

Franco-European Policy and Migration

By

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Two years after Ceuta and Melilla, some European countries that wanted to regulate their migration problem found themselves confronted with the same demand of men and women escaping either warfare and its violence, or misery and impossibility of living with dignity in their own country.

Without forgetting all those living in a precarious way in an unstable ecological environment and which, with climate warming, are or will be forced to migrate - nearly 200 million men, women and children will be pushed to exile throughout the world from the end of this century.

They pass thus from poverty to misery and from uprooting to exile. These victims of excess liberal globalisation constitute a pool of cheap manual labour.

But who still thinks of these young people whose lives ended against the barbed wire of the Spanish enclaves?

The questions put by these young people searching for somewhere return more concretely to migration that constitutes, today, a more and more massive phenomenon, a strategy of survival.

At the international level, it touches more than 175 million people, which means 30% of the world population. The reporter of the UN Commission of International Law, Maurice Kamto, noted that the majority of Western countries do not cease to implement twisted policies and thus face the inflow of the poor, the developed countries are transformed into impossible fortresses. They are closed more and more to certain categories of foreigners by tightening the control of migration and making the conditions of entry and stay on their territories increasingly more difficult".

In his turn, the former UN Secretary General, Kofi Annan, in his report (September, 2005) entitled *In larger freedom: development, safety and human rights for all* noted that migration creates a multitude of complex problems

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Refugee Watch, 33, June 2009

contributing to the causes of unemployment in an area or a given sector and brain drain in others.

He also added that, “if they are not carefully managed, they can cause social and politically acute strains”. Thus linking his voice with that of the Western countries who justify more security measures against the migrants.

The two positions clash, but for the moment the one that regards the foreigner as the intruder, the terrorist, dominates. The consequences must be fought.

With the repressive immigration policy that violates fundamental human rights, one supports legal institutionalisation of xenophobia and turns away from the fundamental causes of migration such as global economic inequalities and extreme poverty, - in other words, underdevelopment.

Migration is a phenomenon that dramatically reveals the socio-economic imbalances worsened by the globalisation and imposed by the neo-liberal economy that causes impoverishment of the underdeveloped countries. Migration has become one of the most delicate social, economic questions in the last ten years.

This speech is keeping in mind the fact that “any person has the right to leave any country, including his own, and to return to his country” from the Article 13 of the Universal Declaration of Human Rights.

Plunged involuntarily in the precarisation of their existence, the individuals, driven by the instinct of survival, resort to the old type of migration; the phenomenon that began in 1840s when 300,000 migrants annually crossed the Atlantic to settle in America.

Let us mention that the migratory movement does not only go in the direction of the North: 60% of the migrants are staying in the South. In Africa, for example, there are 17 million migrants who left one African country for another, while there are only 3 million Africans in Europe.

In January 2003, according to the Indian government, India had 20 million Asian migrants considered to be in “irregular situation” - almost as much as the foreign population in the European Union (of 25 member states).

One witnesses “a migration of misery”, according to the formula used in Mexico to speak about the rural migration, and more particularly about the “Indians”.

It means very cheap labour, especially since the only status it can claim is illegality. It is as overexploited as if it were the labour of a Northern company that relocated to the South. This “financial advantage” explains why some employers are hostile to the regularization of irregular migrants, the ideal form of labour force for neo-liberalism, such as the one envisaged by the Multilateral agreement on investments, discreetly replaced by the treaties of protection of the investments.

What is the link between migration and globalisation?

One can without being mistaken say that globalisation is a product of the combination of three factors, which are expansion of space exchanges by integration of new countries (new players), globalisation of big companies operating their research, marketing and production activities at global level (new games) and the growth of the exchanges thanks to liberalization or deregulation (new rules of the game).

It was thought that globalisation could cause a fall in the need to migrate. However, in spite of the opening of the markets, the developing countries are increasingly the recipients of foreign consumer goods rather than the stable places that are able to retain the workers, potential emigrants.

In addition, the logic of globalisation would like to see freedom of movement of the people accompanying the freedom of movement of capital and goods, but the people are reduced to the condition of labour, it means goods like anything else, subjected to the only rules of the market.

With a certain globalisation of wealth, whose benefit the social layers dominant from the poor countries corresponds a globalisation of the poverty which reaches vast sectors of the population from rich states, in particular the people with foreign origin and, more particularly, those which are in irregular situation?

Globalisation does not have only affect the flow of capital and goods, it also modifies the character of international migration and manual labour: flexibilisation, mass unemployment, generalised impoverishment of the countries in the process of development.

As such migration became an answer to the consequences of the economic neo-liberalisation induced by the debt crisis, not only for the communities and individuals, but also for the states.

