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SC14929

ASSEMBLY OF THE UNION

Twenty-Fifth Ordinary Session

14 – 15 June 2015

Johannesburg, SOUTH AFRICA

Assembly/AU/18(XXV)

Original: English

BRIEFING ON MIGRATION AND DEVELOPMENT IN AFRICA

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I. Background

1. The Constitutive Act of the AU has as its main objectives the achievement of greater unity and solidarity between African countries and peoples and the fostering of political and socio-economic integration, stability, democracy, peace and security, sustainable development, and protection of human rights. These objectives confer upon the AU the duty and legitimacy to undertake and promote initiatives on migration for the benefit of countries of origin, transit and destination as well as the migrants themselves and in particular the African Continent, while obliging receiving States to protect and promote the human rights and dignity of migrants and offer them protection.

II. Migration

2. The establishment of the African Economic Community (1991) demonstrates the political commitment of AU Member States in achieving the regional integration agenda. The highly desired self-reliant development in Africa can only be achieved through the effective utilization of the continent's most valuable resources, which includes its people. A functional free movement of persons regime in Africa has the potential of bringing a significant contribution to economic and social development in the continent. Thus, migration is viewed as a key element in achieving African economic integration and this has been articulated in various policy frameworks and instruments¹ of the African Union. The objective is to strengthen regional integration and inclusive development and enable better social and economic integration of migrants with the aim of achieving an effective rights-based and gender sensitive regime of labour mobility for integration and development in Africa. This was further reaffirmed by the establishment of Regional Economic Communities (RECs) to serve as building-blocks of the Commission in promoting economic integration for collective self-sufficiency.

3. Cross-border mobility is an essential livelihood mechanism and coping strategy for most African communities, especially those who are unable to move farther away as well as for those who make a deliberate choice to work in the continent. While much attention tends to be focused on African migration to Europe and the Middle East, the highest level of African migration takes place within the Continent, and internal, intra-regional and international migration in Africa is largely informed by social and economic considerations.

4. In the last half century, intra-African mobility has expanded significantly at 52.6%, although it is still below those of Europe (59%) and Asia (54.7%). Movements

¹These include the Migration Policy Framework for Africa. The framework provides a well-informed policy guideline on nine (9) key thematic¹ migration issues to assist member states and the RECs in formulating migration policies. In other words, the MPFA is a negotiated articulation of the aspirations of Africans for the program they seek; a step in the right direction. Further to the MPFA, the Commission works with other migration instruments, namely: the African Common Position on Migration and Development; Joint Africa-EU Declaration on Migration and Development; the AU Framework on Refugees, Returnees and Internally Displaced Persons (Kampala Convention); the Joint Africa-EU Ouagadougou Action Plan to Combat Trafficking in Human Beings especially Women and Children, AU Plan of Action on Employment Promotion and Poverty Alleviation, Social Policy Framework for Africa, and the AU Plan of Action on Boosting Intra-African Trade Initiatives with the framework of the continental policies include the promotion of Labour Market Information System (LMIS), Social Protection for the Informal Economy and Rural Workers (SPIREWORK) and the Labour Migration Governance for Development and Integration in Africa

within Africa South of the Sahara stands even higher at 65% and reaches impressive rates in the sub-regions with over 80% in West Africa, 65% in Southern Africa, 50% in Central Africa, 47% in East Africa and 20% in North Africa.

III. Migration and Development in Africa

5. In Africa, labour migration and mobility within the context of regional integration will play a key role in unleashing the continent's growth potential. Regrettably, mobility in general, and labour mobility in particular is still too often impeded by security agenda that often limits the broader understanding of labour migration as a fundamental issue for development and continental integration.

6. Migration and Trade linkage provides yet another approach for addressing Africa's economic integration and migration issues. The Movement of factors of production through migration is a key component of Intra-Africa Trade as recognized in the January 2012, Summit Decision on Boosting Intra-African Trade. Cross border trade cannot thrive with the current stringent visa regimes within Africa. The benefits of migration to development through investment funds from remittances cannot be overemphasized, as it is currently outweighs Official Development Assistance (ODA). Hence the urgent need to use Trade instruments to address some migration and mobility issues in Africa. The Continental Free Trade Agreement provides such a forum.

