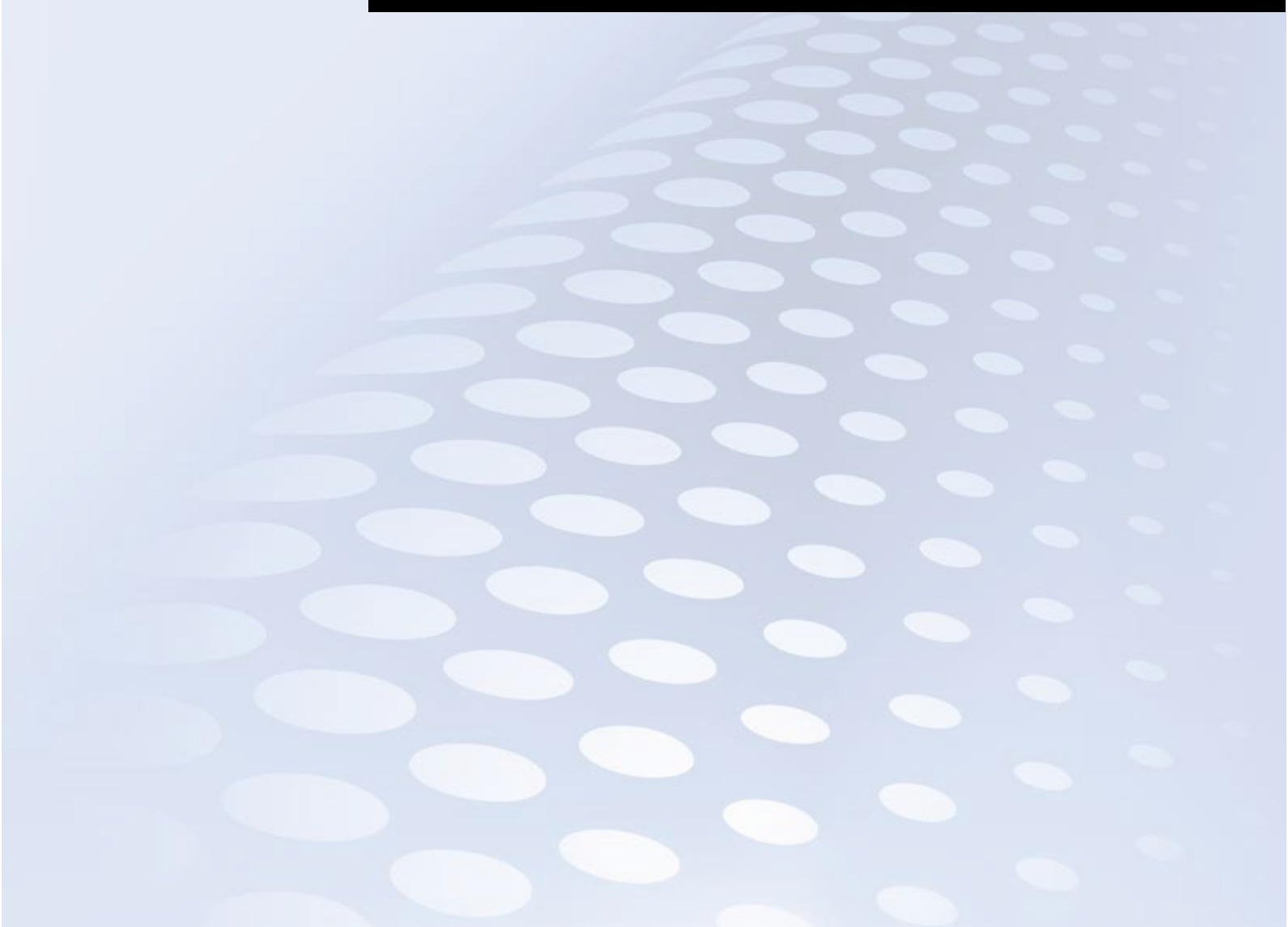




IGAD REGIONAL MIGRATION POLICY FRAMEWORK





IGAD REGIONAL MIGRATION POLICY FRAMEWORK

Adopted by the 45th Ordinary Session of the IGAD Council of Ministers
July 11th, 2012
Addis Ababa, Ethiopia.

Table of Contents

ABBREVIATIONS AND ACRONYMS	iv
ACKNOWLEDGEMENT	v
FOREWARD	v
1. INTRODUCTION	1
1.1 Regional African Migration Policy Framework: the AU Agenda	2
1.2 Migration in IGAD’s Regional Consultative Processes.....	5
1.3 Rationale for the IGAD Regional Migration Policy Framework.....	5
1.4 Important issues to note in the IGAD-RMPF	6
1.4.1 Peace in IGAD Member States after a traumatic past	6
1.4.2 IGAD and neighbouring RECs	7
1.4.3 Assessment of IGAD in the context of Regional Integration.....	7
1.5 Major IGAD Institutions of importance to the IGAD-RMPF.....	7
1.5.1 Conflict Early Warning and Response Mechanism	7
1.5.2 Conference on Internal Displacement in the IGAD sub-Region – Include the Kampala Convention	8
1.5.3 IGAD Peace and Security Strategy	8
1.5.4 IGAD Capacity Building Programme against Terrorism	8
1.6 Methodology and Limitations in Developing the IGAD-RMPF	9
2. MIGRATION REALITIES AND CHALLENGES IN IGAD	10
2.1 Typology of Migration in IGAD.....	10
3. PERTINENT ISSUES IN THE REGIONAL MIGRATION POLICY FRAMEWORK	18
3.3.1 National and International Security and Stability	18
3.3.2 Crisis Prevention, Management and Conflict Resolution	19
3.3.3 Rights of Migrants.....	19
3.3.4 Migration, Poverty and Conflict	20
3.3.5 Migration, Climate change, Environment and Adaptation	21
3.3.6 Migration and Gender	22
3.3.7 Migration and the vulnerable groups	23
4. LABOUR MIGRATION	26
4.1 National Labour Migration Policies, Structures and Legislation	26
4.2 Regional Co-operation and Harmonization of Labour Migration Policies.....	27
5. BORDER MANAGEMENT	29
5.1 Border Management Issues	29
6. IRREGULAR MIGRATION.....	31
6.1 Migrant Smuggling.....	31
6.2 Human Trafficking.....	32
6.3 Return, Re-Admission and Reintegration	34
7. FORCED DISPLACEMENT	36
7.1 Refugees and Asylum-Seekers	36
7.2 Internally Displaced Persons.....	38

7.3 Protracted Displacement Situations	39
7.4 Principles of Non-Discrimination.....	40
7.5 Integration and Re-integration	41
7.6 Stateless Persons.....	42
8. INTERNAL MIGRATION	44
8.1 Voluntary Migration.....	44
8.2 Internal Displacement.....	45
9. MIGRATION DATA	46
9.1 Collection and Analysis of Migration Data: IGAD and National Obligations	46
9.2 Regional Migration Data Exchange	47
10. MIGRATION AND DEVELOPMENT	48
10.1 Collaboration with IGAD Member States' and other African Diaspora	48
10.2 Brain Drain, Brain Circulation, Brain Waste and Brain Gain	49
10.3 Diaspora Remittances	50
10.4 Dual Citizenship and Trans-nationalism	52
11. INTER-STATE AND INTER-REGIONAL COOPERATION	53
11.1 Intra-IGAD Co-operation in Migration Management	53
11.2 IGAD, Neighbouring RECs, Regional Consultative Processes and other Fora.....	54
12. OTHER SOCIAL AND ECONOMIC ISSUES DESERVING ATTENTION	55
12.1 Migration and Health	55
12.2 Migration and Education and Human Resources.....	56
12.3 Nomadic Pastoralism.....	57
12.4 Migration and Culture	58
12.5 Migration and Tourism	58
12.6 Migration and Trade	59
12.7 Migration, Human Security and Social Protection	59
13. PRIORITIZATION OF MIGRATION ISSUES	61
14. IGAD INSTITUTIONAL FRAMEWORK	63
15. HARMONIZING MIGRATION LEGISLATION AND POLICIES OF IGAD MEMBER STATES	65
16. MONITORING AND EVALUATION MECHANISM	66
APPENDIX	67

List of Tables and Figures

Table 1: Migration issues in the AU Continental Migration Policy Framework, 2006.....	3
Table 2: Stock of international migration, refugees and IDPs in IGAD Member States 2005-2010	11
Table 3: Refugees, asylum seekers, IDPs, returnees (refugees and IDPs) and others of concern to UNHCR in IGAD Member States, end-2009.....	12
Table 4: Significant migration characteristics, achievements and challenges/opportunities of IGAD Member States.....	13
Figure 1: Institutional Arrangements.....	64

ABBREVIATIONS AND ACRONYMS

ADB	African Development Bank
AU	African Union
APRM	African Peer Review Mechanism
ARV	Anti- Retroviral
COMESA	Common Market for Eastern and Southern Africa
EAC	East African Community
ECA	Economic Commission for Africa
FMOP	Free Movement of Persons
GATS	General Agreement on Trade and Services
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immune Deficiency Syndrome
ICRC	International Committee of Red Cross/Red Crescent
IDP	Internally Displaced Person
IGAD	Inter-Governmental Authority on Development
ILO	International Labour Organization
IMF	International Monetary Fund
IOM	International Organization for Migration
IPF	IGAD Partners' Forum
MIDA	Migration for Development in Africa
MMM	Migration Management Mechanism
NEPAD	New Partnership for Africa's Development
NMP	National Migration Policy
OCHA	Office for the Coordination of Humanitarian Affairs
OECD	Organisation of Economic Cooperation and Development
RCP	Regional Consultative Process
REC	Regional Economic Community
RMPF	Regional Migration Policy Framework
STI	Sexually Transmitted Infection
TB	Tuberculosis bacillus
TICAD	Tokyo International Conference on African Development
TOKTEN	Transfer of Knowledge Through Expatriate Nationals
UNAIDS	United Nations AIDS
UNHCR	United Nations High Commissioner for Refugees
WHO	World Health Organization

ACKNOWLEDGEMENT

This publication was made possible with the financial support provided by the International Organization for Migration's (IOM) 1035 Facility and the contribution of the Inter Governmental Authority for Development (IGAD).

The IOM 1035 Facility gives support to IOM Developing Member States and Member States with Economy in Transition for the development and implementation of joint government-IOM projects to address particular areas of migration management.

IOM is committed to the principle that humane and orderly migration benefits migrants and society. As the leading international organization for migration, IOM acts with its partners in the international community to: Assist in meeting the growing operational challenges of migration management; Advance understanding of migration issues; Encourage social and economic development through migration; Uphold the human dignity and well-being of migrants.

Opinions expressed in this document are those of the author and do not necessarily reflect the views of the International Organization for Migration (IOM).

FOREWARD

Since its inception in 1986, the Inter-governmental Authority for Development (IGAD) has developed a number of important sectoral policy papers and frameworks in order to support its strategies with the view to responding effectively to its mandate, vision and mission.

This has been the case for main priority areas of cooperation as outlined in the Agreement Establishing IGAD. The focus of these efforts has always been on issues of relevance and importance to the member states. Migration has increasingly become a key phenomenon in the African continent and the African Union has been at the fore front in recognizing the contribution of migration to socio-economic development and as poverty reduction strategy; thus inspiring the continental body to adopt the Migration Policy framework for Africa (2006) as a basic guideline and reference document to assist Member States and RECs to develop national and regional migration policies as well as, their implementation in accordance with their own priorities and resources.

In this regard, the IGAD Regional Migration Policy Framework (IRMPF) was inspired by and developed in response to the AU Banjul Decision EX.CL/Dec.304 (IX), and places particular focus on regional specific concerns such as migration and pastoralism, migration and human security and internal displacement due to political instability amongst many others. The overall objective of this policy framework is to implement a series of initiatives to address specific needs of IGAD member states with the support of relevant stakeholders.

In response to the Banjul Decision which requested the AU Commission in consultation with the International Organization for Migration (IOM) and other relevant partners, to assist Member States with the development and implementation of sound migration policies, IOM in the spirit of existing cooperation and in close collaboration with IGAD provided the financial, technical expertise and support towards the formulation of the IRMPF. The framework provides a coherent strategy aimed at guiding IGAD priorities in migration management programmes in pursuit of its mandate, and in moving it forward as the premier regional economic community with a regional migration policy framework with far reaching implications for its member states and beyond. The IRMPF will enable member states develop national migration policies that address specific migration related challenges and concerns in a more comprehensive and holistic manner.

This policy document places emphasis on strategies for realizing systematic and harmonized migration management within the IGAD region, but also encourages Member states to take into consideration the national specificities. It is in the realm of international migration management that the International Organization for Migration (IOM) emphasizes that regular Migration benefits both societies and individuals and mobility is an essential feature of today's world. Given the involvement of more than one country in the process, it is imperative

to address the issue as an important national, regional and international agenda. The IGAD Secretariat appreciates the continuing and steadfast support and cooperation with the IOM.

We hope that through this policy framework, the IGAD secretariat will work with its Member states and its partners including IOM in enhancing migration policy coherence within the region supported by other ongoing initiatives such as the IGAD Regional Consultative Process on Migration (IGAD-RCP). We are convinced that the development of this regional policy document is indeed a timely initiative and will enhance a strategized engagement in harnessing the development potential of migration and contributing towards ensuring sustainable peace, stability and development in the IGAD region.

Amb. (Eng) Mahboub Maalim,
IGAD Executive secretary

Amb. William Lacy Swing
IOM Director General

PART ONE

BACKGROUND, PERSPECTIVES AND RATIONAL

INTRODUCTION

Existing data and previous research suggest that, contrary to the belief that more Africans migrate outside the African continent, the vast majority move within the region.¹ Unfortunately, African countries, individually or within Regional Economic Communities (RECs), have not crafted formal and effective migration management mechanisms (MMM) to maximise the benefits of migration-development inter-linkages in which more rhetoric than action exists. The opening section of this document introduces migration in the AU context as a backdrop to migration realities to which the Inter-Governmental Authority on Development (IGAD) is bound to respond appropriately and in the interest of regional co-operation. It highlights the AU's Migration Policy Framework which provides the template for both national and Regional Migration Policy Framework (RMPF) of Regional Economic Communities (RECs) in Africa; rationalizes the need for the IGAD-RMPF; and briefly explains the methodology employed and its limitations.

Inter-Governmental Authority on Development (IGAD) is one of the eight Regional Economic Communities (RECs) recognised by the African Union (AU) to spearhead regional blocs that eventually will coalesce to form the African Economic Community (AEC) in the third decade of this century. Following Eritrea's decision to suspend its membership, IGAD's Member States are six, namely Djibouti, Ethiopia, Kenya, Uganda, Somalia and Sudan. Like all other African RECs, IGAD aspires ultimately to initiate Free Movement of Persons (FMOP) within its area of jurisdiction to open up opportunities for uninhibited migration, residence and establishment. The realisation of this objective will require a clear understanding of national legislation and policies pertaining to internal as well as international migration, the latter including cross-border migration and migration through transit countries to particular countries of destinations.

This IGAD-RMPF consists of three parts. Part one consists of two sections: the first section provides background to and rationale for the IGAD-RMPF, the first African endeavour of its kind pursuant to the AU adopted the Migration Policy Framework for Africa in June 2006. The second section of part one highlights migration realities and challenges in IGAD in terms of various types of internal and international migration, migration realities and trends and both challenges and opportunities for IGAD. Part two presents the IGAD-RMPF by stating important issues and recommending strategies to be adopted in addressing specific issues in migration management in IGAD through the IGAD secretariat, IGAD Member States bilaterally or multilaterally and their other stakeholders in migration management. The final part addresses institutional imperatives without which the IGAD-RMPF, however well-intentioned, cannot get off the ground and provide for more effective migration management.

