldbank.org/AAG/sen\\_aag.pdf](http://devdata.worldbank.org/AAG/sen_aag.pdf).

<sup>75</sup> UNDP, Human Development Report, 2007-08, [http://hdr.undp.org/en/media/hdr\\_20072008\\_en\\_complete.pdf](http://hdr.undp.org/en/media/hdr_20072008_en_complete.pdf), p. 236.

<sup>76</sup> UNESCO, Higher Education, [http://portal.unesco.org/education/en/ev.php-URL\\_ID=4331&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/education/en/ev.php-URL_ID=4331&URL_DO=DO_TOPIC&URL_SECTION=201.html).

<sup>77</sup> FAO Youth Employment Network for West Africa, September 2007, <http://www.fao.org/sd/erp/documents2007/YEN-WA%20Newsletter%20No%206%20-%20September%202007.pdf>.

these scholarships or study permits or for those who wish to send their children to other national schools, including Arabic ones.

**High unemployment rates and predominance of informal sector:** The unemployment rate in Senegal is high – roughly 1 million or 27.5% (other estimates say up to 48%)<sup>78</sup> of the 12 million inhabitants is without a job or occupation. Of the 12 million inhabitants, roughly 3 million are employed, the majority in the informal sectors and are thus without professional education, legal protection through labour laws, or social security. Of 100,000 jobs created annually, 97,000 are in the informal sector, therefore only 3% of the population are employed in the formal sector and only 7% of the population are salaried workers.<sup>79</sup> Unemployment is especially high among youth due to strict labour laws. Insufficient infrastructure in the transport, electricity and other sectors also contributes to high unemployment as do low levels of secondary education and a schooling and professional training system not sufficiently tailored towards effectively meeting labour market needs.<sup>80</sup> Foreign direct investment by non-European firms has led to opportunities for complementary employment, such as translation services, informal “guides” catering to the investors, but these options for work remain in the informal sector, with no opportunities for upgrading skills, or prospects of regular, longer-term employment. The agreement between **France and Senegal on Young Professionals of 2001** and in parts reintegrated into Article 3 of the 2006 agreement between Senegal and France offers to put enterprises and employers in France in touch with young professionals in Senegal seeking to work abroad. Details of this matching job offer and demand system are not yet clear. Senegalese students having obtained a degree in France equivalent to a Master’s degree are entitled to stay in France for their **first professional experience** on a **special type of visa** offered to countries of the Special Priority Zone in the new French immigration law of July 2006.

### e) Mitigating High-skilled Emigration and Retaining Skills

**Brain drain mitigation:** The introduction with the French law of 24 July 2006 of the permit of stay “skills and competencies” and offering the right to work in France in a profession of one’s own choice for citizens from any non-EU country with a project of interest to France and the non-EU country has raised brain drain concerns in migrant source countries, including Senegal. To mitigate the risk of brain drain, France’s national commission on talents and skills (**commission nationale des competences et des talents**)<sup>81</sup> which is in charge of evaluating the potential entrant’s profile has included two representatives from immigrant associations in France as committee members. According to Article 3 of the 2006 agreement between Senegal and France, France and Senegal will discuss the application of this type of visa to Senegalese migrants. The 2008 covenant-agreement between France and Senegal seems to go even further in establishing a **joint Senegalese-French committee to compile a list of those professions** which will be eligible for entry visas into France.<sup>82</sup> It is not known whether the Senegalese government will

<sup>78</sup> France Diplomatie, Présentation du Sénégal, taux de chômage 40%; CIA, The World Factbook, Senegal, Unemployment Rate for 2007 is established at 48%.

<sup>79</sup> World Bank, Trade Research, Senegal's Formal Sector Is Only Three Percent Of Jobs: WB; Briefly Noted..., <http://econ.worldbank.org/WBSITE/EXTERNAL/EXTDEC/EXTRESEARCH/EXTPROGRAMS/EXTTRADERESEARHC/0,,contentMDK:21508341~menuPK:215762~pagePK:210083~piPK:152538~theSitePK:544849,00.html>.

<sup>80</sup> Atchoarena, D. and Esquieu, P. (eds.) (2002) *Private Technical and Vocational Education in Sub-Saharan Africa: Provision, Patterns, and Policy Issues*. IIEP/Prg.DA/01.300. International Institute for Educational Planning: Paris.

<sup>81</sup> Art. L315-4 CESEDA, loi n° 2006-911 du 24 juillet 2006.

<sup>82</sup> Portail du Gouvernement, Premier Ministre, l'Immigration économique ; [http://www.premier-ministre.gouv.fr/chantiers/immigration\\_865/immigration\\_economique\\_1274/](http://www.premier-ministre.gouv.fr/chantiers/immigration_865/immigration_economique_1274/).

define jointly with France an annual recruitment quota (based on the French economy's need, but also on Senegal's skill retention concerns) for each professions-type visa; which has been indicated to total 1000 for all 108 professions.<sup>83</sup> **Circular visas** which both Spain's framework agreement applicable to West African countries and the Senegal–France agreements of 2006 and 2008 put in place, serve to mitigate the risk of draining talent permanently out of Senegal. France and Spain (unlike the UK Department of Health) **do not yet have a code of ethical recruitment** giving guidance on the approach towards admissions of Senegalese health professionals. Rather France works with joint commissions assessing both countries' needs with respect to individual recruitment of a highly-skilled person and strongly incentivize returns to the country of origin.

**Government-driven skill retention:** The French and Senegalese governments will, according to Article 6 and Annex II of the agreement of 2006, conclude **health sector-specific cooperation partnership** agreements and decentralized cooperation agreements between university-level hospital centres (centres hospitaliers universitaires, CHU) in France and Senegal and at decentralized local levels, with a view to retaining skills and encouraging knowledge transfer. France and Senegal's governments will support the creation of a **joint franco-senegalese faculty of medicine** as well as of education centres for the health professions. Regarding agriculture, Article 6 of the French–Senegalese agreement supports the REVA programme and foresees the re-launch of the Senegal river valley irrigation projects and the development of partnerships between enterprises and agricultural producers to establish **centres of competency**, including on biofuels; transfers of knowledge by French professionals in the field, and establishment of **joint research projects** in partnership with the Centre international pour la Recherche agronomique et le Développement (**CIRAD**) in specific fields of research.

**Skill retention and development of human capital in the private sector:** The Corporate Social Responsibility Team (CSR) of **Hewlett Packard** together with **UNESCO** initiated the brain retention programme at selected African Universities. The programme, called "Piloting Solutions for Reversing Brain Drain into Brain Gain for Africa", is being implemented in Algeria, Ghana, Nigeria, Senegal and Zimbabwe and five universities were selected for grid computing projects that would not only retain skills at home but also foster networks with the Diaspora to increase research output and enable more advanced research to be done.<sup>84</sup> The initiative will include providing **grid enabling technology**, servers and local human resources to train university researchers. Visits by researchers from abroad and the establishment of a network among the five universities complement the initiative.<sup>85</sup> In Senegal **University Cheik Antiop Diop's** bid for upgrading the IT network of the University was included in the programme.<sup>86</sup> Senegalese singer and

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<sup>83</sup> République Française, Portail du Gouvernement, Communiqué de presse conjoint relatif à la signature de l'avenant à l'accord franco-sénégalais du 23 septembre 2006, [http://www.premier-ministre.gouv.fr/iminidco/salle\\_presse\\_832/communiqués\\_833/communiqué\\_presse\\_conjoint\\_relatif\\_59370.html](http://www.premier-ministre.gouv.fr/iminidco/salle_presse_832/communiqués_833/communiqué_presse_conjoint_relatif_59370.html).

<sup>84</sup> HP Global Citizenship Bulletin, HP extends brain drain initiative to five African countries, <http://h41111.www4.hp.com/globalcitizenship/uk/en/bulletin/16/interview.html>; Johann Mouton, Nelius Boshoff, Tembile Kulati and Frank Teng-Zeng, "Scientific Mobility and the African Diaspora", *James Martin Institute Working Paper 6*, Project Deliverable # 4, April 2007, available at: [http://www.resist-research.net/cms/site/docs/Mouton%20et%20al%20African%20diaspora,%20del%204%20\(cont\)%20final%20WP2.pdf](http://www.resist-research.net/cms/site/docs/Mouton%20et%20al%20African%20diaspora,%20del%204%20(cont)%20final%20WP2.pdf).

<sup>85</sup> Brain Drain in Africa, Our Second Brain Drain Initiative, available at: <http://h20325.www2.hp.com/blogs/csreamea/archive/2007/07/16/3922.html>.

<sup>86</sup> HP Global Citizenship Bulletin, HP extends brain drain initiative to five African countries, <http://h41111.www4.hp.com/globalcitizenship/uk/en/bulletin/16/interview.html>

songwriter Youssou N'Dour launched a micro-credit lending cooperative society called “**Birima**”<sup>87</sup> in particular for young people and women, but also for groups.<sup>88</sup> The Italian textile and clothing company, Benetton now supports it by direct funding in the maximum amount of US\$ 1.5 million and a by a global marketing and promotion campaign under the name of **Africaworks**. It is geared at retaining and promoting artisanal skills, but does not specifically target return migrants.

## f) Remittances

**Channelling flows of remittances** into productive investments: Migrant remittances back home to Senegal constitute a significant source of foreign currency. In 2005, Senegal received US\$ 617 million in remittances making it the **largest recipient** among sub-Saharan African countries.<sup>89</sup> In 2006, the top five African recipients of remittances in nominal dollar terms were Nigeria (US\$ 2,273 m), Sudan (US\$ 1,403 m), South Africa (US\$ 658 m), Uganda (US\$ 642 m) and Senegal (US\$ 511 m), according to the World Bank. Income from remittances accounts for 3% of the GDP in Senegal making up more of the family income in rural areas (up to 90% in Senegal’s Louga region) than in the city.<sup>90</sup> Malians and Senegalese living in France transfer on average 100–160 euros per month (or 10–15% of their monthly income), with 66% of these migrants being low-skilled workers.<sup>91</sup> Islamic religious tradition in Senegal being organized in brotherhoods and by the Hawala system may contribute to the channelling of remittances into collective, productive, public-sector uses,<sup>92</sup> such as the construction of the Touba mosque by the return migrants from France of the Mouride brotherhood, than in countries with less collective and more individualized societal and religious structures. Senegalese also like to invest in cultural activities, as evidenced by the remittance-funded construction of the Pikine theatre.<sup>93</sup> Housing is another way in which remittances may be invested, yet most are used to pay for the day-to-day needs of families and relatives and thus they contribute little to creating jobs or employment opportunities.<sup>94</sup> With the current surge in prices, a crisis situation in Senegal arose in November 2007 and more remittances will be used to meet the daily needs of those remaining behind and even less can be channelled into development projects.

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<sup>87</sup> Africa Works, Benetton supports and promotes Africa for Africans. In partnership with Youssou N'Dour; from February 2008, a new global communication campaign in favour of micro-credit in Senegal, [http://www.benetton.com/africaworks-press/en/press\\_information/1\\_1.html](http://www.benetton.com/africaworks-press/en/press_information/1_1.html), Birima is named after a Senegalese king who symbolizes the value of keeping one's word.

<sup>88</sup> The Microfinance Getaway, Benetton and Senegalese Singer Youssou N'Dour Promote Microcredit in Africa, 13 February 2008, <http://www.microfinancegateway.org/content/article/detail/47147>; [http://www.benetton.com/africaworks-press/en/press\\_information/1\\_1.html](http://www.benetton.com/africaworks-press/en/press_information/1_1.html).

<sup>89</sup> World Bank, Africa Development Indicators 2007, [http://siteresources.worldbank.org/INTSTATINAFR/Resources/adi2007\\_final.pdf](http://siteresources.worldbank.org/INTSTATINAFR/Resources/adi2007_final.pdf)

<sup>90</sup> Ammassari, Savina (2006) “Migration management and development policies: maximising the benefits of international migration in West Africa”, 72E *International Migration Papers*, ILO, <http://www.ilo.org/public/english/protection/migrant/download/imp/imp72.pdf>, p. 20.

<sup>91</sup> African Development Bank, Remittances by Migrants, A development challenge, The Comores, Malim Morocco and Senegal, Interim Report, October 2007, [http://www.afdb.org/pls/portal/docs/PAGE/ADB\\_ADMIN\\_PG/DOCUMENTS/NEWS/ENGLISH.PDF](http://www.afdb.org/pls/portal/docs/PAGE/ADB_ADMIN_PG/DOCUMENTS/NEWS/ENGLISH.PDF).

<sup>92</sup> Banque africaine de développement, Diaspora Remittances Take Centre Stage in Africa's Development, [http://www.afdb.org/pls/portal/docs/PAGE/ADB\\_ADMIN\\_PG/DOCUMENTS/NEWS/ENGLISH.PDF](http://www.afdb.org/pls/portal/docs/PAGE/ADB_ADMIN_PG/DOCUMENTS/NEWS/ENGLISH.PDF), p. 34.

<sup>93</sup> INSTRAW, Senegalese Migration to France, [http://www.un-instraw.org/index2.php?option=com\\_content&do\\_pdf=1&id=344](http://www.un-instraw.org/index2.php?option=com_content&do_pdf=1&id=344).

<sup>94</sup> Ammassari, Savina (2006) “Migration management and development policies: maximising the benefits of international migration in West Africa”, 72E *International Migration Papers*, ILO, <http://www.ilo.org/public/english/protection/migrant/download/imp/imp72.pdf>, pp. 20–24.

