

# Africa and Middle East

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*Selected Provisions:*

## **Joint Africa-EU Declaration on Migration And Development (2006)**

*Adopted by the European Union and African States on 22-23 November 2006, at Tripoli, Libya*

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MINISTERS FOR FOREIGN AFFAIRS, MINISTERS RESPONSIBLE FOR MIGRATION AND MINISTERS RESPONSIBLE FOR DEVELOPMENT FROM AFRICA AND EU MEMBER STATES AND AU AND EC COMMISSIONERS AND OTHER REPRESENTATIVES GATHERED IN TRIPOLI AT THE KIND INVITATION OF THE GREAT SOCIALIST PEOPLE'S LIBYAN ARAB JAMAHIRIYA FROM 22-23 NOVEMBER 2006,

RECOGNISING that the fundamental causes of migration within and from Africa are poverty and underdevelopment, aggravated by demographic and economic imbalances, unequal terms of global trade, conflicts, environmental factors, poor governance, uneven impact of globalisation and humanitarian disasters;

ACKNOWLEDGING that migratory movements occur essentially within Africa and also towards developed countries and that every country has become either a country of origin, transit or destination or a combination of the three;

EMPHASISING the need to work together in the spirit of mutual partnership for better management of migration for our two continents in a comprehensive, integrated and holistic manner;

RECOGNISING that the effective protection of the rights of migrants, including those of female migrants and children is one of the major components of managing migration which requires stringent application of the relevant provisions of the human rights instruments, particularly those relating to migrants and that management of illegal or irregular migration should not compromise human rights;

EMPHASISING the need to ensure effective protection for refugees and internally displaced persons, including due access to asylum processes;

RECOGNISING that illegal or irregular migration cannot be addressed by security considerations only but should be based on broader development frameworks and on mainstreaming migration in development strategies;

REAFFIRMING that the prevention and control of illegal and irregular migration must be strengthened in a cooperative and comprehensive way and that all EU and African countries have a duty to cooperate fully;

AGREEING that well-managed migration can promote closer ties between countries of origin, transit and destination, help meet existing and future labour needs and contribute to the development of all countries;

AGREEING that well-managed migration is of benefit to both Africa and the EU and, within the wider EU-African partnership, can help with the achievement of the Millennium Development Goals;

RECOGNISING that approaching migration as a common challenge for Europe and Africa, for which solutions can best be found together and also that meeting the concerns and interests of countries of origin, transit and destination alike, as well as the migrants themselves is an essential part of migration management;

RECOGNISING that selective migration approaches in developed countries could constitute an additional threat to African social and economic development and CONCERNED about the loss of heavy investments made by African Governments in training and human resource development in priority sectors and the negative impact of the brain drain on these sectors;

UNDERLINING the necessity to encourage skilled workers to remain in Africa in order to contribute to the attainment of the Millennium Development Goals (MDGs);

BEARING IN MIND that pro-poor economic growth through productive investments, trade, employment, labour migration and effective social and economic policies can help reduce migration;

CONSCIOUS of the huge economic developmental potential which exists in Africa particularly in the agricultural, industrial and service sectors;

UNDERSCORING the importance of various African development initiatives such as AU's NEPAD programmes which contribute to the solution of many of the root causes of migration, in promoting socio-economic development (human resource development including reversing the brain drain), good governance and the Ouagadougou Extra-ordinary Summit Declaration and Plan of Action on Employment and Poverty Alleviation;

RECALLING commitments made by the EU and its Member States towards Africa's development in general and towards Africa's capacity to better manage migration for development, including the December 2005 European Council conclusions on the 'Global Approach to Migration: Priority actions focusing on Africa and the Mediterranean';

UNDERSCORING that African inter-state cooperation and dialogue can strengthen the capacity of States in migration management including the development of common approaches towards harmonisation of policies, laws and strategies on migration;

RECALLING the decision of the 1<sup>st</sup> Ordinary Session of the AU Executive Council held in July 2002 in Durban, South Africa that called for the involvement of the African Diaspora in the programmes of the Union and FURTHER RECALLING the July 2003 Maputo Summit decision which amended the Constitutive Act to provide for the participation of the African Diaspora in the building of the AU;

RECALLING that the AU Assembly of Heads of State and Government in Khartoum, Sudan from 23-24 January 2006 expressed its concern over the magnitude and impact of migration on development and over the growing number of migrants in Africa and beyond, and the brain drain syndrome, particularly towards the developed countries;

RECALLING the recommendation of the 23<sup>rd</sup> Assembly of Heads of State and Government of Africa and France in Bamako on 03 and 04 December 2005 inviting Member States to conclude agreements or conventions on border management, residence conditions and the granting of work permits;

RECALLING the commitments such as those announced in the plan of action adopted at the Africa-Europe Summit held in Cairo on 3 and 4 April 2000;

RECALLING the importance that State parties attach to existing agreements for example the Cotonou Agreement and Euro-Mediterranean Agreements. RECALLING also the importance that State parties attach to UN Conventions and other international instruments such as the UN Convention on the Rights of Migrant Workers and their families;

WELCOMING the African Common Position on Migration and Development adopted in Algiers, Algeria from 3-5 April 2006 to enable Africa to ensure that Africa's concerns are properly reflected at the Africa/Europe dialogue and other international fora as endorsed by Banjul AU Assembly of July 2006 ;

NOTING THE IMPORTANCE OF:

- The outcome of the UN General Assembly High Level Dialogue on Migration and Development;
- The outcome of the Euro-Africa Ministerial Conference on Migration and Development held in Rabat on 10-11 July 2006;
- The EU strategy for Africa adopted in 2005, and the shared commitment to work towards a joint EU-Africa Strategy for Africa;
- The shared commitment to convene the 2<sup>nd</sup> Europe -Africa Summit in Lisbon in 2007;
- The ongoing Euro-Mediterranean dialogue on Migration and the Ministerial Meeting to be organised in 2007

HEREBY:

Commit to a partnership between countries of origin, transit and destination to better manage migration in a comprehensive, holistic and balanced manner, in a spirit of shared responsibility and cooperation;

Agree that the partnership between the EU and Africa consists of a broad set of political commitments and concrete actions that are based on a common understanding of the opportunities and challenges that migration brings\_and that appropriate policy responses can best be found together;

And agree to start taking the following measures within the framework of our common efforts, and where in line with national and regional policies, to address, within the framework of partnership for development, the migration phenomenon and

the opportunities and challenges posed by it in the following key areas for cooperation:

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### 3. Peace and security

- Agreeing that conflict is a root cause of forced displacement, and that 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;
- Agreeing that large spontaneous and illegal or irregular migratory flows can have a significant impact on national and international stability and security, including by hindering states' abilities to exercise effective control over their borders, and creating tensions between origin, transit and destination countries in Africa and within local host communities;
- Strengthening cooperation in crisis management operations and supporting the building of Africa's capacities for conflict prevention, peaceful resolution of conflicts and post-conflict reconstruction, including through implementation of the AU Policy Framework on Post-Conflict Reconstruction and Development with special attention to the situation of women and children;
- Providing logistical support to the African Regional and Sub-Regional mechanisms for conflict prevention and consolidation of stability as well as ensuring the flow of funds in a predictable manner, in support of peace-keeping operations, and as a contribution to post-conflict reconstruction.

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### 5. Concern for human rights and the well-being of the individual

- Protecting the human rights of all migrants, particularly of women and children, including through implementation and non-discriminatory application of core human rights instruments;
- Promoting the dissemination of information regarding human rights, especially for women and children;
- Recognising the usefulness of measures to fight against racism and xenophobia and the need to ensure the respect of the dignity and the protection of the rights to which migrants are entitled under the applicable international law, especially the right to equal treatment based on the principle against discrimination;
- Deepening cooperation on issues of the reciprocal integration of legal migrants and recognising the role of national and local authorities in promoting integration activities and exchange of good practices;
- Incorporating into all policies and programmes on migration and development the increasing feminisation of migration and the vulnerability of female migrants and children to exploitation and abuse in the migration process and the need to reduce this vulnerability and safeguard their human rights;

- Creating measures to prevent abusive practices and to promote decent and productive work for migrants;
- Enhancing the role of civil society, especially in promoting integration and employment and preventing discrimination.