¹ Several World Migration Reports, since 2000, underscore this fact as do the works of authors of African migration, such as Aderanti Adepoju 2010a (ed). International Migration within, to and from Africa in a Globalised World. NOMRA/Sub-Saharan Publishers, Accra.

1.1 Regional African Migration Policy Framework: the AU Agenda

Since its inception, the AU has shown strong commitment to take forward the development agenda in Africa from various perspectives.² The AU attaches a lot of importance on migration, the bulk of which occurs within the African continent itself, though an increasing proportion of emigration from individual States or particular RECs is currently outside the continent.

The last decade witnessed a flurry of frameworks on migration focusing on Africa, EU-AU relations and migration issues of interest to different parties.³

The starting point is recognition of migration issues in the African Migration Policy Framework which the AU Heads of State and Government adopted in Banjul, the Gambia in July 2006. Table 1 highlights the issues, highlighting their basic elements and indicating special concerns where applicable.

Other relevant AU Migration related decisions which should be added include:

- African Common Position on Migration and Development (Banjul)
- Convention for the protection and assistance of internally displaced persons in Africa (Kampala Convention);
- Ouagadougou Plan of Action to combat trafficking in Human Beings especially women and children; and
- The Social Policy Framework,

The AU's commitment:

- ⇒ **ADOPTS** the Migration Policy Framework for Africa as a basic guideline and reference document to assist Member States and RECs to develop national and regional migration policies;
- ⇒ **URGES** Member States and RECs to utilize the migration framework in the development of migration policies;
- ⇒ **REQUESTS** the AU Commission in consultation with the International Organization for Migration (IOM) and other relevant partners, to assist Member States with the development and implementation of sound migration policies;
- ⇒ **MANDATES** the African Union Commission to develop, in collaboration with partners, a follow-up mechanism;
- ⇒ **REQUESTS** the Chairperson of the African Union Commission to periodically report on the implementation of the Framework.

² In 1991, the Summit of the Member States of the Organisation of African Unity (OAU) adopted the Abuja Treaty which among other things recommended that all RECs work towards eventually coalescing into the African Economic Community (AEC); this recommendation was affirmed by the Constitutive Act of the African Union (AU) which, in 2001, replaced the defunct OAU.

³ The major documents include: (i) The first EU-AU Ministerial Conference on Migration and Development held in Rabat, Morocco on 10-11 July 2006; (ii) the Migration Policy Framework for Africa adopted by the Assembly of the African Union in Banjul in June 2006; (iii) the Joint Africa-EU Declaration on Migration and Development adopted in Tripoli on 22-23 November 2006; (iv) the findings of the Global Forum on Migration and Development series held annually since that in Brussels on 9-11 July 2007; (v) the Second Euro-African Summit held in Lisbon from 8 to 9 December 2007; (vi) the seminar on "Migration: human rights perspective" organized by the Inter-Parliamentary Union (Geneva 24-26 October 2007); and (vii) the Resolution of the 118th Assembly of the Inter-Parliamentary Union on "Migrant Workers, People Trafficking, Xenophobia and Human Rights" held in Cape Town on 18 April 2008. Add references and Yesterday's solutions

Table 1: Migration issues in the AU Continental Migration Policy Framework, 2006

Migration issue	Element	Specific concerns
Strategies for managing migration	Migration realities and trends	
	Need for a comprehensive migration policy	
	Labour migration	National Labour Migration Policies, Structures and Legislation Regional Co-operation and Harmonization of Labour Migration Policies Labour Movement and Regional Economic Integration
	Border management	Border management issues
	Irregular migration	Migrant Smuggling Human Trafficking Return and Re-Admission National and International Security and Stability
	Forced displacement	Refugees and Asylum-Seekers Internally Displaced Persons Protracted Displacement Situations Crisis Prevention, Management and Conflict Resolution Principles of Non-Discrimination Integration and Re-integration Stateless Persons
	Internal migration	Urbanization Push-pull forces
	Migration data	Collection and Analysis of Migration Data Regional Migration Data Exchange
	Migration and development	Collaboration with African Diaspora Brain Drain Remittance Transfers
	Inter-State and inter-regional cooperation	Cross-border “common language” Exchanges, strife and tensions Other forms of cooperation

IGAD REGIONAL MIGRATION POLICY FRAMEWORK

Other issues deserving special attention	<p>Migration, poverty and conflict</p> <p>Migration and health</p> <p>Migration and environment and trade</p> <p>Migration and gender</p> <p>Migration, children, adolescents and youth</p> <p>Migration and the elderly</p>	<p>Conflict, insecurity, environmental degradation and poverty as root causes Linkages with communicable diseases (HIV/AIDS, etc.)</p> <p>Environmental degradation and disasters WTO trade instruments (e.g. Doha Mode 4) Feminization of migration; skills, services</p> <p>Movements on own volition, smuggling & trafficking</p> <p>Determinants and consequences</p>
Prioritization of migration issues	<p>Upholding the humanitarian principles of migration</p> <p>Border management and security</p> <p>Promotion of regular and labour migration</p> <p>Integration of migrants in host communities</p> <p>Migration and development</p> <p>Capacity building</p> <p>Promotion of policy-relevant research and capacity on migration</p>	<p>Human and Migrant's Rights, Women's Rights; Rights of the Child, etc., and their implementation</p> <p>Internal and external security that arising from migration. It is imperative for countries to make border management a policy priority</p> <p>Migration brings efficiency in the labour market and skills and knowledge transfer, cultural diversity, stopping migrant trafficking and smuggling and strengthening the broader globalization process. Information, proper documentation necessary for various needs of migrants in the countries of destination and for educating host communities.</p> <p>Successfully integrated migrants have a greater chance of feeling a sense of belonging in the host society, thus leading productive social and economic lives to the benefit of both their State of origin and host State.</p> <p>The developmental impact of migration is the contribution of the Diaspora to their State of origin through remittance, stimulating trade and investment, skill and technology transfer, advocacy in host countries, etc.</p> <p>For strengthening the human and institutional capacities of Member States to properly handle migration and migration-related issues.</p> <p>Policy makers need to base their decisions on well-informed and well-researched problem analysis: causes, determinants, consequences, advantages, disadvantages of different types of migration and migrants in a given country; and research on the effects of a particular policy on the different aspects of migration (security, health, integration, trafficking, labour migration, human rights etc).</p>

Source: Executive Council, Ninth Ordinary Session (2006) *The Migration Policy Framework for Africa*. Banjul, The Gambia, June 2006.

1.2 Migration in IGAD's Regional Consultative Processes

Despite the spirited interest in migration management in the continent, African RECs have not developed their own Regional Migration Policy Frameworks which address migration issues of concern to them. The Member States of several African RECs are part of Regional Consultative Processes (RCPs) on migration, which in essence are platforms for continuous regional dialogue on migration leading to and by and large non-binding outcomes that, nonetheless, can be taken forward more concretely in the more formally constituted RECs. With the support of the IOM, SADC formed the Migration Dialogue for Southern Africa (MIDSA) and the Economic Community of West African States (ECOWAS) established Migration Dialogue for Western Africa (MIDWA) that help sustain dialogue on regional migration and development issues.

1.3 Rationale for the IGAD Regional Migration Policy Framework

AU's adoption of the Migration Policy Framework in Banjul in 2006 grew out of the OAU Council of Ministers' adoption of Decision CM/Dec 614 (LXXIV) at the Ordinary Session in Lusaka, Zambia in July 2001. The Decision recommended the formulation of a Strategic Framework for a Policy on Migration in Africa which the Summit of the Heads of States approved. It aimed:

- To develop a strategic framework for migration policy in Africa that could contribute to addressing the challenges posed by migration and to ensure the integration of migration and related issues into the national and regional agenda for security, stability, development and co-operation;
- To work towards free movement of people and to strengthen intra-regional co-operation in matters concerning migration on the basis of the established processes of migration at the regional and sub-regional levels; and
- To create an environment conducive to facilitating the participation of migrants, in particular those in the diaspora in the development of their own countries.

IGAD blazes the trail by being the first African REC to prepare a Regional Migration Policy Framework, hereafter IGAD-RMPF. Against the backdrop of two meetings of IGAD's RCP in 2008 and 2010, the REC has a legitimate stance to foster a process aimed at an explicit migration policy for its Member States, ultimately for the latter to formulate national migration policies (NMPs) that streamline migration management regionally and nationally respectively. Ideally, the IGAD-RMPF is but a guide rather than a binding document which must be enforced at all cost; it is meant to be sensitive to regional commonalities and national peculiarities which translate into varying migration realities in the region. The IGAD-RMPF has borrowed largely from previous migration management initiatives with similar sentiments, notably the *Berne Initiative on the International Agenda for Migration Management*⁴ and the AU's "Migration Policy Framework for Africa" of June 2006.⁵ The Berne Initiative calls for the "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" (p. 18). It underlines the point that "positive developments in the field of

⁴ The IOM and Federal Department of Justice and Police and Federal Office for Migration, Swiss Government (2004) published a trilingual document entitled *International Agenda for Migration Management: Common understandings and effective practices for a planned, balanced, and comprehensive approach to the management of migration*, Berne 16-17 December 2004.

⁵ See (ii) in footnote 1 above; details are contained African Union, Executive Council, Ninth Ordinary Session, 25-29 June, Banjul, The Gambia, EX-CL/276 (IX).

international migration management have emerged through regional processes on migration” (p. 20). These expressions are pertinent to the IGAD- RMPF for which the IGAD Regional Consultative Process (IGAD RCP) is a vehicle for greater regional engagement on migration. The AU document, on the other hand, recognises diverse driving forces, dynamics and patterns of migration in various regions of Africa, mainly shaped by internal factors, and also by the globalization process which facilitates migration across the various regions through regional integration and to other regions outside the continent. It acknowledges that much as both countries of origin and destination do benefit from migration, problems often arise due to irregular and uncontrolled migration, jeopardizing the relations between countries and also the integration of migrants in the destination society. Moreover, it has become evident that all IGAD Member States are simultaneously countries of origin, transit and destination, implying that all of them must share experiences and bear responsibilities in the context of the REC and its neighbouring counterparts, the East African Community (EAC) and the Common Market for Eastern and Southern Africa (COMESA).

The IGAD-RMPF is necessary as an expression of the Greater Horn of Africa (GHA) where certain regional imperatives – among them the Nile basin, climatic and environmental conditions and affinity of the peoples – rationalize the framework.⁶ The policy framework serves to provide the necessary guidelines and principals to assist governments in the formulation of their own national migration policies as well as, their implementation in accordance with their own priorities and resources. The policy framework is therefore a comprehensive and integrated reference document and hence non-binding in nature, scope and content. The document provides a broad range of recommendations on various migration issues as a guide to governments. In this regard, Member States can borrow elements as they deem fit, appropriate and applicable to their country-specific migration challenges and situations

1.4 Important issues to note in the IGAD-RMPF

1.4.1 Peace in IGAD Member States after a traumatic past

In the recent past, the IGAD region has experienced considerable instability due to civil wars and conflict (e.g. between Eritrea and Ethiopia and Ethiopia and Somalia) which caused and sustained refugee flows and stock in the region. The Sudan has been embroiled in a protracted war between the north and the south, which ceased in early 2005 when the two factions reached a peace agreement through IGAD’s diplomatic brokerage; an important element of this agreement was the country’s holding of a referendum in which Southern Sudanese voted overwhelmingly for independence which is scheduled to take effect from July 2011. The period 1971-1986 saw Uganda torn apart by the repressive Amin regime (1971-1979), followed by the ill-fated Obote II regime, toppled by short-lived quasi-military rule and a relatively peaceful dispensation since 1986, but with rebels causing havoc in certain parts of the country including the north. Among the IGAD Member States, only Djibouti and Kenya have remained relatively stable, though they have not escaped the problem of IDPs. An impressive feature during the difficult transition to peace-building and stability has been IGAD’s constant involvement in peace-building initiatives, leading to the creation of the IGAD RCP, the call for

⁶ The African Migration and Development Policy Centre (AMADPOC), based in Nairobi, adopts the GHA concept which it borrowed from a USAID project which once defined the region thus. AMADPOC primarily serves the IGAD region and secondarily the rest of sub-Saharan Africa (SSA).

the IGAD-RMPF and the growing desire for free movement of persons in the Member States.

1.4.2 IGAD and neighbouring RECs

All IGAD Member States, except Somalia, are also members of COMESA and both Kenya and Uganda are EAC Partner States. This gives IGAD a unique position which makes it necessary for the REC to embrace the interests of its counterparts in systematic migration management or to perform a balancing act due to overlapping membership in various RECs. Thus, IGAD Member States that share common borders with the EAC Partner States and COMESA Member States, must of necessity foster peaceful co-existence and partnership, especially on migration management as an area of mutual interest.

1.4.3 Assessment of IGAD in the context of Regional Integration

The United Nations Economic Commission for Africa (ECA) underlines the point that “intra-state and inter-state conflicts have slowed progress”⁷ in IGAD and, like other RECs, its efforts to develop human resources have been marginal.⁸ Yet an important feature of IGAD is its inclusion of Member States with relatively homogeneous physical and human attributes, which places the Member States in a unique situation to rally support for the REC’s activities. For example, all IGAD Member States, with the exception of Uganda, are dominated arid or semi-arid environment and all of them, with the exception of Ethiopia and Sudan, communicate easily in Swahili language.

1.5 Major IGAD Institutions of importance to the IGAD-RMPF

1.5.1 Conflict Early Warning and Response Mechanism

The Protocol on the Establishment of a Conflict Early Warning and Response Mechanism for IGAD Member States (CEWARN) was signed by all IGAD Member States in Khartoum on January 9, 2002 **and is being ratified by each of them.** Its functions include:

- i. Promoting the exchange of information and collaboration among Member States on early warning and response to conflict by observing (a) timeliness, (b) transparency, (c) cooperation and (d) free flow of information;
- ii. Gathering, verifying, processing and analysing information about conflicts in the region;
- iii. Communicating all such information and analysis to decision makers of IGAD policy organs and the national governments of the Member States; and
- iv. A host of functions relating to successful implementation of CEWARN as stipulated in Article 5 of CEWARN.

⁷ Economic Commission for Africa (2004), Assessing Regional Integration in Africa, EAC Policy Research Report. Addis Ababa: ECA, p.30.

⁸ Ibid. p.197

1.5.2 Conference on Internal Displacement in the IGAD sub-Region – Include the Kampala Convention

This conference was held in Khartoum on 30 August-2 September 2003. It was an experts meeting which, among other things, discussed the causes displacement and needs of IDPs; the *Guiding Principles on Internal Displacement*; and protection as well as humanitarian access, especially with regard to vulnerable IDPOs (women, children, the elderly and persons with disability). It also drew attention to durable solutions in terms of return, resettlement and reintegration; responses by national and local governments, the civil society, NGOs and regional organisations; and international response by the UN agencies, international NGOs and donors (development partners. The conference made 35 recommendations: of which 16 were for the attention of IGAD Member States, 13 were for IGAD secretariat and six were for the international community. Finally, it brought into being the Khartoum Declaration with far-reaching recommendations.

