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**DRAFT  
STRATEGIC FRAMEWORK FOR A POLICY  
ON MIGRATION IN AFRICA**

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## **STRATEGIC FRAMEWORK ON MIGRATION IN AFRICA**

### **I. Migration Realities and Trends in Africa**

Globally speaking, migration today has risen to an unprecedented level. The United Nations, IOM and ILO estimate that the number of persons living outside their country of origin has reached 175 million, more than twice the number a generation ago.<sup>1</sup> A series of interrelated factors have contributed to the significant rise in migration this century including the increased facility of travel and communication, persisting regional and sub-regional economic disparities, natural disasters, conflict, political instability, and the porosity of borders, to name but a few. The movement of people—voluntary or forced, legal or undocumented, within or beyond borders—constitutes today a complex process presenting some of the most intricate inter-relationships of policy concerns for governments. Given that the number of migrants is rising and that this trend is likely to persist in the foreseeable future, the management of migration has necessarily become one of the critical challenges for States in the new millennium.

In Africa, there are an estimated 16.3 million migrants<sup>2</sup> and close to 13.5 million internally displaced persons (IDPs).<sup>3</sup> The ILO estimates that the number of labour migrants in Africa today constitutes one fifth of the global total and that by 2025, one in ten Africans will live and work outside their countries of origin.<sup>4</sup> Throughout its history, Africa has experienced important migratory movements, both voluntary and forced, which have contributed to its contemporary demographic landscape. In many parts of the Continent, communities are found spread across two or three nation-States as movement is often not limited by political boundaries. Over the last decades, deteriorating socio-economic and environmental conditions as well as armed conflicts (affecting one fourth of Africa's 53 countries<sup>5</sup>) has resulted in a significant increase in refugees and IDPs. Significant internal migratory movements—such as rural-urban migration—add to the complexity of the picture. The United Nations estimates that the rate of urbanisation in Africa stands at 3.5% per year<sup>6</sup>, the highest rate in the world, resulting in the rapid growth of urban agglomerations throughout the continent. By 2030 the proportion of Africa's urbanised population is expected to reach 54%, as compared to today's figure of 38%.<sup>7</sup> While urbanisation is a natural consequence of development, rapid growth of urban populations strain existing urban infrastructures and pose many social and economic challenges to African governments.

As for all parts of the world, well-managed migration has the potential to yield significant benefits to origin and destination States. To take but one example, in recent decades, labour migration has played an important role in filling labour needs in agriculture, construction and other sectors, thus contributing to economic development of many destination countries in Africa. Conversely, the beneficial feed-back effects of migration such as remittances, knowledge and skills transfers, and return migration have in some cases made major contributions to economies

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1 UN Population Division, *International Migration Report 2002*, and other sources.

2 UN Population Division, *International Migration Report 2002*.

3 The Norwegian Refugee Council, *Internally Displaced People: A Global Survey*, Internet update, [URL: [http://www.idpproject.org/regions/Africa\\_idps.htm](http://www.idpproject.org/regions/Africa_idps.htm)]; ILO estimates that the number of labour migrants alone in Africa is 20 million, *Summary Report and Conclusions*, ILO Tripartite Forum on Labour Migration in Southern Africa, Pretoria, 26-29 November 2002.

4 *Summary Report and Conclusions*, ILO Tripartite Forum on Labour Migration in Southern Africa, Pretoria, 26-29 November 2002.

5 The Norwegian Refugee Council, *Internally Displaced People: A Global Survey*, Internet update, [URL: [http://www.idpproject.org/regions/Africa\\_idps.htm](http://www.idpproject.org/regions/Africa_idps.htm)]

6 United Nations Commission for Human Settlements (UNCHS), *Cities in a Globalizing World: Global Report on Human Settlements 2001*.

7 *Ibid.* note 18.

of origin countries. However, mismanaged or unmanaged migration can have serious negative consequences for States' and migrants' well-being, including potential destabilising effects on national and regional security, and jeopardising inter-State relations. Mismanaged migration can also lead to tensions between host communities and migrants, and give rise to xenophobia, discrimination and other social pathologies.

The realities of migration in Africa, including its increasing importance and untapped potential, underscore the need for States to develop comprehensive policies on migration. Such efforts will require enhanced dialogue on sub-regional, regional and pan-African levels.

## II. The Need for a Comprehensive Migration Policy Framework in Africa

1. Migration in Africa attracts much attention and focus. The reasons for this increased focus on migration and related issues may vary from one region to another or from country to country, but a common factor is that the number of migrants has been increasing over the years. Three periods can be considered: migration during pre-colonial, during colonial and post-colonial times. Colonisation and post-independence links with former colonial potencies greatly shaped the migration patterns observed today and it will do so in future times<sup>8,9</sup>. The driving forces for migration are diverse in the various regions in Africa, and the dynamics and patterns are also different as a response to internal and external factors. The globalisation process will also influence migration as it facilitates the movement of people across the various regions in Africa (through regional integration) and to other regions outside the continent, and the number of migrants is expected to increase. Although countries (sending, receiving) and migrants may benefit from migration, problems arise due to illegal and uncontrolled migration, jeopardising the relations between countries and also the integration of migrants in the receiving society.
2. Recognising the importance of the free movement of people, the Heads of State and Government adopted the Abuja Treaty (Abuja, June 1991) establishing the African Economic Community (AEC), urging Member States to adopt employment policies that allow the free movement of persons within the Community by strengthening and establishing labour exchanges aimed at facilitating the employment of available skilled manpower of one Member State in other Member States where there are shortages of skilled manpower (Article 71 (e)), as an essential component for the promotion of regional co-operation and integration in Africa.
3. Further recognising the important issue of migration and its consequences, a Seminar on *Intra-African Migration* was held in Cairo (1995). Heads of State and Government made several recommendations on legal, economic, political, social and administrative aspects of African migration. These were adopted during the 19<sup>th</sup> Ordinary Session of the OAU Labour

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<sup>8</sup> Appleyard, Reginald. *Emigration dynamics in developing countries. Volume I: Sub-Saharan Africa*. England, 1998: pp 1-16

<sup>9</sup> Adepoju, Aderanti. *Emigration dynamics in Sub-Saharan Africa*. In 'Emigration dynamics in developing countries. Volume I: Sub-Saharan Africa'. England, 1998: pp 17-34

Commission in 1996 and endorsed by the OAU Council of Ministers and Assembly of Heads of State and Government <sup>10</sup>.

4. Recognising the challenges African countries are facing in regard to the flow of irregular migration, trafficking and migrant right as well as HIV/AIDS and related issues and the magnitude of the brain drain in the African continent, the OUA Council of Ministers during its 74<sup>th</sup> Ordinary Session (Lusaka, Zambia, July 2001) adopted Decision CM/Dec 614 (LXXIV)
  - To develop a strategic framework for migration policy in Africa that could contribute to addressing the challenges posed by migration and to ensure the integration of migration and related issues into the national and regional agenda for security, stability, development and co-operation (5);
  - To work towards free movement of people and to strengthen intra-regional and inter-regional cooperation in matters concerning migration on the basis of the established processes of migration at the regional and sub-regional levels; (6) and
  - To create a conducive environment that allows for the participation of migrants, in particular those in the diaspora in the development of their own countries (7).
5. The 1<sup>st</sup> Ordinary session of the Executive Council held in July 2002 in Durban, South Africa mandated the AU to work with the African Diaspora and support their involvement in the programmes of the Union. During the Maputo Summit in July 2003, the Assembly of Heads of State and Government endorsed this decision and included a new clause in the AU Constitutive Act to *“invite and encourage the full participation of the African Diaspora in the building of the African Union”*.
6. The MOU of the 1st Standing Conference on ‘Security, stability, development and co-operation in Africa (CSSDCA)’ in Durban, July, 2002 highlighted the importance of harmonizing and strengthening of the RECs in key areas as an essential component of the integration process and called for a *“strong cooperation framework for security between the RECs, the AU and the United Nations.”*
7. Member States further affirmed their commitment to address: border problems that threaten peace and security in Africa; strengthen mechanisms for protection of refugees and to combat trafficking, to invest in human resource development to mitigate problem of brain drain, to promote regional integration and co-operation involving national and regional stakeholders, and to promote economic growth, integration and trade through development of its infra-structure.<sup>11</sup>

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<sup>10</sup> The key recommendations were:

- That issues relating to movement of persons and migration be addressed regionally and Member States make every effort to utilise existing regional fora to discuss and resolve such issues;
- That issues of intra-African migration be resolved in a truly tripartite manner and every effort be made to consult all relevant stakeholders in both the receiving and sending countries;
- That Member States should have an efficient and advanced system of collecting information and statistics on labour migration in order to facilitate the monitoring of migratory flows;
- That OAU co-operate more closely with Regional Economic Communities (RECs) to achieve effective economic integration.