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#### 8. Illegal or irregular migration

- Extending support for building institutional capacity and developing projects in countries of origin and transit to combat illegal migration, migrant smuggling and trafficking in human beings;
- Enhancing efforts to criminalise trafficking and smuggling in national legislation, to combat criminal organisations and to punish the perpetrators involved in smuggling and trafficking of human beings, as well as to offer protection and rehabilitation to the victims of trafficking in particular by implementing the relevant protocols of the UN Convention on transnational organised crime;
- Implementing the Joint Africa-EU Action Plan to Combat Trafficking in Human Beings, Especially Women and Children;
- Encouraging cooperation in all domains in the fight against illegal or irregular migration, including reaching agreements on the issues of return and readmission of illegal migrants to their country of origin within the context of existing agreements, instruments and arrangements and bilateral and multi-lateral agreements;
- Cooperating to develop border control measures, including via cooperation between different national and regional bodies, training of border guards, recognition of the important role of the immigration liaison officers; and addressing the need for swift contacts between the EU and Africa in exceptional situations;
- Cooperating in carrying out information campaigns, directed in particular towards the local population and youths in regions with high migration potential, on the risks and dangers of illegal migration and exploitation by trafficking networks.

#### 9. Protection of refugees

- Ensuring effective protection for refugees and internally displaced persons, including via regional protection, implementation of relevant international and regional conventions relating to the status of refugees, and respect for the principle of non-refoulement;
- Creating favourable conditions for the voluntary return of refugees and displaced persons to their homes, including by investing in post-conflict stabilisation and reconstruction programmes, and taking into account intra-African flows;
- Ensuring those in mixed migratory flows in need of international protection are identified quickly, in co-operation with relevant international organisations;
- Ensuring due access to asylum processes, including special attention to the vulnerable groups, especially to women and unaccompanied minors.

*Full text:*

# **Ouagadougou Action Plan to Combat Trafficking in Human Beings, Especially Women and Children (2006)**

*Adopted by the European Union and African States on 22-23 November 2006, at Tripoli, Libya*

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The European Union and African States:

**Reaffirming** their commitments to, among others, the following relevant International and Regional legal instruments:

- The Universal Declaration of Human Rights (1948);
- UN Convention on the Elimination of all Forms of Discrimination against Women (1979);
- The Beijing Declaration and Platform of Action (1995);
- The UN convention on the Rights of the Child (1989);
- The UN Convention against Transnational Organised Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (2000);
- The Declaration of the World Summit for Children (1990);
- ILO Convention on worst form of child labour (1999);
- A World Fit for Children- UN General Assembly Special Session on Children (2002)

**Having due regard to:**

- The Constitutive Act of the African Union (2002);
- The African Charter on Human and Peoples Rights (1981) and its Protocol relating to the Rights of Women (2002)
- The African Charter on the Rights and Welfare of the Child (1990);
- The African Common Position on Children (Declaration and Plan of Action 2001);
- The African Common Position on Migration and Development (2006);

- The Treaty on the European Union (1992)
- The European Convention on Human Rights (1950)
- The Brussels Declaration on Preventing and Combating Trafficking in Human Beings (2002)
- The EU Council Framework Decision on combating trafficking in human beings (2002);
- The EU Plan of best practices, standards and procedures for combating and preventing trafficking in human beings (2005);
- The EU Strategy for Africa (2005);

**Recognising** that women and children occupy unique and privileged positions in the society and are entitled to all rights and require legal protection in conditions of freedom, dignity and security;

**Concerned** that the situation of women and children remain critical, in particular in Africa, due to the socio-economic situation and harmful cultural traditional practices;

**Also deeply Concerned** about the increasing phenomenon of sex tourism and other sexual exploitation and abuse of women and children;

**Conscious** that effective actions to prevent and combat trafficking in human beings, especially in women and children, require a comprehensive regional and international approach involving countries of origin, transit, and destination, that includes measures to prevent such trafficking, punish traffickers and to protect the victims of trafficking, including of their human rights;

**Convinced** that reinforcing the UN Convention against Transnational Organised Crime with a joint international Framework for Action between Europe and Africa for the prevention, suppression and punishment of trafficking in human beings, particularly women and children, would be useful in preventing and combating the crime;

**Determined** to deal, through effective cooperation, with aspects of the problem of trafficking in human beings, especially women and children;

**Have resolved** therefore to adopt the following Action Plan:

## **GENERAL PRINCIPLES**

- Trafficking in human beings, within and between states, is a scourge which states are determined to address.
- Measures to prevent and combat trafficking in human beings should be based on respect for human rights including protection of victims, and should not adversely



affect the rights of victims of trafficking. Special attention should be given to the United Nations Protocol to Prevent, Suppress and Punish trafficking in persons, especially women and children. The best interest of the child, including as recognised in existing international conventions, shall be considered paramount at all times.

- The empowerment of women and girls through national policies is an important part of combating trafficking. A gender perspective should be applied when adopting and implementing measures to prevent and combat trafficking in human beings.
- Poverty and vulnerability, an unbalanced distribution of wealth, unemployment, armed conflicts, poor law enforcement system, degraded environment, poor governance, societies under stress as well as non-inclusive societies, corruption, lack of education and human rights violations including discrimination, increased demand for sex trade and sex tourism are among the root causes of trafficking in human beings and must be addressed.

## **I. Prevention and Awareness Raising**

States should:

- Ensure education and training, including life-skills, awareness raising and counselling, as key preventive measures to combat trafficking in human beings.
- Endeavour to provide viable employment or other livelihood opportunities for youth in general and in particular for young women at risk, especially in regions prone to trafficking.
- Promote the empowerment of girls and women in their national policies.
- Adopt specific measures to promote the rights of the child and protect children from trafficking.
- Raise awareness about trafficking in human beings through engagement of the mass media and information campaigns.
- Promote training of those in key positions, in particular the police authorities in African countries, and capacity building to combat trafficking in human beings.
- Take measures to improve the registration of births and the provision of identity documents.
- Take measures to improve the economic and living conditions of families and extended families.
- Mobilise support of families, NGO:s, local communities, other members of civil society and businesses to combat trafficking in human beings and promote best

practices.

- Establish rehabilitation centres to assist victims of human trafficking, especially women and children and ensure their safety, protection and facilitate their recovery and social reintegration.
- Take measures to reduce the demand for services involving the exploitation of victims of trafficking in human beings.
- Take measures to eliminate harmful customs and traditional practices and to counter cultural stereotypes, which can lead to trafficking in human beings.
- Commission further research and information, including on the extent, forms and root causes of trafficking.
- Collect and exchange information on the means and methods used by the traffickers.

## **II. Victim Protection and Assistance**

States should:

- Base their policies, programmes and other measures for victim protection and assistance on international human rights instruments, including those relating to the rights of the child and of women, forced labour, child labour and trafficking in human beings.
- Identify victims of trafficking so as to provide them with appropriate assistance and protection, taking fully into account their special vulnerabilities, rights and needs.
- Find the most appropriate measures to ensure protection and assistance to victims of trafficking, especially for children and their families, taking into account, in particular, the rural and urban divide.
- Adopt appropriate measures for the protection of victims of trafficking and provide them with information on their legal and other rights in the country of destination as well as the country of origin in case of repatriation.
- Encourage victims of trafficking to testify in the investigation and prosecution of cases of trafficking in human beings, by giving due consideration to the safety and security of victims and witnesses at all stages of legal proceedings, in particular with regard to children.
- Adopt specific measures to avoid criminalisation of victims of trafficking, as well as stigmatisation and the risk of re-victimisation.
- Endeavour to provide victims of trafficking with short- and long-term,

appropriate, psychological medical and social assistance in order to promote their full recovery.

- Consider adopting legislative or other appropriate measures that permit victims of trafficking to remain in their territory, temporarily or permanently, and give appropriate consideration to humanitarian and compassionate factors.
- Take special measures to address the plight of children-headed households, especially girls.
- Promote an HIV/AIDS sensitive approach and protect the dignity and human rights of victims of HIV/AIDS, taking the special needs of children into account.

### **III. Legislative Framework, Policy Development and Law Enforcement**

#### ***Legislative Framework***

States should:

- Sign, ratify and fully implement the UN Convention against Transnational Organised Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the Convention, as well as other relevant regional and international legal instruments
- Adopt and review, as appropriate, legislation, policies and programmes to implement the above mentioned Convention and Protocol and other relevant regional and international legal instruments.
- Take measures to combat criminal organisations involved in trafficking in human beings.
- Ensure the effective prosecution of those suspected of involvement in trafficking in human beings, and deterrent penalties for those found guilty of trafficking.
- Introduce, where it does not exist, a comprehensive legislative and institutional framework that cover all aspects of trafficking in human beings in line with the UN Convention against Transnational Organised Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children.
- Amend or adopt national legislation in accordance with regional and international legal instruments so that the crime of trafficking is precisely defined in national law and ensure that all practices covered by the definition of trafficking are also criminalised.
- Consider legislation to provide for administrative, civil or criminal liability of legal persons or their representatives for trafficking offences in addition to the liability of natural persons.
- Make legislative provisions for confiscation of instruments and proceeds of

trafficking and related offences.

