

# **African Regional Consultative Meeting on the Global Compact for Safe, Orderly and Regular Migration**

Addis Ababa, 26 and 27 October 2017

## **Recommendations**

## 1. Background and context

At the United Nations Summit on 19 September 2016, the New York Declaration for Refugees and Migrants was adopted. The Declaration, aimed at improving the governance of migration, set out steps towards the achievement of a Global Compact for Safe, Orderly and Regular Migration in 2018.

Guided by the 2030 Agenda for Sustainable Development and other frameworks and commitments, the global compact is expected to set out a range of principles, commitments and understandings among Member States regarding international migration in all its dimensions; make an important contribution to global governance and enhance coordination on international migration; present a framework for comprehensive international cooperation on migrants and human mobility; and deal with all aspects of international migration, including humanitarian, developmental, and human rights-related.

Member States underscored the importance of the effective participation of all relevant stakeholders in order to ensure that the global compact truly reflects the realities and priorities of all regions. In that regard, the General Assembly, in its resolution on modalities (resolution 71/280), requested the regional commissions of the United Nations, in collaboration with other relevant entities of the United Nations system, particularly the International Organization for Migration, to organize discussions among Member States and other relevant stakeholders to examine regional aspects of international migration and to provide inputs into the process.

Welcoming the resolution, the Economic Commission for Africa (ECA), in collaboration with the International Organization for Migration (IOM) and the African Union Commission, organized the African Regional Consultative Meeting on the Global Compact for Safe, Orderly and Regular Migration, held in Addis Ababa on 26 and 27 October 2017. The meeting was attended by representatives from member States, international and regional organizations, experts, academia and civil society organizations from the African region involved in the formulation and implementation of relevant policies and programmes.

One of the main objectives of the regional consultation was to ensure that Africa's narratives and priorities would be adequately reflected in the global compact for migration. In contrast to migration in other regions of the world, African migration is widely depicted as a phenomenon driven by poverty, violence, lack of employment and livelihood opportunities, and other forms of human misery. Images in the media frequently depict African migrants in overcrowded boats, desperate to reach European shores. Such images are suggestive of a "migration crisis" and have skewed migration narratives, which tend to focus on Africans heading north. Furthermore, the global discourse tends to pathologize and criminalize mobility. These negative factors have influenced migration policy responses such that the policy agenda on African migration is now driven largely by external forces.

Importantly, and as a direct impact of the external influences mentioned, intra-African migration has not received due attention in the discourse and policy agenda on international migration — despite being the dominant form of migration. This underscores the need for an African migration story that drives the discourse, policy responses and governance of migration for Africa.

Migration has considerable development potential, including in terms of its contribution to knowledge technological transfer and the socio-economic growth of countries of origin and destination. These development potentials can, however, only be fully harnessed through the enhanced governance of migration, including mechanisms to ensure the observation of basic rights, including the human rights of migrants, appropriate labour migration policies, policies to encourage the social and economic integration of migrants, and decreasing restrictive barriers to enhance regular migration pathways.

The ratification and implementation of existing international standards and regional frameworks are critical to the governance of migration. Such standards and frameworks address the challenges of migration and ensure that origin and destination societies benefit from the many developmental opportunities of migration. In addition, efforts towards poverty eradication, job creation, good governance and peace and security, in line with development frameworks, particularly the 2030 Agenda and Agenda 2063, are imperative to addressing the drivers and challenges of African migration.

The participants of the Consultative Meeting wish to express their cognizance of existing legal and policy frameworks to manage migration and mobility in Africa, including: protocols on the free movement of persons; the Right of Residence and Establishment; the African Union Convention on Cross Border Cooperation (Niamey Convention), adopted in June 2014; the African Union Border Programme and Measures for its Consolidation, adopted in 2016; the Revised Migration Policy Framework for Africa; the African Common Position on Migration and Development; the Declaration on Migration, adopted in June 2015; and the Joint Labour Migration Programme, adopted in 2015.