<sup>11</sup> Technical workshop on the conference on security, stability, development and co-operation (CSSDCA) – monitoring and evaluation process, Abuja, Nigeria, June 2003

8. **As the AU/CSSDCA process moves towards regional integration within the context of NEPAD and the African Economic Community,<sup>12</sup> migration is increasingly being recognised as an engine for regional co-operation and integration as well as socio-economic development of the Continent. Most importantly, under the leadership of H.E. Alpha Oumar Konare and his vision for Africa that calls for unification, a single economic space, a common African citizenship and a continental democracy, migration including the strategic framework will occupy a prominent place on the AU agenda.**
9. In the current scenario of the African continent that advocates for regional integration within the context of the NEPAD (as a strategy that aims at promoting development of the continent) and the African Economic Community (AEC), and in order to maximise the skills of African professionals, it is important that some of the barriers imposed towards migration are eliminated, and that measures to effectively manage the movement of people are put into place. Migration policies need to face this new reality so that migration can bring positive outcomes for both receiving and sending countries. Even though NEPAD does not consider migration as a ‘sectoral priority’, however due to the cross-cutting nature of the topic, it contributes to the solution of many of the root causes of migration, in promoting socio-economic and political development. Investing in human resources development (human resource development including reversing the brain drain is one of the priority areas) is a necessary requirement for African development, through partnership between government, civil society and the international community<sup>13</sup>.
10. The African Union (AU) was mandated to work with the African Diaspora and supported their involvement in the programmes of the Union<sup>14</sup>. Policies need to facilitate and promote the collaboration and reintegration of the professionals in the diaspora in the development of their own countries / regions. However, this will not only depend on migration policies but also on issues such as good governance, democracy, and other root causes of migration. The collaboration between the AU and the RECs is crucial in the process of integration. If regional integration is to be achieved it is of primordial importance that co-operation and dialogue, in the area of labour migration between countries affected by migration (both origin and destination) is promoted.
11. African Governments acknowledged the importance of the movement of skilled personnel as an important component of regional co-operation, in the era of globalisation. However, most of countries adopt a restrictive policy to control population flows and limit migration. In 2001, 44% of developed countries and 39% of developing countries had policies aiming to decrease immigration levels, respectively<sup>15</sup>. This is due in part to a change in the geographic origin and nature of flows of people, and also to sovereignty issues.

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<sup>12</sup>African Economic Commission, Abuja, 1991

<sup>13</sup> NEPAD recommends that efforts should focus on:

1. Creating political, social and economic conditions in Africa that would serve as incentives to curb the brain drain and attract much-needed investment;
2. Establishing a reliable database on the brain drain both to determine the magnitude of the problem, and to promote networking and collaboration between experts in the country and those in the diaspora;
3. Ensuring that the expertise of Africans living in the developed countries is utilised in the execution of some of the projects envisaged under the New Partnership for Africa’s Development

<sup>14</sup> 1<sup>st</sup> Ordinary Session of the AU Executive Council, South Africa, July 2002

<sup>15</sup> International Migration Report. 2002

12. Therefore, it is fundamental that African States elaborate conjunctively objective migration policies to better deal with this phenomenon and prevent the negative effects associated with migration, such as the exodus of skilled labour <sup>16</sup>. Policies for socio-economic development need to be implemented but now in a broader context – regional and continental – and not only at national level, with the participation of all stakeholders (civil society, private sector, migrant associations, etc.).
13. To this end, the general objective of this migration framework is to encourage Member States to implement and integrate migration issues into their national and regional agenda by developing national migration policies as stated in the Lusaka Decision.

### **III. THE POLICY FRAMEWORK ON MIGRATION IN AFRICA**

This policy Framework is intended to be implemented by Member States and RECs in collaboration with and support of UN Agencies, International Organizations, NGOs, CSOs, and other Organizations.

#### **1. LABOUR MIGRATION**

##### **1.1 National Labour Migration Policies, Structures and Legislation**

Labour migration is a current and historical reality in Africa impacting directly the economies and societies of African countries in important ways. Establishing regular, transparent and comprehensive labour migration policies, legislation and structures at the national and regional levels can result in significant benefits for States of origin and destination. For countries of origin, for example, remittances, and skills and technology transfers can assist with overall development objectives. For countries of destination, labour migration may satisfy important labour market needs. Labour migration policies and legislation that incorporate appropriate labour standards also benefit labour migrants, members of their families, and can have a positive impact on society generally.

#### **RECOMMENDED ACTIONS:**

- Ratify, and comply with, relevant international treaties, namely ILO Conventions No. 97 and No. 143 and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and incorporating the provisions of these treaties into national legislation.
- Promote the creation of transparent and accountable labour admissions systems based on clear legislative categories and harmonising immigration policies with labour laws.
- Build national labour migration capacities by developing national policies, legislation, and government structures to manage labour migration, including through the creation of focal points within relevant ministries to handle labour migration issues, and establishing

<sup>16</sup> Cairo Plan of Action, p. 98, Africa-Europe Summit, Cairo, 3-4 April 2000

institutional mechanisms for enhanced co-operation between government authorities, worker organisations and employer associations.

- Promote greater participation of social partners in the implementation of labour migration policies, through *inter alia*, the harmonisation of national laws and regulations with international labour standards relating to social partner participation, and by pursuing capacity building programmes for social partners.
- Promote and strengthen gender-specific approaches to policies and activities concerning labour migration, in recognition of the increasing feminisation of labour migration, including through further study and data gathering on women migrant workers within regions and sub-regions.
- Promote respect for, and protection of, the rights of labour migrants including combating discrimination and xenophobia through *inter alia* civic education and awareness-raising activities.
- Promote HIV/AIDS awareness raising activities and prevention campaigns targeted towards migrant workers, with participation of social partners, in order to combat the spread of HIV/AIDS within the labour force.
- Enhance technical co-operation activities with international agencies, including ILO, IOM, WHO, UNAIDS and other concerned entities, in order to achieve these goals.
- Enhance national and regional labour migration data collection, analysis and exchange.
- **Formulate and plan for political and economic development taking into account the rights of welfare of migrants.**
- **Promote equality of chance of migrants in the education sector and training.**
- **Facilitate the integration of migrant workers on labour market and their participation in (syndical) activities.**
- **Provide decent worker for migrants and permit them to benefit from legal disposal for social protection.**
- **Set up national and sub-regional social dialogue mechanisms to address migrant worker issues.**
- **Engage with government and other partners in elaboration and implementation of migration policies.**
- **Ensure that national policies on migration are linked to national population policies on sustainable human development where migration is treated as one of the population dynamic**
- **Carry out research on conditions and needs of migrant workers and their families.**



- **Support migrant workers to organize community organizations and to join trade unions.**
- **Give priority to activities of promotion of application of norms, social protection and social dialogue on migration.**
- **Provide technical cooperation and capacity building for Governments and social partner organizations in Africa.**
- **Facilitate involvement of social partner and pertinent civil society organizations in international dialogue on migration policies.**
- **Establish structures to deal specifically with issues related to Labour migration.**

## **1.2 Regional Co-operation and Harmonisation of Labour Migration Policies**

Bilateral and multilateral efforts at strengthened co-operation on labour migration assist in ensuring systematised and regular movements of labourers; responding to the supply and demand needs of domestic and foreign labour markets; promoting labour standards; and reducing recourse to irregular movements.