France set up the **Co-development savings account** in its new law on immigration of July 2006, to encourage savings. For transferring funds, most Senegalese migrant workers use the informal “**Fax**” system which is based on the Hawala “banking” traditions and works based upon trust.<sup>95</sup> The Agence Française de Développement (AFD) has an online tool to compare via the Internet the costs of transferring money using different types of systems at <http://www.envoiaargent.fr/> which can be used free of charge.<sup>96</sup> The **Banque de l’Habitat du Sénégal** offers facilitated access to loans. The **Crédit Mutuel du Sénégal** was created out of the CPEC (Caisses Populaires d’Epargne et de Crédit) in 1988. It was initiated by the Senegalese government and the French Ministry for Cooperation. Since its restructuring in 2000, it now provides easily accessible loans, including microcredits, which are funded by local populations savings.<sup>97</sup> The **Worlds Savings Banks Institute** is a new institution that could be of interest in the future.<sup>98</sup> La Caixa Spain has a bilateral agreement with receiving banks in Senegal.<sup>99</sup> The Senegal-based **Group Chaka** which operates **Money Express** (and also has an office in New York) has formed partnerships with African banks, such as Banque de l’Habitat du Sénégal, to facilitate transfers by offering competitive rates, but also wants to encourage savings.<sup>100</sup>

#### 4) Challenges faced by Senegal’s workforce in a global workplace

In Senegal, Benin and Cameroon, the informal sector makes up 50–60% of the labour market and 50–60% of GDP. Only 5% of the population in these countries receives formal training.<sup>101</sup> Yet, as for most francophone African LDCs, the bulk of education expenditure (running at 18.9% of the US\$ 3 billion Senegalese state budget) is spent on formal education and training and only 1% of this amount is directed towards non-formal education programmes.<sup>102</sup> Households, international donors and increasingly enterprises fund non-formal technical education and vocational training, such as artisanal apprenticeships which are the type of education that prevents migration if tailored to labour market needs. In Senegal, there are 400,000 young people in traditional or artisanal apprenticeships and only 7,000 in technical and vocational training and education. The Ministry of Education and Technical and Vocational Training supervises Arabic schools, private schools, national education programmes, the Daaras (Koranic schools) and has a special unit to coordinate all three. In addition at least nine institutions of (French-based) higher education are under its direct supervision, including the National Institute for the Study and Action in

<sup>95</sup> African Development Bank, Remittances by Migrants, A development challenge, The Comores, Malim Morocco and Senegal, Interim Report, October 2007,

[http://www.afdb.org/pls/portal/docs/PAGE/ADB\\_ADMIN\\_PG/DOCUMENTS/NEWS/ENGLISH.PDF](http://www.afdb.org/pls/portal/docs/PAGE/ADB_ADMIN_PG/DOCUMENTS/NEWS/ENGLISH.PDF), p. 30.

<sup>96</sup> Agence Française de développement, International money transfers: free comparative platform now online, 19 November 2007.

<sup>97</sup> Microfinance, the MIX market, Profile for Crédit Mutuel du Sénégal (CMS), <http://www.mixmarket.org/en/demand/demand.show.profile.asp?ett=1438>.

<sup>98</sup> United Nations Economic and Social Council, Special High-level meeting on Coherence, coordination and cooperation in the context of the implementation of the Monterrey Consensus, including new challenges and emerging issues, 14 April 2008, Roundtable on New initiatives on financing for development, 11 April 2008, [http://www.un.org/esa/ffd/ecosoc/springmeetings/2008/WSBI\\_ECOSOC70408.pdf](http://www.un.org/esa/ffd/ecosoc/springmeetings/2008/WSBI_ECOSOC70408.pdf).

<sup>99</sup> International Remittances, Delivering Fair Value, [http://www.wsbi.org/uploadedFiles/Events\\_\(WSBI\\_Only\)/073%20conclusions%20intern%20remittances.pdf](http://www.wsbi.org/uploadedFiles/Events_(WSBI_Only)/073%20conclusions%20intern%20remittances.pdf), p. 10.

<sup>100</sup> WSBI, International Remittances: Delivering Fair Value, Savings Banks take on the Challenge, [http://www.wsbi.org/uploadedFiles/Events\\_\(WSBI\\_Only\)/073%20conclusions%20intern%20remittances.pdf](http://www.wsbi.org/uploadedFiles/Events_(WSBI_Only)/073%20conclusions%20intern%20remittances.pdf).

<sup>101</sup> Filipiak, Ewa, Agence Française de Développement, Vocational training in the informal sector, the outcome of a field survey in seven African countries, 25 October 2007, <http://www.danidaveforum.um.dk/NR/rdonlyres/FD160707-A2F1-4D39-9E09-E2C33CD530A6/0/VocationalTrainingintheInformalSector.ppt>.

<sup>102</sup> IRIN Africa, humanitarian news and analysis, UN Office for the Coordination of Humanitarian Affairs, SENEGAL: New efforts underway to educate in local languages, <http://www.irinnews.org/report.aspx?ReportID=74294>.

Educational Development and the National Institute for the Education and Professional Training of Young Blind Persons, the National College for Higher Education in Agriculture, the national college for applied economics, and for teaching professions, the Centre for Professional Training, the Distance-Learning Centre, the Centre for Calculus Ousmane Seck and the Central library of the Gaston Berger University in Saint Louis.<sup>103</sup>

### a) Lack of labour-market specific training

Francophone and Islamic traditions in Senegal value academic education and intellectual achievements highly, to the effect that often, formal education is too generalized to cater for the needs of the domestic and foreign labour markets. Formal education, catering to elites does not contribute in the same way to reducing unemployment as improving non-formal vocational and educational training would. A structural challenge in Senegal, which could also be seen as a chance to foster effectiveness through inter-ministerial competition, is that the mandates relating to employment and education are divided among three ministries, the Ministry of Youth and Youth Employment, the Ministry of Public Service, Work/Employment and Professional Organizations and the Ministry of Education, Technical, Vocational and Professional Training.<sup>104</sup> The Ministry of Senegalese Abroad and Tourism also has a Bureau of Human Resource Development and Professional Training and the National School for Professional Education in Hotel Management and Tourism also comes under this Ministry.<sup>105</sup>

Employment in the informal sector remains the most important source of income in sub-Saharan Africa, but these are not the skills in demand on the labour markets of the industrialized countries. Training needs for employment abroad or for work at home do not match those for informal sector employment at home. Non-formally trained workers are often considered as **lower-skilled** workers due to lack of accreditation of their credentials on a global labour market. Those categorized as lower-skilled workers, **seldom benefit from GATS mode 4 openings**, which usually target the highly-skilled business executives, intra-corporate transferees or independent professionals.<sup>106</sup> Unlike the host of unemployed, non-formally trained workers, GATS mode 4 professionals and personnel are not creating migratory pressure and pushing for entry into Europe, leading to clashes over clandestine movements over air and sea. The question is whether, even if these are quite different sets of skills they can nevertheless be combined into a single technical and vocational education and training (TVET) package or curriculum, integrating into the training curriculum elements of artisanal skills and formal education competencies within a single educational institution. One solution may be the dual apprenticeship system as it exists in Switzerland, Germany, and ensuring international accreditation and recognition for non-formally trained workers on a regional or international scale.

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<sup>103</sup> Gouvernement du Sénégal, Ministère de l'Éducation, de l'Enseignement Technique et de la Formation professionnelle, <http://www.gouv.sn/ministeres/meducation/contacts.cfm>.

<sup>104</sup> Gouvernement du Sénégal, Les Ministères, <http://www.gouv.sn/ministeres/index.html>.

<sup>105</sup> République du Sénégal, Ministère des Sénégalais de l'Extérieur et du Tourisme, <http://www.gouv.sn/ministeres/msen/contacts.cfm>.

<sup>106</sup> Chanda, Rupa, Low-skilled and bilateral, regional, and unilateral initiatives, Lessons for the GATS mode 4 negotiations and other agreements, UNCTAD Report 2008.

## b) Pre-vocational and Pre-employment Training Programmes?

**(Pre-) vocational training** for employment in the informal sector seeks to prevent (youth) unemployment and **outmigration**: The dilemma of Senegal and other sub-Saharan LDCs is that although most opportunities for gainful employment are in the informal sector, the governments of these countries invest in formal, rather than in non-formal training and education. To create the employment opportunities necessary to retain young people at home, investments in education must be made that support **curricula integrating** elements of both **non-formal training** (by exempting master-craftsmen creating apprenticeships in the informal sector from fiscal dues) and **formal** training. Combined with a too high age for beginning a formal apprenticeship (14 years) the lack of opportunities for skill upgrading in the informal sector contribute to youth unemployment and so increase migration pressure among the young unemployed in Senegal. International donors are therefore introducing **pre-vocational training** schemes to capture dropouts not old enough to begin formal educational and vocational training. Most successful at remedying the educational system's duality (formal and non-formal (traditional artisanal) and its repercussions on employability of sub-Saharan African workers abroad are **professional organizations** which are offering training schemes adjusted to meet the needs of the labour market at home and abroad. Yet, some authors warn against believing that TVET can resolve unemployment.<sup>107</sup>

**Introducing pre-employment training for work abroad:** Senegal's government will have to introduce opportunities for formal technical and vocational education and training that are better adjusted to global labour market needs if its strategy against unemployment is to promote work for its labour force abroad. Such pre-employment training schemes where training is aligned to the need of foreign labour markets are best achieved through partnership between the government of Senegal and employers, industry, trades unions, professional organizations and business associations. Spain organizes **prospecting missions** for multinational companies (**Acciona, Carrefour, McDonald's, VIPs, Barcelo Group**) to select and recruit migrant workers in Senegal and to possibly co-finance the **five vocational training centres** (*escuelas talleres*) in Senegal. Two of these centres in Senegal will offer training for potential employees for heavy-duty baggage loading, also for call centre reservations work for Air Europa,<sup>108</sup> others will provide training in fishery-related companies and tourism (300,000 Spanish tourists visit Senegal each year) where Spanish companies want to invest directly in Senegal.<sup>109</sup> Spain had first used such centres, which offer market-demand TEVT, in its agreement on regulating migratory flows with Ecuador. In addition, the centres offer **pre-employment and** language training tailored to match the job requirements awaiting the Senegalese workers in Spain. The centres also provide pre-departure information, in conjunction with immigrant associations, to facilitate the integration of the migrants in Spain. It is not clear whether Spain will put the financial burden of this pre-employment training on the enterprises and employers desiring to engage

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<sup>107</sup> Oketch, Moses O. (2007) "To vocationalise or not to vocationalise? Perspectives on current trends and issues in technical and vocational education and training (TVET) in Africa", 27(2) *International Journal of Educational Development*, pp. 220-234: "Third, the perception that TVET will help solve labour market problems has become unsustainable as many countries, such as Kenya, that pursued this policy have realised that TVET does not create jobs and rural poverty has increased and urban migration unemployment has continued to rise."

<sup>108</sup> Nash, Elizabeth and Claire Soares, Spain offers jobs and visas to fight illegal migration, *The Independent*, Tuesday, 26 June 2007; "two of the centres will train workers for the airline Air Europa. 'The company always needs airport personnel, especially for the heaviest work - loading and unloading - and to make telephone reservations,' said Juan Jose Hidalgo, chairman of Globalia, a tourism consortium that includes Air Europa."

<sup>109</sup> Dolado, Juan, The Spanish approach to immigration, 29 June 2007, VOX Research based policy analysis and commentary from leading economists <http://www.voxeu.org/index.php?q=node/332>.

Senegalese workers and render the scheme attractive by offering **fiscal advantages** to the firms taking part. Senegal could also offer fiscal exemptions to those enterprises (foreign and domestic) engaging in training, if the training combines demand-driven elements of education and vocational training that contribute to developing the human resources of Senegal. France, in the context of its September 2006 agreement with Senegal on concerted management of migratory flows, is offering training – including pre-employment professional training – upon the arrival of the migrant worker (or family reunification migrant) in France in the context of the admission and integration contract (*Contrat d'accueil et d'intégration*) these migrants have to sign.

### **c) Using labor migration to deliver for Senegal's educational, vocational and technical training needs**

**Diaspora-led-knowledge transfer** is provided for by France's **co-development convention** of May 2000, which **mobilizes Diaspora** in France to move temporarily to Senegal to offer training, education or to otherwise engage in knowledge transfer on joint migration management for defined periods of time. Since 2005, the **Priority Solidarity Fund** (*Fonds de Solidarité Prioritaire*) (**FSP**) has been offering the necessary travel and project funding, which, depending on the programme, requires "matching" by immigrant associations or local communities. The new French immigration law of 24 July 2006 increases the incentives for Diaspora-led development by offering **circular mobility visas** for the eminent persons contributing to the development of Senegal. The 2008 covenant-agreement between France and Senegal expanded the eligibility for the multiple short stay, circular visa to include Senegalese in need of medical assistance, those running co-development projects and elected locals.

**Training requirements in Senegal's GATS mode 3 commitments, circular mobility requirements in Senegal's mode 4 commitments?** An innovative proposal to entice the private-sector to provide for such TVET and other human capital development of the Senegalese workforce lies within Senegal's GATS mode 3 commitments. It would require multinationals with a commercial presence as foreign service providers in Senegal to employ a minimum quota of Senegalese, to offer training and professional education and to enable workers to circulate between the Senegalese subsidiary of their enterprise and the headquarters in Europe, the Gulf Region or Asia. In addition to securing circular labor mobility within its mode 3 commitments, Senegal could also inscribe in its GATS mode 4 commitments that "**intra-corporate**" **circular labour mobility** is ensured in order for upgrading the skills and advancing the knowledge of the Senegalese workforce.

**Recognition of professional qualifications and accreditation of work experience and apprenticeships in the informal sector:** Lacking formal training is one thing, but the difficulty in obtaining recognition of equivalency of diplomas and professional qualifications, despite having gone through a French-education-based system, is another major challenge for accessing labour markets. France's support of Senegal's general education system was criticized by the OECD as too general and not (global) labour market-focused. It also neglected the need for integrating **Senegal's artisanal traditions** into the professional curricula with a view to promoting these skills both regionally and internationally, as a comparative advantage.

**Upgrading (non-formal) technical and vocational training for migrant-returnees to work in the informal sector (micro-enterprise):** Offering return migrants reintegration support or access to micro-credit for an entrepreneurial activity may not be enough to allow them to develop a start-up or find employment in their home country according to the “migrant to micro-entrepreneur” principle.<sup>110</sup> As some have pointed out, of 10 micro-credit loans provided by France to return migrants in 1983, five undertakings were no longer in operation six years later and the other five were close to bankruptcy.<sup>111</sup> Policy-makers need to acknowledge the significance of the informal sector and of comparative advantage to boost its competitiveness on a global labour market, training master-craftsmen to monitor and supervise their apprentices, but also offering fiscal incentives and – as Senegal has already been doing – certifying TVET centres according to a list of criteria, which could include the needs of both the domestic and foreign labour markets.<sup>112</sup>

## 5) Challenges faced by France and Spain as the main host countries to migrants from Senegal

Turning to France and Spain, which are, together with Italy the main countries in Europe to host migrants from West Africa and predominantly from Senegal, one will observe that shared history, linguistic ties and geographical proximity has led France and Spain testing first with Senegal, as the main migrant source country in West Africa before applying to neighbouring sub-Saharan countries, the templates for a new generation of agreements relating to the coordinated and joint management of migratory flows.

### a) Preventing clandestine migration

Senegal’s Eurafrikan migration-by-sea has become the most publicized example of human migratory movement in the world today, even if it is not the main portal by which Senegalese migrants enter Europe’s labour markets. Among the international migration routes to Europe, the one over Senegal to the Canary Islands has replaced the more traditional sea crossings over Morocco and Algeria. Morocco’s close cooperation with the EU,<sup>113</sup> has not stopped, but shifted the migratory routes towards sub-Saharan Africa, in particular Senegal.<sup>114</sup> While in 2005, 4,800 migrants used the Canary Islands route in 2006 this number rose to 32,000.<sup>115</sup> Some estimates report that 10% of migrants using the Canary Islands route die,<sup>116</sup> but others have found the percentage to be higher, namely 40%. The 3,600 deaths in 2006 confirm the

<sup>110</sup> Nicholson, Beryl, 3/2001 South-East Europe Review S. 39–42.