1.5.3 IGAD Peace and Security Strategy

This strategy, covering the period 2010-2014, builds upon the IGAD Peace Process on Somalia and Sudan of 2004 and 2005 respectively, as well as CEWARN and ICPAT (IGAD Capacity Building Programme Against Terrorism). Its overall goal is to achieve sustainable peace and security for the attainment of economic integration and development in the IGAD region. Specifically, it aims to:

- a. Strengthen and streamline conflict prevention, management and resolution in the IGAD region;
- b. Strengthen preventive (track 2) diplomacy in the region;
- c. Promote cooperation to address emerging common peace and security threats within the region; and
- d. Enhance cooperation in other areas incidental to peace and security, such as: environmental protection; disaster prevention, management and response; transit corridor management and management of trans-boundary water and energy resources; prevention, management and resolution of challenges relating to refugees and internally displaced persons (IDPs) as well as post-conflict reconstruction.

The IGAD region has so far made remarkable progress under this strategy. The Sudan Peace Process culminated in the referendum in South Sudan which overwhelmingly endorsed the separation of North and South Sudan, with the latter poised to become Africa's newest nation in July 2011.

1.5.4 IGAD Capacity Building Programme against Terrorism

In January 2010, the ICPAT became the point of reference for capacity building against terrorism which afflicts the IGAD region. Some IGAD Member States – Kenya in 1998 and 2002 and Uganda in 2010 – experienced deadly bomb blasts. Terrorist threats still loom large in Somalia where the Al Shabaab is operational as a cell of Al Qaeda. ICPAT provides opportunities for counter-terrorism training programmes attended by law enforcement officials. Between July 2007 and May 2009, six such training programmes had been held in succession in as many IGAD Member States. In addition, two IGAD-wide joint training programmes took place on 13-

24 July 2009 in Addis Ababa and on 16-19 November 2009 in Khartoum. Despite its uniqueness as the first African programme on counter-terrorism training and remarkable success so far, ICPAT still faces some daunting challenges which IGAD Member States have to resolve.

1.6 Methodology and Limitations in Developing the IGAD-RMPF

Preparation of the IGAD-RMPF involved several approaches. First, it relies on published material, some of which the IGAD Secretariat made available and others accessed from the internet other sources. Second a deliberate effort was made to gather data/information from IGAD Member States through check lists which were emailed to them for response. Third, information was generated from fieldwork through visits to some IGAD Member States and in a meeting organized by IGAD and IOM in Addis Ababa (October 2010) and a training workshop for IGAD migration-based officials held in Moshi, Tanzania in November 2010.

Unfortunately, most Member States defaulted in returning their responses to the check lists sent to them. This is a major drawback and raises curiosity in the commitment of the Member States to the IGAD-RMPF. The situation would best be resolved by the Validation Workshop on the draft IGAD-RMPF.

MIGRATION REALITIES AND CHALLENGES IN IGAD

2.1 Typology of Migration in IGAD

Simply stated migration is the spatial movement of population which involves change of usual residence from a place of origin to a particular destination. Migration has become a topical subject in virtually all social sciences and humanities; it is an issue closely linked to individuals, households, communities and countries of both origins and destinations, underscoring the links between migration and development. Owing to the occurrence of migration as continual rather than a once in a lifetime phenomenon, it is often unpredictable and difficult to track. Therefore, the definition of migration takes different dimensions and depends on who is addressing it, why and to solve what problems that relate to it. Moreover, migration can be either temporary or permanent depending on circumstances which change from time to time at the destination.

It is difficult to propose a definitive typology of migration as different types of migration occur in different settings due to a variety of reasons, involve different actors and have varied consequences. However, there are certain distinctions worth making: **internal migration** involves movement within a country while **international migration** entails the crossing of internationally recognized borders; both can be **voluntary** on the part of migrants or **forced** by circumstances beyond their control; and migration management involves various stakeholders: data producers including institutions in both the public and private domains, different government authorities, regional organisations, development partners, NGOs, the civil society and so on. This implies that there can be no “one-size-fits-all” approach to migration management.

Given certain mobility phenomena in IGAD, interpretation of migration should be restricted to the conventional definition. In IGAD, migration of necessity includes pastoralism which is a dominant feature of arid and semi-arid lands (ASAL) and tourism draws to particular pockets of the region both short-term visitors and nationals who provide certain services to them. In the process of moving, pastoralists come into contact with people in their habitual residence, resulting in conflict between them attributed to cattle-rustling and conflict between pastoralists and agriculturists. Tourism sometimes causes environmental degradation thereby occasioning climate change and compromise some land uses.

Against this background, IGAD has embraced the concept of “mixed migration”. The IOM defines mixed flows as: Complex population movements including refugees, asylum-seekers, economic migrants and other migrants [and]...concern irregular movements, frequently involving transit migration, where persons move without the requisite documentation, crossing borders and arriving at their destination in an unauthorized manner.⁹

⁹ Ninety- eighth Session, “Irregular migration and mixed flows: IOM’s approach, MC/INF/297, 19 October 2009, p.10 http://www.iom.int/jahia/webdav/shared/shared/mainsite/about_iom/en/council/98/MC_INF_297.pdf.

a. Migration Realities and Trends¹⁰

Like other African RECs, **IGAD** experiences different types of documented, forced and irregular migration with varying causes, magnitude, directions and effects. Significant migration characteristics, achievements and challenges/opportunities in IGAD are highlighted in Table 2. A common feature of all IGAD Member States is a lack of harmonized migration management policy given varying national legislation, policy and practice adopted by the different migration-focused government ministries and departments. A common feature in all IGAD Member States is lack of harmonized migration management given varying national legislation and policies by different migration-based government ministries.

Table 2 Stock of international migration, refugees and IDPs in IGAD Member States 2005-2010

Member State	Total ('000)	International migrant stock				Refugees ('000) End 2008	Net migration	
		% of total 2010	% of females	Average Annual rate of change (%) 2005-2010	Net migration among foreign Born 2005-2010		Average Net Migration ('000)	Average Annual net migration Rate (per 1,000 pop)
Djibouti	114	13.0	45.9	0.7	8.3	9.2	-	-
Ethiopia	548	0.6	47.1	-0.2	18.4	83.6	-60.0	0.8
Kenya	818	2.0	50.8	0.7	61.8	320.6	-32.9	-1.0
Somalia	23	0.2	45.9	1.4	2.8	1.8	-50.0	-5.6
Sudan	753	1.7	48.2	3.3	138.2	181.6	27.0	0.7
Uganda	647	1.9	49.9	-0.2	25.0	162.1	-27.0	-0.9

Source: UN DESA International Migration Wall Chart, 2010

Kenya has by far the largest migrant stock, followed by Sudan and Uganda in descending order; Djibouti accounted for the highest percentage of migrants; with the exception of Kenya with slightly more than half of the migrants being female, the proportion falls below half in all other IGAD Member States; and Sudan recorded the highest annual rate of change of migrants as well as net migration of foreign born in 2005-2010. Kenya hosted the largest number of refugees, followed by Sudan and Uganda as a poor third. Regarding average net migration, all IGAD Member States are net emigration countries, which underlines why increasing attention is being paid to the diaspora and remittance; the average annual net migration rate is positive only for Ethiopia and Sudan.

Table 3 provides better insights of various types of forced migration with national and international dimensions. By the end of 2009, Kenya had the highest number of refugees, Somalia held the highest number of asylum seekers, Somalia and Sudan accounted the vast majority of IDPs protected/assisted by UNHCR and Uganda led the pack in the number of returned

¹⁰ Detailed analysis of migration and population displacement in the IGAD region is contained in J.O. Oucho (2002) "Overview of Migration and Human Displacement in East Africa, the Horn of Africa and the Great Lakes Region: Causes and Consequences, Common Interests and Concerns". Paper presented at the International Migration Policy (IMP) Conference for East Africa, the Horn of Africa and the Great Lakes Region, Nairobi, Kenya, 13-17 May, 2002.

IDPs, followed by Sudan. The last two represent instances of normalcy encouraging return to habitual residence.

Table 3 Refugees, asylum seekers, IDPs, returnees (refugees and IDPs) and others of concern to UNHCR in IGAD Member States, end-2009

Member State	Refugees	Total refugees and people in refugee-like situation	Asylum seekers	IDPs protected/assisted by UNHCR	Returned IDPs	Total population of concern
Djibouti	12,111	-	12,111	921	-	13,032
Ethiopia	121,886	-	2,458	-	17	24,361
Kenya	358,928	121,886	18,958	399,000	5,000	882,339
Somalia	1,815	1,815	24,668	1,550,000	-	1,576,544b
Sudan	152,335	186,292a	5,941	1,034,140	166,900	1,426,412
Uganda	127,345	127,345	11,551	446,300	407,700	992,284

Note: a- Includes 33,335 people in refugee-like situation

b- Includes 100,000 stateless persons

Source: 2009 Global Trends, Annex x3, external.xls, table 1.

An interesting trend was observed in four IGAD Member States that are among top 10 destinations of migration stock. For Kenya, the numbers declined steadily from 818,000 in 2000 to 790,000 in 2005 and 755,000 in 2010; the figures for Uganda were 647,000, 652,000 and 628,000 respectively. Both cases are attributable to the return of Sudanese refugees. Conversely, Tanzania's stock increased steadily from 659,000, 798,000 and 900,000 respectively, while Ethiopia's took a similar form, at 548,000, 554,000 and 662,000 respectively (UN DESA, 2009, p.152. The *World Migration Report 2010* reported IDPs of generalised violence and human rights violations as phenomenal 4,900,000 in Sudan, 1,500,000 in Somalia, 437,000 in Kenya and 350,000 in Ethiopia (IOM, 2010: 263). Although the figures from various data sources are not identical, they depict the magnitude of the most recent voluntary and forced migration in IGAD Member States.

Table 4 highlights significant migration characteristics, achievements and challenges/opportunities in IGAD.

Table 4 Significant migration characteristics, achievements and challenges/opportunities of IGAD Member States

Member State	Migration Characteristics	Major Achievements	Challenges	Opportunities
Djibouti	Transit and destination of refugees, regular and irregular migrants	Has hosted many refugees from IGAD MS Passed Immigration Law of 2007; Human Trafficking Law; and law on Protection of Children	Addressing migrant trafficking and smuggling across the Red Sea; lack of harmonised migration management; rescue at sea of irregular migrants to the Gulf States a major challenge	Attention to migrant commercial sex workers and implications of their movements
Ethiopia	Origin of migrants, refugees and trafficking; destination (of AU and ECA personnel); a host of refugees	Promising policy and practice in mobilizing Diaspora towards country's development efforts. Legal frameworks exist to manage migration issues and refugees	The major challenge relates to containing irregular emigrants and refugees; harmonised migration management	Migrant remittances have positively influenced monetary and other policies; refugee production/irregular migration act passed
Kenya	Origin of migrants; transit of irregular migrants; host of refugees from all over IGAD region; destination of a vast UN human resources Menace of IDPs over two decades	Has a humane policy toward refugees; tolerant of immigrant groups; has played key roles in Sudan's reconciliation and Somalia's peace-building; significant contribution of migrant remittances for development	lack of harmonised migration management; the EAC Common Market "frees" migration	Yet to tap the full potential of its Diaspora which, likely to be complicated by dual citizenship which the 2010 Constitution recognises; the EAC Common Market Protocol enhances prospects for of the "five freedoms" including freedom of migration; passed Refugee Act (2006) and Counter-Trafficking Law

Member State	Migration Characteristics	Major Achievements	Challenges	Opportunities
Somalia	Origin of vast number of refugees spread in different world regions; anarchy stifles systematic handling of migration; menace of IDPs	A “best practice” destination of migrant remittances through non-formal channels (<i>xawilaad</i>) Assisted in reconciliation efforts by IGAD Member States	Being assisted by all IGAD Member States in peace-building efforts and emergence of a stable government	The country’s growing diaspora remittances a boon for the economy; it constitutes a “best practice” for IGAD Member States
Sudan	Origin of migrants and refugees (the latter especially in the South); existence of IDPs	Migrant remittances properly utilised in development; peace efforts between North and South Sudan rekindles return of several generations of refugees A Migration Profile of Sudan has been published, providing a good evidence base for migration policy formulation, implementation and evaluation	Lack of harmonised migration management; protracted civil war delayed realisation of the country’s potential; New challenges will emerge following separation of Northern and Southern Sudan	Independence of Southern Sudan by July 2011 provides rays of hope for realising the new country’s development potential; heavy return migration of the new States’ refugees will boost human resources
Uganda	Origin of migrants; host of refugees from IGAD, EAC and COMESA & SADC (DRC); heavy return migration in the post- civil war period	Impressive involvement with its Diaspora in development endeavours; successful hosting of refugees from diverse sources	lack of harmonized migration management	The EAC Common Market Protocol enhances prospects for “five freedoms” including freedom of migration

The following general migration trends in the Horn of Africa are important:

- **East Africa Route** - from the Horn of Africa and heads north to Italy and Malta via Sudan, Libya and/or Egypt;
- **Mediterranean Sea Routes** – from the shores of Libya and Egypt to Malta, Italy, Cyprus and Greece;
- **Gulf of Aden Route** – from Somalia to Yemen crossing the Gulf of Aden via Bossaso, Puntland; and

- **Red Sea Route** – via the Red Sea and the Suez Canal to Italy and Malta and also through Djibouti to Yemen via Obock.

Recent figures on the crossings provide vivid insights:

- Every year, thousands of migrants travel from the Horn of Africa across the Gulf of Aden to Yemen and beyond. Both crossings/arrivals remain high, estimated at 2,000 persons per week despite difficult conditions.
- According to the Yemen Mixed Migration Task Force, the estimated numbers of people crossing the Gulf of Aden were: 22,000 reported crossings in 2006; 30,000 in 2007; 40,000 in 2008; 77,802 arrivals in 2009; and 43,000 in 2010. The substantial decrease in 2010 is attributed to tighter controls at the ports of entry.

Thus, all IGAD Member States need to pay special attention to their “migration corridors”, or routes taken by migrants from origin, through transit countries to countries of destination. They should emulate the work of the International Centre for Migration Policy Development (ICMPD) funded by the UK Border Agency, documents the “East Africa Migration Route Initiative” which exemplifies mixed migration in Ethiopia, Kenya and Libya through various travel documents (ICMPD, 2008).

b. Challenges to and opportunities for IGAD

Systematic migration management in IGAD not only faces some serious challenges but also provides some opportunities. A few are stated for information.

Several challenges can be identified. First, IGAD secretariat has an insufficient institutional framework to steward efforts in migration management. This explains why development of this IGAD-RMPF provides some insights into a plausible institutional framework which requires serious discussion by all stakeholders. Second, IGAD Member States have different institutions in government that are responsible for diverse forms of migration management: these include ministries in charge of foreign affairs, interior/home affairs, and labour, not to mention sectoral ministries. In the absence of co-ordination, each ministry pursues its own policy with inconsistent laws and regulations, resulting in policy incoherence. National policy incoherence builds up to a similar situation in IGAD hence lack of a common IGAD migration policy. Third, both the IGAD secretariat and IGAD Member States have limited capacity to manage migration; they require institutional and staff capacity building before going it alone in migration management. Finally, migration is an ambiguous concept for most stakeholders which perceive and respond to it differently. Without a shared understanding and common framework for cooperation, stakeholders cannot be expected to strengthen effective regional migration management and/or take action in a concerted manner.