### **RECOMMENDED ACTIONS:**

- Enhance co-operation and co-ordination amongst countries in regions and sub-regions with a view to harmonising labour migration policies and creating common regional approaches to labour migration issues.
- Maintain open and continued contact and communication between countries of origin and destination in order to ensure, for example, adequate work conditions for nationals working abroad, and that migrants receive the social and employment benefits that they are due while working abroad and/or upon their return.
- Enhance data collection, analysis and exchange on labour needs in countries of origin and destination in order to match labour skills with labour demand through comprehensive regional approaches.
- **Initiate joint programmes to actualise the OAU Charter on the Fundamental Social Rights and Duties of African and Arab Migrant Workers in Europe.**
- **Ensure that the treatment accorded to workers of African countries legally employed in its territory, should be free from any discrimination based on nationality as regarding working conditions, remunerations and dismissal, relative to its own nationals. Each state shall accord comparable non-discriminatory treatment to workers who are nationals of a Member State.**

### 1.3 Labour Movement and Regional Economic Integration

On-going processes of regional economic integration in Africa -through Regional Economic Communities (RECs)- are increasingly taking account of managed cross-border labour movements that lead to better labour allocation within larger labour markets. RECs constitute a key factor for facilitating co-operation in the area of labour mobility at the regional level and for promoting economic development.

#### RECOMMENDED ACTIONS:

- Call upon the Regional Economic Communities (RECs) and their Member States to adopt and implement appropriate protocols in order to achieve progressively the free movement of persons, and to ensure the enjoyment of the right of residence, the right of establishment and access to legal employment in host countries.
- **Establish labour exchanges aimed at facilitating the employment of available human resources of one Member State in other Member States where there are shortages of skilled labour.**
- **Strengthen intra-regional and inter-regional cooperation in matters concerning migration and to facilitate regional migration dialogue.**

## 2 BORDER MANAGEMENT

### 2.1 Border Management

Effective border management is a key element in any national migration system. In Africa, as in other parts of the world, border management systems are coming under increasing pressure from large flows of persons, including irregular and “mixed flows,” moving across regions and/or national borders. Specific challenges to border management mechanisms and personnel include building capacities to distinguish between persons having legitimate versus non-legitimate reasons for entry and/or stay in environments with limited resources, and in the context of high volumes of migratory movement.

Approaches to border management globally have been and will continue to be strongly affected by security concerns. Some regions in the world have been the sites of attacks linked with international terrorist networks. The possibility that they might constitute targets for further assaults, or transit or organising points for further attacks elsewhere cannot be excluded. As such the integrity of the border management systems in terms of technology, infrastructure, business process for inspection of travellers, and training of staff has become a primary area of concern.

Additionally, “mixed flows” which at times include large numbers of persons seeking asylum but who are moving for non-protection reasons create the perception, rightly or wrongly, that asylum systems are being abused, and increase the tendency to associate migrants with criminality, which in turn nourishes problems of xenophobia and intolerance to foreigners. A key challenge is therefore to establish a balance allowing States to meet

their humanitarian obligations to refugees and others eligible for protection while concurrently addressing the need to manage borders effectively.

#### **RECOMMENDED ACTIONS:**

- Strengthen national laws regulating migration including through the creation of clear, transparent categories for admission/expulsion and clear eligibility criteria for protection.
- Strengthen the capacities of border management mechanisms by optimising new border management technologies including improving the security of travel documents (**computerization**), **in conformity with international norms** and upgrading inspection, data collection and communication systems.
- **Provide adequate information about the requirements, challenges and opportunities of migration for the population in general and for intending migrants in particular before they cross borders;**
- Strengthening the capacities of border management personnel **and their integrity** through enhanced capacity building activities such as ongoing technical training of government officials responsible for migration policy **and provision of modern equipment**, management and enforcement.
- Strengthen co-operation and co-ordination at the national level between law enforcement officials, immigration and customs services.
- Strengthening co-operation between States **sub-regional/regional structures, and the international community** in particular in the area of law enforcement, sharing migration-related data and information, **training** and sustained dialogue.
- **Enhance the role of AU as well as other sub-regional/regional structures in mobilizing financial/technical resources, harmonizing policies and programmes of action, and coordinating activities of Member States for effective border management.**

### **3 IRREGULAR MIGRATION**

#### **3.1 Migrant Smuggling**

Due to a number of factors including growing economic disparities, greater opportunities for employment abroad, increased barriers for regular migration, technological advances in the areas of information and transportation, a growing proportion of migrants are moving irregularly in order to gain access to employment abroad, thus challenging States' border management activities. Migrant smuggling is closely tied to other forms of international organised crime including trafficking in human beings in that it can adversely affect national and international stability and security. Since 2000, a legal distinction exists between smuggled and trafficked persons such that trafficked persons are to be considered victims of a crime and should therefore have the right to certain protections and assistance (see below). By contrast, a smuggled person is simply considered someone who requests assistance to cross into another nation state where s(he) has no right of residence, and where the smuggler's involvement goes no further than the crossing of the border. Despite this distinction, it should be noted that migrants who resort to

smugglers often find themselves in positions of extreme vulnerability, paying large sums of money to undertake perilous voyages in order to seek out employment. Consequently, government responses and policies to smuggling should at all stages take account of migrants' human rights, and to the extent possible, seek to respond to the motivations behind this form of irregular migration.

#### **RECOMMENDED ACTIONS:**

- Strengthen national policy, structures and laws, and establishing co-ordinated and integrated approaches at the national level through, among others, signing and ratifying the United Nations Convention Against Transnational. Organized Crime and its two additional Protocols (2000), **Protocol to Prevent, Suppress and Punish Trafficking in persons, Especially Women and Children, and the Protocol Against the Smuggling of Migrants by Land, Sea and Air** and harmonizing provisions into national legislation.
- Develop common regional countermeasures, that incorporate consideration for the humane treatment of migrants, including harmonisation of immigration laws; strengthened and modernised border management; co-operation and co-ordination between concerned ministries, particularly State security organs; greater efforts to dismantle international organised criminal syndicates; signing of bilateral and multilateral agreements; and prosecuting smugglers and others involved in such activities.
- *Strengthen and encouraging joint cross border patrol between neighbouring countries.*
- *States must encourage more legal and orderly migration through cooperation and partnership in order to counter systemic irregular migration.*
- Strengthen information on smuggling by systematic and comprehensive collection and dissemination of information on the changing nature of smuggling routes, and the establishment of databases on convicted smugglers.

### **3.2 Human Trafficking**

The core element of trafficking is the fact that the victim is deprived of her/his will and is forced into slavery-like conditions or involuntary servitude. It is thus imperative to improve the identification of victims of trafficking, to treat them as victims of a crime rather than criminals, and to afford them protection and assistance (including, *inter alia*, privacy; information on proceedings; physical and psychological recovery; provisions for safety; measures to avoid immediate deportation; and safe repatriation). Child trafficking presents particular challenges in Africa, and special requirements should be considered to ensure protection and assistance to children victims of trafficking. A three-pronged strategy to undercut trafficking includes prevention through revising and strengthening legislation, training and capacity building and developing information campaigns targeting vulnerable groups; providing material and legal protection for victims of trafficking including relating to return and reintegration; and prosecuting traffickers and their accomplices. **There are studies and reports confirming that the same organized criminal group responsible for drug trafficking are also in this crime.** Addressing

the root causes of trafficking generally includes consideration of how to improve economic and social conditions in origin countries.

#### **RECOMMENDED ACTIONS:**

- Strengthen national policy, structures and laws, and establishing co-ordinated and integrated approaches at the national level through, among other, signing and ratifying the United Nations Convention Against Transnational Organized Crime and its Trafficking Protocol (2000), Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and the Protocol Against the Smuggling of Migrants by Land, Sea and Air; Convention 182 of the ILO on the Worst Forms of Child Labour, and integrating relevant provisions into national legislation.
- **Member States that have not done so are encouraged to sign and ratify those instruments that sanction the trafficking in narcotic drugs and psychotropic substances. These are (i) The 1961 United Nations Single Convention on Narcotic Drugs; (ii) The 1971 United Nations Convention on Psychotropic Substances; and (iii) The 1988 United Nations Convention on Illicit Trafficking in Narcotic Drugs and Psychotropic Substances**
- Develop common regional countermeasures, based on a spirit of solidarity among States and with a focus on the human rights of trafficked victims, including harmonisation of immigration laws; strengthened and modernised border management; co-operation and co-ordination between concerned ministries, particularly State security organs; greater efforts to dismantle international organised criminal syndicates; signing of bilateral and multilateral agreements; and prosecuting traffickers and others involved in such activities.
- Strengthen information on trafficking by collecting and disseminating information on the changing nature of trafficking routes, and the establishment of databases on convicted traffickers and on missing persons, presumed to be victims of trafficking.
- **Creation of awareness on the dangers inherent in irregular migration from country of origin to receiving country thereby allowing the citizens to make informed choices.**
- **Pursue and develop preventive action through intensive information campaigns and other educational and informational efforts;**
- **Develop practices aimed at issuing of work permits at embassies in countries of origin prior to departure**
- **Member States to condemn in very strong terms sexual tourism and prostitution in receiving countries in order to discourage trafficking in women and children as well as paedophile in source countries;**
- Extend adequate protection and assistance to victims of trafficking, including establishing reception centres, return and reintegration assistance such as settling grants, skills training and employment counselling as well as access to health care and psycho-social counselling, including voluntary testing and counselling for HIV/AIDS and other sexually transmitted diseases.