<sup>111</sup> Black, Richard, Russell King and Richmond Tiemoko, *Migration, return and small enterprise development in Ghana: a route out of poverty?* Sussex Migration Working Paper no. 9, March 2003, citing Diatta, M.A. and Mbow, N. (1999) *Releasing the development potential of return migration: the case of Senegal*, 37(1) *International Migration*, pp. 243–264.

<sup>112</sup> Association for the Development of Education in Africa (ADEA), African Development Fund and OECD Development Centre, *Beyond Primary Education: Challenges and Approaches to Expanding Learning Opportunities in Africa Technical and Vocational Skills Development in Africa Working Document prepared for Biennial on Education in Africa (Maputo, Mozambique, 5–9 May 2008)*, <http://www.adeanet.org/Biennale%202008/Documentation/Papers%20for%20presentation/02.%20Session%202/Final%20PDF%20documents/Session%202%20Doc%204%20OECD%20AfDB%20ENG.pdf>.

<sup>113</sup> Gerdes, Felix Senegal Country Profile, No. 10, focus Migration, November 2007, Hamburg Institute of International Economics (HWWI).

<sup>114</sup> Carling, Joergen (2007a) “Unauthorized migration from Africa to Spain”, 45(4) *International Migration*, pp. 3–37, p. 12.

<sup>115</sup> Fuchs, Dale, Canary Islands fear disaster as number of migrants soars, *The Guardian*, 4 September 2006, <http://www.guardian.co.uk/world/2006/sep/04/spain.mainsection>; BBC News 2006, Canaries migrant death toll soars, 28 December 2006, <http://news.bbc.co.uk/2/hi/europe/6213495.stm>.

<sup>116</sup> Mail & Guardian Online, Parents in Senegal Dread Migrants Return from Spain, 13 December 2007, [http://www.mg.co.za/articlePage.aspx?articleid=327620&area=/breaking\\_news/breaking\\_news\\_\\_africa/](http://www.mg.co.za/articlePage.aspx?articleid=327620&area=/breaking_news/breaking_news__africa/).

estimate even though some say 7,000 have drowned.<sup>117</sup> International migration from Senegal to Europe thus qualifies as “irregular migration”, even though few migrants actually enter Europe illegally. Most irregular migration occurs within Europe’s borders, by foreigners overstaying their tourist or business visitor visas. The cost per person of migrating legally to Europe from Senegal has been indicated as amounting to 5,000 euros and the cost of a fishing boat transfer to the Canary Islands as 620 euros, a price which used to be higher, around 800 euros a couple years ago.<sup>118</sup> Fifty per cent of migrants using the Canary Islands sea route to Europe from Senegal are Senegalese. Apprehensions of seaborne migrants are dramatic and create conflicts relating to the high-sea responsibility of fishing vessels and unclear jurisdictional issues as long as operations of other nations are carried out on the high seas or in Senegalese territorial waters without an international agreement. The operations by the Senegalese naval forces and coast guard, to prevent their citizens from leaving their country, raise public international legal questions relating to the human right to leave one’s country as laid down in Articles 13 of the Universal Declaration of Human Rights (UDHR), 12 Convention on Civil and Political Rights (CCPR) and Article 8 of the Migrant Workers’ Convention. Yet if Senegal’s border patrols works in cooperation with (and is financially supported by) EU naval forces, legally, the issue resembles more of a regional action with the consent of and in cooperation with the Senegalese government aimed at averting a humanitarian catastrophe, and thus could be justified under international law.

The rising numbers of clandestine migration in 2006 and the heavy mediatization of migration-by-seas prompted Spain’s Prime Minister (2008 re-elected), Jose Luis Zapatero to sign a Memorandum of Understanding (MOU) in August 2006, with Senegal’s President Abdoulaye Wade which would provide for 4,000 Senegalese to work temporarily in Spain and to offer US\$ 26.6 million to fund job training for Senegalese at home. In return, Senegal and Spain signed a protocol allowing **FRONTEX** (European Patrols Network) to patrol and apprehend migrants in Senegalese territorial waters.<sup>119</sup> Spain could repatriate 4,000 irregular Senegalese migrants and extend Spain’s Integrated System of External Vigilance (**SIVE**) border patrols in Senegalese waters until June 2007, now extended until July 2009.<sup>120</sup> FRONTEX operations, such as HERA I, II and now III<sup>121</sup> are implemented by Spain’s SIVE system in a joint operation using helicopters, patrol boats and planes from France, Luxembourg, Portugal and Italy and West African partners to intercept and apprehend migrants at sea.<sup>122</sup> An important goal of the HERA operations is to identify migrants and to interview them in order to collect information on possible facilitators of migrations-by-sea. In May 2008, the protocol between Senegal and Spain on cooperating with FRONTEX was prolonged for another year until July 2009.<sup>123</sup> The tactical issue linkage of pre-employment training, job opportunities in Spain and

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<sup>117</sup> Derechos Humanos en la Frontera Sur 2006, Asociación pro Derechos Humanos de Andalucía, January 2007, <http://www.apdha.org>.

<sup>118</sup> Carling (2007a), p. 28.

<sup>119</sup> House of Lords, European Union Committee, 9<sup>th</sup> Report of Session 2007-08, FRONTEX, the EU external borders agency, Report with Evidence, <http://www.parliament.the-stationery-office.com/pa/ld200708/ldselect/lducom/60/60.pdf>.

<sup>120</sup> Carling, Jørgen (2007b) “The Merits and Limitations of Spain’s High-Tech Border Control”, Migration Information Source, June 2007, <http://www.migrationinformation.org/Feature/display.cfm?ID=605>; BBC, Spain and Senegal in Migrant Deal, 5 December 2006, <http://news.bbc.co.uk/2/hi/africa/6208744.stm>

<sup>121</sup> FRONTEX, Examples of accomplished operations, Canary Islands-HERA, [http://www.frontex.europa.eu/examples\\_of\\_accomplished\\_operati/art5.html](http://www.frontex.europa.eu/examples_of_accomplished_operati/art5.html).

<sup>122</sup> Carling, J. (2007a) “Migration control and migrant fatalities at the Spanish-African borders”, 41(2) *International Migration Review*, pp. 316–343; Carling Jørgen (2007b) “The Merits and Limitations of Spain’s High-Tech Border Control”, Migration Information Source, June 2007, <http://www.migrationinformation.org/Feature/display.cfm?id=605>.

<sup>123</sup> EU Business, Senegal and Spain prolong cooperation to stop illegal immigration, 21 May 2008, <http://www.eubusiness.com/news-eu/1211372223.4>.

cooperation on combating irregular migration seems to have worked, as the number of African migrants trying to reach the Canary Islands in 2007 had dropped by 60% from the 20–30,000 immigrants reported to have reached the islands in 2006.<sup>124</sup> By the end of 2007, the number of clandestine migrants who had landed on the Canary Islands was down to 8,200 and both governments declared the combined strategy of FRONTEX patrols and opening channels to lawful labour migration to Spain (and France) a success.<sup>125</sup>

International organizations, in particular the Brussels and Dakar offices of the International Organization for Migration (IOM) are equally active in attempting to design prevention schemes that would dissuade potential migrants from unauthorized migration.<sup>126</sup> On 25 April 2007, Senegal, **IOM Brussels** and the **European Commission** have signed a six-month partnership convention (Renforcement des capacités de gestion de la migration et de lutte contre la migration irrégulière) on enhancing the migration management capacities of the authorities of Senegal namely to prevent and combat irregular out-migration from Senegal to Europe (including non-Senegalese migrants from Mali, Nigeria, Ghana passing through Senegal en route to Europe). The convention forms part of the European Commission's **Rapid Reaction Mechanism fund** (RRM).<sup>127</sup> For facilitating its implementation of its three main courses of action, the RRM Senegal convention involves the French Embassy and the Spanish and Senegalese Red Cross.

A first goal is to step up the Senegalese naval forces with the equipment necessary for coast guard patrols to intercept and prevent potential clandestine migrants at sea. The IOM provides technical assistance (issuance of identity documents, organization of return travel home) to the Senegalese authorities to prevent and combat irregular out-migration. In May 2007, a first action allowed the emergency support at high sea off the coast of Mauretania by the Spanish fishing boats reinforced later on by the Spanish hospital boat, "**Esperanza del Mar**", to a fishing boat with 89 West African migrants, 59 of which were from Senegal. The action, supported by IOM and the Senegalese Red Cross, marked a turn around to previous emigrations-by-sea, not only because migrants were more actively rescued, but because of the anti-emigration stance of Senegal's government. Senegal reportedly denounced these clandestine migrants as criminals for leaving the country in the hands of "mafias" under the leadership of organized traffickers. The government also rapidly enforced the repatriation of the other West African migrants stranded in Senegal to their countries of origin and facilitated the reintegration of the Senegalese migrants to their home communities in Senegal.<sup>128</sup>

A second element of the RRM Senegal provides for reintegration training and financial support for **micro-projects for repatriated Senegalese migrants**, but also to "assist non-Senegalese nationals stranded in

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<sup>124</sup> EU Business, Senegal and Spain prolong cooperation to stop illegal immigration, 21 May 2008, <http://www.eubusiness.com/news-eu/1211372223.4>.

<sup>125</sup> Workpermit.com, Spain to issue 2,700 work permits for Senegal migrants, 12 November 2007, <http://www.workpermit.com/news/2007-11-12/spain/2700-spanish-work-permits-senegalese-migrants.htm>.

<sup>126</sup> IOM Brussels, IOM assistance to stranded migrants from Western Africa, [http://www.belgium.iom.int/index.asp?News\\_ID=507&Selected=1&sm=65](http://www.belgium.iom.int/index.asp?News_ID=507&Selected=1&sm=65).

<sup>127</sup> Ndiaye, Oumar, Emigration clandestine, L'UE finance un programme de sécurité et de réinsertion, Le Soleil, [http://www.lesoleil.sn/imprimertout.php3?id\\_rubrique=600](http://www.lesoleil.sn/imprimertout.php3?id_rubrique=600); IOM Brussels, IOM Assistance to Stranded Migrants from Western Africa Migrants stranded in Senegal are assisted by IOM in their voluntary repatriation process, [http://www.belgium.iom.int/index.asp?News\\_ID=507&Selected=1&sm=65](http://www.belgium.iom.int/index.asp?News_ID=507&Selected=1&sm=65).

<sup>128</sup> IOM Brussels, L'opération «Esperanza del Mar», Mai 2007, [http://www.belgium.iom.int/document/June\\_CL\\_Article%20Esperanza%20del%20Mar.pdf](http://www.belgium.iom.int/document/June_CL_Article%20Esperanza%20del%20Mar.pdf).

Senegal to voluntarily return to their home countries".<sup>129</sup> The RRM reintegration support scheme seems to target only readmitted unauthorized migrants and is thus not available to voluntarily returning migrants, who are not in an irregular situation in the host or in a transit country. IOM Dakar together with the national agency for youth employment (**Agence Nationale pour l'Emploi des Jeunes, ANEJ**) under the auspices of the Ministry of the Interior and the Ministry of Youth and Employment on 23 August 2007 started a first series of two-week entrepreneurial training for a selection of fifty (out of 200 applicants) promoters of micro-enterprises (start-ups) in Senegal on how to launch and manage start-ups, which seek to reintegrate socio-economically repatriated return migrants and would-be migrants. The workshops were offered simultaneously in Dakar, Saint Louis and two other cities affected by migration.<sup>130</sup>

A third element of the RRM Senegal is to conduct **comparative research on the law and policy** in place in Senegal, Spain and France on the protection of rights and other legal issues relating to undocumented migrants.<sup>131</sup> In the context of this third action, a nationwide media campaigns alerting on the risks and dangers of clandestine migration and to show a more realistic account of life and living conditions of irregular migrants in Europe. As part of the "information" action of this RRM convention, the **IOM regional office in Dakar** organized an exhibition on the realities of irregular migration ("Regards croisés sur l'émigration clandestine"), whereby artworks are commissioned from Senegalese artists and "by young Senegalese migrants who failed in their attempt to reach Europe" and put up for sale in an exhibit in Dakar but also through the internet. The proceedings of the sale then go to **GIE TEKKI FI CI SENEGAL** ("To Succeed Here in Senegal"), a non-profit organization made up of young Senegalese migrants from Europe and who have been repatriated.<sup>132</sup> On 12 February 2008, IOM Dakar, also in the context of the RRM Senegal programme launched a **nationwide information campaign** to "raise awareness on the dangers of irregular migration".<sup>133</sup> A similar campaign is being run by Italy and Egypt without IOM<sup>134</sup> and another has been launched by IOM Accra for Ghana. The IOM campaign called "je lutte contre la migration clandestine",<sup>135</sup> consists of a nationwide media campaign utilising the print media but also radio and TV to render the population attentive to the costs and risks of clandestine migration and to uncover the myths and non-truths relating to migration to Europe.<sup>136</sup> A 40-minute video and an impact assessment of the campaign's achievements are part of the project as well,<sup>137</sup> however no actions are foreseen which would

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<sup>129</sup> IOM Brussels, IOM Assistance to Stranded Migrants from Western Africa Migrants stranded in Senegal are assisted by IOM in their voluntary repatriation process, [http://www.belgium.iom.int/index.asp?News\\_ID=507&Selected=1&sm=65](http://www.belgium.iom.int/index.asp?News_ID=507&Selected=1&sm=65).

<sup>130</sup> IOM Dakar, Lancement d'une formation en entrepreneuriat, gestion et montage de projet dans le cadre du projet de «Renforcement des capacités de gestion de la migration et de lutte contre la migration irrégulière», <http://www.iom.int/senegal/doc/RRM/press%20note%20formation%20promoteurs.pdf>.

<sup>131</sup> IOM Brussels, IOM assistance to stranded migrants from Western Africa, [http://www.belgium.iom.int/index.asp?News\\_ID=507&Selected=1&sm=65](http://www.belgium.iom.int/index.asp?News_ID=507&Selected=1&sm=65) It provided repatriation assistance to 68 stranded migrants mainly from Senegal and Gambia, with 21 from Nigeria, Ghana and Mali, all of which were asked to voluntarily return home after they were intercepted at sea by a Spanish fishing boat and then treated on a hospital-ship, Esperanza del Mar. Repatriation was organized from Dakar, where the hospital ship had landed.

<sup>132</sup> Italian Cooperation in Egypt, [http://www.utlcairo.org/stampa/imm\\_en.pdf](http://www.utlcairo.org/stampa/imm_en.pdf).