Conversely, several opportunities beckon at migration management. Against the backdrop of IGAD Regional Consultative Process (IGAD-RCP), other meetings and the proposed IGAD-RMP, THE IGAD secretariat has the rare opportunity to support Member States to embark on a radical approach to migration management. Also, given that IGAD Member States have been heavily involved in these efforts and favour the IGAD-RMPF, they are likely to proceed

with formulating national migration policies (NMP).¹¹ The IGAD region, to its credit, houses several institutions with commitment to migration work: the AU which has been spearheading migration management initiatives; ECA with a longstanding commitment in migration and development endeavours; and the recently established African Migration and Development Policy Centre (AMADPOC) in Nairobi, Kenya which is poised to serve IGAD in various facets of migration work: research and data hub, training and capacity building, policy dialogue and network and a resource centre.¹² In addition, the EAC Common Market, which underlines free movement of labour, capital and goods, provides a template for IGAD to adopt in its envisaged protocol on Free Movement of Persons. The International Organization for Migration (IOM) has provided support to IGAD-RCP since its inception and remains a key partner in strengthening national and regional capacities of the IGAD-RCP to promote human and orderly migration management that benefits migrants and societies. Moreover the Tanzania Regional Immigration Training Academy (TRITA) in Moshi provides a unique opportunity for training officials from migration-based ministries in IGAD. To provide more comprehensive training for a variety of beneficiaries, TRITA could team up with the African Migration and Development Policy Centre (AMADPOC) in Nairobi which handles academic and policy aspects of migration in the context of development. Finally, IGAD is benefiting from the support of IGAD Partners' Forum (IPF), a unique outfit which often comes to the REC's assistance on a variety of concerns.

c. Towards the IGAD Regional Migration Policy Framework

As peace and stability become more entrenched in IGAD, the need for the IGAD Migration Policy Framework (IGAD-RMPF) cannot be overemphasised as the two attributes are crucial for meaningful migration management. Inevitably, the development of this RMPF has been as consultative as possible to engage various stakeholders in migration management.

d. Strategies for Migration Management in IGAD

The IGAD-RMPF places emphasis on strategies for realising systematised and harmonized migration management within IGAD in general but also conscious of peculiar national considerations. However, the strategies proposed are likely to change as migration scenarios and trends are in a constant state of flux in the REC as well as in its individual Member States. The next section of the document concentrates on the IGAD-RMPF.

¹¹ At the time of developing this IGAD-RMPF, Uganda has already embarked on developing its national migration policy (NMPs) which will be instructive for other IGAD Member States; Kenya's policy, which was limited to immigration, is still doing rounds in the national policy formulation process.

¹² The brochure of the African Migration and Development Policy Centre (AMADPOC) clearly states its commitment to serving the Greater Horn of Africa (GHA) which covers a substantial part of the IGAD region.

PART TWO

**THE REGIONAL MIGRATION
POLICY FRAMEWORK**

PERTINENT ISSUES IN THE REGIONAL MIGRATION POLICY FRAMEWORK

3.3.1 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 the ability of States to exercise effective control over their borders, and creating tensions between the countries of origin and destination and within local communities in the latter. Recent international terrorist activity has also reinforced focus on individual migrants and the potential for public order to be comprised by individuals whose intent is to undermine IGAD Member States' and the REC's security and stability. Combating irregular migration and establishing comprehensive migration management systems can contribute to enhancing national and international security and stability. In the IGAD, national and regional insecurity and instability often compromise development efforts. Some neighbouring countries have waged war on each other, others experience an uneasy if peaceful coexistence and still others are prone to resorting to violence to resolve serious differences related to irregular human movement across common borders.

RECOMMENDED STRATEGIES:

- i. Strengthen national and inter-state efforts to prevent persons from moving across national boundaries for illegal purposes or without proper documentation within IGAD Member States as well as between these and third States in neighbouring RECs.
- ii. Enhance national and regional capacities for conflict prevention, management and resolution mechanisms to promote peace, security and stability throughout the IGAD region and with due regard to its proximity with other RECs in accordance with the provisions of the Lusaka Declaration.¹³
- iii. Strengthen diplomatic initiatives to invoke 'early warning' mechanisms and to diffuse volatile situations before they cause conflict and displacement, in the process enhancing intra-IGAD and IGAD-other RECs co-operation to respond expeditiously and efficiently to spontaneous migration and refugee flows.
- iv. Reinforce bilateral arrangements for monitoring, instituting 'early warning' mechanisms and addressing instances/ situations compromising security and stability in the region that have potential to explode into conflict.
- v. Strengthen the organ in IGAD responsible for monitoring, 'early warning' observations

¹³ The Lusaka Declaration underlines the need for Implementing the Abuja Treaty of 1991.

and development of durable solutions of conflict generally in IGAD and in particular Member States that are prone to temporary or protracted conflict.

3.3.2 Crisis Prevention, Management and Conflict Resolution

A region such as IGAD which has been devastated by conflict has three options to respond to the problem: prevention, management and resolution that can be applied as situations dictate. These options require political and institutional efforts at the national and IGAD levels and between IGAD and neighbouring RECs.

RECOMMENDED STRATEGIES:

- i. Strengthen diplomatic initiatives to defuse volatile situations before they lead to conflict and enhance intra-IGAD and IGAD-EAC/COMESA co-operation to enhance the capacity of their Member States to respond appropriately and efficiently to large, spontaneous migration and refugee flows.
- ii. Invoke national security mechanisms of the Member States of IGAD, EAC and COMESA to entrench conflict prevention, management and resolution capacity for promoting durable peace, security and stability throughout the IGAD region and its contiguous RECs by implementing the AU's Lusaka Decision (2001) for an integrated migration policy.
- iii. Introduce post-conflict recovery measures by improving economic conditions, rebuilding infrastructure and reversing adverse environmental impact of conflict.
- iv. Adopt early warning mechanisms for conflict to be better prepared to manage migration in the interest of national and regional stability.
- v. Enhance the demobilization, rehabilitation and reintegration of ex-combatants through appropriate information systems, counselling and referral services.

3.3.3 Rights of Migrants

There are human rights issues which legislation and policies must of necessity address. Migrants have the same human rights as people in countries of destination and they ought to enjoy rights as individuals and groups. Deprivation of human rights subjects migrants to discriminatory and xenophobic tendencies often expressed by the general public, national policies and legislation and in the “us” versus “them” rhetoric which undermines regional integration objectives enshrined in the IGAD Treaty and protocols. These aspects relate to migrants generally culminate in their exploitation, mass expulsion, persecution and other forms of abuse. It is necessary that all IGAD Member States observe and ensure respect for and protection of migrants' rights enshrined in the various human rights instruments which they have signed and ratified, and which they are applying/are supposed to apply.¹⁴ To this end, the desire for ‘freedom of movements, right of residence and right of establishment’ is an outgrowth of the Universal Declaration on Human Rights which allows a national to leave (voluntarily or when

¹⁴ The IGAD Member States have responded differently to the existing five protocols: all of them have signed and ratified the 1951 Conventions relating to the Status of Refugees and the 1967 Protocol on the same; Djibouti and Kenya have done so for the 2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons (especially women and children) and the 2000 Protocol against Smuggling of Migrants by Land, Sea and Air; Uganda has signed ratified only the first 1990 International Convention on the protection of the Rights of all Migrants and Member of Their Families. This patch signing and ratification of the five protocols/conventions on the rights of migrants complicates their implementation within the IGAD-RMPF.

persecuted) and return to his/her country at will. In Africa, Chapter VI, Article 43 of the Abuja Treaty of July 1991 gives provision for 'Free Movement of Persons, Rights of Residence and Establishment' and Human Resources (Chapter XIII, Article 71). Thus, virtually all African RECs have developed this protocol which spells out three phases: visa-free entry, right of residence and right of establishment, the last two often contentious. Unfortunately, the protocol remains a rallying rhetoric without proper mechanisms to implement it.

RECOMMENDED STRATEGIES:

- i. Reinforce national policies and legal frameworks of IGAD Member States to domesticate key international instruments that they have ratified and/or are implementing.¹⁵
- ii. Ensure that migrants who are detained by public authorities are treated humanely and fairly regardless of their immigration status, and are afforded all applicable legal protection, including, where appropriate, competent counselling and interpreter services; easy access to their consulates; and protection against arbitrary detention in accordance with the norms of international law.
- iii. Promote the integration of migrants in host societies in order to foster mutual cultural acceptance and to ensure that the rights of migrants are respected and protected.
- iv. Disseminate information about migrants through public information, education and communication (IEC) campaigns and other means in order to promote respect for, tolerance and understanding of, migrants and to counter anti-immigrant and xenophobic attitudes.
- v. Create an enabling environment for observing and respecting migrants' rights and that allows migrants to defend their rights individually and through migrant associations of which they are members, and permitting them to fulfil their basic needs.
- vi. Strengthen the gender dimension in training activities related to human rights, particularly the personnel who receive diverse groups of migrants or refugees that the responsible personnel should safeguard from discrimination.
- vii. Provide migrants with adequate and free administrative support and other services in language/languages in which the migrants are most proficient.
- viii. Enhance migrants' capabilities to secure employment commensurate with their qualifications and experience, assisting them to train in vocational skills to gain desired qualifications and skills.

3.3.4 Migration, Poverty and Conflict

A number of demographic, environmental, economic, political and social changes are intertwined with migration at all levels of society. For example, migration is often attributed to, but can also cause, poverty in the areas/countries of origin. Gathering evidence on this requires investigation of information at grassroots, household, community, national, regional and global levels. Likewise, migration can be both a cause and a consequence of conflict, in IGAD Mem-

¹⁵ These include but are not limited to: the Universal Declaration on Human Rights; the International Covenant on Civil and Political Rights; the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the Convention on the Rights of the Child; Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); the Convention Against Torture; ILO Conventions 97 and 143; and relevant regional human rights instruments including the African Charter on Human and People's Rights.

ber States occurring due to ethnic, environmental, political and class conflict. Internationally, conflict has erupted in some IGAD Member States because of political impasse, strife over resources, including pasture for livestock and tourist spots. Both poverty and conflict yield insecurity, environmental degradation, instability which have characterised IGAD Member States, causing mass migration and forced displacement of population. IGAD is benefitting from the AU Post-Conflict Reconstruction and Development Policy which has helped the REC embark on well-designed post-conflict initiatives in its different Member States.

Critical measures for evolving viable migration-poverty-conflict inter-linkages include managing conflict, promoting good governance and the rule of law, eradicating poverty and addressing environmental concerns at the level of IGAD and its individual Member States.

RECOMMENDED STRATEGIES:

- i. Develop strategies for poverty reduction, improved lifestyles and working conditions, creating employment opportunities and developing skills that would best address the root causes of migration and displacement.
- ii. Include migration in the framework of development strategies and national and regional programming (MDGs, PRSPs, TICAD, etc.) with the purpose of supporting the economic and social development of the regions (rural and urban) from which migrants originate in order to address the root causes of migration and to reduce poverty.
- iii. Formulate viable policies for environmental protection and conservation in order to avoid natural disasters, encroachment of the desert and soil degradation which are major sources of displacement of people from their natural environment in the IGAD region.
- iv. Promote the establishment and consolidation of democracy in African countries based on transparent, regular and participatory processes, respect for human rights and the rule of law and support pan-African institutions and initiatives reflecting these objectives including promoting the activities of the NEPAD's African Peer Review Mechanism (APRM) within IGAD.
- v. Reinforce pan-African and regional mechanisms for conflict prevention, management and resolution in IGAD through, inter alia, the promotion of the AU's Peace and Security Council and other pan-African and regional security enhancing mechanisms and early warning systems.
- vi. Support programmes for disarmament, demobilization, detoxification and reintegration of former and demobilized combatants with particular attention to the predicament of child soldiers, abandoned spouses and others who were denied care during warfare.
- vii. Support the involvement of women in conflict prevention and peace building by including a gender perspective in these activities and facilitating the active participation of women in peace negotiations and other diplomatic initiatives.
- viii. Urge IGAD to prevail upon its Member States to domesticate recommendations of the AU Post-Conflict and Development Strategy.

3.3.5 Migration, Climate change, Environment and Adaptation

Migration and environment have reciprocal relationship. On the one hand, migration to a destination without proper environmental degrades the environment, depleting natural resources

and causing adverse climate change. On the other hand, the degraded environment forces out-migration either in the form of IDPs or those crossing international borders though not conventionally refugees. Rural-urban migration often causes environmental degradation especially in informal settlements and slums where lack of water and proper sanitation endangers the lives of the inhabitants; not surprisingly, rapid urbanisation in IGAD region places the vast majority of urbanites in such settlements, making urban areas unhealthier and more environmentally dangerous than rural areas. Also, IDP and refugees camps and settlements degrade environments in which they are located, eliciting opposition from host communities who are the regular users. Environmental disasters (earthquakes, volcanoes, floods, drought and landslides) spark out-migration and fleeing of population to safer areas. Well-formulated migration-environment interrelated policies are inevitable for IGAD Member States given that they lie in a region often afflicted by environmental problems that cause migration oscillations between migrants' or displaced persons' origins and destinations. Among other things, such policies foster adaptation through various initiatives.

RECOMMENDED STRATEGIES:

- i. Formulate appropriate national and IGAD-wide migration management policies geared toward conserving and improving the environment to arrest out-migration or population flight due to environmental mismanagement.
- ii. IGAD to engage with UNEP, UNHABITAT, UNHCR, OCHA and national environmental management authorities to provide technical, financial and other assistance which ensures environmental protection in areas where the environment pushes out and those where it pulls migrants and displaced persons.
- iii. Institute routine gathering, analysis and disseminations of migration and environmental data in the Member States of IGAD for sharing relevant information and finding lasting solutions.
- iv. Monitor residential behaviour of displaced persons in the host communities to detect plausible environmental challenges and opportunities for formulating appropriate policies and programmes.
- v. Encourage appropriate adaptation strategies that ensure environmental sustainability.
- vi. Encourage the formulation and implementation of appropriate strategies to factor migration in climate change, environmental challenges and adaptation strategies in the IGAD region.

3.3.6 Migration and Gender

The contemporary world recognises gender as a cross-cutting issue in all facets of development. Gender often reorganises gender roles and relations, including women empowerment and spousal relations. With increasing education, observance of gender-sensitive development frameworks and empowerment of women, the migration of women has more and more become the norm rather than the exception. Unlike the past when women, as spouses, siblings or domestic workers, were 'associational migrants', today a growing number of them are 'autonomous migrants' pursuing vocations, engaging in cross-border and even long-distance trade and providing stable foundations for their households and the society at large. In IGAD, as elsewhere, there is increasing feminization of migration, with women constitution almost half of all international migrants. This increasing feminization of migration is fuelled by the growing

demand of women as workers in the service industries: as domestic workers, nurses, teachers and other female-dominated careers. Yet women migrants are highly vulnerable, often exploited as domestic workers and in commercial sex industry, not to mention the presumption that any woman migrant typically suits these pursuits. Women who are IDPs or refugees are particularly more vulnerable to exploitation throughout the migration process primarily due to their status and limited access to regular migration avenues and are often subjected to sexual assault and other forms of abuse including at the hands of human smugglers and traffickers.

Migration impacts gender and family relationships, often separating men from women (and vice versa) and shaping their gender roles and status in the countries both of origin and destination. Sometimes migration forces a whole family to move together and in other circumstances it scatters families in different settings, disrupting family units and causing untold economic, social and psychological hardships. Migrant and non-migrant families cope differently in such circumstances.