- ***Strengthening Law Enforcement measures to curb the activities of traffickers and consider stiffer penalties for perpetrators.***
- Explore opportunities for prosecution of traffickers and others involved in such activities, and extend witness protection to victims of trafficking who want to testify against traffickers.

### **3.3 Return and Readmission**

A fundamental element of State sovereignty is the right of States to decide who and under what conditions persons may have permission to enter their territory. The right of individuals to free movement does not imply a right of entry or stay. While not all cases of return involve irregular migrants, it is persons who are in an irregular status (including without documents) who are often a source of contention between countries of return and those of readmission. The process of effective and sustainable return and readmission of irregular migrants requires co-operation and mutual understandings between origin and destination countries. Enhanced dialogue between countries, particularly in the context of North-South relations, is key to the implementation of effective, safe and humane policies and mechanisms for return and readmission.

#### **RECOMMENDED ACTIONS:**

- Create standards and procedures, based on law and policy, for the return, readmission and reintegration of excludable migrants **in line with relevant International legal instruments.** **(i) each Member State of the European Union shall accept the return of and readmission of any of its nationals who are illegally present on the territory of an African State, at that State's request and without further formalities; (ii) each of the African States shall accept the return of and readmission of any of its nationals who are illegally present on the territory of a Member State of the European, at that Member State's request and without further formalities. The Member States will provide their nationals with appropriate identity documents for such purposes.**
- **Encourage all stakeholders to enter into bilateral arrangements with major partners in this regard to ensure that the rights and interest of irregular migrants are not violated when there are cases of mandatory return.**
- Identify, to the maximum extent possible, measures to encourage and facilitate voluntary departure and return.
- Enhance international and regional co-operation in the area of return and readmission including through the signing of return and readmission agreements to ensure that returns are undertaken in a humane and orderly manner.
- Strengthen national border management capacities through enhanced capacity building measures, such as training and technical co-operation with *inter alia* IOM, ILO and with UNHCR as pertains to refugee matters at the border.
- **Establish readmission Committee to assist and integrate returnees.**

### **3.4 National and International Security and Stability**

Large spontaneous and unregulated flows can have a significant impact on national and international stability and security, including by hindering States' ability to exercise effective control over their borders, and creating tensions between origin and destination countries and within local host communities. Recent international terrorist activity has also turned the focus on individual migrants and the potential for public order to be comprised by individuals whose intent is to undermine the security and stability of States and societies. Combating irregular migration and establishing comprehensive migration management systems can contribute to enhancing national and international security and stability.

#### **RECOMMENDED ACTIONS:**

- Strengthen national and inter-state efforts to prevent persons from moving across boundaries for illegal purposes without undermining their commitment to abide by obligations to protect persons in need of, and eligible for, international protection.
- Call upon the AU to strengthen the capacities of conflict prevention, management and resolution mechanisms at the regional and continent-wide levels with a view to promoting peace, security and stability throughout Africa, and the implementation of the Lusaka Declaration.
- Strengthen diplomatic initiatives to diffuse volatile situations before they lead to conflict and displacement, and enhance intra-regional and international co-operation in order to further the capacity of African States to respond in a timely and efficient manner to large, spontaneous migration and refugee flows, including establishing early warning mechanisms.

## **4 FORCED DISPLACEMENT**

### **4.1 Refugees and Asylum-Seekers**

Refugee protection is a central aspect of international, regional, and national efforts to protect persons fleeing persecution. African States have a long tradition of hospitality towards refugees and have developed legal frameworks governing aspects of refugee protection specific to Africa. Nevertheless, the large numbers of refugees displaced by conflict and other factors, pose serious challenges to States. Strengthening the response to refugee crises requires further efforts at the national level to establish legislative frameworks, policies, and structures giving effect to international protection obligations; redoubling efforts to find durable solutions for refugees in collaboration with UNHCR and other national and international partners; and addressing root causes of refugee movements including conflict and political instability.

#### **RECOMMENDED ACTIONS:**



- Ratification of, and full compliance with, relevant international instruments pertaining to the protection of refugees including the 1951 Convention on the Status of Refugees and its 1967 Protocol, the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa.
- Effective national implementation of protection obligations arising out of the relevant treaties, including adhering to the principle of *non-refoulement*, registration and issuance of identity documents, access to work and education opportunities, treatment according to minimum humanitarian standards, through incorporation into national legislation and policy.
- Establish effective and fair procedures for individualised refugee status determinations, including through the establishment of National Eligibility Committees in collaboration with UNHCR, and granting refugees meaningful access to such procedures.
- **National eligibility committees - must move away from turning status determination interviews into courtrooms. Committees must as much as possible align themselves with the principle of inclusion before exclusion; give the prospective refugees a benefit of doubt that he/she is telling the truth.**
- Train relevant law enforcement officials who have first contact with refugees (immigration officers, customs, police, *et alia*) in the obligations set forth in relevant international instruments, to enable appropriate and humane screening of asylum-seekers at borders and referral to the competent authorities.
- Establish focal points within relevant ministries and devising national contingency plans in order to enhance capacities to address situations of mass displacement as well as mass return in a timely, efficient and appropriate manner.
- Safeguard the human security needs of refugees (physical, material, legal and health), especially in the context of refugee camps and with particular attention to the needs of vulnerable groups (women, children, disabled, and the elderly), while at the same time ensuring that refugees are aware of national laws and regulations and their obligations to abide by these.
- Increase local protection capacities through the involvement of civil society, for example by engaging NGOs in the provision of legal and social counselling to refugees, preliminary interviews and preparation of files for National Eligibility Committees, and public information campaigns to counter xenophobia.
- Engage in public information and awareness campaigns on the plight and rights of refugees including the contribution that refugees can make to the development of host communities, in order to counter increasing xenophobic tendencies and foster tolerance and understanding.
- Develop mechanisms to ensure easy and timely access to refugee hosting areas, including through the (advance) designation of refugee residence areas, and calling upon the international community to assist with the rehabilitation of affected areas after refugee populations have departed.



- Ensure that refugees and asylum-seekers are registered and issued with appropriate identity documents such that their status can be easily identified in their dealings with public authorities.
- Strengthen intra-regional co-operation in order to respond in a timely and effective manner to “mass influx” situations, including through the development of regional contingency plans in concert with UNHCR and other international and regional partners.
- Support international efforts to find durable solutions to mass displacement by promoting the objectives of UNHCR’s Agenda for Protection and the Comprehensive Implementation Plan for Protection Activities in Africa (CIP) *inter alia* through local capacity building and more equitable international burden sharing, including consideration of bilateral and multilateral frameworks for co-operation in line with UNHCR’s Convention Plus initiative, and the possibilities of targeted development assistance and debt relief to major refugee hosting countries.
- **Strengthen bilateral cooperation between states with regard to the treatment and status of refugees;**
- **Conduct sensitisation programmes for refugees on the need to respect and abide by the laws in the asylum countries;**
- **Most important: At highest levels, respective governments must be monitored as to their compliance to ratified instruments and be held accountable in the event of apparent failure to comply.**
- **Encourage countries to give priority to family tracing and reunification for separated and unaccompanied refugee children. Where tracing is unsuccessful, mechanisms should be devised to allow for the adoption of refugee children where possible. Where children are allowed to be adopted by citizens, they should be given the opportunity to choose their nationality upon attaining majority in accordance with national law.**

## 4.2 Internally Displaced Persons

Displacement of populations within a country often occurs as a result of conflict or natural disasters. Today the IDP population in Africa outnumbered the refugee population by a wide margin, thereby creating the need for comprehensive and concerted efforts to address the issue of internal displacement. Recently, efforts have been made to develop more systematic approaches to address the protection needs of displaced populations, notably through the appointment in 1992 of a UN Special Representative on the Internally Displaced and the elaboration of UN Guiding Principles on Internal Displacement by his office. The UN has also established an IDP Unit within the Office for the Co-ordination of Humanitarian Affairs (OCHA) to strengthen its institutional response to internal displacement situations through enhanced inter-agency co-operation. The International Committee of the Red Cross (ICRC) has a specific mandate to provide protection and assistance to victims of armed conflicts, internal disturbances and tensions, including IDPs. In general, the ICRC mandate is discharged in close co-operation with the National Red Cross and Red Crescent Societies.

