# Does the Global Compact on Migration reflect African priorities?

# African Migration Instruments
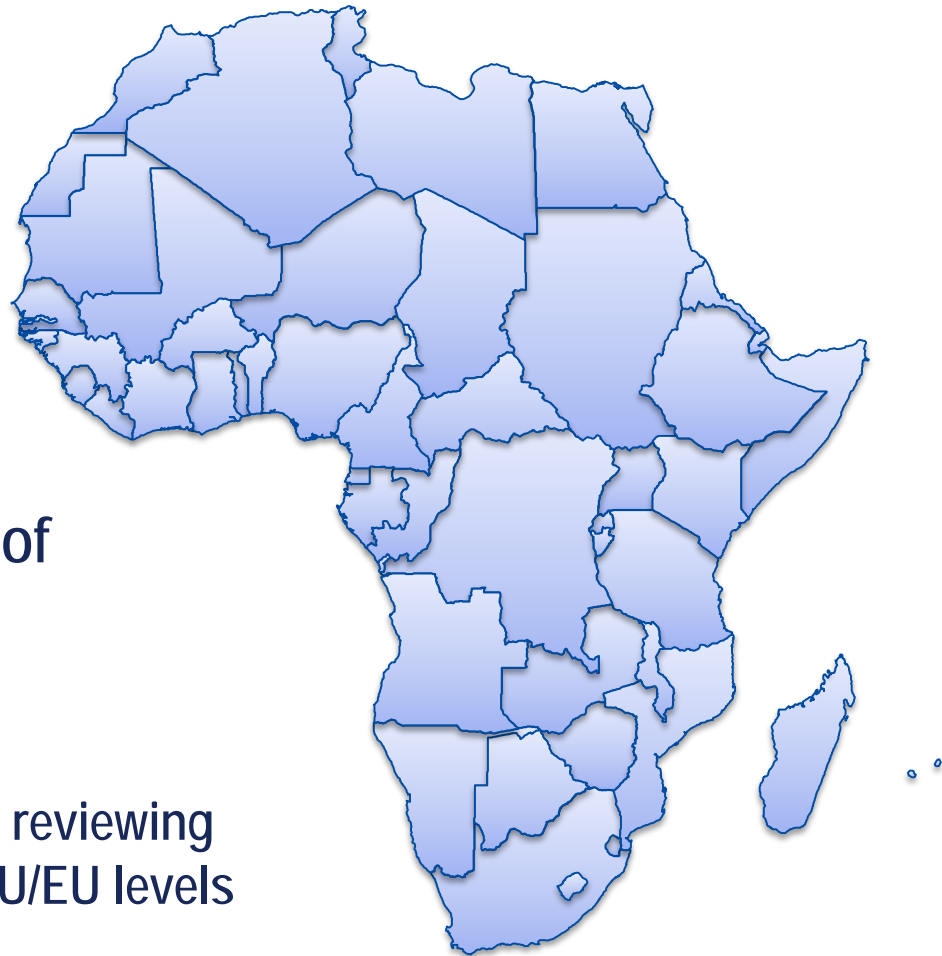
Africa has a long history of migration and migration instruments

*2017 ISS reference document reviewing instruments at AU, REC and AU/EU levels

# AU HIGHLIGHTS

| Name of Framework | Date of Adoption | Focus and Objective | Reason/Importance |
|---|---|---|---|
| OAU Refugee Convention | 1969 | Complements the 1951 UN Convention on Refugees<br>Expansive definitions | Large flows fleeing conflicts resulting from anti-colonial struggles. |
| The Abuja Treaty | 1991 | Establish African Economic Community (AEC).<br><br>Strengthens existing, creates new and harmonising RECs | First to focus on free movement of persons and capital for integration and development. |
| The Migration Policy Framework | 2006 | Positions that well-managed migration yields significant benefits to origin and destination. | Reflects increased migration within and outside Africa due to globalisation and conditions |

# AU HIGHLIGHTS CONTINUED

| Name of Framework | Date of Adoption | Focus and Objective | Reason /Importance |
|---|---|---|---|
| The African Common Position on Migration and Development | 2006 | Reflects Africa's broader consensus on issues of migration and development. | Developed in preparations for the Africa-Europe Ministerial Conference on Migration and Development in 2006 |
| Kampala Convention for IDPs | 2009 | Promote and strengthen regional measures and establish legal framework for prevention and assistance and protection of IDPs. | High number of countries IDPS in Africa |
| The Joint Labour Migration Programme (JLMP) | 2015 | Ensuring effective migration and mobility Migration as a transformative force for Africa's development Led by the AU and supported by the UNECA, ILO, and IOM. | Almost half of the 30 million African migrants stayed in Africa (2015) |

# 2018 FREE MOVEMENT PROTOCOL PASSED

- Jan 29, 2018 AU adopted **Protocol to the Treaty Establishing the African Economic Commmunity Relating to Free Movement of Persons, Right of Residence and Establishment**

- Implementation Roadmap

- Enshrines rights of all 55 member states to move, reside, work, study or do business