RECOMMENDED STRATEGIES:

- i. Encourage IGAD Member States to strengthen gender-sensitive observance of migrants' rights throughout the migration process, taking into full account their health needs, labour rights and human rights in general and enhancing that gender and family relations.
- ii. Mainstream gender throughout migration management policies and strategies of IGAD and its individual Member States.
- iii. Put in place and implement effective mechanisms to address migrant trafficking and smuggling, and other illegal practices which specifically target and exploit migrant women.
- iv. Encourage IGAD Member States to strengthen gender-sensitive observance of migrants' rights during and after migration episodes, taking into account their health needs, labour rights and human rights in general and ensuring that gender relations remain amicable.
- v. Integrate gender perspectives into migration management policies and strategies of IGAD and its individual Member States.
- vi. Take cognizance of and effective migrant trafficking and smuggling, and other illegal practices which specifically target and victimize migrant women, putting in place measures to counter these vices.
- vii. Establish rehabilitation and reassurance conditions for women and girls who have been victims of smuggling and trafficking for sexual slavery, unpaid domestic work and other forms of exploitation in IGAD Member States and beyond.
- viii. Promote sensitization and IEC campaigns to help raise awareness about the gender dimension of migration management among researchers, policy makers and other personnel involved in migration work.

3.3.7 Migration and the vulnerable groups

Migration affects the most vulnerable segments of society in various ways. The most vulnerable include women, children adolescents, youth and those with disabilities.

The typical situation in the past has been migration of male heads of households, leaving their spouses back home with heavy burdens that complicate their roles. Recently, women have joined diverse migration streams, either accompanied by family members or alone while their spouses remain in their home areas, sometimes risking marital instability. Thus, women's vulnerability occurs whether or not they migrate. Married women in pastoralist areas endure the long absence of their spouses with untold consequences for their households.

Migration has affected children rather adversely. Some children have been trafficked/smuggled either nationally or internationally for juvenile labour, prostitution and other forms of child abuse; others have been abandoned by migrating parents/guardians. In either situation, children are grossly disadvantaged, with their potential prematurely compromised.

The propensity to migrate tends to be highest among adolescents and youth with children often accompanying them or older parents. These three population groups require different services in society: children require child care services; adolescents demand special care pertaining to reproductive services, as do the youth. However, reproductive issues affecting youth and adolescents put them at great risk of STIs and HIV/AIDS, sometimes shortening their life expectancy and compromising their potential productivity in adult life. In IGAD these challenges exist, compounded further by child trafficking within the REC, between it and neighbouring RECs and across the Red Sea to the countries in the Middle East. Lack of research on the relationship between migration and these three population categories in IGAD implies that research on the subject is of high priority and should be undertaken to inform policy sooner than later.

People living with disabilities are affected when their guardians migrate, leaving them to fend for themselves; and when involved in migration, the disabled experience certain shortcomings including social exclusion, marginalisation in employment and so on. With political instability, the vagaries of climate and the desiccating environment, those living with disabilities lead precarious lives as either migrants or the 'left behind' folk.

Another category of the vulnerable consists of the elderly in society who includes return migrants to their original home areas, retirees either back to their origins or residing in new places that they identify with as home or those staying deciding to become permanent migrants in their destinations. In these various statuses, the elderly require special care and services that would underscore their belonging to the society where they reside. It is essential that effects of migration on the elderly be closely monitored as most of them might have contributed substantially to national or regional development and thus deserve reciprocity, not least due appreciation.

The elderly population in society often move to particular destinations, including their origins, which offer them varying forms of security, stability and comfort. Some urban residents return to rural home or other preferred rural areas, some emigrants return to their countries of birth or new citizenship and other remain intact in the destinations. Clearly, migration affects the elderly differently from children, adolescents and youth.

RECOMMENDED STRATEGIES:

- i. Conduct policy-oriented research on the relationship between migration and the various population categories, covering their size, characteristics and typical status of respective categories in internal migration and international migration.

3. PERTINENT ISSUES IN THE REGIONAL MIGRATION POLICY FRAMEWORK

- ii. Protect the rights of women migrants by ensuring the observance of international instruments and national laws and policies guarding against discrimination directed at and manipulation women migrants.
- iii. Protect the rights of migrant children, adolescents and youth through appropriate national laws of IGAD Member States by incorporating relevant international instruments, such as the UN Convention on the Rights of the Child; the UN Convention against Trans-national Organized Crime and its two Protocols; the Palermo Trafficking Protocol; the ILO Convention 182 on the Worst Forms of Child Labour; and other international instruments and those of the AU.
- iv. Formulate legislative and policy frameworks to facilitate access of migrant children, adolescents and youth to adequate access to health care, education and shelter.
- v. Develop policies that encourage and promote migration and sports, leisure and both domestic and international tourism.
- vi. Foster exchanges programmes among youth and students in IGAD region, other RECs linked to it and the Diaspora with a view to enhancing African integration.
- vii. Establish a pan-African programme which supports sports figures in IGAD to migrate abroad and return to their countries of origin in the sunset years of their sporting careers.
- viii. Develop strategies specifically targeting migrants with disabilities so as to adjust well in their destinations and to play their rightful roles in society.
- ix. Establish mechanisms for taking good care of the elderly to lead wholesome lives like all other members of society.
- x. Put in place a mechanism for protecting the rights of elderly migrants as well as elders whose offspring emigrate.
- xi. Ensure adequate provision of health, economic, social and emotional needs of elderly migrants at the time of migration and at the time of resettlement or return migration.
- xii. Protect the entitlements of elderly migrants including their pensions, social welfare entitlements and other provisions.
- xiii. Relate programmes for training and resettling elderly migrants take into account their needs re-uniting them with their families.

LABOUR MIGRATION

4.1 National Labour Migration Policies, Structures and Legislation

Labour migration has been occurring at national, IGAD, African and global levels due to a variety of causes and resulting in diverse consequences in the countries of origin as well as destination. As a relic of Africa's colonial history, labour migration manifests itself in varied contexts: internally as rural-rural migration due to out-migration from traditional rural areas to the modern sector in other rural areas, in the form of rural-urban migration in which urban areas provide employment opportunities and in inter-urban migration; and internationally in brain drain, brain circulation and irregular migration typified by human smuggling/trafficking. Labour migration lies at the heart of national migration policies, legislation, structures and labour regulations especially at the destinations thereby affecting the process itself and in particular affecting the lives of migrants and their dependants. Thus, it has significant costs and benefits for both countries of origin and destination that cannot be oblivious to its determinants and consequences. On the one hand, countries of origin lose their labour but at the same time balance out such costs with benefits such as remittances, and skills and technology transfers which often stimulate development at individual recipients', household, community and national levels. Countries of destination, on the other hand, may benefit by satisfying important labour market needs but may at the same time deny nationals employment opportunities dominated by foreign labour; implicitly, this may cause tensions between migrants and citizens. At the end of sojourns, some migrants decide to remain in the country of destination (as permanent residents and citizens), others return to the countries of origin and still others become Diaspora or transnational. These options underline the need for IGAD Member States, individually or under the auspices of the REC, to have good account of labour migration, its causes and consequences for countries of origin and destination.

RECOMMENDED STRATEGIES:

- i. Promote the signing, ratification and domestication by the Member States of international instruments relating to labour (e.g. the ILO Conventions No. 97 and No. 143 and the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families) through national legislation.
- ii. Establish mutually acceptable transparent and accountable labour recruitment and admissions systems based on clear legislative criteria intended to harmonise emigration-immigration policies in general and labour laws in particular.
- iii. Build and strengthen national capacity for managing labour migration through evidence-based national labour migration policies and legislation formulation, consistent with the realities on the ground and strengthen national and regional coherence including through creation of focal points within relevant ministries to handle labour migration issues; establishment of institutional mechanisms for enhanced co-operation between government authorities, worker organizations and employer associations; and empow-

- erment of migrant labour to become part of all arrangements affecting their welfare.¹⁶
- iv. Institute effective and sustained participation of social partners and relevant civil society organizations in the development, implementation as well as monitoring and periodic evaluation of labour migration policies and legislation, ensuring that the national provisions are consistent with international labour standards to which Member States have pledged commitment.
 - v. Promote gender equality in labour migration policies and legislation, recognising the growing importance and uniqueness in certain vocations of the feminization of labour migration and criminalising human trafficking which tends to target vulnerable members of society, notably certain categories of women and children.
 - vi. Promote integration of migrants by enhancing local citizenry; inclusive policies and engaging with societies in destination countries address discrimination and xenophobia through civic education and awareness raising campaigns.
 - vii. Promote awareness-raising and prevention campaigns on communicable diseases including STI, HIV/AIDS, malaria and tuberculosis, targeting migrants and communities in countries of origin and destination.
 - viii. Facilitate well-coordinated technical co-operation activities with international agencies working on labour migration, among them the ILO, IOM, WHO, UNAIDS, UNDP and others to provide relevant assistance on improved management of labour migration to benefit the migrants and members of their families and in both countries of origin and destination.
 - ix. Facilitate the integration of migrants in the labour market including the education and training sector, as well as granting migrant workers the right to join trade unions, and to form community organizations that cater for the migrants' and the citizens' needs.
 - x. Establish formal national and IGAD-wide social dialogue mechanisms to address migrant labour issues (including social protection and social security benefits, insurance, compensation for employment due to injury and old age pension for labour migrants while working abroad and/or upon their return to the countries of origin).
 - xi. Ensure that labour migration becomes a boon rather than a curse in IGAD as a whole and for individual Member States.
 - xii. Eliminate all forms of child labour as a grave child abuse which compromises normal human development and curtails chances of developing children into responsible adult members of society.

4.2 Regional Co-operation and Harmonization of Labour Migration Policies

IGAD fosters regional co-operation for its Member States to uphold the tenets of the REC. Yet the Member States have varying labour migration laws given their diverse backgrounds as either former colonies of different metropolitan powers or countries without colonial imprints. For example, Uganda and Kenya evolved labour exchanges since the end of World War II due to the overarching role of Great Britain; Sudan's close links with Egypt emanate partly from the Anglo-Egyptian rule and partly from their shared interests in the Nile Basin; and Ethiopia,

¹⁶ The IGAD secretariat should make deliberate efforts to encourage its Member States benchmarking the experiences of the Philippines, Lesotho and Mexico in handling of their emigrants who are recruited through national organizations for work in other countries.

which had no colonial rule, developed strong labour arrangements with the Gulf States across the Red Sea given their longstanding connections. This diversity in labour relations calls for bilateral and multilateral efforts aimed at strengthening co-operation on regular labour migration and intended to reduce irregular migration and its inherent dangers. More importantly, it calls for a review of labour laws and policies either multilaterally or bilaterally in IGAD, considering labour migration inevitable factor mobility in the REC.

RECOMMENDED STRATEGIES:

- i. Urge IGAD Member States to adopt and implement appropriate protocols intended to progressively achieve the free movement of persons, the right of residence and the right of establishment including access to legal employment in the countries of destination without adversely affecting the employment of nationals.
- ii. Enhance co-operation and co-ordination amongst IGAD Member States to facilitate free movement of labour through bilateral and multilateral arrangements, recognizing multiple membership of its Member States in contiguous RECs.
- iii. Hold regular dialogue among IGAD Member States and between them and the Member States of contiguous RECs to enhance communication between countries of origin, transit countries and destination through reviews of national policies and legislation.
- iv. Institute routine data collection, analysis and exchange on labour flows, stock and needs in labour-supply vis-à-vis labour-demand countries in IGAD to eliminate skills mismatch and to maintain proper skills audit.
- v. Harmonize migration policies and legislation of IGAD Member States ultimately to promote a protocol on free movement of labour, goods and capital; the right to residence; and the right to establishment, taking due cognizance of the interest of national economies.
- vi. Establish bilateral and multilateral labour exchanges among IGAD Member States and with contiguous non-Member States of neighbouring RECs to employ or deploy temporarily human resources with scarce or desirable skills.
- vii. Respect national policies pertaining to uninhibited/inhibited inflow of remittances that facilitate/complicate national development initiatives to avoid the assumption that remittances play similar roles in all IGAD Member States

BORDER MANAGEMENT

5.1 Border Management Issues

A unique feature of the borders of the IGAD Member States is the slotting of same ethnic groups into states that were carved out of the colonial metropolitan interests (Great Britain, France and Italy) that conferred on independent States stringent holding of territorial rights. Simply stated, the borders are porous, un-policed and un-policeable, making borderline nationals of neighbouring countries cross at will the international borders and clearly oblivious to established border-crossing laws and regulations. The strategic goals of border security are to control: (i) the movement of prohibited and restricted goods including drugs and weapons; (ii) appropriate use of import and export permits, quotas and exchange controls; (iii) the movement of persons to eliminate unauthorized border crossing as well as irregular migration, notably human trafficking and smuggling; and (iv) illegal smuggling of goods and small arms. Thus, irregular and “mixed flows”, have made it necessary for States to exercise control and orderly crossing of borders through observation of international standards and/or bilateral and multilateral arrangements.

Protecting the integrity of international borders is imperative to ensuring national, regional and international security, especially in IGAD region which is vulnerable to international terrorist networks located across the neighbouring Asiatic region. To this end border, management requires appropriate infrastructure, alert and well-trained personnel, state-of-the-art technology. Capacity development and enhancement through the training of border management officials is equally important. Access to and protection of standard travel documents (passports and laissez-passers, inoculation certificates and some identification cards); entry visas; and any other documents deemed necessary is also important. Provision and use of requisite travel documents require a modicum of trust and integrity between contiguous states and in the entire IGAD region.

Border management in IGAD has several perspectives. For one, it involves common borders between neighbouring IGAD Member States. For another it involves the borders between IGAD Member States and EAC (e.g. between Kenya and Tanzania and Uganda and Rwanda) or between IGAD Member States and COMESA Member States (e.g. between Sudan and Egypt and between Uganda and Democratic Republic of the Congo). These border configurations require mutual initiatives of IGAD and the respective RECs.

RECOMMENDED STRATEGIES:

- i. Improve the capacities of border management mechanisms and personnel to embrace new border-management technologies that improve the security of electronically verifiable travel documents to conform with international norms; upgrade inspection, data collection and communication systems; and provide technical training for border-post personnel as may be considered necessary.
- ii. Strengthen co-operation and co-ordination at the national level between law-enforce-

ment officials, immigration and customs services and other relevant agencies at points of entry to ensure efficient and effective approach to managing the flow of goods, people, capital and services across borders.

- iii. Strengthen sharing migration-related data and information, training and sustained dialogue among IGAD Member States and between them and the Member States of neighbouring RECs.
- iv. Enhance the role of IGAD and other RECs in mobilizing financial/technical resources; harmonizing policies, legislation and programmes of action; and co-ordinating activities of Member States and the States of contiguous RECs for effective border management.
- v. Strengthen the IGAD Regional Consultative Process (IGAD-RCP) for effective migration and management of State borders and to foster the same with neighbouring RECs.

IRREGULAR MIGRATION

The IOM observes that irregular mixed migration flows present particular challenges to States not only because they infringe on their sovereign prerogative to determine which non-nationals may enter their territory and under what conditions, but also because the persons involved in these movements are more likely to be subject to hardship, human rights violations and discrimination, and thus require special and individualized assistance.”¹⁷

Irregular migration is becoming increasingly common in IGAD and between IGAD Member States and the Member States of neighbouring RECs as well as across the Red Sea to the Middle East to which some IGAD Member States have long historical links. Two forms of irregular migration are migrant smuggling and human trafficking which can, but is not necessarily, linked to smuggling of small arms, drug trafficking and other criminal behaviour (see references on Glossary).