- Consider legal measures which would provide victims of trafficking the possibility of obtaining compensation for damage suffered.
- Adopt legal provisions to severely punish traffickers/offenders and for the protection of victims of trafficking.
- Adopt policies for the protection and support of victims of trafficking and protection from harm by traffickers, criminal networks and pimps.
- Ensure that their laws and administrative practices provide information to victims about the status of relevant criminal and other legal proceedings, and that the status of these proceedings are considered prior to any repatriation of the victim.
- Encourage victims of trafficking to testify in the investigation and prosecution of cases of trafficking in persons by giving due consideration to the safety and security of victims and witnesses at all stages of legal proceedings, in particular with regard to children.
- Adopt legislation to prevent recruitment and use of children in armed conflicts, demobilise all combatants aged below eighteen; and develop programmes for their rehabilitation and social reintegration.

### ***Policy development***

States should:

- Initiate or expand efforts to gather and analyse data on trafficking in human beings, including on the means and methods used, on the situation, magnitude, nature, and economics of trafficking in human beings, particularly of women and children. Systematic research and effective methodologies for such data collection and exchange of information should be advanced.
- Consider developing a National Action Plan which, in a comprehensive manner, outlines all necessary measures to combat trafficking in human beings.
- Consider establishing a multi-disciplinary National Task Force on trafficking in human beings, to formulate and implement National Action Plans. The National Task Force should bring together relevant ministries and agencies to formulate policy and take action against trafficking, and in this regard involve Inter-Governmental Organisations, Non-Governmental Organisations, and other representatives of civil society, as appropriate.
- The National Task Forces could also monitor and report through their respective governments to the appropriate regional and international bodies on the progress of the implementation of the National Action Plans.
- Include trafficking in human beings in the poverty reduction strategies at national

level and allocate the necessary budget for combating this crime.

### ***Law Enforcement***

States should:

- Consider creating special units, within existing law enforcement structures, with a specific mandate to develop and effectively target operational activities to combat trafficking in human beings, as well as establishing special national focal points.
- Consider establishing direct channels of communication between their competent authorities, agencies and services, including special units and focal points. They should further, where appropriate, establish joint border patrols trained in the prevention of trafficking in human beings and strengthen existing ones.
- Consider the establishment of joint investigation units and enact laws for the extradition of the traffickers /offenders.
- Provide and strengthen training for law enforcement personnel, customs and immigration officials, prosecutors and judges, and other relevant officials, on the prevention of trafficking in human beings. The training should focus on the methods used in preventing such trafficking, prosecuting the traffickers, and protecting the rights of victims, including protecting the victims from the traffickers. This training should encourage co-operation with non-governmental organisations and other elements of civil society.

### **IV. Co-operation and co-ordination**

States should:

- Enhance multi-disciplinary co-ordination and co-operation at the national and regional level with a view to ensure an integrated approach to victims of trafficking, taking into account the specific needs of adult and children victims.
- Enhance and exchange documentation of experiences and lessons learned regarding recovery, repatriation and reintegration, in order to develop and provide appropriate short- and long-term assistance to the victims of trafficking.
- Enhance bilateral and multilateral co-operation between European and African countries, countries of origin, countries of transit and countries of destination, regarding identification, assistance, protection, repatriation and reintegration of victims.
- Develop and facilitate co-operation between governments, inter-governmental, international and non-governmental organisations and relevant actors of civil society in order to strengthen the overall capacity to assist the victims, including by educational measures and/or work opportunities for the empowerment of victims.

- Consider the creation of focal points at national and regional levels to collect, analyse and distribute information on trafficking in human beings, and to co-ordinate efforts to prevent trafficking.
  - Encourage co-operation at bilateral, regional and sub-regional levels on all aspects of trafficking in human beings, including prevention, investigation, prosecution and protection of and assistance to victims, fully reflecting the important role of inter-governmental organisations, NGO:s and other members of civil society.
  - Encourage development of Regional Action Plans to combat trafficking, taking into account the need for international, regional and bilateral co-operation, in addressing the transnational dimensions of trafficking in human beings. Regional and sub-regional organisations may consider establishing a specialised unit for the co-ordination of the efforts to combat trafficking in human beings.
  - Develop collaborative efforts between governments, international, inter-governmental and non-governmental organisations to mobilise resources to combat trafficking in human beings.
  - Establish a mechanism at regional levels, in collaboration with governments, international, inter-governmental and non-governmental organisations and the civil society to follow- up on implementation of the Action Plan.
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*Selected Provisions:*

# **African Union (AU) Common Position on Migration and Development (2006)**

*Adopted by the AU Executive Council at the Ninth Ordinary Session on 25-29 June 2006 in the Gambia (EX.CL/277 (IX))*

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## **INTRODUCTORY NOTE**

The Executive Council Decision (EX.CL/Dec.264 on Migration and Development (VIII)) adopted during the January 2006 Khartoum Summit mandated the Commission of the African Union to convene an Experts' Meeting on Migration and Development in Algiers, Algeria at the kind invitation of the Government of Algeria. The meeting took place as scheduled from April 3-5, 2006.

Over 42 countries attended the meeting and the discussions were lively and exciting. A number of Regional, International and Non-Governmental Organizations and Institutions were also represented. These included: ILO, IOM, ALO, UN/AIDS, UNDP, UNICEF, ICMPO, ARLAC, OATUU, Vatican, ICRC, Pan-African Youth Organization, and FAO. In addition the following organizations working in the field of migration in the Diaspora attended the meeting: African Federation of Women Entrepreneurs (AFWE), The Foundation for Democracy in Africa, and African Foundation for Development (AFFORD).

At the end of the meeting the delegates adopted a Draft African Common Position on Migration and Development which covers a number of areas including Migration and Development, Human Resources and the Brain Drain, Remittances, Trade, Migration and Peace, Security and Stability, Migration and Human Rights, Gender, Regional Initiatives and Access to Social Services but to mention a few.

The Draft African Common Position on Migration and Development also contains a set of recommendation at National, Continental and International level which are aimed at addressing migration and development issues. The delegates also adopted a Report of the Experts Meeting, which among other things, mandated the African Troika to address the issue of migration and development with the European Troika during their meeting in Vienna, Austria on May 8, 2006. The African Common Position on Migration and Development has since been endorsed by the Executive Council through the Executive Council Decision (EX.CL/Dec.305 (IX)) adopted at the Banjul Summit in July 2006.

## **1. INTRODUCTION**

Africa is experiencing an important development in migratory flows. These movements occur essentially within the Continent. They are also occurring towards Europe, North America and some Middle East countries and could be voluntary (as a result of pull factors in destination countries) or involuntary/forced (due to push

factors in countries of origin). These movements could be legal or undocumented and encompass all social categories, including refugees, internally displaced persons, nomads migrating in search of pasturelands, young and women setting off from the country side in search of job opportunities in the city, employment seekers, and, increasingly, qualified persons, women and children under the age of 18.

Migratory flows are occurring, however, in an African context still marked by the inadequacy of institutional capacities of some African countries to address the problems individually and collectively.

Of the 150 million migrants in the world, more than 50 million are estimated to be Africans. 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 recent years, migration has been making its way steadily towards the top of the continental and international affairs agenda and now calls for the urgent attention of governments, whatever the nature of their involvement or interest in the management of migratory processes. There is a need for a comprehensive and balanced approach to migration taking into account migration realities and trends as well as linkages between migration and other key economic, social, political and humanitarian issues.

Another contemporary aspect of migration in Africa is the growing number of women who have also started to migrate in search for greater employment/economic opportunities.

The root causes of migration are numerous and complex. The push-pull framework gives insight into the different forces at work to explain migration. In Africa, poor socio-economic conditions, such as low wages, high levels of unemployment, rural underdevelopment, poverty and lack of opportunity fuel out-migration. These factors are usually brought about by a mismatch between the rapid population growth and the available resources, low level of requisite technology to exploit the available natural resources and capacity to create employment and jobs at the countries of origin.

In addition, various political and social factors induce migration. Among these, are poor governance, nepotism and corruption, human rights violations, political instability, environmental factors, conflict and civil strife, the real or perceived opportunity for a better life, high income, greater security, better quality of education and health care at the destinations influence decision to migrate. Lower costs of migration, improved communication, greater information availability and the need to join relatives, families and friends are among the factors, which amplify push-pull factors.

Whereas well-managed migration may have a substantial positive impact for the development of countries of origin and yield significant benefits to destinations States, mismanaged or unmanaged migration can have serious negative consequences for States' and migrants' welfare, including potential destabilizing effect on national and regional security.