7. Taking note of these challenges, the AU Leaders at the celebration of the Golden Jubilee of the OAU/AU in 2013 expressed grave concern over the tragedy of our young men and women, babies and unaccompanied children, who continue to perish needlessly in the illusory search for greener pasture through irregular migration.

8. Since the tragic event of Lampedusa in October 2013, more than 5,000 migrants, mostly from Africa, have drowned in the Mediterranean, while trying to reach Europe². 2015 is proving to be an even more challenging year for migrants both within and outside the African continent with the death of over two thousand migrants in the Mediterranean in the first four months, the senseless killings of non-migrants in Libya and deadly xenophobic attacks against African migrants including refugees in South Africa. These tragedies are underpinned by various enabling as well as disruptive forces including lack of political commitment to intra-African mobility, demographic dynamics, the impact of climate change, the digital revolution, widespread youth unemployment, rising inequality, political instability and persistent poverty, all of which act as push factors for migration within and outside Africa. Due to this dynamic, a flurry of highly organized transnational criminal syndicates, including those involved in trafficking in persons and smuggling of migrants, have also emerged. This presents a serious threat to African and international stability and security, for wherever one finds human traffickers and people smugglers, one is also sure to find drug and wildlife traffickers.

²According to IOM, at least 40,000 migrants have perished along treacherous routes since the year 2000. See : Fatal Journeys: Tracking Lives Lost during Migration http://publications.iom.int/bookstore/free/FatalJourneys_CountingtheUncounted.pdf.

9. Human Trafficking and smuggling of migrants are forms of modern day Slavery. Trafficking is an Organized Crime that generates \$7 to \$10 billion annually. Value of trafficked victims more on-going than that of drugs or weapons. Trafficking victims, even if caught, can be re-trafficked and traffickers can make additional money off victims by re-selling them to another brothel owner or employer after debt is paid. Traffickers are ruthless and murderous, violating human rights –It is associated with horrific abuse of women and children.

10. Human trafficking is a low risk business which makes it quite attractive. African traffickers face a low risk of arrest, prosecution, or other negative consequences. Criminal groups engaged in illicit drug and firearms trafficking are taking advantage of their network and shifting to increasingly more profitable and “low risk” human trafficking. There is a nexus between organized criminal groups involved in trafficking (drugs firearms and human) and terrorism, as proceeds of one venture is used to finance the other through elaborate money laundering. Sustaining illicit activities and organized crime that constitute a threat to democratic governance and rule of law.

11. The June 2015 Summit of AU Heads of State and Governments is an important milestone, as it provides an opportunity to discuss the issue of migration at the highest political level since the adoption in 2006 of both the Migration Policy Framework for Africa and the African Common Position on Migration and Development.

IV. Recommendations:

12. We know that progress is possible, and it is time for us to dialogue at the highest level about mobility in the continent and the type of integration we want in Africa. Thus, the following recommendations are proffered to maximize the positives of migration and minimize its negatives:

- i) **Facilitate intra and inter-regional mobility in Africa:** The potential economic gains from international movements of labour are believed to be immense. Research suggests that by substantially lowering barriers to labour movements, global GDP would increase by 50% to 150%³. Recent reports show that remittance are becoming more significant than both ODA and FDIs. While ODA and FDI inflows to Africa in 2013 were USD 46 billion and USD 56.7 billion respectively, recorded remittances for the same period was USD 60.6 billion. Thus, the signature, ratification and domestication of regional protocols on free movement of persons would have a positive impact in enhancing economic growth as well as reducing irregular channels of migration.
- ii) **Implement continent-wide visa free regimes and open up more legal channels for migration, including issuance of visas at ports of entry (airports) for Africans:** It is an irony that holders of European and North American passports can move freely within Africa but Africans cannot

³Michael A. Clemens (2011) “Economics and Emigration: Trillion-Dollar Bills on the Sidewalk? Journal of Economic Perspectives. Volume 25(3), pp.83-106.

move freely in Africa. It is even more disturbing that some AU Member States do not recognize the official AU Passport and even require visa for AU personnel on official mission. These restrictive immigration policies have contributed to exploitation and abuse of migrants especially women who constitute about 85% of cross-border traders in Africa, the perpetuation of human trafficking and smuggling by criminal networks and increased irregular migration across the Sahara desert, the Mediterranean Sea and the Gulf of Aden that has resulted in tragic loss of human lives.