6.1 Migrant Smuggling

Migrant smuggling is attributable to a number of factors including growing economic disparities, greater opportunities for employment abroad, increased barriers for regular migration, technological advances in transportation and communications. These services and facilities have resulted in a growing proportion of migrants moving irregularly to gain access to employment abroad, thus challenging States' border management activities. Migrant smuggling is so closely tied to other forms of international organized crime including trafficking in human beings 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 protection and assistance.

By contrast, a smuggled migrants request assistance to cross into another nation state where they have no right of residence, and where the smuggler's involvement is limited to border crossing; such smuggled migrants are often in collusion with their smugglers to move. Thus, smuggled migrants are extremely vulnerable, in many instances paying large sums of money to undertake perilous voyages for the purpose of seeking employment at destinations. There have been frequent cases of migrant smuggling among IGAD Member States, an occurrence likely to mar good neighbourliness and the integrity of the REC. The role of governments of IGAD Member States principally is to formulate policies and enact legislation that duly take account of migrants' human rights, and that ultimately contain this form of irregular migration.

RECOMMENDED STRATEGIES:

- i. Strengthen national policy, structures and laws to establish co-coordinated and integrated approaches at national level through, among others, incorporating and harmonizing into national legislation the United Nations Convention against Trans-national

¹⁷ Ninety- eighth Session, “Irregular migration and mixed flows: IOM's approach, MC/INF/297, 19 October 2009, p.10 http://www.iom.int/jahia/webdav/shared/shared/mainsite/about_iom/en/council/98/MC_INF_297.pdf

- Organized Crime and its two additional Protocols (2000): (a) the Protocol to Prevent, Suppress and Punish Trafficking in persons, Especially Women and Children and (b) the Protocol against the Smuggling of Migrants by Land, Sea and Air.
- ii. Develop common regional counter-measures 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 smuggled migrants.
 - iii. Strengthen the IGAD-RCP and dialogue on irregular migration to promote greater policy coherence at the national, IGAD and IGAD-neighbouring REC levels.
 - iv. Reinforce and encourage joint cross-border patrols between IGAD Member States and between the latter and Member States of neighbouring RECs.
 - v. 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. These are meant to treat smuggled migrants as victims of a crime rather than criminals, affording 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).
 - vi. Focus attention on discouragement and eventual elimination of child smuggling in individual and between IGAD Member States as well as between the latter and Member States of neighbouring RECs.
 - vii. Create awareness on the legal channels for migration to counter illegal migration.

6.2 Human Trafficking

Human trafficking is currently widespread in the world, migrant trafficking itself the most easily noticed of the phenomenon. It involves the victim being deprived of her/his will and is forced into slavery-like conditions or involuntary servitude. The victims are in fact victims of a crime and deserve 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). Within and outside most African countries, child trafficking is particularly worrying. It is necessary to make orderly return and reintegration of returned victims of migrant trafficking, to identify and prosecute perpetrators of trafficking (traffickers and their accomplices) who may be individuals or organized criminal groups responsible for drug trafficking.

The IGAD region experiences migrant trafficking from a variety of perspectives. First, it is happening within the REC's area of jurisdiction, though it is difficult to assemble hard, reliable data. Second, there is steady trafficking from or through IGAD Member States to the Middle East where the victims have from time to time complained of slave-like treatment. Third, some IGAD Member States are origins of migrant trafficking to the developed North for illicit deals such as juvenile labour, prostitution and crime. In the last two instances, traffickers include nationals of the countries of destination in league with recruiters in the countries of origin and trafficking barons in between the two ends.

RECOMMENDED STRATEGIES:

- i. Strengthen national policy, structures and laws in order to establish a co-coordinated and integrated approach at national level by incorporating pertinent international instruments: 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; and Convention 182 of the ILO on the Worst Forms of Child Labour.
- ii. Member States of IGAD to be encouraged to adopt all international 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.
- iii. Development of common regional counter-measures, based on a spirit of solidarity among IGAD Member 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.
- iv. 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 who are presumed to be victims of trafficking.
- v. Increasing of awareness on the dangers inherent in irregular migration from countries of origin through transit countries to countries of destination, providing opportunities for the citizens of the three sets of countries to report suspected cases and to make informed choices.
- vi. Pursuit and development of preventive action through intensive information campaigns in the country of origin, the country of transit and the country of destination.
- vii. Urge IGAD Member States to condemn in very strong terms sexual tourism and prostitution in countries of destination thereby discouraging trafficking in women and children as well as paedophiles in the countries of origin.
- viii. Extending adequate protection and assistance to victims of trafficking, including establishing reception centres, return and reintegration assistance such as settling grants, skills training and employment counselling as well as access to health care and psycho-social counselling, including voluntary testing and counselling for communicable diseases, particular HIV/AIDS and other sexually-transmitted diseases.
- ix. Strengthening law-enforcement measures to curb the activities of traffickers, imposing stiffer penalties for perpetrators.
- x. IGAD should adopt and oversee implementation of the “Ouagadougou Action Plan to Combat Trafficking in Human Being, Especially Women and Children”, ensuring its enforcement by all Member States.

6.3 Return, Re-Admission and Reintegration

Article 13 of the United Nations Declaration on Human Rights (1948) stipulates that: “(1) Everyone has the right to freedom of movement and residence within the borders of each state” and (2) “Everyone has the right to leave any country, including his own, and to return to his country.” Article 14 stipulates that: “(1) Everyone has the right to seek and to enjoy in other countries asylum from persecution and “(2) This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.”

The two articles underscore the point that any emigrant and refugee, respectively has the right to return to his/her country of origin. However, return migration takes different forms: return of failure after a ‘traumatic shock’ upon arrival and inability to adapt to the new environment in the destination; return of conservatism, especially of migrants who maintained links with their origins; return of motivation involving those who return with some treasured values, ideas and skills which they wish to apply on returning home and who are ‘potential agents of change’; and return of retirement of those who have terminated their working careers and who return to their home countries as a matter of course.¹⁸ The tendency of returnees is to assume that life in the country of origin remains the same, that the society has not changed and that there are no shocks or surprises for returnees. Public institutions responsible for migration management are seldom aware of returns and therefore cannot readily re-admit returnees.

Re-admission requires proper knowledge of returned nationals, in particular their demographic and socio-economic attributes including skills that could earn them welcome re-entry. Well-coordinated return and re-admission depend on cooperation and mutual understanding between the countries from which to nationals return and their home or third countries to which they return or are re-admitted. Temporary return might also be an important aspect of such mutual understanding especially where returnees are required to perform specific tasks.

Reintegration of returnees in the countries from which they had emigrated earlier requires carefully considered mechanisms. Among other things, it requires proper monitoring and evaluation of returnees’ conditions and adjustment to changes as they resettle in their countries of origin or settle in third countries of their choice.

RECOMMENDED STRATEGIES:

- i. Create standards and procedures, based on reliable data, law and policy, for the return, re-admission and re-integration of returned migrants consistently with relevant International Instruments pertaining to these features.
- ii. Urge each IGAD Member State to accept the return of its nationals, fostering their re-admission and reintegration provided the returnees prove their status before emigration and at the countries of destination from which they have returned.
- iii. Provide returned migrants with appropriate identity documents to permit their due recognition and acceptance, as well as full participation in IGAD and in its individual member States in the same way as nationals who had not emigrated.
- iv. Institute mechanisms for monitoring the returned migrants’ welfare and contribution

¹⁸ See Cerase (1974) in Ammassari and Black, 2001: 22.

to national and IGAD-wide regional development, in particular those among them with scarce or highly desirable skills and professional aptitudes.

- v. Strengthen national border management capacities through enhanced capacity-building measures, such as training and technical co-operation to ensure orderly return and re-admission of returned migrants.
- vi. Work with specialized agencies such as ILO, UNHCR and IOM to have orderly return, re-admission and reintegration of returned migrants.
- vii. Establish inter-agency re-admission national of IGAD Reception Committees to assist and integrate returnees.

FORCED DISPLACEMENT

Population displacement has been a frequent cause of forced migration in virtually all African countries in the independence era.¹⁹ Within national boundaries are frequent occurrences of internal displacement due to civil wars, post-election violence, the vagaries of climate change (floods and drought) and other causes. These are the same causes for refugee outflows and asylum seekers and those in refugee-like conditions from some countries to their immediate neighbours. In cases where protracted displacement occurs, refugees and asylum seekers, under the UNHCR guidelines, are resettled in third countries until conditions in the home countries normalise to warrant their repatriation or voluntary return to the countries fled earlier. The disruptive nature of forced displacement has adverse effects on individual victims, their close relatives, their communities and indeed the efforts of IGAD and individual Member States.

7.1 Refugees and Asylum-Seekers

While refugee protection is a central aspect of international, regional, and national efforts to protect persons fleeing persecution, it is an imperative in African tradition and is therefore expected of refugees' host countries. Internationally, refugee protection is guided by the 1951 UN Convention and its 1967 Protocol which most countries have signed and ratified, and which they implement. Under the auspices of the defunct Organisation of African Unity (OAU), the 1969 OAU Protocol defined refugees and interpreted refugee protection in the context of a continent then saddled with an upsurge of refugees, specifically victims of independence struggle between the former colonies and the former metropolitan powers. Even after independence of many African countries, military overthrow of civilian governments (Uganda in 1971-79 and Somalia since 1991) generated huge numbers of refugees, as did civil war after the overthrow of the Ethiopian Emperor in 1974 until 1991 when Ethiopia and Eritrea went their separate ways in 1993 but engaging in war a few years later. In this fluid situation all IGAD Member States, without exception, have been origins, transit countries and host countries of refugees, an experience which underlines the refugee menace in the region. The need for established legislative frameworks, policies, and structures giving effect to international protection obligations of refugees cannot be overemphasized in IGAD; more important is the need to address the root causes of refugee movements including conflict and political instability; and ultimately, is the need for IGAD to find durable solutions for refugees in collaboration with UNHCR and other national and international partners.

¹⁹ See J.O. Oucho "The Ethnic Factor in Internal Displacement of Populations in Sub-Saharan Africa", *African Journal Political Science* 2 (2), December 1997:104-117.

RECOMMENDED STRATEGIES:

- i. Encourage IGAD Member States to adopt and incorporate into national policies all duly signed and ratified international instruments pertaining to the protection of refugees including the 1951 Convention on the Status of Refugees and its 1967 Protocol and the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa.
- ii. 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.
- iii. Urge IGAD Member States to emulate specific best practices among themselves or elsewhere in Africa and the world.
- iv. Establish effective and fair procedures for individualized determination of refugee status, including granting refugees meaningful access to such procedures.
- v. Established national eligibility committees should be urged to move away from turning status determination interviews into courtrooms; align themselves with the principle of inclusion before exclusion; and give the prospective refugees the benefit of the doubt about telling the truth. In doing so, the committees should be sensitive to cases requiring special attention, such as those with disability, previous mistreatment or particular anomalous treatment.
- vi. Train and strengthen the capacity of relevant law-enforcement officials (from immigration, foreign affairs and other dockets) coming into contact with refugees for the first time to ensure applying relevant international instruments, to deploy appropriate and humane screening of asylum-seekers at borders and, where necessary, to give referral to relevant and competent authorities for appropriate action.
- vii. Establish focal points within relevant ministries and devise national contingency plans for enhancing capacities to address situations of mass displacement as well as mass resettlement in third countries and mass return to original home countries in good time, efficiently and appropriately.
- viii. Safeguard human security needs (physical, material, legal and health) of refugees, 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 exposing the refugees to national laws, regulations and their obligations to abide by these.
- ix. Reinforce local protection capacities through the involvement of NGOs and the civil society to engage in the provision of legal services and psycho-social counselling of refugees; to undertake preliminary interviews and preparation of files for National Eligibility Committees; and to mount public information campaigns to counter xenophobia in the host community.
- x. Mount public information and awareness campaigns on refugees' plight and rights, including refugees' actual as well as potential contribution to the development of host communities thereby countering heightened xenophobic tendencies and fostering tolerance and peaceful coexistence between refugees and their hosts.
- xi. Develop appropriate mechanisms for refugees' easy and timely entry access to the host communities, including through the (advance) designation of refugee residence

- areas, and enlisting the support of the international community in rehabilitation programmes.
- xii. Ensure that refugees and asylum-seekers are registered and issued with appropriate identity documents for easy recognition of their status and to verify their eligibility for services provided by public authorities and private institutions (schools, health clinics, banks, employer organizations, housing/estate agencies and other institutions) that requiring identification of clients.
 - xiii. Strengthen intra-IGAD and IGAD-other RECs co-operation to respond in a timely and effective manner to “mass influx” situations, developing appropriate contingency plans in concert with UNHCR, IOM and other international and regional partners.
 - xiv. 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 by applying bilateral and multilateral frameworks for co-operation in line with UNHCR’s Convention Plus initiative towards targeted development assistance and debt relief to major refugee-hosting countries.
 - xv. Strengthen bilateral cooperation between IGAD Member States and between them and third countries in neighbouring RECs with regard to the treatment and status of refugees.
 - xvi. Conduct sensitization programmes for refugees on the need to respect and abide by the laws in the host countries.
 - xvii. Through a committee of Foreign Ministers of IGAD Member States and for the attention of the IGAD Summit, establish a mechanism for monitoring the Member States’ compliance with ratified international instruments for transparency and accountability as befits the REC.
 - xviii. Encourage IGAD Member States to give priority to family tracing and reunification for separated and unaccompanied refugee children, unsuccessful tracing of parents/guardians, qualifying refugee children for adoption and even citizenship which the children might as well renounce on becoming adults.

7.2 Internally Displaced Persons

Internal displacement of population, a frequent feature of IGAD Member States, often occurs as a result of conflict or natural disasters, generating internally displaced persons (IDPs). Unlike refugees who cross recognised national boundaries, IDPs are confined to national territory and are not the responsibility of UNHCR. Today, IDPs in Africa outnumber refugees and in IGAD Member States have their share of the problem. Moreover, actions of some IGAD Member States are known to have generated IDPs who receive support mainly from charitable organisations and development partners. With the growing numbers of IDPs becoming a menace, the United Secretary General, in 1992, appointed a UN Special Representative on the Internally Displaced whose office produced the *UN Guiding Principles on Internal Displacement*. In addition, the UN created a special unit to deal with IDPs through the Organisation of Humanitarian Affairs (OCHA) and thus strengthen institutional response to internal displacement situations through enhanced inter-agency co-operation. Other key players include the International Committee of the Red Cross (ICRC) with a specific mandate to provide protection and

assistance to victims of armed conflicts, internal disturbances and tensions, including IDPs. The ICRC often works closely with the National Red Cross and Red Crescent Societies in the affected countries. Of special relevance to IGAD is the AU Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention) of October 2009.

RECOMMENDED STRATEGIES:

- i. Encourage IGAD 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.
- ii. Facilitate humanitarian and impartial relief consignments to reach civilian population in need, ensuring the security of the deployed aid agency personnel.
- iii. Promote collaboration with the IDP Unit of the UN Office for the Co-ordination of Humanitarian Affairs (OCHA) and the UN Secretary General's Special Representative on Internally Displaced Persons.
- iv. Urge the international community to increase the assistance capacity of humanitarian agencies to enable governments in fulfilling their obligations towards IDPs and to ensure, through humanitarian corridors, access to highly insecure areas where humanitarian assistance is inhibited.
- v. Urge the participation of all IGAD Member States and Member States of neighbouring RECs in formulating an effective, strategic policy for the management of IDPs based on the UN-approved frameworks.
- vi. Urge IGAD Member States to implement the Kampala Convention on IDPs.
- vii. Urge the IGAD secretariat to encourage its Member States to ratify the AU Convention for the Protection and Assistance of Internally Displaced Persons in Africa (the Kampala Convention).