Furthermore, the participants wish to underscore their awareness of the African Union Commission processes leading to a common African position on the Global Compact for Safe, Orderly and Regular Migration.

Informed by Africa's realities and priorities for migration and in line with the six thematic areas, participants at the African Regional Consultative Meeting on the Global Compact for Safe, Orderly and Regular Migration present the following recommendations. The recommendations will serve to guide African member States in the stocktaking and intergovernmental negotiation phases of the process leading to the adoption of the global compact. They will also serve as a reference point for future policy discourses on African migration.

## **2. Recommendations**

### **Thematic area 1: Human rights of all migrants, social inclusion, cohesion and all forms of discrimination, including racism, xenophobia, gender discrimination and intolerance**

**Key priority:** Member States are encouraged to prioritize the effective implementation of the numerous conventions, treaties, declarations and principles on the human rights of migrants, to which most of them are signatories. This will support the protection of the human rights of migrants.

## **Recommendations**

### **For Member States:**

(a) Strengthen protection mechanisms that protect the human rights of all migrants, in particular those most vulnerable, irrespective of their migration status;

(b) Ratify relevant international and regional conventions and protocols on the rights of migrants (such as the International Convention on the Rights of All Migrant Workers and their Families, International Labour Organization (ILO) Conventions on Migration for Employment (No. 97 and No. 143), regional protocols on the free movement of persons, and the plan for an African passport);

(c) Strengthen the effective implementation of current conventions and protocols protecting the rights of migrants by actively combating all forms of discrimination, racism, xenophobia and other forms of intolerance against migrants;

(d) Facilitate the social and economic integration of migrants into host communities, with the support of the international community, by guaranteeing migrants' access to services and ensuring their access to redress, including to justice, and to legal representation; by running social awareness campaigns to counter negative perceptions of migrants; and by intensifying awareness-raising campaigns on the rights of migrants and on gaining access to information and services;

(e) Intensify efforts to raise awareness and build capacity on matters relating to migration, focusing on government officials responsible for migration and personnel of embassies and consulates;

(f) Involve all stakeholders in building inclusive and resilient communities to facilitate the social inclusion of all migrants;

(g) Take steps to ensure the issuance of birth certificates to all persons born within the national borders of a given State, regardless of nationality or immigration status.

### **For ECA, IOM, Member States and international partners:**

(a) Collect and exchange evidence on migration based on data that are collected and analysed in accordance with United Nations data standards, including on the contributions of migrants in origin, transit and destination countries in Africa and other regions;

(b) Generate evidence and present scenarios on the changing structure of African labour markets in order to enhance understanding of the future supply and demand for labour, and the protection of migrant workers;

(c) Invest in efforts to raise the awareness of migrants and potential migrants of the social, cultural and political values of destination countries; and also invest in efforts to raise the awareness of destination societies in and outside Africa of the potential social, cultural and economic contributions of migrants, with the aim of attenuating any negative sentiments and stigmatization in the host society and improving the inclusion of migrants in host communities;

(d) Encourage Member States to include refugees, undocumented migrants and other non-nationals in migration statistics.

## **For ECA, IOM and international partners:**

Support Member States in the timely collection and dissemination of migration statistics and actively encourage them to apply United Nations standards to increase coherence and comparability of data and statistics.

## **Thematic area 2: Addressing drivers of migration, including adverse effects of climate change, natural disasters and human-made crises, through protection and assistance, sustainable development, poverty eradication, conflict prevention and resolution**

**Key priority:** Member States are encouraged to address the root causes of migration in order to promote migration as a choice and not as a necessity, ensuring that populations enjoy genuine mobility rights so that people have a real choice to decide where to live, including the option not to migrate.