<sup>133</sup> IOM Press Briefing, <http://www.iom.int/jahia/Jahia/pbnAF/cache/offonce/lang/en?entryId=15125>.

<sup>134</sup> IOM Regional Office, Dakar, <http://www.iom.int/jahia/Jahia/pid/400>.

<sup>135</sup> Italian Cooperation in Egypt, [http://www.utlcairo.org/stampa/imm\\_en.pdf](http://www.utlcairo.org/stampa/imm_en.pdf),

<sup>136</sup> IOM Regional Office Dakar, Campagne d'Information et de Prévention de la Migration irrégulière au Sénégal, <http://www.iom.int/senegal/>.

<sup>137</sup> IOM Regional Office Dakar, «Programme de renforcement et de soutien au dialogue et à la gestion des migrations irrégulières et de transit au Maghreb en provenance de l'Afrique de l'Ouest» (Convention OIM-CE 190203/2005/103456-20), <http://www.iom.int/senegal/>.

<sup>138</sup> IOM Dakar, Migration irrégulière en Afrique, Liste des spots audiovisuels, visuels et sonores des campagnes d'information sur les dangers de la migration irrégulière, <http://www.iom.int/senegal/campagnevideo.html>.

lead the Senegalese population's attention towards the lawful routes for migrating to Europe and the criteria that these potential migrant workers would need to fulfil to be selected by Spanish or French enterprises for working abroad.

## b) Opening channels for lawful labour migration

The 2006 agreement between France and Senegal on concerted management of migratory flows (**Accord relatif à la gestion concertée des flux migratoires**) was the first of a new generation of comprehensive bilaterally binding agreements relating to migration even if it did not envisage, with the exceptions applicable to all countries within France's priority solidarity zone, preferential labour market admissions, which were open only to Senegalese migrant workers. It was, however, the first to include under a single agreement, the provisions relating to facilitated labour market admissions, exchanges of trainees, students, researchers and scientists, voluntary return, co-development programmes, such as Diaspora-led development and decentralized development cooperation and provisions on readmissions. Because readmissions were included in the integrated framework of the new generation of comprehensive migration management agreements, Mali, unlike Senegal, refused to sign this new type of agreement with France.<sup>138</sup> The labour market openings the 2006 agreement offered to Senegal did not go beyond the three categories the **new French law of 24 July 2006** had created for all citizens of non-EU countries and no recruitment quotas within these categories (skills and competencies, seasonal workers and salaried worker on mission) were agreed upon.<sup>139</sup> The covenant-agreement of 2008, which has now even been dubbed "**accord de quotas migratoires**" by the French government, provides for minimum quotas on the pre-existing types of permits of stay and work which France is apparently required to deliver for Senegalese workers per year:<sup>140</sup> 200 permits of stay for competency and talents, 180 for salaried workers on mission in France and 1000 for salaried workers falling under the list of 60 – recently upgraded, but only preferentially for Senegal – to 108 professions.<sup>141</sup> In exchange for cooperation on readmitting irregular migrants in 2006, Spain, under its agreement with Senegal on cooperation in immigration matters signed on 9 November 2007, admitted 2700 Senegalese to work on strawberry farms (700) and in the fishery sector (2,000). Since 2007, prospecting missions of Spanish employers (multinationals such as Acciona, Carrefour and McDonald's) to Senegal took place, leading to an annual recruitment quota of roughly 4,000 Senegalese on a temporary one-year visa.<sup>142</sup>

## c) Integration

**Integration and pre-departure orientation and linguistic training:** These are a main concern of many migrant-receiving countries in Europe. As Senegal and France share linguistic ties and their educational systems partly match, no linguistic training specifically tailored to France-bound labour migrants is envisaged in the 2006 agreement between France and Senegal. As to integration and pre-departure

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<sup>138</sup> Diplomatie française, Place à une gestion concertée des flux migratoires ; [http://www.diplomatie.gouv.fr/fr/article-imprim.php3?id\\_article=45862](http://www.diplomatie.gouv.fr/fr/article-imprim.php3?id_article=45862).

<sup>139</sup> Loi n°2006-911 du 24 juillet 2006 relative à l'immigration et à l'intégration, which modifies the « Code de l'entrée et du séjour des étrangers et du droit d'asile ».

<sup>140</sup> Diallo, Ibrahima, Avenant sur la gestion des flux migratoires vers la France, les nouveautés dont le Sénégal se réjouit, in : Le Sud Quotidien—Senegal, 28 February 2008 ; <http://www.sudonline.sn/spip.php?article9331>.

<sup>141</sup> Portail du Gouvernement, Premier Ministre, l'Immigration économique ; [http://www.premier-ministre.gouv.fr/chantiers/immigration\\_865/immigration\\_economique\\_1274/](http://www.premier-ministre.gouv.fr/chantiers/immigration_865/immigration_economique_1274/).

<sup>142</sup> Workpermit.com, Spain to issue 2,700 work permits for Senegal migrants, 12 November 2007, <http://www.workpermit.com/news/2007-11-12/spain/2700-spanish-work-permits-senegalese-migrants.htm>.

orientation, only the 2001 co-development convention states in Article 3(f) that “a more realistic view of emigration to France” must be communicated and second-generation immigrants’ ties to their country of origin strengthened. In contrast, Spain’s framework agreement on cooperation in immigration matters goes much further and provides in Article 5 an integration structure based on four pillars consisting of: (i) pre-departure orientation about the rights and obligations in Spain, in particular relating to the social security system, public services, labour regulations and the most pertinent cultural and social “rules”, which aim to facilitate a rapid integration into Spain; (ii) pre-departure training relating to language, culture and professional training; (iii) rapid socio-economic integration programmes especially for family reunification migrants; and (iv) an equality of opportunities programme between domestic and migrant workers, as established in the EU Commission’s Justice and Home Affairs programme of 2004.

#### **d) Assisted voluntary returns**

Assisted voluntary return (AVR) is a relatively new instrument developed chiefly by the IOM on the basis of the existing human right to return to one’s own country. The concept draws from the human right to return to one’s own country laid down in Art. 12:4 of the International Covenant on Civil and Political Rights (CCPR), but is also based on the duty of the country of origin to readmit its citizens.<sup>143</sup> It also enforces the fact that there is no right to enter or, more importantly, that no right to stay on in a country other than one’s own exists, unless a migrant has successfully applied for asylum and obtained a non-refoulement guarantee by the host country.

“Assisted voluntary return” (**AVR**), unlike forced returns or “readmissions”, is the choice of the migrant who is served notice to leave the host country, either because the work contract and residency permit have expired, because he or she has entered the host country in an unauthorized manner, or because refugee status has been denied to an asylum seeker.<sup>144</sup> Governments of host countries in collaboration with the IOM promote VAR and encourage temporarily admitted migrants to exercise their vested human right to return to one’s own country, by “positive incentive mechanisms”.<sup>145</sup> In so doing, they release the host country from having to forcefully readmit overstaying and other unauthorized migrants. In order to increase the incentive to return voluntarily back to the country of origin, host countries have designed voluntary return aid which can be cumulated with additional reintegration support for those voluntarily returning migrants who have a promising entrepreneurial project. The reintegration support usually comes in the form of access to credit lines for entrepreneurial migrants with a feasible project for starting an enterprise, but availability is different depending on the country, for instance, Spain’s template agreement on the coordination in migration matters for West Africa will not offer support up front, while France’s co-development convention of 2001 with Senegal offers a more liberal access to micro-credit. Yet in Spain’s 2007 agreement, France’s 2001 co-development convention, but also in France’s 2006 and 2008 agreements with Senegal, it remains unclear what the role of IOM will be in offering administrative support for implementing these programmes.

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<sup>143</sup> International Covenant on Civil and Political Rights, adopted on 16 December 1966, <http://www2.ohchr.org/english/law/ccpr.htm>.

<sup>144</sup> IOM, Assisting Voluntary Returns, <http://www.iom.int/jahia/page662.html>.

<sup>145</sup> Friedman, Uri and David Zafar Ahmed, Ensuring Temporariness: Mechanisms to Incentivise Return Migration in the Context of GATS mode 4 and least developed country interests, Quaker United Nations Office, Publication, January 2008.

The agreement between Senegal and France of **1 December 1980 on training for workers who have temporarily emigrated to France with a view to their return to Senegal and their integration into the Senegalese economy** was an important first precursor to the idea of facilitated voluntary and assisted returns.<sup>146</sup> The 2001 **co-development convention** between Senegal and France added further incentive schemes under the heading of “migration control”, namely the ones the IOM developed to what it calls “positivize” migrants to return, including financial aid for returning migrants which could be cumulated to reintegration support, if the returning migrant proposed an entrepreneurial activity.<sup>147</sup> Yet, even if voluntary return is a right, it is more closely aligned to readmissions and irregular migration than to development cooperation. Thus France, pressured by NGOs, civil society and Senegalese government, eventually separated voluntary return from the co-development and, like other labour-receiving countries, has most recently regulated voluntary return within the context of comprehensive migration management agreements.

The currently applicable regime on VRA between France and Senegal is still the one set up by Articles 3 and 4 of the **co-development** agreement of 2001.<sup>148</sup> It is implemented by the *Agence Nationale de l'Accueil des Etrangers et des Migrations (ANEAM)*.<sup>149</sup> Two types of support are available, the first, as laid down in Articles 3 (b) and 4, is the return aid (*programme d'aide au retour volontaire*) disbursed in the context of the so-called contracts of reinsertion in the country of origin (**CRPO**), and, those migrants planning to return to a job or who are engaged in a creative project or small-scale economic activity in the field of commerce, agriculture or handicrafts, shall be assisted by the Local Migration Development Programme (**PDLM**). A second type of support is the economic reintegration support for migrants who have a plan to create a small or medium-sized business/industry (*programme d'aide à la reinstallation*), is laid down in Article 3(c). Both types of support are cumulative and conditional upon voluntary return.<sup>150</sup> For Senegal specifically, the ANEAM has tailored programme of reintegration support in place, the *programme d'appui des initiatives des migrants au Sénégal*.<sup>151</sup> In order to implement the abovementioned bilateral agreement, concluded between France and Senegal in 1980, on lending to and vocational training for return migrants,<sup>152</sup> Senegal and France set up a Bureau of Reception, Orientation and Follow-up of Actions for the Reinsertion of Emigrants (**Bureau d'Accueil, d'Orientation et de Suivi des Actions de Réinsertion des Émigrés, BAOS**), which today operates under the supervision of the Foreign Office. However, it has not been used much, because of “administrative deficiencies, insufficient funding and migrants’ lack of confidence in the organization.”<sup>153</sup> It seems that BAOS seeks out well-financed, highly-skilled elite Diaspora or trainees in France rather than providing support for the reintegration of low-skilled or even irregular migrants. Interestingly, neither Spain’s 2007 nor France’s 2006 and 2008 agreements include cooperation with the BAOS in order to reintegrate

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<sup>146</sup> Agreement on training for workers who have temporarily emigrated to France with a view to their return to Senegal and their integration into the Senegalese economy, signed at Dakar on 1 December 1980, came into force on 1 August 1982, UNTS Volume 1306, I-21788.

<sup>147</sup> Sénat, Le Co-développement à l'essai, Travaux Parlementaires, Rapports d'information, <http://www.senat.fr/rap>.

<sup>148</sup> In 1980, France and Senegal had already concluded an agreement on what today would be called “voluntary return” (Agreement on training for workers who have temporarily emigrated to France with a view to their return to Senegal and their integration into the Senegalese economy). It provided for French government support to the professional development of Senegalese in France to prepare them for their return to Senegal.

<sup>149</sup> ANAEM, [http://www.anaem.fr/article.php3?id\\_article=490](http://www.anaem.fr/article.php3?id_article=490).

<sup>150</sup> Sénat, Le Co-développement à l'essai, Travaux Parlementaires, Rapports d'information, <http://www.senat.fr/rap>.

<sup>151</sup> ANAEM, [http://www.anaem.fr/article.php3?id\\_article=532](http://www.anaem.fr/article.php3?id_article=532).

<sup>152</sup> Agreement on training for workers who have temporarily emigrated to France with a view to their return to Senegal and their integration into the Senegalese economy, signed at Dakar on 1 December 1980, came into force on 1 August 1982, UNTS Volume 1306, I-21788.

<sup>153</sup> Gerdes (2007) pp. 3-4.

low-skilled return migrants. In 2005, Senegal's government set up, with the financial support of Spain, a voluntary migrant return programme for migrants wishing to return home to work in agriculture, fisheries, health and micro-projects for development (*Retour des émigrés vers l'agriculture, REVA*) mentioned above. The France–Senegal agreement on co-development and management of migratory flows will use this programme for reintegrating voluntary return migrants.<sup>154</sup>

Interestingly, Article 4 of the 2006 agreement between Senegal and France only contains a framework clause announcing the conclusion of a separate agreement between the two countries on that issue based on a proposition France would make to Senegal before 30 September 2006. It is unknown whether this planned agreement on voluntary return constitutes an integral part of the comprehensive, covenant agreement signed between the two countries on 25 February 2008 or whether the issue will be settled in a yet to be concluded agreement. The conditions of voluntary and assisted return (VAR) will soon be harmonized at the European level by the EU Commission, so that the stand-off on the issue will be resolved on a Europe-wide basis soon and may be the reason for France's ambiguous approach.

**Spain's framework agreement with West African countries** regulates voluntary and assisted returns in Articles 4 and 5. In Article 4 it encourages both the host and source country to sign conventions on collaborating with non-governmental organizations or immigrant associations to implement assisted and voluntary returns. In Article 5, it lists the elements of such VRA programmes, such as financial aid, medical check-ups upon return and the offer of vocational or other training prior to return, the Spanish version of VRA differs from the French one in two important respects: first, it will set up media and information campaigns disseminating information on the advantages and benefits of voluntary return. Secondly, the Spanish approach will first assess the viability of offering access to government-sponsored micro-credit before putting place such programmes.

## e) Readmissions

So far, Senegal has not signed a self-standing readmission agreement with either Spain (readmissions take place on an ad hoc basis)<sup>155</sup> or France (but France's agreement signed with Senegal in 2006 has readmission provisions). Nor has Senegal signed a readmission agreement with the EU as a whole, on the basis of Article 63(39)(b) ECT and Article 13 Cotonou Agreement,<sup>156</sup> but an EU dialogue with Senegal, Mali and Mauritania on this issue is taking place. The transit (and readmission) agreement between Senegal and Switzerland was negotiated, adopted by the Swiss Federal Council and even signed by both countries on 9 January 2003,<sup>157</sup> but the Senegalese parliament refused to sign it, as the convention on immigration, as it was known, was quite far-reaching and would have rendered Senegal responsible for readmitting all West African migrants with irregular status in Switzerland.<sup>158</sup> Yet, in 2006, the year in which the number of people

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<sup>154</sup> Afrik.com, La France et le Sénégal signent un accord sur "l'immigration concertée" Immigration régulière, immigration irrégulière et co-développement, 23 September 2006, <http://www.afrik.com/article10443.html>.