**RECOMMENDED ACTIONS:**

- Ratification of and full compliance with relevant international instruments pertaining to the protection of civilians in armed conflicts, including the 4 Geneva Conventions of 1949 and their 2 Additional Protocols of 1977.
- Incorporate the tenets of the UN Guiding Principles on Internal Displacement into national legislative and policy frameworks.
- Allow relief consignments of a humanitarian and impartial nature to reach civilian populations in need, and respecting and protecting aid agency personnel.
- Promote collaboration with the IDP Unit of the UN Office for the Co-ordination of Humanitarian Affairs and the UN Secretary General's Special Representative on Internally Displaced Persons.
- Call upon the international community to consider expanding humanitarian agencies' mandates to assist governments in fulfilling their obligations towards the internally displaced, and establishing mechanisms that guarantee access to highly insecure areas where humanitarian assistance is inhibited, for example by means of humanitarian corridors.

**4.3 Protracted Displacement Situations**

Protracted displacement situations present particular challenges for African States which host large numbers of refugees and other displaced persons who have been unable to return to their home countries for long periods of time. Situations of displacement become protracted when the causes of displacement are not addressed or remain unresolved, for instance in conflict situations where continuing conditions of insecurity prevent refugees from returning home. Protracted displacement situations have adverse consequences for the lives of refugees and IDPs who are at risk of suffering material, social and cultural deprivation in camp settings for prolonged periods of time. A persisting problem in this context is the vulnerability of refugees to harassment and/or recruitment by armed elements. Moreover, the protracted presence of large numbers of displaced persons can lead to tensions with local host communities, competition for scarce resources, environmental degradation, xenophobia, and ultimately constitute a source of conflict itself. Recent efforts to address protracted displacement situations reflected in UNHCR's *Agenda for Protection* and elsewhere have emphasised the notion that durable solutions necessitate more equitable burden sharing among States, such as for instance the linkage of refugee issues to national, regional and multilateral development assistance initiatives.

**RECOMMENDED ACTIONS:**

- Adopt measures to enhance self-sufficiency of refugees and IDPs residing in camps, including, *inter alia*, granting rights to employment, access to land, freedom of movement and other social-economic rights when possible.

- Ensure that refugees and IDPs have access to education and skills training in order to facilitate their eventual integration or reintegration into host and/or home communities.
- Adopt measures to preserve the civilian and humanitarian character of refugee camps by ensuring the physical safety of refugees and IDPs and security of camps, including, where necessary, establishing civilian camp police forces, and making efforts to separate combatants and other armed elements from refugee populations.
- Use voluntary repatriation (through repatriation, reintegration, rehabilitation, reconstruction mechanisms), local integration (through development by local integration mechanisms) and resettlement, as applicable, to address protracted displacement situations through a comprehensive and integrated approach based on international solidarity and burden sharing.
- Counter environmental degradation caused by the protracted presence of displaced persons by implementing relevant and targeted environmental protection programmes, and calling upon UNHCR and countries of first asylum to identify areas for resettlement giving appropriate consideration to environmental factors.

#### **4.4 Crisis Prevention, Management and Conflict Resolution**

Conflict is a root cause of forced displacement. Displacement caused by conflict has destabilising effects on national and regional security, with adverse consequences for the ability of host nations to provide protection to refugees and security to their own nationals. Since forced displacement is closely linked to conflict—both as a consequence and as a potential cause of further conflict—challenges posed by refugee and IDP movements must necessarily be addressed within the broader context of political and institutional efforts at the national, regional and Continent-wide levels aimed at strengthening political dialogue and institutions, and at preventing and managing conflict.

##### **RECOMMENDED ACTIONS:**

- Strengthen diplomatic initiatives to defuse volatile situations before they lead to conflict, and enhancing intra-regional and international co-operation in order to further the capacity of African States to respond in a timely and efficient manner to large, spontaneous migration and refugee flows.
  - Call upon the AU and regional and sub-regional security mechanisms to strengthen the capacities for conflict prevention, management and resolution with a view to promoting peace, security and stability throughout Africa, and the implementation of the AU Lusaka Decision (2001) on the Establishment of a Strategic Framework for a Policy of Migration in Africa.
- 
- **Building into conflict, resolution the practice of post conflict environmental assessment with a view to reversing environmental and ecosystem impact of conflict including contamination by weapon systems.**

- Adopt necessary measures to ensure stability and security in Africa, as well as establishing early warning mechanisms in order to better manage migration movements and to ensure national and regional stability.
- Put mechanism in place to control mass refugees ensuring an orderly return.
- **Enhance the demobilization, rehabilitation and reintegration of child soldiers.**

## 5 HUMAN RIGHTS OF MIGRANTS

### 5.1 Legislation and Policies

Ensuring the effective protection of the human rights of migrants is a fundamental component of comprehensive and balanced migration management systems. Historically, migrants have often been deprived of their rights and subjected to discriminatory and racist actions and policies including exploitation, mass expulsion, persecution and other abuses. Safeguarding the human rights of migrants implies the effective application of norms enshrined in human rights instruments of general applicability as well as the ratification and enforcement of instruments specifically relevant to the treatment of migrants.

#### RECOMMENDED ACTIONS:

- Ratification of, and full compliance with, relevant international instruments and declarations extending fundamental human rights protections to migrants, including the Universal Declaration on Human Rights, the International Covenant on Civil and Political Rights, 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Convention on the Rights of the Child, Convention on the Elimination of All Forms of Discrimination against Women, the Convention Against Torture, ILO Conventions 97 and 143, and relevant regional human rights instruments including the African Charter on Human and People's Rights.
- Ensure that migrants who are detained by public authorities, are treated humanely and fairly regardless of their immigration status, and are afforded all applicable legal protections, including where appropriate the assistance of counsel and competent interpreter services, access to their consulates, protections against arbitrary detention, *et alia*, in accordance with norms of international law.
- Ensure that migrants have access to the courts, judicial system, and relevant government agencies, including *inter alia* the opportunity to contest repatriation/expulsion procedures in a manner consistent with international standards.
- **Recommended that the AU, ILO and other organisations to ensure minimum levels of competence and skills below which country should not go to allow for population to**

**access acceptable levels of services such as Health and Education which is part of the basic human rights**

- Recognise that the protection of rights of migrants through the rule of law contributes to social cohesion and stability, facilitates integration of migrants in host societies, and is conducive to good inter-State relations.
- Promote the integration of migrants in host societies in order to foster mutual cultural acceptance and as a means of ensuring that the rights of migrants are respected and protected.
- Disseminate information about migrants, through public information and education campaigns and other means in order to promote respect for, and understanding of, migrants, and to counter anti-immigrant and xenophobic attitudes and the potential exploitation of anti-immigrant and xenophobic attitudes.
- **Create an enabling environment for migrants for their rights to be respected.**
- **Strengthen the gender dimension in the training activities related to human rights particularly the staff in charge of receiving the group of migrants or refugees for positive discrimination.**
- **Establish a conducive environment for the emergence of migrant association to defend their own rights and if necessary look for a lawyer to help migrants who file complaints in courts.**
- **That States facilitate the establishment of NGOs within the framework of assistance to migrant in their territories who could make contribution such as assistance and monitoring of migrants on the national territory as well as the support in the implementation or enforcement of internal domestic legislation and international convention**

## **5.2 Principles of Non-Discrimination**

A growing concern for States is the rise in discrimination and xenophobia against migrants. Discrimination against migrants creates social tensions in both origin and destination countries; hinders the successful integration of migrants into host societies; and prevents the enjoyment by migrants of their fundamental rights. Combating racism and xenophobia is consequently an essential element of comprehensive national policy on migration.