## **Recommendations**

### **For Member States:**

(a) Address the drivers of migration, intensify efforts towards poverty eradication, job creation and good governance. Effectively implement frameworks for development, in particular the 2030 Agenda and Agenda 2063, and fulfil commitments under the Addis Ababa Action Agenda on financing for development;

(b) Ensure the rights and access of all populations to resources and social protection, promote sustainable livelihoods in order to increase resilience to cope with adverse environmental conditions, economic crises, violence and conflict, in particular, of those populations who are “immobilized” by such factors and have no choice;

(c) Prioritize conflict prevention and peace building, and combating terrorism to minimize forced displacement: prevent political and military interventions in Africa by outside forces that lead to large-scale conflict-related migration; further promote African mechanisms for peacekeeping and conflict prevention, conflict resolution and durable solutions for displaced persons;

(d) Ensure that domestic and foreign investments, economic policies and infrastructure projects do not dispossess local populations of their vital assets, such as land, and of their livelihoods, thereby preventing their displacement;

(e) Ensure, on the part of Governments, the participation of local populations in development planning and the due compensation of vulnerable populations that are forced to move as a consequence of projects, such as the construction of dams and roads, or projects related to the development of industry and agribusiness, and urban development;

(f) Promote anticipatory planning by integrating disaster risk reduction and conflict early warning systems into national planning, and ensure the inclusion of migrants in the planning and management of disaster risk reduction;

(g) Promote coordinated approaches in addressing complex drivers by strengthening coordination mechanisms and linking humanitarian and development planning.

**For ECA, IOM, Member States and international partners:**

(a) Conduct research on the complex ways in which conflict, environmental factors and climate change may affect patterns and trends of migration, thereby increasing insight into how such factors may influence in different ways the ability of various social groups to migrate and their aspirations, and how the effects of such factors may differ for long- and short-distance migration, and over the short, medium and long term;

(b) Mainstream migration issues into policy development relating to environment, agriculture, urban planning, foreign investments, trade, industrialization and employment.

**Thematic area 3: International cooperation and governance in migration in all dimensions, including at borders, on transit, entry, return, readmission, integration and reintegration**

**Key priority:** Member States are encouraged to establish and adapt their migration policies with the aim of liberalizing mobility and migration among Member States (within and between regional unions) and ensuring both the protection of migrant rights and the contribution of migration to development. Member States are also encouraged to implement the protocols on the free movement of persons in Africa.

**Recommendations**

**For Member States:**

(a) Decrease barriers that affect the internal mobility and the circulation of people within and between subregions by reducing visa restrictions, which is very high in most regions (African visa restrictiveness is among the highest in the world);

(b) Develop and harmonize African migration policies and ensure that they are not driven by external interests. This would require the ratification and implementation of protocols on the free movement of persons, the International Convention on the Rights of All Migrant Workers and their Families, ILO standards related to Migration for Employment, and the implementation of regional instruments pertaining to the protection of migrants;

(c) Encourage bilateral and multilateral agreements between and among countries, which support student exchange programmes, circular migration programmes, bilateral temporary work schemes and business support initiatives. Support labour circulation within the continent and improve the protection of the rights of migrant workers and their family members, including by strengthening cooperation and the governance of social security benefits for migrants and developing standards for the portability of benefits and savings;

(d) Set up a continental skills accreditation body that sets equivalence rules and certifies skills, diplomas and degrees in Africa. The objective of this body would be to facilitate “intra-skills” circulation within the continent and the exchange of expertise with other countries outside the continent;

(e) Develop policy mechanisms that provide pathways to legal residence for irregular migrants and towards granting permanent residence to and naturalization of migrants who reside legally;

(f) Encourage the economic participation of migrants by granting them the right to work, conduct business and obtain an education, in order to decrease their dependency and promote their integration into destination societies, and to raise awareness of the positive contribution that migrants can make to such societies;

(g) Promote the strengthening of global cooperation with respect to Africa's brain drain, including negotiating ways of mitigating the loss of skills in African countries, by strengthening skills partnerships and domestic skills development linked to labour market needs;

(h) Invest in border management tools and activities, including in the training of border and immigration and security officials, with the objective of achieving a standard of border management that is fair and transparent;

(i) Ensure a "whole of society" approach to migration governance by enhancing the participation of civil society and private sector entities.