<sup>155</sup> Carling (2007a) p. 13.

<sup>156</sup> EC Commission, The Global Approach to Migration one year on: Towards a comprehensive European migration policy Communication from the Commission to the Council and the European Parliament COM(2006) 735 final Brussels, 30.11.2006.

<sup>157</sup> Département fédéral de justice et police, Succès du voyage de la conseillère fédérale Ruth Metzler-Arnold en Afrique <http://www.ejpd.admin.ch/ejpd/fr/home/dokumentation/mi/2003/2003-01-09.html>.

<sup>158</sup> Dakar, le Sangate tropicale, <http://www.afrik.com/article5723.html>.

landing on the Canary Islands reached a dramatic 30,000, half of whom were Senegalese, Spain and Senegal agreed to sign a Memorandum of Understanding, on 24 August 2006, allowing Spain a one-time repatriation of 4,000 Senegalese.<sup>159</sup> The annual quotas of readmissions from Spain to Senegal may be the issue that is delaying the ratification by Senegal of the agreement on cooperation in immigration matters signed by the two countries on 9 November 2008. Repatriation of irregular entrants or of Senegalese migrants overstaying in Europe takes place through repatriation via the Morocco–Senegal agreement, if the Senegalese migrated to Europe from Moroccan soil and can be identified as having done so.<sup>160</sup> Since mid-October 2005, Senegal (and Mali) have a deportation agreement with Morocco. However, the 500 or more Senegalese who have been deported from Morocco have complained about the use of force by Moroccan law enforcement agencies and the Senegalese government has complained of maltreatment by referring Morocco to the UN Special Rapporteur on Human Rights.<sup>161</sup>

The question is whether the **RRM Senegal**, a joint collaboration, six months project between the EU, the IOM and Senegal's government in some ways served to also readmit clandestine migrants apprehended by sea. At least once, during its six-months duration, under the framework of the RRM emigrants from Senegal in an emergency situation at sea were readmitted and those not from Senegal brought to Senegal and readmitted to their countries of origin. Yet, the purpose of the RRM Senegal convention, seems more geared at strengthening Senegal's government authorities' capacities in preventing and combating migration, which limits the scope of operations to Senegal and Senegalese territorial waters and thus does not extend to readmitting Senegalese in unlawful situations in European countries.<sup>162</sup>

## f) Regularizations

A large number of the Senegalese workforce will not qualify for the type of service-supplying jobs offered on the global labour market through GATS mode 4. Unlikely to benefit from the multilateral services market openings or from unilaterally liberalized labour markets they try to enter Europe clandestinely by air or by sea, ready to take up jobs in the **shadow economy**. Barred from the possibility to circulate freely between Senegal and Spain, respectively France and specifically from re-entering the host country even after the expiry of their work-related stay, migrant workers entering lawfully as tourists or temporary migrant workers overstay their permits. Both types of unauthorized migrants often are sans-papiers. Without the perspective to circulate between their country of origin and the host country or to re-enter the host country and look for a job if no employment opportunity can be found upon their return to the country of origin, migrant workers seek all types of possibilities to remain in the host country even after their temporary lawful period of stay expires. To prevent being accused of human right violations and to conform to the European Convention of Human Rights and other human rights instruments, governments in Europe often have no choice but to

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<sup>159</sup> France Diplomatie, Présentation du Sénégal, Phénomènes Migratoires, Un mémorandum d'entente a été signé entre le Sénégal et l'Espagne le 24 août 2006. Il a permis d'organiser 4 400 rapatriements; [http://www.diplomatie.gouv.fr/fr/pays-zones-geo\\_833/senegal\\_355/presentation-du-senegal\\_1293/phenomenes-migratoires\\_51318.html](http://www.diplomatie.gouv.fr/fr/pays-zones-geo_833/senegal_355/presentation-du-senegal_1293/phenomenes-migratoires_51318.html).

<sup>160</sup> Aderanti Adepoju (2006) "The Challenge of Labor Migration Flows between West Africa and the Maghreb", 84E *International Migration Papers*, International Migration Programme, ILO Geneva, p. 16. Cap Verde has, however, an agreement with Portugal, and Ghana and Guinea Bissau have readmission agreements with Spain.

<sup>161</sup> Aderanti Adepoju (2006) "The Challenge of Labor Migration Flows between West Africa and the Maghreb", *International Migration Papers*, International Migration Programme, ILO Geneva, p. 13.

<sup>162</sup> IOM Brussels, IOM Assistance to Stranded Migrants from Western Africa Migrants stranded in Senegal are assisted by IOM in their voluntary repatriation process, [http://www.belgium.iom.int/index.asp?News\\_ID=507&Selected=1&sm=65](http://www.belgium.iom.int/index.asp?News_ID=507&Selected=1&sm=65).

regularized the unauthorized stays in order for the migrants to be at least eligible for basic healthcare, education and social security. Employers in Europe are constrained by immigration laws, which keep admissions of non-EU country workers into the labour market artificially low to appease domestic worker coalitions and political anti-immigration forces. Employers would be happy to have more permanent migrant workers rather than short-stays, which create costly training expenses. In consequence, employers often opt to short-circuit these regulations to unlawfully employ irregular migrant labour at costs below the minimum wage. This creates problems of exploitation, unsuccessful integration and lack of perspective for the migrant worker. **Regularization-for-work** (*regularisations pour le travail*) is now offered by France since the reform of its immigration law of 2007 and its covenant agreement with Senegal of 2008 for those **sans-papiers in France**, who are currently employed in one of the **108 professions** prioritized by France in consultation with Senegal.<sup>163</sup>

## 6) Trends in managing Eurafrikan migratory flows from Senegal to Europe

Senegal's migratory movements towards Europe are only one example of Eurafrikan migratory flows, yet, they are important in terms of numbers. Apprehensions of Senegalese migrants at sea and the landings on the Canary Islands have been widely publicized. Because Senegal is perhaps the first West African or sub-Saharan country to have concluded a new generation of migration management agreements both with Spain and with France, it was chosen for the case study on examining and proposing improvements for labour mobility within Eurafrikan migratory flows of the labour mobility group within the **Geneva Trade and Development Forum**.<sup>164</sup> In the following section, the most important aspects and the stepping stones of Senegal's bilateral relations with Spain and France are described.

France and Senegal share a century-long migration history. The Soninkes from the Senegal River Basin were the first to work on French boats in Marseille and until the 1980s, half of the sub-Saharan migrants in France originated from the Senegal River Valley.<sup>165</sup> Until 1974, when a visa policy was introduced by the Senegal–France agreement on free movement, labour migration between France and Senegal was quite circular. With the introduction of a visa policy and continuous restrictions in 1981 and 1990, Senegalese started to settle more permanently in France and irregular migration also increased.<sup>166</sup>

In the past, agreements on the movement of persons between Senegal and European countries sharing historical or linguistic ties, or in geographical proximity to Senegal were limited to exchanges of scientists, technicians or student trainees, such as those with Switzerland 1962 (exchange and traineeships for scientists); Spain, 1974 (technical cooperation in tourism); France, 1974 (on technical and scientific research and on cultural cooperation).<sup>167</sup> Some, like Spain's and later the EC's fisheries agreements contained an incidental sector-specific recruitment for Senegalese workers (Spain, 1982, EC, 1980-2006).

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<sup>163</sup> Article R313-33 du Code de l'entrée et du séjour des étrangers et du droit d'asile Modifié par Décret n°2007-1711 du 5 décembre 2007.

<sup>164</sup> Geneva Trade and Development Forum, <http://www.gtdforum.org/>.

<sup>165</sup> Schuerkens, Ulrike (2007), *Schwarzafrikaner aus den ehemaligen Kolonien in Frankreich seit den 1960er Jahren*, Bade, Klaus, J., Pieter C. Emmer, Leo Lucassen and Jochen Oltmer, *Enzyklopädie Migration in Europa*, Zürich: Verlag Neue Zürcher Zeitung, pp. 952.

<sup>166</sup> INSTRAW, *Senegalese Migration to France*, [http://www.un-instraw.org/index2.php?option=com\\_content&do\\_pdf=1&id=344](http://www.un-instraw.org/index2.php?option=com_content&do_pdf=1&id=344).

<sup>167</sup> FRANCE and SENEGAL Agreement on cultural co-operation (with annexes), signed at Paris on 29 March 1974, UNTS, Vol. 1061, 1-16159, [http://untreaty.un.org/unts/1\\_60000/29/16/00056789.pdf](http://untreaty.un.org/unts/1_60000/29/16/00056789.pdf).

Still others sought to introduce visa requirements (France 1974, 1985). These early agreements were usually aimed less at filling labour market shortages in European countries than at offering development aid through transfer of knowledge or demonstrating friendly relations.

Starting with France and Senegal's co-development convention of 25 May 2000, the host of agreements concluded in the first decade of the new century more comprehensively than their precursors, seek out a joint and coordinated management of migratory flows between Senegal and European host countries of Senegalese migrants. This is the case for the 23 September 2006, its covenant-agreement of 25 February 2008 and Spain's agreement on cooperation in immigration matters of 9 November 2007 which all create a tactical linkage between combating irregular migration, development cooperation for preventing migration and retaining skills and preferential market admissions.

The **Co-development convention of 25 May 2000**<sup>168</sup> and the **agreement on young professionals of 20 June 2001**<sup>169</sup> are the only ratified migration-related bilateral agreements between France and Senegal today, pending the ratification of the 2006 and 2008 more comprehensive migration management. They have laid the basis for new generation of bilateral agreements with West Africa relating to the movement of persons. Built upon a partnership approach, the agreements are implemented by different stakeholders, including non-governmental entities, such as immigrant associations and international organizations. The co-development concept consolidates a comprehensive concept of creating intrinsic trade-offs in all fields relating to migration. The migration management agreements France and Spain have signed with Senegal and other West African countries, as well as the EU concept of mobility partnerships and Switzerland's mirror image of migration partnerships which the latter will propose in the foreseeable future to West African migrant source countries all reach for the comprehensive concept of creating intrinsic trade-offs in all fields relating to migration developed by France's co-development agreements.

The goals of co-development are to eliminate the root causes of migration through human capital development and to "control migration flows" through a partnership approach, which involves reintegrating return migrants by rewarding these for their entrepreneurial initiatives in local communities of origin. The three pillars to achieve these goals are: i) mobilize migrants settled in France to contribute to local development in their communities of origin ("développement local") (ii) to incentivize highly skilled migrants settled in France to circulate between the two countries in order to share their intangible resources and transfer their knowledge for human capital development of the country of origin (iii) to "positivize" voluntary returns and to support the socio-economic reintegration of such migrants. The third pillar of return aid and reintegration support was added to co-development only in 2003 and has been its most contested element, because VRA relates to preventing overstays by migrants and thus tackles irregular migration, but does not directly relate to migration-for-development, which is the traditional purpose of co-development. The French-Senegalese co-development convention in Article 1 on the "purposes" of co-development, does not clearly list voluntary return aid and reintegration support as a "goal", but VRA nonetheless comes into that

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<sup>168</sup> Convention de Codéveloppement entre le Gouvernement de la République Française et le Gouvernement de la République du Sénégal du 25 mai 2000, UNTS Volume 2129, I-37100, [http://untreaty.un.org/unts/144078\\_158780/13/7/5470.pdf](http://untreaty.un.org/unts/144078_158780/13/7/5470.pdf).

<sup>169</sup> Décret n°2002-940 du 18 juin 2002 portant publication de l'accord entre le Gouvernement de la République française et le Gouvernement de la République du Sénégal relatif aux échanges de jeunes professionnels, signé à Paris le 20 juin 2001 (1), JORF n°146 du 25 juin 2002 page 10975, texte n°3, <http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT00000593176&dateTexte=>.

convention, through the back door in Article 4 “joint control of migration flows”. The co-development convention was not the first agreement seeking to tactically link issues relating to migration. Since 1 December 1980, France and Senegal have an agreement in force, which offers professional training to those Senegalese in France, who plan to return to Senegal.<sup>170</sup>

Yet, despite creating trade-offs, France’s co-development concept of 2000, and the matching FSP-co-development financial agreement of 2005, were insufficient to encourage temporary migrant workers and other lawful migrants residing in Europe to return at their end of their lawful stay voluntarily to West Africa. Governments in West Africa facing high unemployment did not feel particularly compelled at readmitting their citizens, who were unlawfully overstaying their visas in Europe, nor did they want to entice those still in lawful status in Europe to voluntarily return home. Thus, the new generation of migration management agreements sought a tougher trade-off: opening labour markets to skilled or trained workers in exchange for cooperation on reintegrating voluntary returns and readmitting irregular migrants. In exchange, host country governments tailored their development cooperation programmes more effectively towards reintegrating return migrants in their country of origin’s employment markets, so as to alleviate the burden on the source country economy.

In 2006, the rising tide of clandestine migration-by-sea from West African to Europe with a record number of 30’000 or more stranded migrants in the Canary Islands of Spain, led to a turn-around of the formerly laissez faire attitude of the Senegal’s government towards migration. Adding to the humanitarian aspects, was the ineffectiveness of France’s co-development projects which were supposed to entice voluntary return, but had not quite achieved this objective. Yet, it was chiefly the heightened political awareness both in Senegal and in Europe about the humanitarian costs of the clandestine emigrations from Senegal, which led to the host of new bilateral agreements reconceptualising the challenges of migration in yet unprecedented ways.

The events of 2006 led to a conviction among Senegal’s authorities to prevent such humanitarian disaster in the future. In result, Senegal’s Ministry of the Interior signed a first Memorandum of Understanding with Spain whereby *ad hoc* labour quotas were exchanged against similarly defined *ad hoc* quotas for readmissions in August 2006, but which also laid the basis for the FRONTEX protocols. A similar agreement on capacity building to prevent clandestine migration and corresponding VRA, followed in the form of a Rapid Reaction Mechanism concluded by the European Commission, Spain and Senegal integrating the IOM VRA programme and media campaigns. Only after these border securitization measures and joint police patrols were set up, did France and Spain start negotiating the larger bilateral migration agreements.

France’s approach was more on the “soft side” creating incentives for voluntary return, but also mobilizing Diaspora-led-development in hopes to prevent migration and increase voluntary returns. In its first comprehensive migration agreement with Senegal of September 2008, France offered no more in terms of preferential labour market admissions to Senegal than it was giving to other countries of the ZSP zone in

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<sup>170</sup> Agreement on training for workers who have temporarily emigrated to France with a view to their return to Senegal and their integration into the Senegalese economy, signed at Dakar on 1 December 1980, came into force on 1 August 1982, UNTS Volume 1306, I-21788.

the context of its national immigration law's "chosen immigration" schemes ("immigration choisie). With this first template of a "new generation" migration agreement for West Africa, which France first tested by applying it to Senegal, France did not offer more bilaterally in terms of labor market access than what it did unilaterally.