Migration is one of the forms taken by neo-liberal globalization, and with it, the social and economic deregulations are many. It represents almost everywhere an offence continued at the same time by the starting countries and the countries of destination. This is the first fact of criminalisation of the migration thus transforming the migratory policies of the European countries into a kind of militaro-police panoply rather than a real possibility of regular insertion.

In France, this panoply materializes in the law on "immigration and integration", reinforced by many decrees and circulars, without speaking about those former which are hardened. They restrict at the same time the right to the marriage, to love, to freedom of circulation, but also the right to work, the right of the children to live with one or the other of his/her parents, right to health, the right to asylum for the refugees. The percentage of the immigrants is the same today as it was in 1963 that is to say 7% of the population.

In spite of this evocative number, the law, found that the « chosen» immigration multiplies the difficulties: conditions of obtaining and of

attribution of the resident or residence permit, administrative courses which are true obstacles, arbitrary treatments.

This law involves much discrimination in the conditions of acquisition of French nationality and even in the various treatments between the metropolis and the DOM and the territorial collectivities. But non-glad to make the administrative life impossible, the French government made choice for a policy resting on the quotas of expulsion, which induce not only overall interpellations, but also of the scandalous drifts on behalf of the services of the prefectures and the police forces, on the generalization of the raids concerning foreigners, with the installation of files, named Eloi for the foreigners and Edvige for their support, but also with an increase in the number of places in retention centres in which the living conditions are such they are regularly denounced as well by retained themselves, associations and the members of Parliament as by European or international organisations.

But the government continues and makes fun of criticisms made on his immigration policy, even if it has as a result to destroy families, to expel children, even babies or to push with the despair of the people.

Today, it tries to make dumb and flexible associations which intervene in the retention centres by dividing into "batches", for better reigning, the various sites of intervention; by drawing aside the regroupings of associations of the invitation to tender, which will make very difficult the development of national assessments on the situation in the places of retention; by obliging these associations to distribute the furnished documents by the administration; while imposing on these speakers - under the financial threat of a rupture without allowance - a duty of neutrality and confidentiality; all these obligations are incompatible with the effective defence of the rights of foreign migrants placed in retention.

In short, the Minister of immigration wants associations to his orders, so that the retention centres, far from any critical glance, become again spaces without control.

Non satisfied with these policies, the government sets up laws which erodes the rights of foreign people to the contempt of the outstanding commitments - European Convention of human rights, international instruments that France signed and ratified - (right to life in family or to circulate freely, international), International Pact from 1966.

This policy is framed in the locking of identity, which translates into rejection of diversity. In France, for example, the enfermement identity (the creation of the Ministry for immigration and national identity is not a matter of chance!) appears on two levels; that of the system of the values and that of the expressions and cultural signs.

With regard to the system of values, the stake of identity is revealed by a dominant approach of the integration-assimilation which, by conditioning integration of the immigrant exclusively to the acceptance and the respect of the values of the host country, postulates the inexistence of cultural human values or nuns of the immigrant or request asylum.

Let us stop for a few moments on the camps abroad. They are the epicentres of multiple infringements of basic rights. Contrary to the advertisement of Nicolas Sarkozy, the then Minister of the Interior, the closing of the Sangatte camp and its destruction in December 2002 are far from having resolved the problem of transit for England.

The town of Calais indeed continues to see migrants who are seeking refuge arriving each day, while going always a little closer towards North after passage through other European states. Moreover, Calais is no longer the only stopover in the North-West of France: the migrants are present today in various ports ensuring sea links, near various service stations or surfaces of highways attended by the trucks which go in England.

The multiplication of the informal campings on the whole of the littoral areas of the English Channel and the North Sea constitutes one of the principal consequences of the closing of the camp of Sangatte and the hardening of migratory controls, which followed. Exiled which lives there are confronted with various forms of setting to the variation, deplorable material conditions and the controls repeated by the police forces.

The invisibility of the migrants has several regrettable effects. Initially, it relegates to the poverty of unlimited duration of the thousands of women and men - young people for the majority - who are thus confined in a dead end. The negation of their total existence leads the public authorities not to protect them, not to deal with them whereas national laws and international conventions guarantee rights to them.

Lastly, it has as a political consequence to prevent any assessment relating to the effects of a European regulation, which creates the wandering without end of thousands of human beings. It exonerates the European States to have to wonder on the relevance of this regulation and opportunity of reforming it. It does not matter that request asylums are returned in their country of origin where they could risk their life, or to be exposed with torture or inhuman treatments, cruel and degrading.

