

2020 Italy - Ivory Coast

“Declaration of Intent of the Ministry of the Interior of the Italian Republic and the Ministry of Security and Civil Protection Republic of Ivory Coast for the strengthening of cooperation on migration and security issues”

Background

In 1960 Ivory Coast reached its independence from France and the first President, Félix Houphouët-Boigny, remained in charge until 1990 providing economic developments in the country for the first two decades of its presidency. Nonetheless, in the following decades, the State started its decline culminating, first, in the 1999 military coup, and later in two civil wars respectively in 2002 and in 2011, under Laurent Gbagbo presidency. The latter crises of 2010-2011 was under the spotlight of the International Criminal Court - whose jurisdiction over the country can be exercised since 2002 - for the crimes against humanity of the post-electoral violence, particularly, for the systematic attacks directed against civilians, excessive force used in order to disperse protesters, arbitrary arrests, disappearances and rape. Furthermore, in August 2015, the Human Rights Council addressed the issue of human rights violation committed by mercenaries during the conflicts, responsible for serious violations such as mass killing, rape, torture, enforced disappearance and abduction; despite the positive initiatives and the knowledge and awareness of the violations conducted, ineffective legal assistance to victims and impunity to perpetrators are still the rule in the country. According to Amnesty International, indeed, the post-crisis situation remains fragile and another collapse due to the uncertain political context is still a risk.

In the Guinea Gulf, in which Ivory Coast is located, in the last 5 years many episodes of violence have caused almost 1000 deaths and forced 860000 persons to flee the country. The jihadist attacks in Burkina Faso, Mali and Niger have intensively risen and according to the UN these violence will spread also in this area.

In this framework, the number of Ivorians escaping their country of origin significantly grew, reaching the current situation of 8000 refugees in the neighbouring countries, and 1401 disembarked in the Italian territory. Since 2018, Italy has received requests for humanitarian protection by 1668 Ivorian citizens.

Historically, the relationship between Italy and Ivory Coast has been mainly covering economic issues, as the strong on ground entrepreneurial presence of companies like ENI suggests. In 2014, after twenty years of stop, the first visit of the Italian Foreign Affairs Minister Emma Bonino took place. Shortly after, in 2016, the Minister of Foreign Affairs Paolo Gentiloni visited again the country, in order to meet the current President Alassane Ouattara for the consolidation and intensification of the bilateral relations, both in the economic and the migration fields. More recently, in 2019, Rome hosted several meetings with the Ivorian Police representatives in the cooperative framework of bilateral agreements between the Department of Public Defence and African Countries; already in 2015, the Italian Police arranged a Technical Agreement providing identificatory mechanisms of migrants without excessive delay, together with institutional capacity building measures in favour of the Ivorian police.

(technical assistance and training), cooperating in the fight against criminal networks performing migrant smuggling and trafficking of human beings.

From the European perspective, the dialogue between the Union and Ivory Coast has notably increased after the 2015 Valletta Summit, during which reciprocal commitments on joint management of migration flows were undertaken. The dialogue is still open and on-going, and it focuses mainly on the fights against illegal migration.

Following the aims of the 2014-2024 National Strategy on Migration Policy, the European Union is working for the implementation within the Ivory Coast territories of the priorities set out in the Valletta Action Plan. They're pretty similar to those listed in this declaration of intent:

1. Addressing the root causes of migration (through the support to economic growth);
2. Cooperating in the fields of legal migration and mobility (family reunification, student visa, short stays), tackling the high rate of document fraud and monitoring movements of goods and persons at borders.
3. Reducing the tensions in the west, to support the most vulnerable groups and to improve food security. To this aim 35 million euros have been committed by the European Union to Ivory Coast over the period 2012-2015.
4. Preventing irregular migration, migrant smuggling and trafficking in human beings through support for strengthening border management and initiatives designed to raise awareness on the drawbacks of irregular migration;
5. Implementing an effective policy for the systematic readmission of irregular migrants and their reintegration in Ivory Coast.

Additionally, the European Union supports the Ivorian Government in its efforts for better structuring and managing migrations, especially in relation to readmission and resettlement programmes, with the financial aid made available with the EU Trust Fund.