More on the tough side are Spain's MOUs with Senegal enlisting Senegal's cooperation in FRONTEX patrols in Senegalese territorial waters, which was traded off against recruitment of agricultural workers. Since 9 November 2007, Spain and Senegal have a comprehensive agreement on coordination of immigration matters, which is also tougher than France's in the sense that it disburses less development support upfront, but relies more on private sector initiatives, namely supports prospecting missions of Spanish-based multinationals seeking to recruit labour in Senegal. Other "tough issues", such as readmitting irregular migrants, police cooperation on identifying apprehended migrants-by-sea and *sans-papiers* in Spain are not spared from the bilateral agreement. Yet Spain was quicker than France in opening its labour market on a quota-basis to Senegalese migrant workers and more pragmatic in the sense that it will offer pre-departure orientation, linguistic and pre-employment training to the low-skilled or even unemployed workers in Senegal selected in cooperation with the private sector for working in Spain. France in contrast, does not tailor its development support to labour migration related issues, but offers more general education perhaps on a more far-reaching and in a more cooperation intensive manner, resulting from post-colonial expectations and relations.

In its first agreement with Senegal, France was not prepared to liberalize employment-related entry, neither on a quota nor otherwise on a preferential basis. In its 2006 agreement with Senegal, France simply offered Senegal the same paths to labor market admissions as it was giving other countries of the Priority Solidarity Zone (Zone de Solidarité Prioritaire, ZSP), which is an entry regime based upon its immigration law reform of 26 July 2004. As such, the labour market entry into France focussed predominantly (and unlike Spain's) on the higher skills. The only "preferential" treatment afforded was to mitigate, jointly with Senegal, the brain drain concerns Senegal had voiced against the entry scheme skills and talents. In consequence France set up with Senegal's government a joint commission for averting this risk. Prompted by Spain's preferential quotas for Senegal, France did make a concession in its 2008 covenant agreement and agreed to liberalize on a preferential and on a quota basis its labour market to Senegalese workers for those professions in which French industry demonstrated labour shortages. Despite all differences in approaches between France and Spain, ever since both countries offered labour market admissions preferentially, on a quota basis by Spain (2007) and France (2008), to Senegal, certain regularizations-for-work were undertaken, reintegration support measures financed and put in place, and exchanged for cooperation in identifying and readmitting unauthorized migrants, and a more fruitful Eurafrikan migration dialogue is taking place.

These new agreements were characterized by transparent trade-offs. France's agreement on joint management of migratory flows of 2006, its improved covenant agreement of 2008, as well as Spain's agreement on coordination in immigration matters of 2007, mixed cracking-down on clandestine migratory flows, with more liberalized openings for lawful temporary labour migration. Both France and Spain's agreements integrate multiple stakeholders for implementing the agreements and "managing migration" and so create a widespread web of networks to capture a large range of issues relating to migratory movements. Backed by more intense political support, many of the challenges posed by migration are

addressed on a larger scale than under the selective agreements of the 1960s through 1980s, which had reintroduced visa requirements for the movement of persons, but had kept open access for highly specialized categories of persons related to post-colonial development cooperation. The new generation agreements strongly rely on soft law instruments, such as voluntary return programmes, financial and administrative reintegration support schemes funded by host country governments, the EU and the IOM, complemented these new agreements.

The new generation of what France calls “concerted” migration management (*gestion concertée des flux migratoires*) or what Spain’s framework agreement for West Africa terms “coordination in immigration matters” is based on “cooperation”<sup>171</sup> and “mutual assistance”,<sup>172</sup> and enlists the collaboration of non-governmental organizations or immigrant associations.<sup>173</sup> Cooperation not only operates through a solidarity network or partnerships with non-governmental entities, but also through financial aid: Spain is reportedly offering cooperation aid of up to 15 million Euros per year over five years.<sup>174</sup>

In the case of Senegal, the partnership approach relates not only to government-to-government, but also to private-public partnerships. It has worked reasonably well in namely in those areas, where Senegal’s government replicated through its own initiatives, the general direction or objective of migration management. For instance, the government-run APIX agency was essential for enticing the Diaspora in France to invest in Senegal’s infrastructure structure development, by building entire villages and sanitizing the water supply. France’s co-development programme had first launched such Diaspora-led investment-at-a-distance initiatives. Since the success of these initiatives, other Ministries in Senegal seek out virtual returns by the Diaspora in the field of investments, but also use Diaspora networks and relationships with business associations and enterprises in the host country, in order to facilitate foreign investments by host country firms in Senegal.

Copying each others’ initiatives also works the other way: Senegal’s government created a special programme for reintegrating readmitted migrants into its agricultural revitalization programme (“REVA plan”). In due course, Spain and France not only financially supported this initiative, but France has also endorsed it by “officialising” the programme and declaring it a binding element of its bilateral migration agreement with Senegal. Another example is how France’s co-development agreement mirrored UNDP’s TOKTEN programme by also mobilizing highly-skilled Diaspora to provide technical assistance or university teaching on a circular mobility basis between France and Senegal. Spain’s regional council of Tenerife builds upon bio-ethanol production by return migrants and thus replicates the initiative Brazil together with India and Senegal had taken to jump start the bio-ethanol production in Senegal.

Yet, so far, there has been limited entrepreneurial investment and support for return migrants’ start-ups by the Diaspora or by foreign multinational enterprises established in Senegal. Exception include Benetton’s AfricaWorks support to Youssou N’Dour’s Birima micro-credit lending and Hewlett Packard’s CSR funding, which, however, are unfortunately not specifically geared at return migration. Spanish multinationals have

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<sup>171</sup> Preamble, Spain’s template agreement on the coordination of immigration matters with West African States.

<sup>172</sup> Article 1, para.2. Spain’s template agreement on the coordination of immigration matters with West African States.

<sup>173</sup> Article 4. Spain’s template agreement on the coordination of immigration matters with West African States.

<sup>174</sup> BBC, Spain in Senegal migration deal, 11 October 2006, <http://news.bbc.co.uk/2/hi/africa/6039624.stm>

been encouraged by the Spanish government to go on prospecting missions to Senegal to assess the number of Senegalese workers they could recruit and the pre-employment training needs of these workers. They have done the groundwork on what the contribution of enterprises and employers in Europe could be for admitting Senegalese workers to fill the much needed low-skilled services jobs in Europe. Such jobs include catering, healthcare, household workers, food processing, tourism and construction work. More work needs to be done to entice joint ventures between SMEs in Europe and Senegal, where promising first foundations have been laid by intermediation of the Senegalese Diaspora in Italy, in relation to food processing and investments by Italian SMEs in Senegal's tourism infrastructure. Spanish multinationals also, have shown interest in developing the tourism sector and Spanish, Indian, Brazilian and Chinese investments in bio-ethanol production has also manifested itself. Yet none of these private-public partnerships have yet created programmes for benefiting from return migrants' skill upgrading experiences abroad.

The new generation of Spain's and France's migration management agreements, first tested for West Africa with Senegal, integrate the *acquis* of the different and disparate agreements, which had either incidentally (co-development, exchange of scientists, cross-border traineeships, framework partnerships<sup>175</sup>) or more principally related to migratory movements (introduction of visa requirements, vocational training for return migrants). Operationalized by a partnership approach, these agreements increase coherence, because they call for "joint" or "concerted" management of migratory flows. Thereby, they formally "officialize" (through public-private partnerships) the work undertaken by non-state entities and integrate pre-existing subfederal networks of decentralized development cooperation between local communities in France and Senegal, which often pre-date the negotiation of the agreements. The agreements often build upon these to facilitate new programmes, mostly relating to the integration and reintegration of migrants, in order to spare administrative costs when seeking. Yet, one question of coherence is still outstanding. It relates to the inconsistency which many of these bilateral migration management agreements create with WTO law. Specifically, if these agreements seek to liberalize the cross-border movement of service-supplying natural persons on a preferential, country-by-country basis, it may conflict with the GATS most-favoured nation principle.

Not only has the consistency of some of these bilateral migrant labour recruitment schemes been questioned in terms of WTO/GATS law, but also the question of how the GATS mode 4 commitments could be used to address the challenge of labour migration has been raised. The specific questions were on how to inscribe into GATS mode 4 commitments, initiatives, programmes or even agreements relating to managing irregular migration, preventing exploitation of workers and skill depletion, and fostering development of human capital. What lessons does the partnership approach characterizing the new generation of migration management agreements between France and Spain hold for the way forward in GATS mode 4 negotiations, especially the face-off between migrant source countries and industrialized

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<sup>175</sup> For instance, a tricky question will be how the agreements on concerted management of migratory flows between France and Senegal, respectively, Gabon (and later on, Congo-Brazzaville and other) will relate to the co-development conventions, such as the one France signed with Senegal in 2001 and the corresponding financial agreement on Priority Solidarity Funds such as the one France and Senegal signed in 2005 on the one hand and to the framework partnership document (Documents Cadres de Partenariat, DCP) as exist for the countries forming the Priority Solidarity Zone (Zone de solidarité prioritaire, ZSP) on the other hand; see e.g., Bockel, Jean-Pierre, Discours du Secrétaire d'Etat chargé de la Coopération et de la Francophonie, XVème Conférence des Ambassadeurs, 29 August 2007.

countries? Could the principle of shared responsibility, guiding France and Spain's agreements with West African countries on joint and coordinated migration management be operationalized multilaterally in GATS mode 4?

## 7) Expand on successful models for increasing the development dividends of labour migration in Senegal

The previous chapters have given an overview of what programmes exist to regulate in an organized manner the Eurafrikan migratory flows, originating from Senegal. The challenges of out-migration, but also of skill retention, the development of human capital, employment markets, exports and capital inflows were discussed for Senegal as a migrant source country. The challenges posed by unauthorized overstays and clandestine entries of migrants were discussed as they relate to Spain, respectively France, as the main host countries for Senegalese migrants in Europe. This chapter will sketch out ideas for increasing the lawful channels for migration from Senegal towards Europe, but also discuss existing incentives for Senegalese abroad to return to their communities of origin and contribute to the human capital development and growth of the Senegalese economy, using the skills they have acquired and upgraded abroad, as well as the networks established in Europe. Based upon successful models portrayed below, one will assess whether they can be expanded, especially towards reintegrating larger numbers of return migrants.

### Return to Agriculture (REVA)<sup>176</sup>

Senegalese government programme in force since 2006 included in the Franco–Senegalese agreement on coordinated management of migratory flows of 2006 and co-sponsored by Spain. Contains a specific programme for reintegrating return migrants, the « Retours des immigrés vers l'agriculture ».<sup>177</sup>

**Targets:** lower-skilled workers & return migrants.

**Aims:** to create zones of agricultural excellence and technical modernization (including irrigation) among others, with the support of return migrants.

- How many returns in REVA programme duration?
- Integrated into French–Senegalese agreement of 2006?
- What are the problems, could it be expanded?

**Link to labour migration:** REVA has been integrated into the France–Senegal agreement in Article 6-2. REVA contains a specific section on «Retours des immigrés vers l'agriculture ». A first attempt to reintegrate 99 readmitted migrants into the agricultural REVA plan in 2006 failed, as the young return migrants, lacking trust in Senegal's government, denounced the government plans to rely on agriculture for Senegal's growth as unworkable and an idea without future.<sup>178</sup>

<sup>176</sup> AfDB/OECD 2007 African Economic Outlook, <http://www.oecd.org/dataoecd/26/60/38563004.pdf>.

<sup>177</sup> ENDA; Biofuels in Senegal, Jatropha Programme, <http://www.compete-bioafrica.net/policy/JATROPHA%20PROGRAM%20IN%20SENEGAL.pdf>. Ethical Sugar, <http://www.sucre-ethique.org>, SciDev.Net (London)- Wagdy Sawahel - Wednesday 1 November 2006, Senegal-Brazil-And-India-Join Reduce Senegal's oil imports by 10 per cent: "jatropha plants will be grown on 4,000 hectares of land in Touba. The extracted oil will be transformed into biodiesel in production units to be set up in Khelcom, some 100 km from Dakar. The pilot project also aims to provide a knowledge hub from which other plantations could develop, according to Biopact, an organization working for cooperation in biofuel and bioenergy between Europe and Africa. Senegal will carry out an experiment growing castor oil plants, sunflowers or jatropha over an area of 50,000 hectares in Kolda and Tambacounda, in southern and eastern Senegal."

<sup>178</sup> Mboundou Vitraulle, Sénégal: le retour à l'agriculture, une solution miracle contre l'émigration clandestine? Le projet du gouvernement ne fait pas rêver pour le moment, 6 June 2006; <http://www.afrik.com/article9923.html>.

**Advantages:** The benefit of REVA is that it would offer jobs in Senegal for return migrants (in particular those who could upgrade their skills during their stay as seasonal strawberry and other agricultural workers in Spain). REVA thus creates a match between migrant work and skill-upgrading abroad, voluntary return and reintegration. As it is a programme already in place and even contains a specific section on reintegrating return migrants, REVA is an ideal tool for expanding and as a starting point for similar reintegration programmes in other sectors of the economy. Using REVA for reintegrating return migrants has the additional advantage that no conflict with WTO/GATS agreement is created, unlike for preferential recruitment quotas for Senegalese personnel or independent service suppliers moving abroad to deliver their services.

**Disadvantages:** due to Senegal's government hesitation as to whether to use REVA for developing an export-oriented agricultural sector or instead one catering to the domestic need for food security, REVA has not reached optimal results yet. Food security could be achieved by promoting also subsistence agriculture using artisanal farming methods, which would also avert the risk that REVA designed as a modernization programme runs, of displacing jobs, unless former subsistence farmers are retrained. The heavy administrative nature of the programme has also been criticized by the OECD.<sup>179</sup>

**Suggestion:** Could be **expanded** for conditioning recruitment programmes for agricultural workers on REVA return. Senegalese government would be able to send agricultural workers for skill upgrading to Spain and France, but would have to guarantee that upon return, these same workers will find employment within REVA. Could be used for enticing voluntary returns to Senegal of strawberry pickers and seamen recruited by Spain in Senegal for the first time in 2007.

Embedding REVA into the not-yet-ratified Senegal–Spain agreement on cooperation in migration matters of 2007. Could be expanded in a second step by Spain offering skill upgrading and on-the-job-training to agricultural migrant workers who will then return to the REVA programme in Senegal and use their newly acquired skills.