In response to the challenge posed by migration, the Eighth Ordinary Session of the Executive Council of the African Union in KHARTOUM from 16 to 21 January 2006 adopted the decision EX.CL/DEC.264 (VIII). In this context, Council decided to convene an experts meeting on migration and development in Algiers, Algeria at the invitation of the Algerian government in order to prepare a common African position.

## **2. PREAMBLE**

### **MINISTERS RESPONSIBLE FOR MIGRATION FROM MEMBER STATES OF THE AFRICAN UNION**

**RECOGNISING** the uneven impact of globalization on international migration and Africa's role in migration management and development;

**ACKNOWLEDGING** that migratory movements occur essentially within the continent and also towards developed countries and that every country has become either a country of origin, transit or destination or a combination of the three;

**AWARE** that conflicts, poverty, poor governance, under development, lack of opportunities, environmental factors are some of the underlying causes of migration and that to effectively manage migration, the root causes of migration should be addressed;

**RECOGNISING** that illegal or irregular migration is currently taking serious dimensions and alarming proportions that threatens peace, stability and security and must be adequately addressed through a comprehensive approach on to effective border management and within the context of strict observance of human rights and human dignity;

**CONCERNED** that the emphasis on addressing illegal or irregular migration has been only on security considerations rather than on broader development frameworks and on mainstreaming migration in development strategies;

**RECOGNISING** that the selective migration approaches adopted by developed countries including developed countries which targets African expertise constitutes an additional threat to African economies;

**CONCERNED** about the loss of heavy investments made by African Governments in training and human resource development in priority sectors and the negative impact of the brain drain on these sectors;

**BEARING IN MIND** that pro-poor economic growth through productive investments, trade, employment and effective social and economic policies can help reduce migration;

**RECALLING** the necessity to maintain skilled workers in the continent in order to contribute to the attainment of the Millennium Development Goals (MDGs);

**CONSCIOUS** of the huge economic developmental potential which exists on the continent particularly in the agricultural, industrial and service sectors;

**UNDERSCORING** the importance of various African development blueprints such as AU's NEPAD programme which contributes to the solution of many of the root causes of migration, in promoting socio-economic and political development (human resource development including reversing the brain drain), and the Ouagadougou Extra-ordinary Summit Declaration and Plan of Action on Employment and Poverty Alleviation;

**RECALLING** commitments made by development partners towards Africa's development in general and towards Africa's capacity to better manage migration for development in particular;

**UNDERSCORING** that African inter-state cooperation and dialogue can strengthen the capacity of States in migration management including the development of common approaches towards harmonization of policies, laws and strategies on migration;

**RECALLING** the decision of 1<sup>st</sup> Ordinary Session of the AU Executive Council held in July 2002 in Durban, South Africa that called for the involvement of the African Diaspora in the programmes of the Union and **FURTHER RECALLING** the July 2003 Maputo Summit decision which amended the Constitutive Act to provide for the participation of the African Diaspora in the building of the AU;

**RECALLING** the AU Summit of Heads of State and Government in Khartoum, Sudan from 23-24 January 2006 expressed its concern over the magnitude and impact of migration on development and over the growing number of migrants in Africa and beyond, and the brain drain syndrome, particularly towards the developed countries; and requested for the preparation of a common African position on Migration and Development;

**DESIROUS** of adopting this African Common Position on Migration and Development to enable Africa to ensure that its concerns are properly reflected at the Africa/Europe dialogue and other international fora;

**WELCOMES** the Libyan Arab Jamahiriya for offering to host the Africa-EU Ministerial Conference on Migration in Tripoli;

**CONSIDERING** that migration is a factor of integration and development and **NOTING** the recommendation of the 23<sup>rd</sup> Assembly of Heads of State and Government of Africa and France in Bamako on 03 and 04 December 2005 inviting Member States to conclude agreements or conventions on border management, residence conditions and the granting of work permits;

**FURTHER RECALLING** the decision of the UN General Assembly to hold a High level Dialogue on migration and development during its regular session in 2006.

**HAVE AGREED AS FOLLOWS:**

### **3. PRIORITY POLICY ISSUES**

### **3.1 Migration and Development**

Migration can be an effective tool for development by enhancing income distribution, promoting productive work for growth in Africa, enhancing women empowerment and gender equality, combating HIV/AIDS, Malaria and Tuberculosis amongst migrant population and improving partnership amongst the developed and African countries and other stakeholders. However, poverty is one of the main causes of migration. Creating development opportunities in countries of origin would mitigate the main reasons for young people to engage in migration, thereby also dealing with the problem of brain drain.

### **3.2 Human resource and the brain drain**

This issue is of great concern to African countries since essential skills for development in the region have been lost worsening the already inadequate capacity to meet development challenges. Many parts of the African continent are currently affected by a shortage of qualified human resources, created in part by the large-scale departure of professionals and university graduates. Thousands of African professionals including medical doctors, nurses, accountants, engineers, managers and teachers leave their home country each year to pursue better prospects in other countries – both on and off the continent. While this movement may have some limited beneficial effects in certain locales, in developing countries this “brain drain” is a handicap for sustainable development.

### **3.3 Labour migration**

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.

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.

### **3.4 Remittances**

Remittances are one of the developmental effects of migration; and such effects are felt most distinctly at the individual or household level but also at the community or national levels. However, remittances are privately earned transfers and should not be confused with official development aid.

Today, it is widely acknowledged that remittances play a significant financial role in developing nations as they form part of income from services and contribute to the country's balance of payments. Official flows from developed and developing countries combined reach nearly \$100 billion annually and the actual figure (that is, including flows not channelled through formal financial systems) may be as high as twice that amount. Remittances are therefore more sizeable than foreign aid.

However, there are difficulties encountered particularly with respect to the high cost of effecting remittances.

### **3.5 African Diaspora**

Strengthening and enhancing the involvement of the African Diaspora in the development process is a key aspect in fostering the migration-development nexus and has been identified in NEPAD as a sectoral priority within its Human Resource Development Initiative. Intervention on human resources development for priority sectors is a long-term challenge to most African countries.

Furthermore, the 2004-2007 Plan of Action of the African Union adopted by the Executive Council at its 4th Ordinary Session places the Diaspora at the centre of the priorities of the African Union and provides for a special programme titled "Citizens of Africa" with the following objectives:

- Establishment of a Diaspora expert database;
- Systematic inclusion of Diaspora expertise in AU programmes;
- Full involvement of the Diaspora in the Economic and Social Council of the African Union (ECOSOCC).

### **3.6 Migration and Peace, Security and Stability**

Large spontaneous and unregulated migrant 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, transit and destination countries and within local host communities. Recent international terrorist activity, and the illicit circulation of small arms and light weapons amongst other factors, have turned the focus on individual migrants and the potential for public order to be compromised 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.

Conflict is a root cause of forced displacement. Displacement caused by conflict has destabilizing 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.

Conflicts prevention and resolution as well as good governance contribute to addressing the root causes of migration.

### **3.7 Migration and Human Rights**

Ensuring the effective protection of economic, social and cultural rights of migrants, including the right to development, 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 in both transit and destination countries.

Safeguarding the human rights of migrants implies the effective application of norms enshrined in human rights instruments as well as the ratification and enforcement of instruments specifically relevant to the treatment of migrants.

Management of illegal or irregular migration should not jeopardize the human rights of refugees and the principle of non-discrimination should be adhered to. The fight against illegal or irregular migration must be waged within the context of strict observance of human rights and human dignity, of regional and international cooperation and shared responsibility among the countries of origin, transit and destination. This can be achieved, through among others, working together to secure the dignified return of their bona fide nationals who no longer have the right to remain or enter the territory of the other party (returnees) and whose in-country legal appeal rights have been exhausted.

### **3.8 Migration and Gender**

The increasing number of migrant women is an important emerging trend in today's migration landscape. Many women are now moving independently of spouses or partners. It is estimated that women account for almost half of all international migrants. The increasing feminization of migration is a reflection of the 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. It is therefore important to give particular attention to safeguarding the rights (labour, human rights, *inter alia*) of migrant women in the context of migration management.

### **3.9 Children and Youth**

The changing age composition of migrant flows is reflected in the increasing number of children, adolescent and youth who are 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, adolescent and youth in terms of providing adequate health care, education, shelter and protection from rights violations, involvement in armed conflicts present special challenges to States. In many parts of the world, including certain regions in Africa, child trafficking is a critical challenge that must be addressed from different angles including 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 accomplices. Children born migrants should receive special attention.