## RECOMMENDED ACTIONS

- Implement the relevant elements of the Programme of Action of the World Conference Against Racism and Xenophobia (WCAR) held in Durban in 2001 through adoption of national legislative and policy frameworks, including measures to ensure the fair and non-discriminatory treatment of migrants, regardless of status, with particular attention to preventing discrimination against women, children, the elderly and members of minority groups.
- Ensure that undocumented or irregular migrants are treated humanely and in a non-discriminatory fashion and have adequate access to basic services, such as healthcare, legal assistance, *et alia*, while their cases are being addressed.
- **Encourage States to develop/promote anti-racist and gender-sensitive human rights training for public officials, including personnel in the administration of justice, particularly law enforcement, correctional and security careers, as well as among health-care providers, schools and migration authorities.**
- **Ensure that migrants themselves abide by the pertinent laws of the land and also respect and treat members of the host community in a non-discriminatory fashion.**
- **Encourage international agencies dealing with migration and human rights issues to exchange information and coordinate activities aimed at tackling racism, racial discrimination, xenophobia, and related intolerance against migrants, including migrant workers, women, children and the elderly.**
- **Obligations and duties of refugees - Refugees should be educated.**
- **Member States who welcome citizens to the their countries of origin must establish reception committees and boarder posts in order to guide at the level of municipalities or local communities, they must also provide for small structures composed of psychologists, officers of Ministries of Labour and national education and others, in order to ensure the follow-up for the returnees and for guidance. This avoids their anti-social behaviour.**

### 5.3 Integration and Re-integration

Migrants' successful integration in host communities and re-integration in home communities contribute to social stability and cohesion, mutual respect, and cultural acceptance. Integration requires that regular migrants be granted access to basic social services, such as education, health and employment. Re-integration of returning nationals may also require special measures to ensure their successful re-insertion in home communities.

**RECOMMENDED ACTIONS:**

- Grant documented migrants treatment equal to that accorded to nationals with respect to the enjoyment of basic human rights, including equality of opportunity and treatment with respect to religious practice, working conditions, social security, participation in trade unions, access to health, education, cultural and other social services and to the judicial system and equal treatment before the law.
- Encourage the integration of the children of long-term migrants by providing them with educational, training and economic opportunities equal to those of nationals, and facilitating their naturalisation and promoting family reunification policies consistent with Article 10 of the Convention on the Rights of the Child and other relevant universally recognised international human rights instruments.
- Adopt measures for the integration and re-integration of migrant workers in order to encourage mutual cultural and social acceptance, and to ensure that the rights of migrants and members of their families are respected and protected, and to this end, signing bilateral agreements between countries of origin and destination.
- **Migration policies must be gender sensitive, that is, accommodating returning women migrants and their children and their spouses. Local women married to migrants in their countries, should join their spouses easily.**
- **Promote measures for the protection, resettlement and re-integration as well as long-term re-insertion of migrants into society.**
- **Encourage receiving countries and concerned partners to establish appropriate programmes and structures that guarantee the human rights of migrants.**

**5.4 Stateless Persons**

The right to a nationality is a fundamental right recognised under international law. Nevertheless forcibly displaced persons are affected disproportionately by the problem of statelessness, especially women and children. Persons may become stateless as a result of inter-State conflict and the consequent redrawing of political boundaries, or as a result of extended stays abroad and changes in civil status while abroad. Stateless persons are unable to avail themselves of the protections of citizenship and are consequently vulnerable to the deprivation of their rights.

**RECOMMENDED ACTIONS:**

- Promote ratification of, and compliance with, the 1954 and 1961 Statelessness Conventions.
- Develop national legislative and policy frameworks to counter statelessness, particularly in cases of long-term residents, by reforming citizenship legislation and/or granting rights similar to those enjoyed by foreigners residing in the country.



## 6 INTERNAL MIGRATION

Internal migration is impacting population distribution in Africa in important ways. The most significant feature of internal migration is the process of urbanisation, which African countries are experiencing at an especially high rate compared to other regions of the world. Urbanisation is caused by a series of complex and inter-linked “push” and “pull” factors: civil strife, environmental degradation, natural disasters, and declining agricultural yields, are some of the push factors causing rural populations to move to cities. Pull factors include increased opportunities for employment, education and better access to healthcare offered by urban settings. While urbanisation is an integral aspect of economic and social development experienced by both developed and developing countries, if rapid and unregulated, it can have adverse consequences for migrating and urban populations by straining the existing urban infrastructure and services and resulting in higher rates of urban poverty, lack of access to adequate housing, health care, education and other services, and environmental problems. Promoting sustainable urbanisation constitutes therefore a priority concern for African governments in the years ahead.

### RECOMMENDED ACTIONS:

- Strengthen efforts to address causes of internal migration including poverty, environmental degradation, natural disasters, and conflict, especially as they relate to the process of urbanisation.
- Take steps to ensure that persons migrating internally have adequate access to basic services such as education, healthcare and employment especially in urban centres with rapidly growing populations of migrants from rural areas.
- Strengthen data gathering and research on factors, trends and characteristics of internal migration and geographical distribution of population in order to formulate more effective policies relating to population distribution.
- **Establish strategies which can improve living conditions in rural areas in order to discourage rural-urban migration without impeding peoples’ freedom of movement.**
- **Strengthen of the overall structures of governance and implement comprehensive macro-economic policies, in concert with donor agencies and other partners, to reduce poverty, generate employment and pay living wages, as well as offer investment opportunities in Africa.**
- **Promote the establishment and consolidation of democracy in African countries based on transparent, regular and participatory processes, respect for human rights and the rule of law.**
- **Implement comprehensive macro-economic policies, in concert with donor agencies and other partners, to reduce poverty, generate employment and investments opportunities in Africa.**
- **Provide documental evidence for basis for policy and strategic decision at national and regional levels.**



## 7 MIGRATION DATA

### 7.1 Collection and Analysis of Migration Data

The lack of reliable migration data is one of the principal obstacles to effective migration management, policy and co-operation. As in most parts of the world, the continuing need for systematic and comprehensive migration data gathering, analysis and exchange on all aspects of migration remains a critical challenge both within and between African States. Investments in technology and related capacities for accurate and timely retrieval, analysis and dissemination; the need for compatible definitions of migrant categories; and the political will to engage in exchange of migration-related information are some of the components of effective migration information systems.

#### RECOMMENDED ACTIONS:

- Greater co-ordination between ministries and research institutions gathering migration data, including the establishment of a national migration statistics unit in charge of co-ordinating the gathering of migration statistics from relevant ministries if one does not already exist for centralisation of data gathering at the national level.
- Develop a systematised registration mechanism at embassies or consulates to record the number of nationals living abroad **in order to provide them with the necessary assistance.**
- Technical, material and financial assistance from **UN Agencies, International Organizations**
- **Encourage international community to implement effective digital funds proposed by Africa for its participation to the information society.**
- **Encourage the implementation of the NEPAD Initiative concerning in particular the aspect of ICT to facilitate the collection and exchange of data.**
- **Launch systematic data collection observatories at the national and regional level in order to facilitate the coordination and integration of data for formulation of national development and regional integration policies (Dakar Declaration, 2000).**

### 7.2 Migration Data Exchange

In addition to efforts at the national level to systematically collect and develop data, regional collection, analysis and exchange of migration data foster greater understanding of migration trends and realities within regions. It also serves as a basis for the development of effective regional migration management policies, and furthering regional collaboration on migration issues. In many parts of Africa, migration databases exist, reflecting the utility of data centralisation.