⇒ Suggestion to **transpose REVA model to other sectors** (see REVTOURS proposal)

#### **Biopact: Brazil–Senegal (eventually NEPAD–Brazil) 2007–2011<sup>180</sup>**

Biofuel cooperation agreement part of a larger South–South cooperation between Brazil and non-oil-producing African countries. Public–private partnerships, Brazil will provide scientific and technological know-how, Indian entrepreneurs will supply the capital, and Senegal will offer land and labour.<sup>181</sup> The biofuel pact is somewhat integrated into the REVA plan.

**Aims:** to strengthen development of Senegalese human resources in the bio-energy and agro-biotech sector, modernize agriculture, develop export-led agricultural trade growth, promote transfer of technology, reduce reliance on oil and diversify energy resources and provide incentives for highly-skilled and lower-skilled migrant workers to return to Senegal and reintegrate.

- Does the programme have a specific section on circular labour mobility for Senegalese technicians

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<sup>179</sup> AfDB/OECD 2007 African Economic Outlook, <http://www.oecd.org/dataoecd/26/60/38563004.pdf>; p. 471.

<sup>180</sup> Ministry of Agriculture, New orientation for the Agriculture Sector Policy, REVA Plan, Special Biofuels Program, March 2007, ENDA, Energy, Environment, Development, Biofuels in Senegal Jatropha Programme, 2007-2012, <http://www.compete-bioafrica.net/policy/JATROPHA%20PROGRAM%20IN%20SENEGAL.pdf>

<sup>181</sup> Ethical Sugar, <http://www.sucre-ethique.org/Senegal-Brazil-And-India-Join>.

or scientists to enable them to upgrade their skills?

- Does the agreement have a specific section on employment opportunities for return migrants?
- What are the problems; could it be expanded?

⇒ Suggestion to expand Biopact Brazil–Senegal/NEPAD and to use it for **circular labour mobility of Senegalese agrobiotech scientists in the Diaspora** to return to Senegal temporarily or permanently to take part in this initiative. Also useful to retain skills and create employment opportunities for the highly skilled to remain in Senegal instead of migrating to Europe.

#### **Regional Council of Tenerife and Senegal Collaboration protocol on biofuel production<sup>182</sup>**

**Aims:** help reduce poverty in rural areas in Senegal, revitalize agriculture (opportunity to enter a new global market) and prevent outmigration to Canary Islands. Biofuel production is labour-intensive and creates employment opportunities.

- Island of Tenerife established a laboratory in Senegal to produce oleaginous plants that can produce biofuel while revitalizing the land
- Senegalese technicians will receive training in Tenerife on how to run the laboratory and how to produce such plants in vitro
- Has the lab been established? Have Senegalese technicians received training in Tenerife?
- Have EU funds been disbursed for the programme?

⇒ Suggestion: use programme to integrate return migrants

### **8) Proposed actions to create a win-win-win situation between increased labour mobility, human capital and economic development**

Actions to increase admissions of Senegalese workers to the labour market in Europe start with labour market access quotas, contingents of migrants or preferential visa schemes. However, incentivizing Diaspora-led development and productive (remittances) investments (beyond infrastructure development) in Senegal, positivizing voluntary returns of temporary migrants, encouraging return migrants entrepreneurial initiatives and intra-corporate labour mobility programmes by foreign investors and multinationals in Senegal are important flanking measures, which some of the following actions propose to address.

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<sup>182</sup> Biopact: Towards a Green Energy Pact between Africa and Europe, <http://biopact.com/2007/08/spain-and-senegal-to-cooperate-on.html>

### **UNESCO–UNEVOC technical and vocational education programme: use for sponsoring pre-employment training to migrant workers recruited by SMEs in Europe?**

UNEVOC in Senegal offers technical and vocational education and training at the Technical and Industrial High School Maurice Delafosse for technicians and those wishing to obtain a high school education.

- As suggested by Atchoarena and Delluc, 2002 UNESCO–UNEVOC which is UNESCO's specialised centre for technical and vocational education and training (TVET)<sup>183</sup> and which often forms a parallel education system in developing countries, should move away from general education as mandated by the French schooling system, and introduce the more specific skills needed in the mostly informal local labour markets
- Suggestion modernize artisanal apprenticeships to address demand from informal, artisanal micro-enterprises and to address demand for Senegalese workers worldwide
- could be used for pre-employment training geared towards recruitment of Senegalese for Spanish or French SMEs and MNCs
- Rural education for development and to prevent migration

⇒ Suggestion: Conclude a **public–private partnership** between **Senegalese government, UNESCO–UNVECO** and with **SMEs in France and Spain** that would want to recruit Senegalese workers, but are constrained financially and (unlike) MNCs, cannot afford to open their own vocational pre-employment training centres for migrant workers in Senegal.

### **“REVTOURS” (*retours vers le tourisme*)**

This proposed programme *Retours vers le Tourisme* (REVTOURS) is drawn up **in analogy to the existing and successful REVA programme** and could be undertaken by the Senegalese government in collaboration with an IO or NGO.

Double aim: to develop the tourism sector in Senegal and provide employment opportunities for return migrants, having upgraded skills or developed know-how about tourism abroad

- Spanish hotel chains, like Barcelo Group, McSolar, who have already been on prospecting missions in Senegal would invest in Senegal (build hotels, resorts, restaurants) and provide return migrants, who have worked for them in Spain, with employment opportunities in Senegal
- French or Spanish enterprises in tourism sector recruiting Senegalese workers get tax breaks or other benefits if they participate in REVTOURS, by establishing a joint venture with a Senegalese start-up or tourism enterprise

⇒ Inscribe REVTOURS in bilateral labour migration agreements to enhance advertisement and marketing of the programme, or not?

## **9) Tentative list of case studies**

**Birima Africa Works**—a joint enterprise by Youssou N'Dour and Benetton; it is not used for migrants specifically, but one could see how it could be used to retain potential migrants at home in Senegal or how it creates a real economic perspective for migrant workers having to return at the end of their contractual period in Europe.

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<sup>183</sup> Participation in Formal Technical and Vocational Education and Training Programmes Worldwide an Initial Statistical Study, [http://www.unevoc.unesco.org/fileadmin/user\\_upload/pubs/UNEVOC UIS\\_Report.pdf](http://www.unevoc.unesco.org/fileadmin/user_upload/pubs/UNEVOC UIS_Report.pdf), 2006.

**pS-Eau Programme Solidarité Eau** runs the main co-development programme set up between France and Senegal in 2000 and financed by the FSP-co-development agreement of 2005: what are its overlaps with the 2006 agreement on concerted management of migratory flows and the covenant-agreement of 2008, with regard to circular visa criteria, voluntary return programmes and Diaspora-led-development? What actions could be improved for Senegal based on a comparison to the FSP-co-development funding France is providing to Morocco and Mali? How to incentivize through FSP-co-development joint ventures and partnerships, as the Ministry of Women Entrepreneurship of Senegal has aimed between SMEs in Spain, France and Italy and Senegalese enterprises and employers, facilitated, using the model of Italy, by Italian local communities, hometown- and Italian (women's) business associations and the Senegalese immigrant associations?

**Aquaculture in Senegal**, Pilot Project, 2005 is a project that runs in the context of the Clinton Global Initiative. Does it target return migrants? How could it be used to reintegrate return migrants? Now that the EU is harmonizing the criteria for readmitting unauthorized migrants in Europe, a rise in voluntary returns may be imminent and programmes to reintegrate these migrants, who often have upgraded their skills abroad or have fostered professional networks in the host country, may be valuable for both countries. In addition, aquaculture development projects in Senegal could help retain skills and benefit from circular labour mobility of Senegalese abroad returning to offer technical training.<sup>184</sup>

**Aid to Artisans (ATA)** Senegal what could it do for return migrants? How could Senegalese Diaspora be tapped to "sell" the products of artisans in Europe or to establish joint ventures between local artisan villages and SMEs in the EU? How could Aissa Dione's textile company in Senegal, which is finding it difficult to recruit domestic workers in Senegal due to strict labour regulation, make use of return migrants? Could the Senegalese government relax certain aspects of the labour laws precisely to foster the reintegration of return migrants into jobs and gainful employment in Senegalese enterprises?

**Gie Tekki fi ci Sénégal** ("to succeed here in Senegal"), is a non-profit economic interest association ("Groupement d'intérêts économiques") of return and repatriated young Senegalese migrants seeking employment and entrepreneurial opportunities for their members. It was established in 2007 and is applying, in a first phase for government and private support. Beyond seeking financial resources to conduct patrols on the beaches of Senegal in order to deter fellow citizens from embarking off to Europe, GIE Tekki fi ci Sénégal will need to develop entrepreneurial activities soon, in order to become a political force and set a valid example for an alternative to "*Barça ou barsax*" ("To Barcelona or to hell") as expressed by the Wolof slogan.<sup>185</sup> One could study whether an MNC in Europe in collaboration with the IOM (which has already worked with GIE Tekki fi ci Sénégal for an art exhibit of paintings by readmitted migrants) or another international organization and Senegal's government or the EU could find ways to support their work by creating employment opportunities.

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<sup>184</sup> Clinton Global Initiative, <http://commitments.clintonglobalinitiative.org/projects.htm?mode=view&rid=43024>.

<sup>185</sup> Pires, Jean, Biennale «OFF» A Hann marinas : « *Barça ou Barssakh* », Barcelone ou la mort, Le Soleil, [http://www.lesoleil.sn/article.php3?id\\_article=36455](http://www.lesoleil.sn/article.php3?id_article=36455).

## 10) Discussion and Conclusions

A clear-cut paradigm shift away from fragmented regulation and towards comprehensive and joint management of key aspects in migratory movements (voluntary return, student and scientific research exchanges, introduction of visa requirements) has taken place over the past 40 years in the relationship of sub-Saharan, often francophone countries in West Africa towards their counterparts in Europe. During the first decade of the 21<sup>st</sup> century a movement towards coherent management of both the hard law elements (labour market entries, voluntary return, readmissions) and soft law principles and programmes governing migration could be observed worldwide. It has been intensified with advent of the new generation of comprehensive migration management agreements in Eurafrican relations of which those between Senegal and France, and Senegal and Spain are precursors.

The fact that Senegal became one of the first West African countries to conclude with France and Spain, two major host countries to Senegalese migrant (workers), a series of new generation migration management agreements for jointly channelling migratory flows towards organized and productive labour mobility, has initiated an overall positive migratory dialogue for both Senegal and its counterparts in Europe.

The fact of consolidating into a single undertaking, key moments of migration management has had far-reaching regional consequences for Senegal, as the most important migrant source country in West Africa, and a key player in WAEMU and in sub-Saharan African (and francophone) European relations. The still ongoing and trust-testing process of ratification aside, the signature of the agreements between Senegal, France, respectively Spain, is transforming what used to be a rather *laissez-faire* attitude towards migration in Senegal.

A first result of Senegal's government's tougher stance against clandestine, risky border-crossings by boats are the emerging associations of unsuccessful and repatriated former migrants-at-sea, which join forces with disillusioned return migrants, and play a crucial role as they avert fellow citizens from unauthorized, clandestine movement and potentially exploitative employment. At government-level the turn-around and political endorsement of strategies to clamp down on clandestine emigration has lead, beyond police patrols, to a few initiatives to reintegrate return migrants, such as the REVA plan in agriculture, but programmes to draw from the material and intangible wealth of the Diaspora are still the more predominant feature of Senegal's government "migration policy". For instance, an entrepreneurial initiative high on the agenda of Senegal's migration policy and placed directly under the auspices of the President of the Republic is the Entrepreneurship Diaspora programme of the APIX agency for facilitating investments-at-a-distance or Diaspora-initiated business ventures into Senegal. This initiative seeks out the development of Senegal's infrastructure and human capital by drawing from past migratory moves to Europe, but also from temporary labour migrants from Senegal currently in Europe. It is therefore hoped for that the labour market admission channels laid out in both France's and Spain's templates, combined with the reinforced police patrols on Senegal's coast and territorial waters will contribute to lower the high expectations Senegalese society puts on its migrants and more permanently established Diaspora and lead to a more rational dialogue on migration.

For Spain, respectively France, two EU member states driving the Europeanization of migration politics, the signing onto migration management agreements with Senegal (and planning to extend the template to other

West African countries) has been as important as it is ambiguous. Spain and France's engaging to regulate migratory relations towards West Africa, despite an interregional process set out by the EU and African Ministers in Rabat in 2006, the Euro-African partnership for migration and development,<sup>186</sup> sends mixed signals to the EU, as it seems that both France and Spain seek to re-assert EU Member States' sovereignty over labour market admissions and overall competencies in migratory relations. Embedding migratory relations into binding bilateral agreements equipped with weighty administrative mechanisms in view to institutionalize key moments of a migrant's journey abroad and back home, is a still difficult work-in-progress. Yet, both Spain's and France's agreements with Senegal are the first laboratory for planning Eurafrican migratory flows outside the MEDA and they are important as the European Neighbourhood Policy support schemes are not available for Senegal. The host of intergovernmental migration agreements between Spain, France and Senegal together with the process started at the July 2006 Euro-Africa regional ministerial conference on migration and development in Rabat could possibly soon pave the way for a more comprehensive EU-wide mobility partnership with Senegal. In any case, the agreements evidence how successful migration management ought to intersect with economic relations (within and outside the EPA context), integrate border securitizations and development cooperation and generally create tactical issue linkages and cross-sectoral trade offs.

The basis for the new generation of integrative bilateral migration agreements was certainly laid out in the variety of bilateral agreements which linked European countries to Senegal, namely the fishery agreements between Spain and Senegal of 1982, which had a 33% recruitment quota for Senegalese personnel on Spanish fishing boats operating in Senegalese waters and the later fishery agreement with the EU as whole, which provided for a 50% recruitment quota for Senegalese personnel. Similarly, France's multiple agreements on the movement of persons aiming at restricting gradually, since the independence of Senegal from France, the labour market entry for Senegalese workers, but also for facilitating student mobility, traineeships, and other education, cultural and research related circular mobility and exchanges are equally foundational. A direct precursor to France's 2006 and 2008 migration agreements with Senegal was the co-development agreement of 2001, which showed mixed returns with respect to its only indirectly development-related purpose of increasing the numbers of voluntarily returning Senegalese migrant workers. With respect to Spain, the deal breaker for its 9 November 2007 agreement, were the FRONTEX protocols concluded in the context of a comprehensive MOU between both countries in August 2006, which amongst others had opened the Spanish labour market to 2'700 Senegalese workers in exchange for Senegal readmitting 4'000 unauthorized stays

The franco-hispanic-senegalese agreements on sharing responsibility for planned migratory flows set an important first precedent for the future regulation of Eurafrican migration. In particular, these agreements pre-empt the architecture of future harmonized European migration policy, in particular, mobility partnerships applied towards sub-Saharan African countries falling both outside the European Union's Mediterranean Partnership (MEDA programme) and the European Neighbourhood Policy (ENP). Unlike Northern Africa, which as part of the Mediterranean European neighbourhood qualifies for more migration-related EU aid and benefits from more -intensive cooperation with and capacity-building by with the EU,

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<sup>186</sup> Euro-African partnership for migration and development, Rabat Declaration, July 2006, [http://www.maec.gov.ma/migration/Doc/RABAT%20DECLARATION\\_EN.pdf](http://www.maec.gov.ma/migration/Doc/RABAT%20DECLARATION_EN.pdf).