### **3.10 Elderly**

The stereotype that older people are immobile no longer holds true. People migrate at old age for different reasons. Though non-economic factors dominate elderly migration, economic factors could also prompt elderly migration like their non-elderly counterparts. The determinants and consequences of elderly migration need to be understood properly in order to cater for their needs and aspirations. Generally, older people are negatively affected by their uprooting from their environment. As a result their physical, health, and economic well being are compromised.

### **3.11 Regional Initiatives**

There is need to ensure coordination in the development of common regional policies for the management of migration within the RECs taking into account national and regional specificities and facilitate ownership of migration processes by African countries through the promotion of capacity building initiatives at national, regional and continental level. A concerted effort that should sustain regional programmes and assistance that would enable transit/destination countries cope with the problem of migration management should be developed.

Bilateral and multilateral efforts aimed 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 illegal and irregular movements. The need for all parties to work together for the success of the new understanding contained in the common position is also emphasized.

## **4. OTHER CROSSCUTTING ISSUES**

### **4.1 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.

## **4.2 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 urbanization 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.

## **4.3 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 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 Organization (WTO), the issue of the movement of persons for trade in services is becoming a subject of increasing relevance within international trade agreements.

The growth of the services sector should be given priority and promoted as one of the key strategic areas for inclusion in national and regional programmes for poverty eradication and generally for social economic development. To ensure sustainable growth of the services sector, capacity building in key sectors is required as well as market information and facilitation of utilisation of market access opportunities.

A major obstacle is access to market of developed countries by Africa's service providers. The access should be facilitated and made easier.

Measures to address the related issues of trade distorting agricultural subsidies of certain developed countries as well as the issue of market access for the products of developing countries, should form part of strategies to deal with the push factors of migration.

Aid is a topical issue that has not been adequately addressed or resolved between the developed and the developing countries. Commitments made by the former to increase aid flow to developing countries to 0.7% of GNP has not been honoured. What has come in falls far short of the minimum amounts required for achieving the MDGs.

If all countries had honoured the target over the last 30 years, an additional US\$ 2.5 trillion would have been channeled into developing countries for development programmes.

## **4.4 Access to social services**

Immigrants experience greater difficulties than other social groups in accessing services and hence in exercising their rights. The reasons for this are numerous including cultural problems “on both sides of the barrier” as well as discriminatory policies and practices in host countries. Often immigrants are unaware of their rights or are afraid to claim them; they do not understand the local language or are unfamiliar with the ins and outs of social services. Particularly in countries experiencing recent migratory waves, the social services are often not in a position – and sometimes are not willing – to reach out to immigrants, who much too often are not considered citizens with full rights. It is therefore necessary to improve information on the services available as well as on how to access them.

## **5. RECOMMENDATIONS FOR ACTION**

To ensure that the challenges posed by the issue of migration to African and developed countries are effectively addressed, it is necessary to establish a common strategy for the management of migration which associates countries of origin, transit and destination, in order to find balanced solutions that take into account the interests of the countries concerned.

It would be indeed illusory to try to treat the problems of migration by recourse only to security measures; hence the need for a comprehensive, integrated, concerted and balanced solution, whose objectives, policies and measures will be long-lasting.

This approach should involve the treatment of problems of the movement of persons (legal, illegal and irregular migration), the protection of the rights of communities that are legally established, as well as the linkage between migration and development.

It should also be based on actions to be taken at national, continental and international levels.

### **5.1 At national level:**

- (a) invite African States which have not yet done so, to adhere to the African Peer Review Mechanism as proof of their willingness to significantly promote good governance, especially by the active involvement of all segments of the society in the management of public affairs;
- (b) adopt a policy on migration;
- (c) carry out preventive awareness and sensitization campaigns, on all aspects of migration;
- (d) collect all relevant information on the extent of the migration problem;
- (e) strengthen the mechanisms to combat smuggling and trafficking in human beings including the elaboration of legal instruments;
- (f) improve border management and control;



- (g) effective implementation of the Ouagadougou Plan of Action on Employment and Poverty Alleviation and the MDGs and mainstream migration in development plans;
- (h) improve conditions for youth employment as well as by paying greater attention to cultural and sporting activities as well as associations;
- (i) strengthen national educational institutions and adapt them to the needs of respective African countries ;
- (j) create a favourable climate to facilitate and encourage the return or at least significant participation of African migrants in development including their contributing to some strategic sectors in their respective countries;
- (k) create mechanisms for the strengthening of links between the countries of origin and African communities in the Diaspora;
- (l) improve inter-sectoral or inter-ministerial coordination and dialogue on migration by establishing a central body to manage migration;
- (m) create data banks on the nature, scope and techniques of illegal migration;
- (n) develop mechanisms, services and effective financial products to facilitate the transfer of the funds of emigrants and reduce the costs of these transfers;
- (o) establish a data bank on the scope of the brain drain phenomenon and qualified human resources;
- (p) work towards the elaboration and implementation of policies that facilitate the Diaspora participation in the development of African countries.

## **5.2 At continental level:**

- a) continue to concentrate efforts, especially through the AU Peace and Security Council, on conflict prevention, management and on the search for lasting solutions to armed conflicts on the continent and to mobilize effective support of the international community for these efforts;
- b) finalize the Strategic Framework for Migration Policies to provide guidelines on the effective management of migration;
- c) introduce due process measures including legal frameworks to fight illegal migration and punish those guilty of smuggling or trafficking;

- d) encourage the conclusion of cooperation agreements by African States to manage migrations by developing bilateral and regional legal instruments;
- e) improve the management of migration flows by finding a balance between effective security for legal immigrants, freedom of the legal movement of persons and the humanitarian obligation towards those who need protection;
- f) establish appropriate mechanisms that would bring together national focal points in charge of migration for regular information exchange that would enrich the development of a common vision based on partnership, solidarity and friendship;
- g) promote the adherence of States to Regional and International instruments protecting migrants and encourage cooperation between security services, especially for more effective border controls;
- h) encourage inputs from the Diaspora for the development of their countries of origin, in the form of trade and investment activities, transfer of funds, competencies, technologies and by permanent or temporary participation in development projects;
- i) urge AU MS to ensure their appropriate representation and participation at the UNGASS on migration in September 2006;
- j) explore the possibility of coordinating studies and research on migration and development by existing institutions with a view to placing at the disposal of States, sub-regional organizations and other users, current and reliable information on migration.

### **5.3 At international level:**

- a) implementation, by the European Union, of commitments such as those announced in the plan of action adopted at the Africa-Europe Summit held in Cairo on 3 and 4 April 2000, namely:
  - support, as need be, African countries to ensure intra-African freedom of movement of manpower and migratory flows in the spirit of the Abuja Treaty;
  - cooperate in addressing the fundamental causes of migration and asylum seeking in countries of origin, transit and destination;
  - deepen cooperation in issues of the reciprocal integration of migrants and the protection of their rights;
  - recognize the usefulness of the measures to fight against racism and xenophobia and the need to ensure the respect of the

dignity and the protection of the rights to which migrants are entitled under the applicable international law, especially the right to equal treatment based on the principle against discrimination;

- b) the collective effort to address the fundamental causes of this phenomenon, which are the disparity in development, conflicts and political instability;
- c) the strengthening of African Union efforts in peacekeeping operations and the peaceful resolution of conflicts, and especially in post-conflict stabilisation and reconstruction programmes;
- d) take all necessary measures to implement Africa's development programmes such as those proposed by NEPAD;
- e) strengthen educational systems and adapt them to the needs of each African country ; improve the working conditions of researchers (and other teachers) and encourage the use of local consultants for different development projects;
- f) enable Africans in the diaspora, especially those in highly technical fields and high demand, to carry out some of their professional activities in their home countries as well in the entire continent without necessarily needing to give up their employment abroad;
- g) the easing of the movement of persons through more flexible visa procedures; in order to reduce illegal and irregular migration, and thereby also the role of syndicates dealing in the trafficking of human beings;
- h) ratification and implementation of international instruments such as the United Nations Convention on the Protection of the rights of migrant workers and their family members (1990) and all other relevant instruments;
- i) the reduction, by developed countries, of the costs of transferring the funds of migrants;
- j) the encouragement of the movement of skilled African labour between the host countries and the countries of origin by providing support for the creation of centres of excellence in Africa;
- k) the allocation of employment quota which should be channeled through governments;
- l) create an environment conducive to circular migration (brain circulation);

- m) attention should be paid to (a) relaxing entry requirements for service providers, ensuring non-discriminatory treatment in the terms and conditions of service, as well as elimination of the economic needs tests in recruitment, and (b) to recognition of academic and professional qualifications obtained and awarded in Africa's training institutions. In this regard, appropriate legally binding regimes are required at bilateral levels and in the framework of AU-EU relations;
- n) elaborate a framework for social and economic offsets from host countries to mitigate the effects of large scale departures of highly skilled African professionals in critical sectors;
- o) Encourage and promote FDI in order to generate employment and reduce migration outflow;
- p) promote equal treatment and assistance in the creation and registration of associations by migrant communities in host countries;
- q) implementation of the commitments made by developed countries to allocate 0.7% of the GNP to Official Development Aid;
- r) implement the commitments made by the developed countries particularly the European Union to support the development efforts of countries of origin or transit and to contribute to the achievement of the Millennium Development Goals (MDGs);
- s) support joint research on migration and development;
- t) support institutional capacity building in African countries on the management of migration;
- u) the identification by the African Union--European Union Troika, of a mechanism to carry out these actions, and also explore ways of taking up the
- v) same with other partners.