**RECOMMENDED ACTIONS:**

- Need for common regional data standards and other initiatives to strengthen regional efforts to collect, analyse and share accurate basic information and data on the characteristics of migration in each country with a view to improving security, and fostering migration and economic policy development, regional integration, and exchange of experiences.
- Need to develop regional *fora* for further exchange of information, experience and perspective among governments, and through which a stock taking of existing mechanisms and data could be undertaken; “best practices” highlighted; common definitions identified (such as those in the UN Recommendations on Statistics of International Migration); and bi-lateral and multi-lateral possibilities for data harmonisation considered.
- **Member States to develop/adopt appropriate national laws to facilitate data collection, analysis and exchange.**
- **Member States to establish national agencies to be responsible for gathering data from different departments or ministries.**
- **Reinforce the exchange of information between responsible authorities in charge of management of legal migration flow and fight against illegal migration, trafficking of human beings including the identification of needed equipment and exchanging know how.**
- **Enact laws for collection and dissemination of data on Migration.**

**8 MIGRATION AND DEVELOPMENT****8.1 Collaboration with African *diaspora***

Whether skilled or unskilled, migration contributes to the development of countries’ economies. Migrants often maintain a web of connections with their home countries creating beneficial feedback effects such as the transfer of remittances, knowledge, skills and technology, as well as short and long-term return migration. Strengthening these feedback effects by enhancing collaboration with the African *diaspora* is a key aspect in fostering the migration-development nexus and was identified in NEPAD as a sectoral priority within its Human Resource Development Initiative.

**RECOMMENDED ACTIONS:**

- Encourage entities such as the EU/EC, AU, ILO and IOM and other organisations and their respective projects to assist in fostering stronger relationships between African countries and the African *diaspora* in order to create enabling conditions for the participation of migrants in the development of their home countries.
- **Create the necessary political, social and economic conditions including democracy and good governance that would serve as incentive to attract Diaspora and retain skilled professionals particularly health in Africa.**

- **Establish a reliable database on the brain drain both to determine the magnitude of the problem and to promote networking and collaboration between experts in the country of origin and those in the Diaspora.**
- **Develop scientific and technical networks to channel the repatriation of scientific knowledge to the home country, and establish cooperation between those abroad and at home.**
- **Facilitate the return of qualified nationals, resident in developed countries through appropriation reinstatement incentives.**
- **Promote regional, sub-regional and international dialogue and partnership in Migration and Development**
- **Expand South-South and North-South dialogue and partnership to foster sharing of human resources, skills, technology, and knowledge in Africa.**

## **8.2 Brain Drain**

“*Brain drain*” occurs when significant numbers of highly skilled nationals leave their countries to seek livelihoods abroad. This phenomenon can have detrimental effects on the economies of source countries by hampering the growth and development of industries and service sectors where highly skilled nationals are needed. NEPAD specifically recognises the reversal of “brain drain” as a sectoral priority. Countering “*brain drain*” and mitigating its effects on national economies are therefore important policy objectives for African countries.

### **RECOMMENDED ACTIONS:**

- Counter the exodus of skilled nationals by promoting the NEPAD strategy for retention of Africa’s human capacities; targeting economic development programmes to provide gainful employment and educational opportunities to qualified nationals in their home countries.
- Counter the effects of “*brain drain*” by encouraging nationals abroad to contribute to the development of their country of origin through financial and human capital transfers such as short and long term return migration, the transfer of skills, knowledge and technology including in the context of programmes such as the IOM MIDA (Migration in Development for Africa) Programme, and activities of ILO, **WHO** and other relevant agencies.
- **Members States establish policies for the replacement of qualified persons who have left the country of origin and implement retention policies and related strategies.**

## **8.3 Remittance Transfers**

The total global volume of remittance transfers to developing countries far exceeds official development assistance (ODA) and has important macro-economic effects by increasing the total purchasing power of receiving economies. African countries receive significant amounts of

remittances relative to size of GDP. Remittances are used by migrants' families to meet daily subsistence needs, health and education, but are also invested in improvements to land, homes, entrepreneurial activities, *et cetera*. Identifying ways to maximise the developmental effects of remittances, and improving remittance transfer mechanisms are therefore topics of growing importance to Africa.

#### **RECOMMENDED ACTIONS:**

- Encourage the transfer of remittances by adopting sound macro-economic policies conducive to investment and growth and elaborating appropriate financial sector regulations to facilitate efficient, timely and transparent transfers of funds.
- Enhance the flow of remittances and encouraging the use of formal financial channels by improving domestic financial infrastructures and their outreach to underserved communities, including by promoting the collaboration between banks and post office networks, supporting credit unions, and other rural service providers.
- Strengthen collaboration with relevant stakeholders in civil society, donor community and financial sector to create incentive strategies and investment opportunities for remitters in commercial, entrepreneurial, savings and other productive activities.
- Improve the quality of data on remittance and migration statistics to create a solid basis for future policy action on remittances.
- **Promote the effective mobilization and utilization of the Diaspora funds for investments and development in the public and private sector which in the long run will improve the macro-economic environment and reduce outflows or immigration of African professionals.**

## **9 INTER-STATE COOPERATION AND PARTNERSHIPS**

The ever-growing number of migrants and complexity of migratory movements within and across regions highlight the need to develop co-operative inter-State approaches to migration management. Such co-operation can be fostered by developing clear objectives, providing opportunities for exchange of experiences, views and best practices, and working towards co-ordinated implementation of policies and programmes. The need to speak a 'common language' when addressing migration and forced displacement issues is a critical step, and one that is ongoing and evolving. Other actors in civil society and the international community provide important contributions in this regard. Such co-operation and collaborative partnerships extends throughout the African Continent, and beyond to other countries and regional entities such as the European Union.

**RECOMMENDED ACTIONS:**

- Develop a common migration policy among African countries towards harmonisation of laws, standards, procedures, information, **dissemination and** sharing, statistics, documents, and efficient use of resources.
- Integrate migration and displacement issues into the national and regional agenda for security and stability (in addition to development and co-operation) by developing a strategic framework for migration policy in Africa in order to address challenges posed and opportunities afforded by migration, as stated in the Lusaka Declaration.
- Ensure the implementation of the Cairo Declaration and Plan of Action through sustained negotiations between the AU and EU in the field of Migration in order to establish adequate financial facilities.
- **Develop modalities or Action Plans for the actual implementation of the relevant provisions of the Cairo Plan of Action adopted at the Africa-Europe Summit Cairo 3-4 April 2000; Article 13 on Migration of the EU-Platform on Future Relations between Africa and the EU (Follow-up to the Cairo Summit, Ouagadougou 28 November 2002); the Provision of the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the United Nations Convention Against Transnational Organized Crime and its two additional Protocols (2000), Protocol to Prevent, Suppress and Punish Trafficking in persons, Especially Women and Children, and the Protocol Against the Smuggling of Migrants by land, Sea and Air.**
- Call upon the European Commission for increased dialogue and analysis focusing on the relationship between migration and development in Africa within the context of the Africa-Europe Summit and the relations under the Cairo Plan of Action, for example, by organising *fora* with a wider range of actors in the development field, such as AU, Regional Economic Communities (RECs), UNDP, the World Bank, IMF, African Development Bank (ADB), **WHO**, ILO, IOM and other concerned institutions, and considering to call upon the multidisciplinary, inter-agency International Migration Policy Programme (IMP) to collaborate with the European Commission and other concerned entities in the organisation of such *fora*.

**10 OTHER SOCIAL ISSUES DESERVING ATTENTION****10.1 Migration and Poverty**

Current international, regional and national dialogues on migration management reflect a consensus that comprehensive migration management policies need to address the root causes of migration. Conflict, insecurity, environmental degradation and poverty are significant root causes of mass migration and forced displacement in Africa. Activities aimed at preventing and managing conflict, promoting good governance and the rule of law, and eradicating poverty and addressing environmental concerns are therefore critical to ensuring the future success of national, regional and pan-African migration management policies.