This approach denying the humanity of the migrant, of the foreigner or of the people claiming asylum, takes part in the old ideology of the hierarchisation of the cultures, the races and civilizations, on which were all the dominations of people and the legitimation of the culture and racist mentalities were historically based, thus forming a fertile compost for all the old and the new forms of racism and xenophobia.

It is what Frantz Fanon called the return of the old Europe.

This same Europe which, to reinforce the national legislations, in a few months will make serious legislative decisions. It will impose, in a power struggle that is not without pointing out that founded under colonization, to the Sub-Saharan Africa the obligation to respect the various articles contained in the European Pact on immigration and asylum.

Less than three months after its adoption by the European Parliament, the "return" directive known as the directive of shame,

institutionalises the generalized detainment of foreigners for at least 18 months period and the banishment for 5 years from the European territory, these measures are taken by the European States fall under this same logic of enfermement and criminalisation of foreigners.

Thus in Italy, where since years one issues on each occasion the “state of emergency” with the pretext of a threat of invasion, the Council of Ministers comes to decide to double the number of detention centres. Since July, the soldiers joined the police forces and the gendarmerie in the centres of identification and expulsion.

The Minister of Interior Department, Maroni, also expressed the intention of the government to create closed centres to intern people claiming for asylum and to increase to 18 months the duration of the detention, now limited to 60 days.

The lengthening of the deadlines is also with the day order in Spain, where testimonies denouncing police violence are recurring, whereas associations see themselves refusing the right of access to the closed centres for foreigners whom they claim for a long time.

In the name of the fight against irregular immigration and under pretext of answer waiting of the public opinion, detention is being set up in system, within the framework of a frightening European harmonization of detention of the migrants.

For still better protecting itself, in October 2004 the EU created FRONTEX, the agency for the external European borders. It is about a police operational institution since October 2005; it is equipped with planes, helicopters, ships organized in “network of the European patrols” designed like units of fast reaction anti-migrants. These patrols and the cooperation agreements that Frontex passes with the police forces Algerian, Moroccan, Mauritanian, Libyan and Senegalese, associated to the tracking of without-papers in the majority of the European countries, are criminal practices incompatible with the opening of Europe to relations balanced and interdependent with the people of the South.

The creation and the reinforcement of this police force are contrary to the fundamental human rights of migrant, as with the history of Europe, product of multiple mixings and migrations during the history and massive migratory power source towards all the continents.

With this legislative arsenal, hunting is open against the migrants because they would be responsible for all the social and economic deregulations. And ultimate cynicism, to give clear conscience, the French government introduced, during the go and back between the National Assembly and the Senate, an article entitled “account co-development”.

It seems well that it found only this answer to the questions from structural order related to the migration. In logic of profitability and liberalization, this article proves, once again, that the French government thrusts its official responsibilities on the individuals.

According the recommendations of UNO, the States developed should give 0,7% of their GDP in order to take part in the Co-development.

France is far and supports the choices guided by the ideology of the profit, without care that the countries of the south continue to undergo the plundering of their natural resources, the escape of their capital and even that of the brains.

However, France preaches the Co-development but seen from the point of view of North, the South having to answer her injunctions just like he must answer those of the IMF and the World Bank.

Europe is not in remainder, at the time of the last Euro-African conference that took place in Paris on November 25, several objectives related to the remittances of the migrants, and their use. Benefiting from this top, the French government has put pressure on Mali to obtain the signature of a bilateral agreement in negotiation for two years.

At the end of the African social forum that took place in Niamey (Niger), it was official that Mali had resisted the pressures of the French and the agreement was not signed. But until when? It was not the case with Ivory Coast. Her government signed this agreement; it's not a good sign.

An inventory, limited to the standard agreements of readmission concluded by each Member State of the European Union (EU), would not be enough to give a complete image of all the mechanisms and instruments of bilateral cooperation set up, during the ten last years, aiming at expelling the peoples of third countries in irregular situation.

These mechanisms can be formal, as that is often the case, because they are based on the concluding of standard agreements of readmission, and because the contracting parties consider that this option is an advantage serving their respective interests.

These agreements are dangerous. They fall under the comprehensive policy followed by the EU and its Member States to subcontract the management of the migratory flux. Thus, any development assistance, even all "economic cooperation or commercial" is now subordinated to their negotiation. These agreements threaten the basic rights of the people and violate Article 3 of the European Convention on human rights, as well as the principle of non-repression posed by the Geneva Convention on the refugees.

It is in particular the case with the bilateral agreements of "management concerted of the migratory flux" made by France and Spain with countries of West Africa or the "partnerships of mobility" under consideration by the EU.

Spain took lead, through its "Africa plan" launched in 2006. Morocco, which already concluded the bilateral agreements of admission again with several Member States should sign an global agreement with the EU in the current of the year 2009.