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*Selected Provisions:*

# **African Union (AU) Migration Policy Framework for Africa (2006)**

*Adopted by the AU Executive Council at the Ninth Ordinary Session on 25-29 June 2006 in the Gambia*

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## **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 organized 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 to be 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 STRATEGIES:**

- Strengthen national policy, structures and laws to establish co-coordinated and integrated approaches at national level through, among others, incorporating the United Nations Convention Against Trans-national 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 considerations to encourage more legal channels and orderly migration, dismantle international organized criminal syndicates, prosecute smugglers and others involved in such activities while, at the same time providing humane treatment for migrants.

- Encourage regional consultative processes and dialogue on irregular migration to promote greater policy coherence at the national, Sub-regional and regional levels.
- Reinforce and encourage joint cross-border patrols between neighboring States.
- Adopt comprehensive information collation systems on smuggling to facilitate the tracking and dissemination of information on the trends, patterns and changing nature of smuggling routes as well as 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 child victims of trafficking. An effective three-point strategy that reduces trafficking includes i) prevention through revising and strengthening legislation; ii) focusing training, capacity building and developing information campaigns for vulnerable groups; iii) providing material and legal protection for victims of trafficking including return and reintegration, as well as, the prosecution of traffickers and their accomplices. Studies and reports confirm that the organized criminal groups responsible for drug trafficking are also involved in human trafficking consequently, addressing the root causes of trafficking generally necessitates the implementation of national policies that improve economic and social conditions in States of origin.

#### **RECOMMENDED STRATEGIES:**

- Reinforce national policy, structures and laws in order to establish a co-ordinated and integrated approach at national level by incorporating the United Nations Convention Against Trans-national 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 Labor, and integrating relevant provisions into national legislation.
- Member States are encouraged to adopt those instruments that sanction the trafficking in narcotic drugs and psychotropic substances as addressed in (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
- The development of common regional countermeasures, based on a spirit of solidarity among States and with a focus on the human rights of trafficked victims, including harmonization of immigration laws; strengthened and modernized border

management; co-operation and co-ordination between concerned ministries, particularly State security agencies; greater efforts to dismantle international organized criminal syndicates; signing of bilateral and multilateral agreements; and prosecuting traffickers and others involved in such activities.

- Reinforcement of information gathering systems relating to trafficking to facilitate dissemination of 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.
- Increasing of awareness on the dangers inherent in irregular migration from State of origin to receiving State thereby allowing the citizens to make informed choices.
- Pursue and develop preventive action through intensive information campaigns and other educational and informational efforts in both the country of origin and the receiving country;
- Member States are urged to condemn in very strong terms sexual tourism and prostitution in receiving States in order to discourage trafficking in women and children as well as pedophiles in source States.
- Extend adequate protection and assistance to victims of trafficking, including establishing reception centers, return and reintegration assistance such as settling grants, skills training and employment counseling as well as access to health care and psycho-social counseling, including voluntary testing and counseling 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 Re-Admission**

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 States of return and those of re-admission. The process of effective and sustainable return and re-admission of irregular migrants requires co-operation and mutual understanding between States of origin and destination. Enhanced dialogue between States, particularly in the context of North-South relations, is critical in implementing effective, safe, humane policies and, mechanisms for return and readmission.

**RECOMMENDED STRATEGIES:**

- Create standards and procedures, based on law and policy, for the return, re-admission and re-integration of excludable migrants in line with relevant International legal instruments. (i) each Member State of the European Union shall accept the return of and re-admission 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 Union, at that Member State's request and without further formalities. The Member States will provide their nationals with appropriate identity documents for such purposes.
- States should acknowledge a duty and responsibility in preventing their citizens from irregularly migrating to other states via the establishment of inter-State and intra-regional procedures, based on law and policy for the return, re-admission and re-integration of excludable migrants.
- 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 re-admission Committees 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 States' of origin and destination, as well as, 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 STRATEGIES:**

- Strengthen national and inter-state efforts to prevent persons from moving across boundaries for illegal purposes.



- 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 STRATEGIES:**

- States are encouraged to adopt and incorporate into national policies the 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, 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 individualized refugee status determinations, including 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, and 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 devise 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, 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 counseling 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 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 and private institutions such as banks, employer organizations, housing / estate agencies and other institutions that require identification..
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- 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 sensitization programmes for refugees on the need to respect and abide by the laws in the asylum countries;
- Most important: At highest levels, assembly of Heads of States and 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.
- African refugees should be given equal treatment with others from other parts of the world in line with International Standard as it applies to Refugees all over the world.

#### **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 outnumbers 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. 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 STRATEGIES:**

- States are encouraged to incorporate into national legislative and policy frameworks, measures pertaining to the protection of civilians in armed conflicts as defined in the 4 Geneva Conventions of 1949 their 2 Additional Protocols of 1977 and, the tenets of the UN Guiding Principles on Internal Displacement into national legislative and policy frameworks.
- Enable relief consignments of a humanitarian and impartial nature to reach civilian populations in need, and safeguarding the security of aid agency personnel.

- Promote collaboration with the IDP Unit of the UN Office for the Coordination of Humanitarian Affairs and the UN Secretary General's Special Representative on Internally Displaced Persons.
- Call upon the international community to increase the assistance of humanitarian agencies to enable governments in fulfilling their obligations towards the internally displaced, and ensure access to highly insecure areas where humanitarian assistance is inhibited, for example by means of humanitarian corridors.
- Urge the participation of all AU Member States in the formulation of an effective, strategic policy for the management of internally displaced persons.

### **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 emphasized 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 STRATEGIES:**

- 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 destabilizing 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 STRATEGIES:**

- Strengthen diplomatic initiatives to defuse volatile situations before they lead to conflict, 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.
- Call upon the AU, Regional and Sub-regional Economic Community Member States' national security mechanisms to strengthen conflict prevention, management and resolution capacity for promoting peace, security and stability throughout Africa, and the implementation of the AU Lusaka Decision (2001) for an integrated policy on migration.
- Introduce post conflict recovery measures in terms of improving economic conditions, rebuilding infrastructure and reversing the environmental impact of conflict.
- Adopt early warning mechanisms for conflict in order to better manage migration movements and to ensure national and regional stability.
- Enhance the demobilization, rehabilitation and reintegration of ex-combatants, inter alia, by establishing information system, counseling and referral services.

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*Full text:*

## **League of Arab States: Arab Declaration on International Migration (2006)**

### **Activating the Role of Migration in National Development and Arab Regional Integration**

*Adopted by representatives and experts of Arab States, meeting at the General Secretariat of the League of Arab States on July 17 – 18, 2006*

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*We, the representatives and experts of Arab States, meeting at the General Secretariat of the League of Arab States on July 17 – 18, 2006, for deliberation and guidance to the adoption of this draft declaration, recalling and reconfirming commitment to the resolutions approved by Arab leaders and Arab specialized organizations concerned with migration issues, including*

- the Agreement on Arab Economic Unity issued by the Arab Economic Council, June 1957;
- the Arab Economic Council Resolution No. 77 (March 1965) on the Freedom of Movement, Residence and Labor, as stipulated in the Agreement on Arab Economic Unity;
- the Arab Economic Council Resolution No. 784 (1978) on the Freedom of Movement of Technical Manpower among Arab States;
- the Declaration of Principles on the Movement of Arab Manpower among Arab States;
- both Arab Agreements issued by the Arab Labor Organization Nos. 1 (1966) and 4 (1975) on the Movement of Arab Manpower; the Arab Agreement No. 14 (1981) on the Arab Worker's Right to Social Insurance when Moving for Employment in an Arab Country; and
- the Arab Agreements Nos. 3 (1971) on the Minimum Level of Social Insurance, 8 (1977) relating to Trade Union Freedoms and Rights, 9 (1977) on Vocational Guidance and Training and 15 (1983) on Wage Determination and Protection;
- the 2004 Arab Charter on Human Rights, the 2001 Cairo Declaration on Childhood, the 1994 Arab Declaration on Family Rights and the 1993 Arab Charter on Child Rights;
- the Declaration of Principles on Facilitating the Movement of Arab Manpower (February 2005);