- Enter into force by ratification of 15 states

- Non-binding and will rely on political will of member states
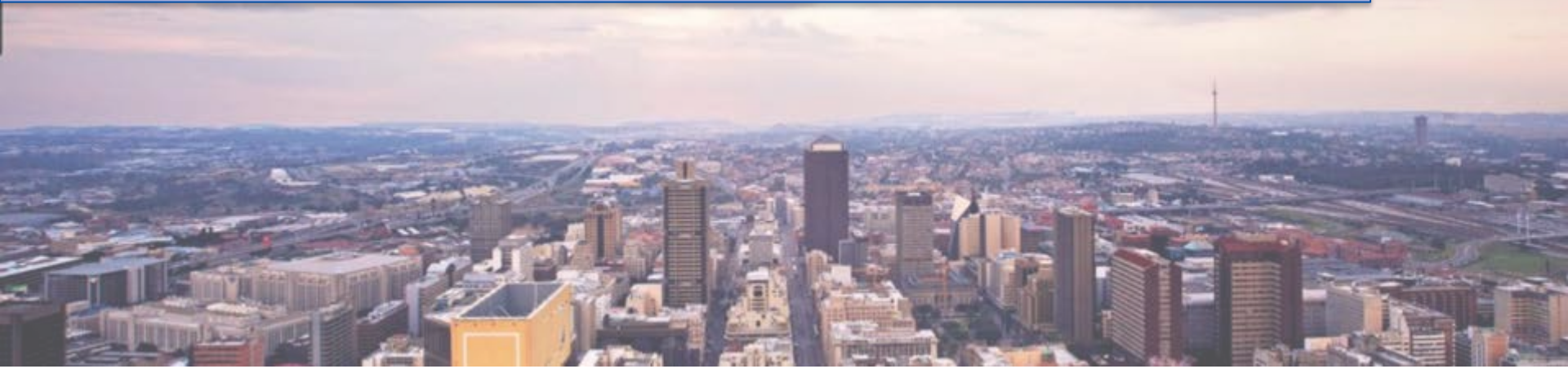
**Implementable in 3 phases**

1. Right of entry (abolition of visas) by Dec 2018 visa on arrival. All visas abolished by 2023

2. Right of residence by 2023

3. Right of establishment (owning business, assets etc)

# REGIONAL ECONOMIC COMMUNITIES (RECS)

**Play a key role in Africa**

- Very important stakeholders in development and implementation of migration frameworks in Africa.

- Have been the primary drivers of economic integration.

- Some instrumental in implementing the Abuja treaty, especially in terms of promoting free movement of people and capital.

- Eight RECs recognised by the AU.

- ECOWAS and EAC have free movement

# FORCED RETURNS

- **Common African Position**
- 'Quietly' adopted at Jan 2018 AU summit
  - Unclear which countries, if any object/agree with whole document or with parts
- Serves as a guiding document for AU states involved in GCM negotiations
- Ensure common voice and concerns and expectations
- Not directly comparable as AU is collective and not involved in GCM negotiations

# SIMILARITIES

- Both recognise migration is poorly managed
- Call for comprehensive efforts to improve management to maximise benefits
- Non-binding

## CRTIQUES

- Vague non-enforceable language
- Do not include actual migrant perspectives
- Over-emphasizes 'supply' issues and not enough attention to 'demand' issues
- 'Grey' space between migrant and refugee, including climate-related issues or other 'forced' movement.

# 1.Migration Drivers

- GCM speaks to broad 'root causes' including political, economic, social and environmental conditions

- CAP identifies **foreign intervention** as a key cause of instability and irregular migration

- **Terrorism**

- Calls "*directly on the need to stop all political interference and Military engagements and interventions in Africa by outside forces that have resulted into a protracted conflict situation thereby triggering migration crisis in the continent* "

# 2. Brain Drain

- GCM commits to providing pathways for regular migration that 'reflect labour market realities'

- CAP calls to end selective recruitment targeting African talent that threatens development and prohibits achieving SGDs

- CAP labels 'brain drain' as a threat to Africa and African development

# 3. Sovereignty of nations/Border Management

- Border Management and national sovereignty heavily emphasized in GCM

- Guiding principle

- Emerged as key theme in negotiations

- CAP positions that TOO much emphasis on security and border management creates irregular migration

- Adds that intergovernmental and regional organisations play and overlooked role in migration management.

# 4. Media

- CAP identifies and criticizes media for their role in fostering anti-migrant sentiment.

- Calls for establishment of a mechanism to address negative media narratives that are biased against migrants

- GCM more general

- Calls on eliminating discrimination and promoting fact-based public discourse

# 5. Role of Development

- CAP calls for investment into "pro poor" economic growth through industrialisation, economic diversification, improved trade policies and employment.

- GCM speaks to 'reaching those who are furthest behind'

# 6. Detention

- GCM discourages detention and seeks to 'use migration detention only as a last resort and work towards alternatives'

- CAP lambasts "*the practice of re-labelling detention centres as 'holding camps or processing centres or whatever names they are called'* and calls expressly for their abolishment as a serious violation of human rights

# 7. Criminal

- GCM much more deliberate about issues of smuggling and trafficking an calls specifically for the disambiguation of the two different phenomena.

- CAP makes only passive reference to smuggling and trafficking and applies them without distinction