7.3 Protracted Displacement Situations

IGAD region has experienced protracted displacement situations which pose serious security challenges and deny the affected countries realisation of development goals. In such situations, it is difficult for refugees to return home from the host countries and IDPs from places of temporary refuge. Protracted displacement situations result in adverse consequences for refugees and IDPs who risk suffering material, social and cultural deprivation in camp settings for prolonged periods of time. There are frequent instances of persistent harassment of refugees and IDPs by armed elements in the society and exploitation by persons responsible for their welfare. Moreover, protracted presence of large numbers of displaced persons often leads to tensions with local host communities, competition for scarce resources, environmental degradation, xenophobia, some or all of these shortcomings ultimately generating conflicts. In the spirit of UNHCR's Agenda for Protection, it is imperative that durable solutions for protracted displacement are reached by involving national, regional and multilateral stakeholders in development assistance initiatives. Other Agencies involved in addressing IDP issues include IOM, WFP, UNICEF and local NGOs.

RECOMMENDED STRATEGIES:

- i. Adopt appropriate 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 as well as economic rights where possible.
- ii. 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 and to develop their full potential to become productive members of society.
- iii. Ensure the running of refugee and IDP camps like civilian residents with humanitarian services where physical safety and security of refugees and IDPs are the hallmark of routine life, with civilian camp's police forces and separate enclaves of combatants and other armed elements distinct from those of the displaced population.
- iv. Judiciously use appropriate voluntary mechanisms (e.g. repatriation, reintegration, rehabilitation and reconstruction), local integration (through development by local integration mechanisms) and resettlement, as necessary, to address protracted displacement situations through comprehensive and integrated approaches based on international solidarity and burden sharing.
- i. Safeguard environmental degradation caused by the protracted presence of displaced persons by implementing relevant and targeted environmental protection programmes, and involving UNHCR as well as UNEP and countries of first asylum to identify suitable areas for resettlement that facilitates sustainable development. Urge IGAD Member States to sign, ratify and implement the AU Convention for the Protection and Assistance of Internally Displaced Persons (Kampala Convention), soliciting technical support from the IOM and other partners. Enlist the support of various development partners concerned with forced migration and displacement, among them the International Red Cross/Red Crescent, the World Food Programme (WFP), UNHCR, IOM and different NGOs.

7.4 Principles of Non-Discrimination

Discrimination against migrants tends to be rampant in most countries of destination, the status of migrants notwithstanding. Aspects of discrimination against migrants include: lack of recognition of migrants' family members, denial of social services (e.g. access to health, education and housing), and so on. Consequently, social tensions arise and sometimes persist between migrants and citizens, not to mention political tensions and diplomatic strife between the countries of origin and the countries of destination. Such unfortunate occurrences hinder successful integration of migrants in the countries of origin and cripple migrants' realisation of fundamental rights. It is essential that both countries of origin and destination observe non-discrimination of migrants and find means of peaceful co-existence.

RECOMMENDED STRATEGIES:

- i. Implementation of the relevant elements from the Programme of Action of the World Conference Against Racism and Xenophobia (WCAR) held in Durban in 2001 through a variety of strategies, such as: adoption of national legislative and policy frameworks to ensure fair and non-discriminatory treatment of migrants, regardless of status, with special attention on preventing discrimination against women, children, the elderly and members of minority groups.

- ii. Domestication and implementation of duly ratified international instruments providing for non-discrimination of migrants and members of their families and vulnerable groups of migrants who require special help.
- iii. Encourage IGAD Member States to develop/promote anti-nationalist and gender-sensitive human rights training and capacity-building initiatives for all public officials, in particular personnel in the administration of justice, law enforcement, correctional and security careers; health-care providers; educational institutions; and migration-based institutions.
- iv. Ensure that migrants themselves abide by the pertinent laws of the land in the countries of destination whose nationals they respect and treat respectfully without discriminating against them; that would enable nationals to reciprocate respect and non-discriminatory behaviour.
- v. Urge IGAD secretariat to seek support from international agencies dealing with migration and human rights issues (e.g. IOM, UNHCR, ILO, OHRC), urging them to exchange and share pertinent information and to coordinate activities that fight discrimination based on origin, xenophobia and related intolerance against migrants, including migrant workers, women, children and the elderly in IGAD Member States and the Member States of contiguous RECs.
- vi. Encourage IGAD Member States to welcome back their return migrants through formal arrangements such as establishment of multi-disciplinary, multi-vocational reception committees to ensure orderly reception, reintegration and other support.

7.5 Integration and Re-integration

Elements of successful integration in the countries of destination include regular migrants' access to basic social services (education, health and housing) as well as employment opportunities; and re-integration back home contributes to social stability and cohesion and requires mutual respect and cultural acceptance. Over the last few years, IGAD has witnessed relative peace and tranquillity as stability grips all countries with the exception of Somalia. However, while some migrants stay intact in the countries of destination, with some of them actually integrated in the society, others choose to return to their countries of origin. In the latter case, IGAD Member States have been handling increasing numbers of return migrants who require sound reintegration programmes.

RECOMMENDED STRATEGIES:

- i. Ensure equal treatment between migrants and nationals as stipulated under ILO conventions which IGAD Member States may have ratified and are implementing.
- ii. Encourage the integration of the children, adolescents and youth in the families of long-term migrants by providing them with education, training and economic opportunities in equal measure with their peers from the families of nationals, facilitating their naturalization and promoting family re-unification policies as recommended in Article 10 of the Convention on the Rights of the Child and other relevant universally recognized international human rights instruments.
- iii. Adopt measures for the integration and re-integration of migrant workers for them to

gain mutual cultural and social acceptance, and to have their rights and of members of their families both respected and protected.

- iv. Initiate bilateral agreements between IGAD Member States of origin and destination and between IGAD Member States and the Member States of contiguous RECs, establishing appropriate programmes and structures that guarantee migrants' human rights.
- v. Ensure that IGAD and its individual Member States' migration policies are gender sensitive and accommodate the concerns of returning women migrants and members of their families, and permit local women married to migrants to live comfortably with the latter in their States without undue restriction.

7.6 Stateless Persons

Statelessness is the legal and social concept of a lack of belonging (or a lawfully enforceable claim) to any recognized state; statelessness is not always the same as lack of citizenship. Distinction can be made between *de jure* statelessness is where there exists no recognized state in respect of which the subject has a legally meritorious basis to claim nationality; *de facto* statelessness, on the other hand, is where the man woman or child may have a lawful and meritorious claim but is precluded from asserting it because of practical considerations such as cost, circumstances of civil disorder, or the fear of discrimination or persecution.²⁰

Although the right to nationality is a fundamental right recognized under international law, some nationals of IGAD Member States are either stateless or choose to become stateless. Such nationals include those displaced by circumstances beyond their control, abandoned children, divorced or abandoned women and vulnerable and helpless persons, all of whom have no State taking care even of their basic needs. Previous research and documentation of migrants have shown that persons may become stateless as a result of inter-State conflict (e.g. Eritrean-Ethiopian war), redrawing of political boundaries, or due to extended stays abroad which might have invalidated/alterd their civil status while abroad. Thus, stateless persons lack protection of citizenship or permanent residence, consequently becoming deprived of their rights. In IGAD, Somali nationals encountered in neighbouring or distant countries can be tempted to claim statelessness, and their status cannot simply be ignored. – UNHCR to be consulted on the definition of statelessness

RECOMMENDED STRATEGIES:

- i. Incorporate in IGAD-RMPF and individual IGAD Member States' national migration policies key guidelines as stipulated in the 1954 and 1961 Statelessness Conventions.
- ii. Develop national legislative and policy frameworks to counter statelessness, especially for long-term residents, by reforming citizenship legislation and/or granting rights regulations similar to those enjoyed by foreigners residing in the country.

²⁰ This definition is contained in Wikipedia. It can be enforced by the Convention relating to the Status of Stateless Persons, which was adopted on 28 September 1954 by a Conference of Plenipotentiaries convened by Economic and Social Council resolution 526 A (XVII) of 26 April 1954, and came into force on 6 June 1960, in accordance with article 39.

- iii. Conduct well-designed investigations into the causes, status and consequences of statelessness, identifying individuals claiming stateless status for closer investigation leading to forming sound opinion for impartial verdict.
- iv. Urge IGAD Member States to sign, ratify and domesticate the Convention relating to the status of Stateless Persons.

INTERNAL MIGRATION

Overwhelming interest in international migration has overshadowed internal migration which continues unabated, and which often takes place before migrants choose to engage in international migration. This represents the “stepwise migration” phenomenon that dominates migration literature. Three major forms of internal migration are voluntary, forced and irregular.

8.1 Voluntary Migration

Four types of voluntary migration observed in IGAD Member States are: rural-rural migration which is dominant but less conspicuous; rural-urban migration which most policy makers easily acknowledge; inter-urban (urban-urban) migration between urban areas of varying sizes; and urban-rural migration including return to the origins or movement to another rural setting. Rural-rural migration consists of migration from traditional rural areas to resource-endowed areas (agricultural plantations, mining, etc.), movement of pastoralists as well as transhumance and return migration from these destinations to the origins. Rural-urban migration was largely responsible for rapid urbanisation soon after independence of IGAD Member States, though it later combined with high natural increase of urban population and reclassification of formerly rural territory to sustain migration. Inter-urban migration has been occurring as businessmen and women, commercial sex workers and public and private sector personnel relocate from one urban centre to another. Finally, urban-rural migration takes place mainly among first-generation urban migrants who still maintain strong links with their rural homes or who choose to move elsewhere in the event of having some property; it also occurs when heads of households/bread-winners retire or die, forcing their dependants to return home.

RECOMMENDED STRATEGIES:

- i. Strengthen efforts to address salient causes of internal migration, impact of poverty on migration and poverty-intervention initiatives by urban migrants with sustained links to their rural home areas.
- ii. Ensure that all internal migrants have adequate access to basic services, such as education, healthcare and employment, especially in urban areas where these services are over-stretched by fast-growing urban population.
- iii. Strengthen data gathering and research on factors, trends and characteristics of internal migration and geographical distribution of population for purposes of formulating appropriate spatial distribution of population, including migration and urbanisation policies.
- iv. Implement comprehensive macro-economic and sectoral policies in concert with donor agencies and other partners, to reduce poverty, generate employment and provide investment opportunities in the IGAD region.
- v. Provide adequate information to prospective migrants on the opportunities, challenges and prospects of migration to different destinations to enable them make informed decisions before migrating.

- vi. Promote national cohesion to enable migrants and non-migrants to co-exist as nationals brought together by national constitutions and a new wave of democratisation.
- vii. Build capacity of institutions responsible for migration data with IGAD having it embedded in the IGAD Migration Resource Centre which Member States could benefit from or replicate.

8.2 Internal Displacement

Section 6.2 has drawn attention to IDPs who are the outcome of internal displacement of population from a variety of causes: civil wars, ethnic conflict, natural hazards (landslides, earthquakes, etc.), the vagaries of climate (floods and droughts) and so on. Virtually all IGAD Member States experience internal displacement with some IDPs crossing borders as refugees. In some instances, the children are victims of child smuggling and trafficking beyond the national borders, which lands them in even more depressing conditions, with prospects of no return to their origins. Apart from children, adults have been displaced with women and vulnerable groups (e.g. people with disability) experiencing greater problems than other victims.

RECOMMENDED STRATEGIES:

- i. Monitor environmental degradation, natural disasters, and conflict in so far as they displace population and assess their effects on internal displacement and on urbanization and fragile urban environment.
- ii. Promote the establishment and consolidation of democracy in IGAD Member States based on transparent, regular and participatory processes, respect for human rights, the rule of law and observance of migrant's rights to reduce internal displacement caused by lack of these.
- iii. Conduct research and ethnographic surveys on conditions that predispose ethnic strife and conflict which undermine national cohesion or solidarity.
- iv. Monitor instances of invisible child trafficking within and outside of IGAD Member States with a view to formulating national and regional policies to contain and criminalize it, with perpetrators duly convicted.

MIGRATION DATA

Data are an essential component of policy formulation as meaningful policies are based on sound, up to-date data collected by credible institutions. Although all IGAD Member States have national statistics offices (NSOs), they have not made good use of these offices to collect reliable and dependable migration data for analysis to inform policy and programmes that stem from them. Their reliance on data from countries of destination and institutions in the developed North is unfortunate because such data give insights of IGAD nationals by either ‘country of origin’ or ‘country of citizenship’, which yield different datasets.

9.1 Collection and Analysis of Migration Data: IGAD and National Obligations

Lack of reliable migration data constrains effective evidence-based migration management, policy and co-operation, not to mention policy incoherence in any country. As elsewhere in the world, IGAD Member States collect data mainly from censuses and occasionally from labour force surveys (most of them lacking migration items). Yet the data are inadequately analyzed to provide useful perspectives for discourse and management of migration based on well-designed policies. Given the decennial ‘rounds of censuses’, IGAD Member States have the opportunity to gather similar data, to apply equal rigour in data analysis and to exchange the results generated on different types of internal and international migration. At minimal or with shared cost, IGAD Member States can take advantage of new and more efficient technologies in data collection, analysis, retrieval and dissemination of the results of analyzed data.

RECOMMENDED STRATEGIES:

- i. Review national statistics laws for collection, analysis and dissemination of migration data for their standardization, capacity enhancement and modernisation in IGAD Member States.
- ii. Effect greater co-ordination between ministries with migration portfolio and research institutions gathering and analysing migration data in IGAD Member States, those with strong capacity lending support to their counterparts with weaker or no capacity and helping the latter to establish robust national migration statistics units to co-ordinate the gathering of migration statistics.
- iii. Development of a systematized registration mechanism at embassies or consulates of IGAD Member States in their nationals’ countries of destination to account for the number and profiles of nationals living abroad and thus be better prepared to provide them with the necessary assistance.
- iv. Development of a systematized registration and information-sharing in all IGAD Member States on the number and characteristics of immigrants from non-IGAD States to enable them to ascertain effects of immigrant groups in the region.
- v. Seek technical, material and financial assistance from UN Agencies, IOM and other international organizations that are willing to provide support to improve migration

management for the benefit of IGAD and mutual benefit of IGAD non-IGAD Member States.

- vi. Institutionalize electronic data collection, management and dissemination systems to improve the exchange and sharing of migration information thereby embracing knowledge and information as the hallmark of an informed society capable of acting responsibly in migration management.
- vii. Collect, analyze and disseminate data on the Diaspora of IGAD Member States to establish its size, geographical spread, characteristics and both actual and potential contribution to IGAD as a regional entity and its individual Member States.
- viii. Building capacity of institutions charged with the responsibility of collecting data.
- ix. Encourage development of migration profiles with the technical support and expertise of IOM.

9.2 Regional Migration Data Exchange

As IGAD is a diverse region with different types of internal and international migration, its Member States can best do with exchanging migration data based on a variety of data-gathering systems. There needs to be a pairing of countries of origin and countries of destination to exchange migration data that would inform mutually determined migration-management initiatives.