*And referring to the relevant applicable international conventions, particularly:*

- conventions issued by the International Labor Organization, particularly Convention No. 97 of 1949; Convention No. 143 of 1975 as well as the recommendations issued by the same Organization, particularly Nos. 86 on Migration for Employment and 151 on Migrant Workers and The United Nations Secretary-General Report of May 2006 on International Migration;
- international legal instruments, particularly International Convention on the Protection of the Rights of all Migrant Workers and their Family Members, which came into force in July 2003;

- the conventions and recommendations relating to human rights in general and relevant to migrant workers' rights, particularly the 1948 Universal Declaration on Human Rights, the 1965 International Convention on the Elimination of all Forms of Racial Discrimination, the 1966 International Covenant on Economic, Social and Cultural Rights, the 1966 International Covenant on Civil and Political Rights, the 1979 Convention on the Elimination of all Forms of Discrimination against Woman, the 1984 International Convention Against Torture and other Forms of Cruel, Inhuman and Degrading Treatment or Punishment, the 1989 International Convention of Child Rights, the Protocol on the Prevention, Suppression and Punishment for the Trafficking of Persons, particularly Women and Children (Trafficking Protocol), the 2000 Protocol against the Trafficking of Immigrants by Land, Sea and Air (Trafficking Protocol), and both Protocols attached to the Convention on the Elimination of Transnational Organized Crime;
  - Resolutions by conferences and international declarations, particularly those by the Conference on Population and Development (Cairo, 1994), mainly Chapter X on International Migration, the Conferences on Women and their Action Plans (Beijing, 1995) and the World Summit on Social Development (Copenhagen, 1995);
- **Confirming** the statement in The United Nations Declaration on the Millennium Development Goals ( MDGs) regarding requesting to heads of states and governments to take measures to ensure respect and protection of the immigrants, migrant workers and their family members' human rights,
  - **Considering** that addressing migration issues and their implications requires a holistic approach linking immigration to development, partnership and cooperation dimensions to tackle the structural causes of intense migration, including poverty, discrimination and disparities in rates of welfare, economic growth and political and social stability among nations,
  - **Recognizing** that labor migration has developmental benefits for both States of origin and States of destination, that it in the same time poses several challenges and that continuing dialogue and effective partnership among both States of origin and States of destination provide the best means to augment benefits and address weaknesses,
  - **Acknowledging** the growing magnitude of the migrant trafficking criminal networks and their gravity on migrants and the security among nations,
  - **Considering** that the growing volume of females among migrants requires the integration of the gender dimension into all international policies and procedures concerned with international migration,
  - **Stressing** the positive effects, on both States of origin and States of destination, of migration by persons of all nationalities, whether moving to, among or out of the Arab region countries; stressing also the importance of facilitating the movement of labor among Arab countries in accordance with their respective needs, in order to serve regional integration and to enhance their competitiveness,

- **Valuing** the efforts by Arab States in enhancing their own policies on international migration and in strengthening data and information collection and migration management institutions and in encouraging dialogue, consultation and data and information sharing among States of origin, States of destination and States of transit for labor,
  - **Valuing** the significant efforts by the United Nations, its specialized agencies as well as international organizations concerned with migration, referring in this respect the high-level dialogue on international immigration and development to be conducted in the course of the 61<sup>st</sup> General Assembly Session, confirming the Secretary-General's report issued in this respect in May 2006, with the object of identifying appropriate ways and means to maximize the developmental benefits and minimize the negative impact of migration,
  - **Recognizing** the negative impact of the migration of rare competencies on development efforts and the achievement of MDGs in the developing countries, particularly the impact of migration by workers in vital sectors such as health, education and research and development,
  - **Admitting** that family reunion and guarantee of the rights of migrant would facilitate interaction and integration of migrants with States of destination and raise their productivity and contribution to development,
  - **Recognizing** that lack of data curtails the possibility of developing thorough and effective policies managing and augmenting benefits of migration,
  - **Appreciating** the positive contribution of Arab migrations, in different countries within and outside the Arab region, in pushing forward economic development and in deepening constructive civilization and cultural interaction between Arab peoples and societies of migration,
  - **Appreciating** the efforts and initiatives by the General Secretariat and the Secretary-General of the League of Arab States in achieving communication and interaction with Arab communities and migrants of Arab origin in countries of migration, through organizing conferences and symposia for building bridges between Arab communities and Arab migrants on the one hand and their communities and institutions so as to yield mutual benefit on different economic, cultural and human levels and promote awareness of various joint issues and interests,
  - **Welcoming** in particular the role of civil society and non-governmental organizations in furthering interest in migration-related questions and the related protection of migrants' human rights and enhancing their social, cultural and health conditions :
- 1- **Reconfirm** the several positive contributions of labor migration to development in both States of origin and States of destination and call for further recognition by the media on both the Arab and international levels of the positive role of migrant in such a way as to improve the image of migrant, curb racism and xenophobia and reinforce interaction and integration of migrants with communities of destination.



- 2- **Call on** Member-States and specialized bodies in Arab labor-exporting and labor-receiving States to strengthen policies geared to maximize benefits from migration in the interest of development, to promote welfare and curb poverty, to improve family conditions, to enhance Arab regional cooperation and integration and to curb negative implications of migration, all within a framework of continuing dialogue and effective partnership.
- 3- **Confirm** the need for States to adopt workable policies and measures to facilitate remittances by migrants and increase their returns, by taking actions to curb transfer transmission costs and increase speed of transmission under safe conditions in both States of origin and States of destination and for transfer-receiving States to activate their contribution to development projects to curb poverty and improve local community conditions.
- 4- **Urge** Arab States for further coordination and consultation through institutional processes in line with the practice in other regions, sharing information and providing necessary training and rehabilitation, with the object of facilitating the movement of labor among Arab countries to meet the needs of both States of origin and States of destination, coordinating among various bodies, standardizing policies and programmes and drafting comprehensive and clear-cut national policies.
- 5- **Call on** Arab States to adopt necessary procedures and measures to benefit from national competencies through enhancing scientific research and its institutions and motivating competencies and innovators in such a way as to ensure their stability and curb brain drain. This can be also made through establishing and reinforcing relationship networks with migrant competencies and their institutions and engaging them in development efforts and in transferring and resettling knowledge. We stress the need for concerted efforts between both States of origin and States of destination for competencies to find means necessary to ensure the stability of competencies needed by developing countries, particularly those working in vital sectors such as health, education and research and development and to offset existing shortage.
- 6- **Urge** all labor-receiving States to enhance human rights and fundamental freedoms of all immigrants, to protect migrants' rights against illegitimate actions or acts of violence, particularly those of racial discrimination and crimes committed by individuals and groups motivated by racism or xenophobia.
- 7- **Urge** relevant States to upgrade and enhance national laws and legislation and re-adjust them as far as possible to international covenants and conventions, to adopt necessary and effective procedures and measures and to further coordination to combat and eliminate all forms of human trading and trafficking of immigrants and to protect victims of trading, particularly women and children vulnerable to forced labor (corvee) or sexual or commercial exploitation and to take measures necessary for protection against criminal networks.

- 8- **Call on** relevant States and organizations to enhance cooperation, coordination and information sharing in order to curb illegal migration and enhance dialogue and partnership for facilitating legal, safe and organized movement of persons among States.
- 9- **Call on** the international community to work closely for putting an end to Israeli occupation based on just peace, preventing its continuing attacks against the Palestinian people, confronting Palestinian forced emigration and guaranteeing the rights of Palestinian émigrés/refugees.
- 10- **Call on** Arab States, all institutions and forces of peace both within Arab countries and on the international arena to intensify and mobilize their efforts to settle disputes by peaceful means, so as to ensure the stability of the peoples of the region and to curb streams of forced migration.
- 11- **Call upon** the concerned governments to accede to the international conventions related to refugees, and to set up national legislations that ensure the rights and duties of refugees and asylum countries, and recognize the fundamental difference between migrants and refugees who have specific distinctive rights and needs, with the possibility for these countries to gain from their potential in the development construction when granted enough opportunity, taking into consideration the non application of any measures that may prevent the refugees from enjoying international protection when curbing the irregular movements.
- 12- **Urge all States of origin and States of destination to mainstream the** dimensions of gender and protection of women, girls and migrant families into the migration-related policies and reinforce coordination among States in this connection, to facilitate migrants' family reunion, in order to reinforce migrant's contribution to development and to enhance the protection of female migrants against all forms of violence, discrimination, trading and exploitation.
- 13- **Call on** all States to promote awareness of the health dimensions, sexually transmitted diseases and HIV/AIDS and to guarantee health and social services for all migrants.
- 14- **Call States** to reinforce research efforts to collect and analyze data, to establish and ensure the continuing updating of databases on various dimensions of migration, ensuring transparency and easy access; thus enabling the development of thorough and effective policies, tight management of migration and its increased benefits, calling United Nations specialized agencies and related international organizations to help establish such databases.
- 15- **Invite** States to continue, reinforce and deepen the Arab-European Dialogue so as to boost safe legal migration, to enhance and expand benefits of migration as well as its developmental returns in both exporting and receiving States, to curb negative media coverage on migration , to rectify the image of Arab migrant, to recognize the constructive roles of migration and migrants and to intensify cooperation and partnership to address the negative implications of migration in the Mediterranean and to effectively counter migrant trafficking networks.