#### **For ECA, IOM and international partners:**

(a) Provide support to member States in developing migration policies in line with regional protocols; support the establishment of migration coordination frameworks; and strengthen national capacities in the implementation of international instruments on migration and migration governance;

(b) Support member States in facilitating the voluntary return and reintegration of migrants in their country of origin.

#### **Thematic area 4: Contributions of migrants and diaspora, including women and youth, to all dimensions of sustainable development, including remittances and portability of earned benefits**

**Key priority:** Regular migration has a considerable development potential by enabling the circulation of knowledge and ideas, by encouraging trade and investment, and by promoting cultural exchange and mutual understanding. The contribution of migrants and diaspora to the economic growth and development of countries of origin and destination should therefore be recognized and promoted.

#### **Recommendations**

##### **For Member States:**

(a) Support measures to ensure that migrants and their families retain the benefits of their remittances by implementing appropriate legislation and regulation, which reduces barriers to (sending and receiving) remittances, promotes cost-effective transfer mechanisms, avoids the establishment of monopolies, and encourages competition between remittance handling agencies — banks and others;

(b) Strengthen regulations that govern the work of recruitment agents and labour relations. Promote migrant workers' awareness of their social protection entitlements and extend access to social protection benefits to migrant workers and their families, including

social protection floors; enter into bilateral social security agreements with host countries to ensure portability of social protection benefits, which will also encourage the circulation and return of labour migrants, and family and student migrants;

(c) Create environments (with appropriate governance mechanisms) that encourage migrants to invest in origin countries, for example, by ensuring property rights, by supporting temporary return programmes (analogous to the UNDP Transfer of Knowledge through Expatriate Nationals (TOKTEN), and the IOM Migration for Development in Africa (MIDA)), by facilitating knowledge and technology transfer, and by providing tax incentives and subsidies, all of which promote the development of incubator sectors in which migrants can invest;

(d) Strengthen mechanisms and platforms for diaspora engagement through dedicated coordination offices at national and local levels, and in destination countries;

(e) Extend rights and privileges to emigrant and diaspora populations, in order to encourage the circulation of, return to, and engagement of such populations with origin country development;

(f) Reduce the cost of remittances, in accordance with Goal 10 of the Sustainable Development Goals, specifically target 10.c (or to the lowest minimum), including through leveraging technology, increasing competition, promoting transparency and other measures specified in the Addis Ababa Action Agenda of the Third International Conference on Financing for Development (see paragraph 40).

**For ECA, IOM, Member States and international partners:**

(a) Encourage national statistical offices in collaboration with researchers, national banks and other financial institutions to undertake regular surveys to assess the trends, use and impact of remittances, including informal remittances;

(b) Increase the capacity of independent academic research in order to identify the structural conditions under which migration and remittances are able to reinforce positive development trends and innovation, and the conditions under which they rather seem to sustain economic stagnation and authoritarianism.

**Thematic area 5: Smuggling of migrants, trafficking in persons and contemporary forms of slavery, including appropriate identification, protection and assistance to migrants and trafficking victims**

**Key priority:** Smuggling and trafficking are the result of a lack of legal migration opportunities amid other drivers of migration such as poverty, unemployment, marginalization and forced displacement resulting from climate change, natural disasters or human-made crises. The increased reliance of migrants and refugees on smugglers in order to cross borders raises the potential for employers and traffickers to exploit migrant workers. Effective measures to prevent smuggling and trafficking should also focus on addressing the root causes of migrants' vulnerability to trafficking, creating legal migration opportunities, enhancing circulation, preventing exploitation of migrants and other workers, and strengthening the enforcement of national laws and regulations on smuggling and trafficking.