- iii) **Demystification of the migration fear factor:** Beyond the intra-regional mobility frameworks, Rwanda, Mauritius and Seychelles have demonstrated that Security concerns by governments over migration and cross-border mobility and fear of being overwhelmed by irregular migrants and foreign workers in host countries are valid but experience and empirical evidence show that they are grossly exaggerated. In addition, migrant workers foster innovation and enterprise growth as well as meet specific skills gaps in the labour market.
- iv) **Consider local integration and citizenship for refugees/stateless persons especially refugees in protracted situations as part of durable solutions:** State fragility exacerbated by the emergence of new conflict-generation situations on the continent. With more than 15 million people of concern in Africa⁴ there is an urgent need for multifaceted approach to extend protection to victims especially the most vulnerable within and outside their borders. This calls for a more enhanced common African asylum/migration system through intra-AU solidarity measures, as well as engagement with the concerned populations (refugees and IDPs) and host communities to change their mindset towards local solutions.
- v) **Establishment of a continental mechanism for coordination, cooperation and dialogue on migration:** Such a mechanism would cover information sharing, data collection and exchange, capacity building and resource mobilization. Social dialogue - involving religious and traditional leaders - also has a role to play in improving awareness and understanding regarding the benefits of regular migration as well as the dangers of irregular migration. There is equally a need for social and political space to encourage accurate reporting, especially by the media. Similarly, civil society and private sector employers constitute key partners to foster dialogue and raise awareness of migrant workers contribution to host countries.
- vi) **Develop comprehensive legal and social protection mechanisms for migrants:** Extend social protection to migrants and their families through access and portability regimes which are compatible with international standards and good practice.

⁴ <http://www.unhcr.org/pages/4a02d7fd6.html>

- vii) **Increase investments in decent employment opportunities and relevant skills training for youth:** Eleven million youth are expected to enter Africa's labour market every year for the next decade⁵. Despite rapid growth in formal wage sector jobs, the majority of these youth are likely to be unemployed and under-employed and as such would be tempted to seek decent work opportunities outside the continent through irregular migration. To address these shortcomings, governments need to implement comprehensive employment policies, which are coherent with the labour migration policies, aiming at inclusive development, speeding up the implementation of the First Five Year Priority Programme (2015-2020) of the AU Plan of Action on Employment, Poverty Eradication and Inclusive Development, strengthen basic education, make land, infrastructure, appropriate training and financing more accessible and hasten overall reforms in the business climate.
- viii) **Enhance partnerships on migration and mobility between AU Member States and relevant stakeholders:** It is critical to adopt a comprehensive approach to developing the capacity of Governments to manage migration and to uphold the human rights of migrants. Developing Government capacity on Migration management should only be promoted if the overall migration governance in a particular country supports the respect of migrants' human rights. Thus, the need to strengthen cooperation with partners and competent training institutions (including the African Institute for Remittances (AIR), African Capacity Building Centre (ACBC), United Nations Interregional Crime and Justice Research Institute (UNICRI), International Training Center of the International Labour Organisation (ITC-ILO), the United Nations Institute for Economic Development and Planning (UNIDEP) and the United Nations Office on Drugs and Crime (UNODC) to provide technical support and assistance to enhance the capacities and competences of governments and RECs to address identified gaps in their migration policy regimes at the national and regional levels.
- ix) **Strengthen efforts to combat trafficking in persons and smuggling of migrants:** although almost all African countries have ratified the United Nations Transnational Organised Crime Convention and its Protocols against Trafficking in Persons and Smuggling of Migrants, full implementation of its provisions needs to be strengthened. This can include e.g. development or improvement of legislation, provision of victim support, enhanced international cooperation, and training.
- x) Human trafficking thrives where the criminal justice system is weak and many perpetrators go unpunished. Characteristics of the Criminal Groups involved in Human Trafficking must be properly studied and their modus operandi understood. Traditional MLA must be supplemented by Police-to Police or law enforcement cooperation. Increased joint investigation and use of special investigative techniques. Witness Protection Programme that will serve the purposes of investigation and prosecution

⁵ <http://documents.worldbank.org/curated/en/2014/01/19342178/youth-employment-sub-saharan-africa-vol-2-2-full-report>

must be put in place. Robust Anti-Money Laundering (AML) regime that covers a wide range of predicate offences with efficient and effective confiscation system that comprise of both conviction-based and non-conviction based i.e. Confiscation in rem must be put in place.

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