- 16- **Invite** Arab States, international organizations concerned and donor organizations to support the "Arab Migration Observatory" programme at the League of Arab States Demographic Policy and Migration Department, in such a way as to reinforce research and study efforts, to ensure the availability of precise and up-to-date data on various dimensions of migration, to enhance dialogue and consultation opportunities and training and rehabilitation activities on the regional level and to ensure wide-scale dissemination of data and information on various dimensions of international migration.
- 17- **Invite** Arab governments to adopt national development policies and to intensify meaningful programmes and projects, foremost of which are political, democratic, economic and social reform programmes to curb poverty and unemployment and to consequently alleviate migration pressure and counter illegal migration.
- 18- **Look forward** to reinforcing efforts by the League of Arab States geared to unify visions and policies on the Arab arena and to standardize legislation and laws concerned with international migration, with the object of supporting and activating the role of migration in the Arab economic integration and in the rise of an "Arab Labor Market"; thus enhancing the economic competitiveness of Member-States, taking into consideration their discrepancies and bilateral and international obligations.

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*Full text:*

## **Declaration on the Establishment of Intergovernmental Authority on Development (IGAD) Regional Consultative Process (IGAD-RCP) on Migration (2008)**

*Adopted by Djibouti, Ethiopia, Kenya, Somalia, Sudan and Uganda on 14 May 2008.*

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**WE, representatives from ministries with mandates on migration and related issues in the IGAD Member States Djibouti, Ethiopia, Kenya, Somalia, Sudan, and Uganda, meeting at the AU Headquarters in Addis Ababa on the 14<sup>th</sup> of May 2008:**

1. **RECALLING** the AU Decisions adopted in Banjul in 2006: *EX.CL/Dec.304 (IX)* which **ADOPTED** the Migration Policy Framework for Africa as a basic guideline and reference document for all Member States and Regional Economic Communities to utilize as a basis for developing their National and Regional Policy Frameworks; and *Assembly/AU/Dec.125(VII)* which endorsed the African Common Position on Migration and Development as a broad African consensus on issues of migration and development;
2. **MINDFUL** of Decisions *EX.CL/Dec.323 (X)* and *EX.CL/Dec.324 (X)* adopted in Addis Ababa in January 2007 **CALLING UPON** the African Union Commission in collaboration with the International Organization for Migration (IOM) and other partners to advocate for the implementation of the Africa-EU Joint Declaration on Migration and Development, Africa-EU Strategic Partnership and the Ouagadougou Plan of Action to Combat Trafficking in Human Beings Especially Women and Children;
3. **RECOGNIZING** the challenges brought about by migration of various types for the IGAD Member States and other States in Africa constituting countries of origin, transit and destination or all simultaneously, and therefore the need to cooperate in addressing these challenges;
4. **AWARE** of the specific development challenges posed by migration as well as its benefits to Member States;
5. **RECOGNIZING** that migration within and from the IGAD Region is linked to poverty and underdevelopment, demographic and economic disparities, inequitable terms of global trade, conflicts, humanitarian disasters, environmental factors, and weak governance structures;
6. **UNDERSCORING** the importance of the Joint EU-Africa Strategic Partnership on selected priority actions in areas of common interest, which

includes migration, mobility and employment and the various African development initiatives such as AU's NEPAD programmes which contribute to addressing many of the underlying dynamics of migration and promoting socio-economic development (human resource development including managing the brain drain), good governance and the Ouagadougou Extra-ordinary Summit Declaration and Plan of Action on Employment and Poverty Alleviation;

## **HEREBY:**

**Recommend that IGAD establish a Regional Consultative Process (IGAD-RCP) on migration**, in accordance with relevant AU Decisions, with a core function of promoting the common position of the IGAD Member States and African Union as provided in the Migration Policy Framework and to facilitate regional dialogue and cooperation on migration policy issues amongst the IGAD Member States. The **overall objective** of the IGAD-RCP is to facilitate dialogue and regional co-operation in migration management amongst IGAD Member States by fostering greater understanding and policy coherence in migration as well as strengthening regional institutional and technical capacities to implement the Migration Policy Framework for Africa and other AU and IGAD policies on migration. The IGAD-RCP aims to achieve the following specific goals:

- To establish a mechanism for continuous dialogue and co-operation among IGAD Member States on migration and related issues, enhancing their capacity to manage migration within a regional context, consistent with the Migration Policy Framework for Africa.
- To enhance knowledge and foster a common understanding by policy-makers, other officials and stakeholders of the causes, dimensions, patterns, future trends and impacts of migration in the IGAD Region.
- To help develop and strengthen regional institutional and governmental capacities to address the challenges of migration management in a cooperative and knowledge-based manner.
- To focus on the priority areas identified by the IGAD Member States, namely technical cooperation and capacity building, information collection, dissemination and sharing, and progress toward formulation and harmonization at the national and IGAD level of legislation, policies and practices in (1) legal/labour migration management so as to better plan and prepare for a productive migration experience, (2) irregular migration, trafficking and smuggling and border management, consistent with humanitarian obligations to refugees and others eligible for protection; and (3) migration and development matters, including diaspora outreach and investment, facilitation of remittance flows, reduction of brain drain particularly in the health and education sectors, and integrating migration in national development plans and poverty reduction strategies.
- To provide technical assistance and training programmes to help build capacity in the multifaceted aspects of migration management.
- To develop and enhance dialogue and cooperation between the IGAD Member States and countries members of other regions as regards the different dimensions of migration and migrants in to and out of IGAD countries.

**The IGAD Secretariat, in collaboration with the AU Commission and the International Organization for Migration (IOM), and other partners to address the needs identified by States**

**for greater inter-state dialogue and cooperation on migration issues. The IGAD-RCP will be responsible for:**

- Promoting a continuous migration dialogue for the East Africa Region which brings together representatives of IGAD Member States and other stakeholders including countries of transit and destination and information exchange on migration and related issues of common interest and concern such as:
  - migration and development,
  - labour migration,
  - social integration of migrants,
  - protection of migrants' rights,
  - smuggling and trafficking in persons,
  - migration data and research,
  - migration and health,
  - migration and trade,
  - migration and environment,
  - migration and security,
  - voluntary return of migrants,
  - mixed migratory flows and protection of refugees,
  - movement of pastoralist communities,
  - brain drain and unethical recruitmentas well as other issues identified by the IGAD Member States;
- Building capacity and facilitating implementation of the Migration Policy Framework for Africa, the African Common Position on Migration and Development; the Joint EU – Africa Declaration on Migration and Development and the Ouagadougou Plan of Action to Combat Trafficking in Human Beings Especially Women and Children and Africa-EU Strategic Partnership;
- Encouraging and assisting Member States to integrate migration issues into their national development plans including Poverty Reduction Strategy Papers (PRSPs) in order to contribute to the achievement of the Millennium Development Goals (MDGs.);
- Encouraging potential donors including the AU, IGAD Partners Forum as well as relevant international organizations and institutions to provide the necessary financial support and technical assistance to IGAD and its Member States for the development and implementation of national and regional migration policies and mechanisms in line with the Migration Policy Framework for Africa;
- Developing strategies and programmes for implementation of relevant AU and regional recommendations on migration, including those emanating from the IGAD-RCP, and
- Establishing a follow-up mechanism as well as ensuring regular reporting on implementation of the Migration Policy Framework for Africa and related activities, in collaboration with IGAD Member States and partners.

We, representatives from ministries with mandates on migration and related issues in the IGAD Member States, request the Executive Secretary of IGAD to present the outcomes and specific recommendations of this declaration to the IGAD Council of Ministers for consideration endorsement and implementation.