Senegal, like any other sub-Saharan country has not been the object of a coherent EU-wide migration policy with the exception of benefiting from a six month Rapid Reaction Mechanism sponsored by the European Commission in the context of its Global Approach to Migration framework established at the Hague and Tampere Councils and the corresponding ANEAS programmes for capacity building in the field of migration and asylum for third countries.<sup>187</sup> Yet a new type of comprehensive migration management agreement, similar to the one EU Member States, like Spain and France are experimenting with is in the works at the EU level, with the contentious harmonization of EU wide labour market admission visa delaying the concretization of a wider and deeper EU migration policy.

Pre-determined by the intense political pressure to enforce temporariness and to not let the host country constituents carry the costs of integration, the agreements propel forward the paradigm shift in managing labour mobility today.<sup>188</sup> In this sense, the concept of shared responsibility has gained, also in senegalese-franco-hispanic relations a more visible profile and preferential partnerships with non-governmental entities evidence the increasing role of immigrant associations, local communities, employer unions, education institutions for the success of planned migration.<sup>189</sup>

The government of Senegal had early on mobilized the Diaspora, if not so much for encouraging physical returns, than for fast-forwarding Senegal's infrastructure development. Much prior to the conclusion of the migration management agreements with France and Spain, Senegal's education system had relied on exchanges with the Diaspora to foster its diverse cultural and rich human capital endowment. The significant role the French-educated Diaspora played in scientific, academic and cultural exchanges between Senegal and Europe was influenced by shared French and Islamic belief in the value of intellectual life and these established networks certainly facilitated the conclusion of the new generation of migration agreements.

Yet, the tight cultural and economic relations between the two countries, is not fraught with challenges with respect to labour migration. It was perhaps more difficult for France to instigate a radical shift in its migration and development policy towards Senegal than it was for Spain. France saw no reason to initiate reforms of the formal education system in Senegal, which it had been supporting since colonial times, as it would have meant moving away from the general education benefiting the elite, towards more labour market-tailored, technical and vocational education and training of low-skilled Senegalese workforce. Neither France's first comprehensive migration management agreements with Senegal nor the subsequent covenant-agreement of 2008 offer targeted pre-employment, pre-departure orientation training geared at the low-skilled, non-formally educated and often unemployed Senegalese.

In contrast, Spain disposed of more policy space with respect to the way it could design the management of migratory flows with Senegal. Therefore, Spain had more of a free hand to target only the low-skilled segment of Senegalese workers and it could limit its financial support to more short-term linguistic and pre-employment training fitting the skills in demand on its labour market. In planning to establish vocational

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<sup>187</sup> ANAES Project, [http://www.era-aeneas.eu/aeneas/nav/123/broker?uMen=ad870512-3c2f-4011-44b9-4612700266cb&\\_ic\\_uCon=b0042ca5-1abb-611c-5ec3-f18ada3b7d8f](http://www.era-aeneas.eu/aeneas/nav/123/broker?uMen=ad870512-3c2f-4011-44b9-4612700266cb&_ic_uCon=b0042ca5-1abb-611c-5ec3-f18ada3b7d8f).

<sup>188</sup> Castles, Stephen (2006) Guestworkers in Europe: A Resurrection? In: 40(4) IMR, pp. 741-766.

<sup>189</sup> Article 2 Co-development Convention between France and Senegal of 25 May 2000.

training centers in Senegal, Spain will benefit from its experience of setting up similar pre-employment training programmes in the context of its agreement on the planning of regulated migratory flows with Ecuador.

Franco-Senegalese relations had played out for years among the more well-to-do strata of society and had fostered a highly educated Diaspora in France, which circulated rather freely between the two countries. It was thus difficult to break away from these traditions and to perceive the economic challenge facing Senegalese low-skilled labour force, despite France's labour laws which were influential to Senegal's and today proving to be regulatory constraints on domestic employers in Senegal. Competition by Asian labour migrants moving into construction sites and services firms in Senegal is seen as displacing jobs and employment opportunities for Senegalese workers, yet some also find this increased labour movements between Senegal and other countries, exacerbated by Asian and Arabic investors in Senegal bringing their own workers with them to be rather a welcome development, creating new, instead of destructing existing employment opportunities and to overall contributing to economic growth in Senegal.

Despite differences of approaches, France's competition with Spain in organizing migratory flows into a predictable framework, contributed to Senegal's government gaining confidence to temporarily halt the ratification of the first Franco Senegalese agreement signed in 2006 and to ask for more, and this time preferential, labour market openings for its workers. With the covenant-agreement of 2008, which has now even been dubbed "accord de quotas migratoires" by the French government, Senegal obtains minimum preferential quotas on the existing types of permits of stay and work in France.<sup>190</sup> These are 200 permits of stay for competency and talents, 180 for salaried workers on mission in France and 1000 for salaried workers falling under the list of 60, more recently upgraded, but only for Senegal, to 108 professions.<sup>191</sup> In its *ad-hoc* MOU of August 2006, Spain had offered Senegalese workers GATS-safe agricultural seasonal work on strawberry farms and in fisheries. It is not clear, whether the Senegalese seasonal agricultural workers on Spain's strawberry farms were recruited under the EU-funded ANAES programme established between Spain and Morocco for strawberry picking and which was scheduled to include migrant workers from Senegal and Mali, or whether the Senegalese migrants recruited was a Spain-only initiative. Spain's preferential quotas reportedly scheduled to be offered under the 2007 agreement target the lower-skilled workers. It may create issues under WTO/GATS fundamental MFN principle, unless the labour market access quotas is "traded-off" against a "return quota" requiring a specific number of unauthorized migrants to return to Senegal and this exchange of quotas could be considered to "moot" the MFN problem.

France's agreement on migratory quotas with Senegal is consistent with the MFN of the GATS, at least as long as the MFN exemption France inscribed in its 1995 list of MFN exemptions for mode 4 openings towards francophone Africa is not considered to have "in principle" phased-out by year-end 2004 or remains unchallenged by other WTO Members. In addition, what makes the preferential quotas offered by France unproblematic for WTO MFN consistency is the fact that at least three types of France's preferential admission schemes for Senegalese, do not concern workers, but instead elected local politicians,

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<sup>190</sup> Diallo, Ibrahima, Avenant sur la gestion des flux migratoires vers la France, les nouveautés dont le Sénégal se réjouit, in : Le Sud Quotidien—Senegal, 28 February 2008 ; <http://www.sudonline.sn/spip.php?article9331>.

<sup>191</sup> Portail du Gouvernement, Premier Ministre, l'Immigration économique ; [http://www.premier-ministre.gouv.fr/chantiers/immigration\\_865/immigration\\_economique\\_1274/](http://www.premier-ministre.gouv.fr/chantiers/immigration_865/immigration_economique_1274/)

regularizations, participants of development-programmes and Senegalese in need of medical care in France eligible for facilitated entries.<sup>192</sup> The fact that the agreements were signed, even though not yet ratified, jump-started a process, whereby the weaknesses of all three countries' migration strategies were uncovered, successes strengthened and room for new initiatives created.

Senegal's government followed a two-track migration strategy with a domestic and an external relations component. On the one hand, the Ministry of the Interior negotiated simultaneously both with France and Spain labour market admissions for its workforce in exchange for police cooperation in Senegalese waters (FRONTEX) and development cooperation. On the other hand, the second prong of Senegal's government policy was to reform existing government initiatives, such as the BAOS and to intensify contacts with the Senegalese Diaspora, as well as with private enterprises or Spanish and French government and NGOs. For instance, some government Ministries of Senegal were afforded more competencies and financial means relating to migratory issues. In addition to the traditional stronghold on migratory issues in the Ministry of the Interior, whose former Minister, Ousmane Ngom, was the main motor behind the negotiation of the agreements with Spain, France and the RRM convention with the EU, Spain and the IOM; today, the Ministry of Senegalese Abroad and Tourism, the Ministry of Women's Entrepreneurship, the Ministry of Agriculture each adopt strategies relating to migration. However, these initiatives are yet short of an official, coordinated and coherent migration policy, since each Ministry formulates its own strategy. Yet, the affirmed role of migration at the political level is perhaps one of the most important outcomes in the process of engaging into agreements.

Ministerial-level migration strategies have been particularly successful at tapping into the Diaspora in an effort to incite the well-to-do Senegalese abroad to invest into Senegalese infrastructure. This initiative, led by the APIX Entrepreneurship Diaspora, directly reporting to the President of the Republic and thus not attached to a Ministry, still is Senegal's government posterchild. Mobilizing the Diaspora was further supported by the franco-senegalese co-development convention of May 2000 and the FSP co-development funding of 2005, which stimulate similar Diaspora-guided investment at a distance. The success of the initiative prompted ministries to replicate the example.

One of the more promising government-initiated Diaspora-led-development strategies is the "Caravane des PME". In this initiative, the lower-skilled Diaspora working in Northern Italian SMEs is used as an inter-mediator to facilitate business contacts between these host country SMEs, Senegalese SMEs and local authorities that would hopefully lead to joint ventures.<sup>193</sup> It is not so much the funds of Senegalese abroad, which are directly mobilized, but rather the business contacts and networks established by migrant workers from Senegal, possibly often with their Italian employers, that are key. The "Caravane des PME" initiative launched by the Ministry of Small and Medium Enterprises, Women's Entrepreneurship and Microfinance in June 2006 is more promising for alleviating migratory pressure, as it could lead, if the business contacts established concretize into the joint-ventures and enterprise development in Senegal, to employment

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<sup>192</sup> Communiqué de presse conjoint relatif à la signature de l'avenant à l'accord franco-sénégalais du 23 septembre 2006, [http://www.premier-ministre.gouv.fr/iminidco/salle\\_presse\\_832/communiqués\\_833/communiqué\\_presse\\_conjoint\\_relatif\\_59370.html](http://www.premier-ministre.gouv.fr/iminidco/salle_presse_832/communiqués_833/communiqué_presse_conjoint_relatif_59370.html).

<sup>193</sup> République du Sénégal, Ministère des Petites et Moyennes Entreprises, de l'Entrepreneuriat Féminin et de la Microfinance, Caravane des PME en Italie, June 2006.

opportunities in Senegal and more trade between Senegal and Europe. Joint ventures planned in the context of the “Caravane des PME” are in food processing, and, for example foresee an Italian biscuit factory establishing a production facility for biscuits in Senegal processing the sweet potato common in Senegal as the main ingredient of its production. Other examples of possible foreign investments by Italian firms, which the Diaspora in Italy together with the Ministry of Senegal could facilitate, were ones for tourist infrastructure development in Senegal, a sector, in which Spanish hotel chains employing Senegalese personnel in Spain have also signalled interest. Government-to-government partnerships also have been planned for, such as one to create at the airport of Parma, more optimal conditions for flying in tomatoes from Senegal to Northern Italian processing plants.

The “Caravane des PME” initiative has two advantages over Senegal’s government and France’s co-development Diaspora-led-development strategies: firstly, it is more likely to create employment opportunities and to foster trade between Senegal and Europe on the condition, of course, that the joint ventures planned and businesses established actually materialize. Secondly, as it endorses business contacts, it refocuses the expectations Senegalese society puts on Diaspora and temporary migrant workers away from infrastructure financing in Senegal and more towards creating business, developing entrepreneurship and other economic opportunities. As such, the Caravane des PME contrasts with the APIX Entrepreneurship Diaspora initiative, which had focussed on infrastructure development for the government’s “Grands Projets”. Thirdly, it is an initiative which draws from and mobilizes the lower-skilled segment of Senegalese migrant labour, working abroad in factories, which are the mainstay of Senegalese migrants in Europe, namely in Spain and Italy. As such, it contrasts to the France’s co-development agreement or the UNPD TOKTEN initiative, which had both aimed at mobilizing the highly skilled Diaspora to transfer knowledge.

Despite rapidly growing inflows of foreign capital, Senegal has not yet reached the point where FDI surpasses ODA, nor have FDI flows succeeded at creating the employment opportunities for the domestic labour force, necessary to relieve migration pressure. In fact, more migrants have left Senegal during periods of high FDI than before; raising concerns that FDI displaces domestic jobs or at least does not create new ones.

Senegal can use the GATS commitments to entice mode 3 investors in services and mode 4 service supplying foreign firms to employ Senegalese workforce to train them and to provide Senegalese employees with skill upgrading professional experiences abroad within GATS mode 4 intra-corporate transferee circular mobility scheme. Yet, adding depth and width to its mode 3 and mode 4 commitments, is not enough as long as Senegal’s labour regulations remain as stringent and inflexible as they are. Necessary are reforms of Senegal’s labor laws towards creating incentives in Senegal’s labour and employment codes which could encourage employees to work longer hours, as long as wage is paid and employers to engage younger workers.

One main challenge for Senegal is to reintegrate return migrants into the employment market and the economy. Many of the Diaspora-led investments, transfer of knowledge programmes, target the domestic economy but few create employment opportunities specifically for return migrants. The same can be said of the government-to-government partnerships for instance between Senegal and other emerging economies,

like the Indian and Brazilian financed bio-ethanol production, or the REVA plan, which do too little still to reintegrate return migrants. Small-scale partnerships between local communities and involving donors or the private sectors seem more successful at reintegration returns, like the island of Tenerife bio-ethanol project and should be replicated.

Public private partnerships, like Hewlett Packard's UNESCO initiative, but also private joint ventures, such as Benetton-Birima/Youssou N'Dour's micro-credit lending are not (yet) tailored specifically for encouraging return migrants to start up businesses. One exception targeting return migrants from a private-public partnership led programme is the yet embryonic, but promising initiatives of the GIE TEKKI FI Ci Sénégal association, which has cooperated with IOM in an art project involving return migrants.

The report has investigated the strategies of Senegal's government, but also France and Spain's new generation of migration management agreements with Senegal for regulating migration from Senegal to Europe. The report has focussed on mechanisms designed by governments in partnership with the Diaspora, employers abroad and return migrant associations to prevent and combat clandestine movements and entries, but also unauthorized overstays in the underground economy. One has looked at how migratory flows can be channelled into productive labour mobility. One has also examined what initiatives exist to retain skills in Senegal and for developing its human capital, in view to promote more export-led growth. Institutionalized set ups for increasing the development dividends of these migratory flows, for sharing responsibility with respect to integrating, training and orienting new arrivals from Senegal into the host country structure, but also for reintegrating return migrants in their communities were examined.