Procedure

The Declaration of Intent follows a simplified procedure

Parties

The Interior Minister of the Italian Republic, Luciana Lamorgese and the Minister of Security and Civil Protection of the Republic of Ivory Coast, Vagondo Diomandé

Signature

Rome, 31st January 2020

Legal Basis

The Declaration of Intent does not refer to any previous specific Framework Agreement governing the matter between the Parties. (it is apparently self standing)

Aims

In the geopolitical and social contexts intercurring between the States, by the Declaration of Intent, the parties declare their willingness to strengthen their cooperation efforts in the fields of migration and security.

The Declaration of intents, moreover underlines the intentions of the parties aimed to settle an economic cooperation in order to support the domestic development of the Ivory Coast : by

- sustaining the scholastic and professional support to Ivorians
- improving the economic opportunities and the local enterprise
- promoting the social cohesion and the exchange of good practice

Contents

Migration:

- the support to development and the improvement of living quality of the population from the Country of origin and of transit, the fight against migrants' smuggling, human trafficking with the full respect of fundamental rights, the creation of alternative economic circuits and the effective functioning of border control checks.
- the exchanging of information on migration flows management and border control experiences, on the fight against illegal migration and the integration of regular/legal migrants.
- realization of repatriation procedures of ivorian irregular migrants through their identification by competent authorities of the Ivory Coast embassy in Italy (Attaché for internal security and consular offices).
- assessment of the cooperation results in identification and repatriation procedures, and the opportunity to implement programs of technical assistance for the strengthening of ivorian border check.
- Promotion of initiatives for social and economic reintegration of repatriated ivorian citizens

Praising the combined action of the Italian Interior Ministry, IOM, UNICEF and Italian NGOs, and Ivorian NGOs on the other, a series of projects striving to:

- offer alternatives to irregular migration by facilitating the access to local economic opportunities
- assist the reintegration of ivorian migrants in their region of origin through the creation of new jobs opportunities and social cohesion

- enhance the operational capacity of local committees charged with the fight against irregular migration
- realize forms of cooperation in favour of unaccompanied minors

In that regard, the Ministers praise the benefit from Ivory Coast of the *public procurement* of the third country cooperation and development project financed by the Italian Interior Ministry.

Security:

A: Intensify prevention measures, fight against and exchange information, formation, practices and experiences on: transnational criminality, organized criminality, informatic criminality, drug and weapon smuggling, human trafficking, irregular migration and international terrorism.

B: Collaborating in preventing those phenomena

C: Intensify the exchanging programs on training in security expertise

D: Enhancing the police cooperation between the two countries through the creation of a mixed commission which will gather once a year alternatively in one of the two countries.

Final Disposition

The Concrete application of the measures hereby described is demanded to subsequent technical protocols, which remains undisclosed.

Cases and secondary legislation (cf. Application)

Within the context of the 2020 International Missions conducted by Italy, the Government allocated to the Guinea Gulf (Nigeria, Ghana, Ivory Coast) one air-naval device, for activities of presence, surveillance and security of the region.

Critical Issues

The Declaration of Intent provides for a rather generale reference to many aspects of cooperation in the field of security and migration, hence recalling the structure and far-reaching aims of a general framework agreement. Framework agreements are oftentimes concluded in solemn form because they represent the legal basis for the adoption of further more-detailed arrangements, usually concluded in simplified form. Notwithstanding this, the Declaration of Intent at stake is concluded following a simplified procedure, and it relies upon a general

wording, making it resemble a political declaration instead. However, it is intended to produce legal effects, and to enable the repatriation of third country individuals.

There is no reference to effective repatriation procedures, but only to the technical protocols which remain undisclosed. Since the dynamics underpinning repatriation procedures are not governed by this Declaration of Intent, it seems reasonable to assume that this crucial and sensitive task is completely delegated to the Police Department instead, raising doubts in relation to accountability and responsibility of the latter.

There is only a generic reference to human and fundamental rights, even though the situation of Ivory Coast is extremely unstable and the deportation could possibly allow violations of the rights of those people who are going to be repatriated. This is particularly worrisome in light of the lack of transparency surrounding the procedures envisaged by the undisclosed protocols concluded by the Police Departments.

External Literature

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