**RECOMMENDED ACTIONS:**

- **Cancel the debt of African States to alleviate the debts and enable the Continent to have adequate resources for investment in the social sectors.**
- **Draw up reliable policies for the protection of the environment in order to avoid natural disasters, the encroachment of the desert and soil degradation which are major sources of displacement of people from their natural environment.**
- Promote the establishment and consolidation of democracy in African countries based on transparent, regular and participatory processes, respect for human rights and the rule of law.
- Support pan-African institutions and initiatives reflecting these objectives including promoting the activities of the NEPAD African Peer Review Mechanism (APRM) .
- Implement comprehensive macro-economic policies, in concert with donor agencies and other partners, to reduce poverty, generate employment and investment opportunities in Africa.
- **Ensure linkage between migration policies and national population policies which emphasize importance of balancing national population growth rate with national resource base.**
- Reinforce pan-African and regional mechanisms for conflict prevention, management and resolution through, *inter alia*, the promotion of the AU's Peace and Security Council and other pan-African and regional security enhancing mechanisms and early warning systems.
- Support programmes for disarmament, demobilisation, detoxification and reintegration of former and demobilised combatants with particular attention to the predicament of child soldiers.
- Support the involvement of women in conflict prevention and peace building by including a gender perspective in these activities and facilitating the active participation of women in peace negotiations and other diplomatic initiatives.
- **Put in place strategies aimed at reducing poverty, improving living and working conditions, creating job-employment opportunities and developing skills that can contribute to addressing the root causes of migration.**
- **Include Migration, in the framework of development strategies and national and regional programming (MDG, PRSP, TICAD) with the purpose of supporting the economic and social development of the regions (rural and urban) from which migrants originate in order to address the root causes of migration and to reduce poverty.**

## 10.2 Migration and Health

The linkages between migration and health concerns have recently been brought to the forefront in the international discourse on migration, notably in the context of the spread of communicable diseases such as, *inter alia*, HIV/AIDS. Migrants are especially susceptible to health risks because of their pronounced conditions of vulnerability, including their restricted access to health services, both during and after periods of mobility. Because of the complex nature of the relationship between migration and health, the elaboration of comprehensive strategies addressing health matters will necessarily require further research on the underlying health problems and vulnerabilities of migrant populations, and considerations of access and entitlement to basic health services.

### RECOMMENDED ACTIONS:

- Ensure migrants have adequate access to health care services by granting access to national healthcare systems and ensuring that cultural and/or linguistic barriers do not prevent migrants from seeking and/or obtaining care. **Especially in relation to dual protection from intended pregnancies, STI's and HIV/AIDS infection.**
- Ensure that refugees and displaced persons have adequate access to healthcare services even in refugee camp settings, and with special regard to the needs of vulnerable groups, by *inter alia* enhancing collaboration with UNHCR, IOM, WHO, ICRC, UNAIDS, and other relevant agencies to this end.
- Strengthen research and data collection initiatives on the relationship between health and migration and enhancing co-operation between countries and relevant agencies including WHO, UNAIDS, IOM and ILO to this end.
- **Support the implementation of regional policies, particularly Abuja Declaration and Plan of Action on HIV/AIDS, Tuberculosis, Malaria and other related infectious diseases; Decision CM/Dec. 673 (LXXIV), which recognized the vital role played by human resources in the promotion of health and called upon states to develop a realistic plan for development of human resources for health.**
- **To highlight the crises proportion with which number of qualified and skilled persons leaving countries of origin and social sector such as Health and education. The effect and impact of these losses and the quantity and quality are very important and crucial.**
- **Advocate for better utilization of human resources in the health sector and also increase support in retention strategies of health sector professionals as stipulated in CM/Decision 673 (LXXIV) which declares 2004 as the Year for Development of Human Resources in Africa.**

## 10.3 Migration and Environment

Environmental factors play a role in causing population movements, and conversely, migration has an impact on the environment. For instance, internal migration, such as the process of



urbanisation is sometimes linked to environmental degradation and environmental disasters which force farmers and other rural populations off their land. Also, the presence of large numbers of displaced persons in refugee camps and IDP hosting areas can have negative effects on local environments. Environmental considerations are therefore playing an increasingly important role in the formulation of policies on migration and forced displacement.

#### **RECOMMENDED ACTIONS:**

- Incorporate environmental considerations in the formulation of national and regional migration management policies to better address environment related causes of migratory movements as well as the impact migratory movements have on the environment; increasing collaboration with relevant international agencies to this end, including strengthening research and data gathering and exchange on the relationship between migration and the environment.
- Counter environmental degradation caused by large protracted presence of displaced persons, for example by means of implementing relevant and targeted environmental protection programmes **including periodic review of ecosystem impacts and remedial measures to mitigate such impacts**; in the case of protracted refugee situations, calling upon UNHCR and countries of first asylum to identify priority areas for resettlement based on the degree of **potential** environmental degradation **and the need to protect ecosystems** in a given area.

#### **10.4 Migration and Trade**

Countering poverty through economic development works towards alleviating an important migration pressure since nationals are no longer compelled to go abroad in search of economic or better economic opportunities. The relationship between economic development, trade and migration is an important one. In addition, due to multilateral negotiations taking place within the framework of the World Trade Organisation (WTO), the issue of the movement of persons for trade in services is becoming a subject of increasing relevance within international trade agreements.

#### **RECOMMENDED ACTIONS:**

- Keep in mind that productive investments can help to address some of the causes of migration, recognise the need to promote economic growth by fostering trade, productive investment and employment, and implementing economic and social policies geared towards alleviating migration pressures.
- Recognise the growing relevance of short-term migration and the movement of persons in the context of trade of services, and stressing the need for more information on the movement of highly-skilled workers and on the “trade value” of such moves, in terms of loss or gain for origin and receiving countries, and in order to assess their impact on future trade agreements.



- Encourage strengthened co-operation in the area of migration and trade amongst Regional Economic Communities (RECs), on bilateral and multilateral bases between African States, and beyond Africa.
- **Put in place modalities or mechanisms that specifically deals with the temporary movement of persons in the context of GATS.**
- **Treat Mode 4 not only as a trade but also as migration issue and training relevant Immigration /trade officials in this regard from the government.**
- **Set up a dialogue between all government agencies dealing with migration, trade and labour issues in order to establish means of dealing with temporary movement of persons supplying services and thus to avoid delay and unnecessary problems with visa and work permits.**
- **Establish a secure, reliable and attractive environment likely to attract the necessary foreign direct investment to reduce migration through economic growth, creation of jobs and development of value-added generating social economic structures.**

### **10.5 Migration and Gender**

The increasing feminisation of migration is an important emerging trend in today's migration landscape. With more women moving independently of spouses or partners, current estimates indicate that women now account for almost half of all international migrants. The increasing feminisation of migration is a reflection of changing demands for particular types of skills including the growing demands in the service industries especially for domestic workers, nurses, teachers and other typically female dominated professions. Migrant women's vulnerabilities to exploitation are highlighted by the frequently abusive conditions under which they work, especially in the context of domestic service and sex industries in which migrant trafficking is heavily implicated. Therefore, particular attention needs to be given to safeguarding the rights (labour, human rights, *et alia*) of migrant women in the context of migration management.

#### **RECOMMENDED ACTIONS:**

- Strengthening responses to the particular needs of migrant women, particularly ensuring that their health needs, labour rights and human rights are respected, including through the integration of a gender perspective in national and regional migration management policies and strategies.
- Take effective steps to counter migrant trafficking and smuggling, and other illegal practices which specifically target and victimise migrant women (*see* Sections 3.1 and 3.2 on Trafficking and Smuggling).

- **Protect equally male and female migrants to ensure that their human rights and needs are equally addressed and respected.**
- **Promote informational-educational campaigns for female and male migrants to raise awareness in removing the implicit gender bias in migration, if migration is to be effectively managed.**
- **Update legislation in most countries to take into consideration the increasing feminization of migration; and gender considerations must be systematically included particularly to avoid implicit gender discrimination**

## **10.6 Migration, Children, Adolescent and Youth**

The changing age composition of migrant flows is reflected in the increasing number of children, **adolescent and youth** migrating independently of parents. Whether migration is forced, as reflected in the very high percentage of children in refugee camps, or voluntary, the special needs of children present special challenges to States in terms of providing adequate health care, education, shelter and protection from rights violations, **the use of children, adolescent and youth in armed conflicts**. In many parts of the world, including certain regions in Africa, child trafficking is a critical challenge that must be addressed from a diversity of angles including through targeted prevention campaigns, protection and assistance to victims of trafficking, training of relevant authorities on how to address trafficking challenges and prosecution of traffickers and their accomplice.

### **RECOMMENDED ACTIONS:**

- Ensure that the rights of migrant children, **adolescent and youth** are effectively protected under national laws and relevant international instruments particularly the UN Convention on the Rights of the Child, the UN Convention Against Transnational Organised Crime and its two Protocols; and Palermo Trafficking Protocol and ILO Convention 182 on the Worst Forms of Child Labour.
- Ensure, through legislative policy that migrant children, **adolescent and youth** have adequate access to health care, education and shelter.
- **The ratification and implementation of the additional Protocol to the Convention on the Rights of the Child, adolescent and youth related to the involvement of children and youth in armed conflicts.**
- **Ensure that policy in migration is linked to policy in family with relevant cross-referencing between policy frameworks.**