## **Recommendations**

### **For Member States:**

- (a) Protect the rights of smuggled and trafficked migrants regardless of their migration status, in compliance with international law, to which Member States are signatories;
- (b) Remove migration barriers by facilitating procedures that regulate border crossings and the acquisition of travel documents, by removing visa restrictions, and by eradicating corruption in immigration services. Such measures are intended to protect migrants seeking work opportunities elsewhere, who are often targeted by smugglers, traffickers, and those involved in the exploitative practices of some labour recruiting agencies;
- (c) Increase the capacity of national institutions, including labour inspection agencies in collaboration with trade unions and civil society organizations, to prevent the exploitation and abuse of migrant workers, and to ensure equal pay and working conditions;
- (d) Encourage active State involvement and regulation of public, private and direct recruitment practices to prevent private, unregulated recruitment and to protect migrant workers whose vulnerability to exploitation is increased by abusive recruitment practices;
- (e) Encourage the ratification of, access to, and implementation of relevant international instruments on discouraging and preventing trafficking in persons and smuggling of migrants so that countries devise laws in line with those instruments;
- (f) Invest in intensive awareness-raising among migrants and potential migrants on the risks and dangers of human trafficking and smuggling (including sexual exploitation, abusive labour practices and modern day slavery), and provide information on access to services and mechanisms to prevent and report human trafficking and smuggling activities.

### **For ECA, IOM, Member States and international partners:**

- (a) Strengthen research capacity in order to enable it to assess the real extent of smuggling and trafficking and to identify the conditions and policies under which the abuse of migrants can be prevented. Given the unauthorized nature of such forms of migration, qualitative research methods will complement official statistical enumeration;
- (b) Strengthen the capacity of law enforcement agents in Africa in protecting the rights of irregular migrants and on providing support to victims of trafficking and smuggling of persons.

### **Thematic area 6: Irregular migration and regular pathways, including decent work, labour mobility, recognition of skills and qualifications and other relevant measures**

**Key priority:** Creating more legal pathways for migration is critical to discouraging both irregular migration and the exploitation and discrimination of African migrants within and outside Africa. This highlights the importance of creating measures which ensure that labour migration takes place in a safe, orderly and regular manner while protecting the human and labour rights of all migrants. Safeguarding and realizing decent work for migrants is a critical component of achieving full and productive employment and decent work for all women and men, as set out in Sustainable Development Goal 8.5.

## **Recommendations**

### **For Member States:**

- (a) Create platforms for encouraging interregional and intraregional dialogue in order to ensure that migration frameworks and recruitment practices are fair and respectful of human rights and labour rights, and that they prevent human trafficking and forced labour;
- (b) Encourage States to put in place enabling conditions such as compatible laws and systems, including accurate population registers and other databases, and improved borders cooperation and information sharing, in order to increase regular pathways and the free movement of people;
- (c) Develop timely and affordable complaints mechanisms and ensure that migrants have access to them through, for example, formal mediation, and independent and fair tribunals, including for cases dealing with labour exploitation and sexual harassment, regardless of nationality, migration or residence status;
- (d) Ensure that bilateral labour agreements with destination States contain provisions (grounded on, for example, ILO standards and model agreements) guaranteeing the protection of the labour rights and human rights of migrant workers, including instruments that enable origin States to monitor the situation of migrants and intervene whenever necessary;
- (e) Adopt and implement labour migration policies that are in line with regional frameworks (such as the Joint Labour Migration Programme involving ECA, ILO, IOM and the African Union Commission) and international labour standards, coherent with employment and social protection policies, and informed by labour migration evidence, data and statistics;
- (f) Develop comprehensive reintegration support for voluntarily returning migrants and communities in high return areas.

### **For ECA, IOM, Member States and international partners**

Invest in knowledge generation, data and statistics on labour migration to enhance understanding of the positive implications of migration on labour markets and sustainable development; and of the importance of protecting migrant workers, in order to ensure the construction of appropriate policy responses that protect their rights.

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