Europe, not knowing any longer how to maintain Africa under its yoke and in its vice, inaugurated in Bamako at the beginning of October, the Centre of Information and of management of the Migrations - CIGEM. With the objective "to assist Mali in the definition of a Malian migratory policy answering to the needs of the migrants" and "to support the Malian

government by making recommendations on the transfers of funds of the Malian Diaspora”.

Not only the institutions of Bretton Woods imposed Structural adjustment Programs on the indebted states, involving the deregulation of public services, the privatisation of the state companies....and increasing still more impoverishment of the population, but 48 years after the end of colonization, Europe comes officially to install himself in Malian territory for better imposing his management of the migration and to thus assume a right to watch on money sent by the migrants to their families, to the pretext of “make recommendations on the transfers of funds of the Diaspora”; a true interference.

Let us not forget that it is a colossal supply of money, which for certain parts of the leading classes of North, escape to the companies from North!

Europe considers important, “at ends of development, to study the opportunities offered by new technologies (refillable credit cards, mobile telephony...) to facilitate the transfers of money and to encourage the opening in the countries of origin, to the market of the transfers of funds by supporting the signature of cooperation agreements between banks”.

Thus, while taking into account the transfers of migrants, one succeeds to transform them into messengers of the neo-liberalism.

And it does not matter to the European Union that Africa is composed of sovereign countries, one of which is Mali. Far is the right of the people on their natural resources. This sovereignty must disappear with the profit from the trans-national companies and the countries from the North, which impose their liberal regulation, their democracy, their economic system. This economic model de-structures international social relationships, political relationships between people; it destroys the international law, mainly the right of the people to self-determination and tries to erase, by all the means, the right of the people on their natural resources.

The relation of the dominant and the dominated is thus consolidated whereas it would have to be thought regarding a transformation into acts of the situations where both dominated and dominant have to lose perpetuation of the orders and disorders existing.

One of the first transformations rests on the refusal to see confiscated by powerful people the « universalism”, the democracy and its values, the responsibility and over all the fundamental human rights, like the right to the development, the right of the people, the right to resist....

Today, the domination exerted on the “weak ones” lights in connection with the fundamental articulation between on the one hand, the right to the rebellion in front of a social system, policy and economic which plunges the world in the disorder and on the other hand, a colonization of a new type. Thus it required there creation, release, refusal of a historical determinism which is traced, each time, in front of colonized from yesterday and “globalized” from today, obliged to subject himself to the requirements

of the market, to the determinism imposed by the laws of the market and the dominant ones. Laws be it French or European, for perverse that they are, do not attack the questions of structural order related to the migration, but not more than all those of the other countries which think of regulating the problem of the migration by repressing liberties.

The governments from the countries of North should stop forgetting that in fact the countries of the South help them. Thus, according to the report of the United Nations World Economic and Social Survey, in 2005, the net transfers of capital from South to North rose to 354 billion dollars. The refund of the debt represents a puncture of more than 300 billion dollars, each year, on the budgets of these countries. Moreover, the rich countries – such as France- required, in the name of the over-indebtedness, the opening to the trade and to the foreign assets, which generated the impoverishment of the countries of the South, the exhaustion of their natural resources and the massive escape of the capital.

Policies followed by the international financial institutions and WTO are in direct contradiction with the right of self-determination, with their right to freely use their natural resources and their right to choose their own political system. If we want to make precede the basic rights, immigration must be thought in term of construction articulated around the concept of sharing, of solidarity, and the Co-development and the concerns concerning all the humanity, that it is in the South or North, namely the distribution of wealth, the environmental risks, the terrorism and of the weapons of mass destruction and the alternative between war or dialogue of civilizations.

Humanity needs peace, co-operation and collective intelligence to face these challenges. Consequently, it is imperative, in a context of generalized globalization, to find the means of setting up a policy of improvement, of the reinforcement and the respect of the framework of protection of human rights which guarantee equal treatment as well as same legal conditions for all.

It is also necessary, in term of development and of co-operation, to deconstruct the discourse of dominant and especially the relation between the dominating and dominated, because today the migrants are at the same time actors and recipients of the social transformation and the global transformation, both in their host country as well as in their countries of origin. Let us not forget that the young people in search of passage to the European countries are brothers of the children driven out from the French schools because their parents are in irregular situation, brothers of the women and men demanding regularisation and decent housing, brothers of the populations weakened by the years of blind, unworthy policies and undignified public and individual freedoms. They must face the violence of the neo-liberal policies and the will of the Northern countries to reduce whole populations to their labour force in their denial of the individual rights of the person.