RECOMMENDED STRATEGIES:

- i. Explore the migration data situation in IGAD Member States to verify their quantity and quality, paving the way for capacity enhancement where necessary.
- ii. Engagement of IGAD with selected regional institutions on migration data collection analysis as well as dissemination of results.
- iii. Providing support to IGAD secretariat to coordinate national data gathering, analysis and dissemination of results for shared knowledge in intra-IGAD migration and migration between IGAD and neighbouring RECs.
- iv. Assisting IGAD to benchmark with successful institutions in the developed North (e.g. OECD) and the South on data management and exchange programmes.
- v. Establishing a comprehensive migration database and networking system.
- vi. Enhancing cooperation and coordination among IGAD member states

MIGRATION AND DEVELOPMENT

10.1 Collaboration with IGAD Member States' and other African Diaspora

Although the AU recognises the African Diaspora as its sixth region, it has yet to develop concrete Africa-wide programmes to engage this important human capital. IGAD would do well to identify its Diaspora (whether skilled or unskilled) by countries of origin and to engage with them in IGAD-wide and individual Member States' development programmes into which the Diaspora resources could be deployed. Emigrants of IGAD Member States everywhere often maintain a web of connections with their home States, creating beneficial feedback effects, such as the transfer of remittances, knowledge, skills and technology, as well as short- and long-term return migration. They also make substantial social remittances, namely ideas, values and bench-marking of pertinent experiences elsewhere. Recognition and deployment of the Diaspora in the NEPAD's Human Resource Development Initiative can help entrench migration-development nexus.

Unfortunately, there is no unanimously agreed upon definition of 'diaspora', nor does IGAD have a definitive statement on its diaspora. Its individual Member States pay special attention to their "nationalist diasporas" that play diverse roles in developing their countries of origin, these including the flow of remittances, participation in social development initiatives (e.g. health and education of citizens left back home). Indeed, all IGAD Member States have enabled their diasporas to inject financial as well as social remittances and other resources into development endeavours.

According to the AU, "the African Diaspora consists of people of African origin living outside the continent, irrespective of their citizenship and nationality and who are willing to contribute to the development and building of the African Union.". Yet this definition falls short of "nationalist diasporas" that, though resident outside Africa or in certain African countries, are more likely to identify themselves with particular African countries than with the continent as a whole. Moreover, it presumes that all Africans outside the continent (including undocumented, "brain waste", irregular and those who severed links with the homeland) are a willing lot of the diaspora.²¹

²¹ This argument was developed in John. Oucho's public lecture entitled "The African diaspora: A Boon or Curse for the Troubled Continent?" delivered at the University of West Indies, Mona Campus on 21 February 2010

RECOMMENDED STRATEGIES:

- i. Engagement of IGAD with the EU, AU, ILO, UNHCR and IOM and other organizations on specific programmes that foster strong and viable relationships between IGAD Member States, IGAD and contiguous RECs and their Diaspora to create enabling conditions for migrants' participation in the development of their home countries and in IGAD-wide initiatives.
- ii. Create political, economic and social conditions that support the migration policy environment, democracy and good governance as incentives to attract the Diaspora.
- iii. Establish a reliable database on the IGAD Diaspora to determine its size, characteristics and skills that could promote networking and collaboration between experts in the IGAD countries of origin and the countries of destination where the Diaspora resides.
- iv. Facilitate the return of qualified nationals resident in developed countries of destination, providing the returnees with appropriate re-settlement incentives.
- v. Create appropriate institutional mechanisms within migration-based ministries in IGAD Member States to forge amicable relations with the Diaspora, facilitating the transfer of scientific knowledge and encouraging trade links and investments back home.
- vi. Create opportunities for dialogue and partnership among IGAD Member States and between them and the Member States of contiguous RECs as well as with the developed North and 'best practice' countries in the South for sharing human resources, knowledge, skills and technology in IGAD.
- vii. Encourage IGAD Member States to incorporate migration and development policies, for example in the context of Poverty Reduction Strategy Papers (PRSPs), the Member States' National Development Plans, the Millennium Development Goals (MDGs) activities and a series of national 'Vision' strategies.
- viii. Determine how best IGAD Member states could engage with the diasporas through their diaspora organisations as well as through the foreign missions in the countries of destination, ultimately formulating appropriate diaspora policies in the countries of origin
- ix. Map out the IGAD diaspora, especially professionals and those with special skills, for purposes of an IGAD-convened discourse for meaningful engagements of the diaspora with the REC and its individual Member States.
- x. Institutionalize the mobilization and utilization of diaspora resources towards national and regional socio-economic development (e.g. IOM's MIDA or UNDP TOKTEN type programmes etc).

10.2 Brain Drain, Brain Circulation, Brain Waste and Brain Gain

When highly educated and skilled persons emigrate from developing countries to the developed parts of the world, they constitute *brain drain*; whenever they move back and forth from origins to destination, they engage in *brain circulation*; whenever they secure employment below their educational and skill levels, they constitute *brain waste*; and should they return to the origins better educated or more skilled, they constitute *brain gain*. IGAD Member States which have had civil wars (Ethiopia, Uganda and Somalia) or produced highly educated and skilled nationals (Kenya and Uganda) have lost these desirable hu-

man resources as brain drain. Yet not all those drained are actually gainfully employed in the work which is commensurate with their qualifications: a substantial proportion is in fact brain wasted. Returned migrants often grapple with the challenges of homecoming, among them lack of acceptance by peers, unfamiliar conditions and various adjustment problems.

RECOMMENDED STRATEGIES:

- i. Counter emigration of skilled nationals (particularly teachers and health professionals) by promoting the NEPAD strategy for retention of Africa's human capacities, targeting socio-economic development programmes that are best placed to provide gainful employment, professional development and educational opportunities to qualified nationals in their home countries.
- ii. Counter adverse effects of brain drain by encouraging nationals abroad to contribute to the development of their countries of origin through financial, human capital and social transfers as well as short-and long term development orientated return migration and the transfer of skills, knowledge and technology through programmes, e.g. IOM's Migration in Development for Africa (MIDA) programme, and activities of ILO, WHO and other relevant agencies.
- iii. Create opportunities in the private sector to provide alternative employment to the low-paying public sector and reduce brain drain and brain circulation, in the process attracting brain gain.
- iv. Encourage IGAD Member States to establish policies for timely replacement of brain drain and to implement strong retention policies and related strategies thereby containing brain drain.
- v. Maximize the contribution of skilled professionals in IGAD by facilitating the movement and redistribution of skilled labour and capital to ensure that the Member States are well served by the desired experts and professionals.
- vi. Encourage IGAD member States to reach out to their diplomatic missions in the countries of destination to detect instances of brain waste among their nationals and use the data gathered to develop mutually acceptable arrangements with the nationals' employers.
- vii. Encourage intra-regional labour migration and skills exchange programme to support peace processes in IGAD and to entrench regional integration.

10.3 Diaspora Remittances

Previous research by the World Bank and different researchers has established that the total global volume of remittance transfers to developing countries far exceeds official development assistance (ODA) and has important macro-economic effects by increasing sustained total purchasing power of the receiving economies. The World Bank estimates that, in 2010, formally transferred remittance flows were estimated to have exceeded \$440 billion²² - of which developing countries received \$325 billion, which far exceeded the volume of official aid flows, constituted more than 10 per cent of gross domestic product (GDP) in many developing countries and is almost as large as foreign direct investment (FDI) flows to many developing

countries. The actual amount of remittances, including unrecorded flows through formal and informal channels, is believed to be significantly larger. It is also noted that remittances tend to be a more predictable and stable source of income.

In IGAD, the Diaspora's financial remittances are made through official and informal channels, the latter including xawilaad system by Somalis which has sustained Somali without formal governance. All IGAD Member States receive increasing volumes of financial remittances which have stimulated the real estate economy, households linked to the Diaspora and communities where the Diaspora has tended to improve services. These remittances have the potential to improve the investment propensity in IGAD and consequently to encourage international trade among these States and between them and contiguous States. There are also social remittances (ideas, values and tastes) to which these countries have entrenched democratic governance, improved the investment climate and created viable competition between migrants and their nationals who never migrated. A study by the International Fund for Agricultural Development (IFAD) has found that the rural pay-out ratio of remittances in IGAD Member States were as shown in brackets: Djibouti (28%), Ethiopia (29%), Kenya (50%), Uganda (45%), Somalia (64%) and Sudan (17%).²³

RECOMMENDED STRATEGIES:

- i. Encourage remittances transfers through sound macro-economic policies that are conducive to investment and growth and that help create an appropriate financial sector policy to influence financial institutions and their outreach (post office networks, supporting credit unions, micro-finance institutions and rural financial service providers).
- ii. Strengthen collaboration with relevant stakeholders in civil society, donor community and financial sector to create incentive strategies and investment opportunities for remitters in commercial, entrepreneurial, savings and other productive activities.
- iii. Improve the quality of data on remittance and migration statistics to create a solid basis for future policy action on remittances.
- iv. Promote the effective mobilization and utilization of the Diaspora funds and other resources for development and investments in the public and private sector which, in the long-term, would improve the macro-economic environment and reduce outflows or professionals from IGAD Member States.
- v. IGAD to urge member states to formulate policy guidelines and legal frameworks on improved flow, utilization and cost-effective channels of remittances.
- vi. Promote social remittances (values, best practices, innovations and other non-financial resources) to IGAD and its Member States through sustained engagements with diasporas, diaspora organisations and foreign missions in the countries of destination.
- vii. Formulate legal frameworks and policy guidelines for cost effective remittance transfers for constructive investments.

²³ This is contained in a report by IFAD (n.d.) Sending Money Home. Rome: IFAD.

10.4 Dual Citizenship and Trans-nationalism

The current wave of dual citizenship in most African countries has both positive and seldom considered negative implications. In a positive sense, it enables emigrants to harness the benefits flowing from their residence in countries of destination and direct them towards their countries of origin; conversely, it leads to ambivalence in loyalty, sometimes making emigrants prefer one of the two settings to the other. In the latter case, emigrants most likely prefer the countries of destination, minimizing interest in their origins. National constitutions, laws and policies of IGAD Member States differ markedly in their treatment of dual citizens, some favouring it, others rejecting it outright. For example, while Kenya and Uganda acknowledge their nationals' dual citizenship, Djibouti and Ethiopia do not.²⁴

RECOMMENDED STRATEGIES:

- i. Compile registers of dual citizens with ample information on the migrants' profiles for posting on appropriate websites to enable IGAD Member States make full use of them.
- ii. Carry out surveys of dual citizens to establish their commitment to the development of their countries of origin and those of destination.
- iii. Explore migration and residential locations as well as patterns of trans-nationals to determine how best to deploy them within IGAD.
- iv. Urge IGAD Member States to examine the impact of dual citizens vis-a-vis Diaspora and trans-nationals on particular aspects of development in IGAD as a whole and in its individual Member States.
- v. IGAD to urge the Member States to share the best practices and experiences to enable their governments to make appropriate decisions on dual citizenship.

²⁴ S. Plaza and D. Ratha (eds.) *Diaspora for Development in Africa*. Washington, D.C.: The World Bank, table 2, p.25.

INTER-STATE AND INTER-REGIONAL COOPERATION

All countries – whether of origin, transit and destination should develop shared understanding, common frameworks for cooperation, on all aspects related to migration, including concepts and interpretations of migration and forced displacement. The co-operation should involve intra-IGAD as well as RECs' arrangements on pertinent issues of mutual interest.

All countries – whether of origin, transit and destination - should endeavour to operate at the same wavelength, developing common frameworks, concepts and interpretations of migration and forced displacement. The co-operation should involve intra-IGAD and IGAD-other RECs arrangements on pertinent issues of mutual interest.

11.1 Intra-IGAD Co-operation in Migration Management

Within IGAD, there has to be inter-State co-operation in matters that can best be handled bilaterally and those requiring multi-lateral attention co-ordinated by the IGAD secretariat. This requires strong national structures that are linked to the IGAD super-structure on migration management. There are benefits to be derived from IGAD Member States with explicit migration policies even if not harmonized; Member States with weak or without any structures need to be assisted to develop them to be able to operate at the same level as the former.

RECOMMENDED STRATEGIES:

- i. Develop operating modalities that ensure a degree of regularity and predictability in the way in which the IGAD-RCP meets and works. Forging partnerships at multiple levels can most effectively be achieved through regular dialogue and the exchange of information, data and good practices.
- ii. Develop a common strategy for implementing migration policy among IGAD Member States that reflects harmonization of laws, standards, procedures, information, dissemination and sharing; compilation of statistics; production of documents, and efficient use of resources.
- iii. Integrate migration and displacement issues into migration and development agenda of IGAD and IGAD Member States agenda for security, stability and development and co-operation.
- iv. Develop modalities for adopting specific Action Plans incorporating the relevant provisions of frameworks and declarations which capture the concerns and interests of IGAD Member States as enshrined in the IGAD-RMPF.²⁵

²⁵ These include the Cairo Plan of Action adopted at the Africa-Europe Summit Cairo 3-4 April 2000; Article 13 on Migration of the EU-Platform on Future Relations between Africa and the EU (Follow-up to the Cairo Summit, Ouagadougou 28 November 2002); the Provision of the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

- v. Engage the European Commission, other countries of destination in the North including the IPF and the Middle East in sustained dialogue and analysis of changing migration configurations focusing on migration-development interrelations in or affecting IGAD as well as its individual Member States.
- vi. Engage other key players in migration, notably the AU, RECs sharing common borders with IGAD and specialized development institutions (e.g. the World Bank, IMF, African Development Bank - ADB, WHO, ILO, IOM) and others to collaborate in migration management initiatives.
- vii. Introduce regular meetings of IGAD Member States and neighbouring RECs to foster meaningful discourse between countries of origin, transit and destination for interstate dialogue to foster effective management of migration matters.
- viii. Urge for regular meetings of the IGAD RCP with countries of origin, transit and destination to foster inter-state dialogue and collaborative approaches on migration issues.

11.2 IGAD, Neighbouring RECs, Regional Consultative Processes and other Fora

Some IGAD Member States have double or triple membership of neighbouring RECs: Kenya and Uganda in the EAC (Kenya and Uganda); the two together with other IGAD member states are COMESA Member States; Djibouti, Kenya and Somalia are member states of the Community of Sahel-Saharan States (CEN-SAD); Sudan shares common borders with Egypt, Chad and Democratic Republic of Congo (DRC); and Kenya shares a common border with Tanzania with a singular membership of the Southern African Development Community (SADC). These configurations of REC membership generate interactions between IGAD Member States nationals with those from neighbouring RECs.

RECOMMENDED STRATEGIES:

- i. Encourage IGAD to develop appropriate migration-management frameworks for working relations with neighbouring RECs for bilateral and multi-lateral initiatives.
- ii. Create opportunities for discourse, research and data gathering between IGAD and neighbouring REC's Member States.
- iii. Organise periodic policy dialogues for Member States of IGAD and its neighbouring RECs for routine sharing of information, shared capacity building and shared migration management initiatives.
- iv. Urge IGAD to enhance dialogue and partnerships with other RECs which its Member States share common borders with.
- v. Encourage dialogue and partnership with other RECs (EAC/COMESA/SADC) for eventual rationalization of mutual or tripartite arrangements.
- vi. Foster and develop cooperation and partnerships with other RCPs, inter-regional fora (IRF) as well as the Global Forum on Migration and Development (GFMD).

and 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.

OTHER SOCIAL AND ECONOMIC ISSUES DESERVING ATTENTION

12.1 Migration and Health

The linkages between migration and health concerns are pertinent in scholarship, epidemiology and development discourse. They manifest themselves in the role of migration in the spread of communicable diseases such, notably Sexually Transmitted Infections (STIs), HIV/AIDS and Tuberculosis (TB). Migrants are particularly at great risk to these diseases due to limited access to healthcare which some countries of destination reserve to nationals. It is even a greater risk to provide health to nationals and leave out migrants with whom nationals interact, thereby transmitting disease between them. Based on the AU Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention), IGAD is mandated to address health concerns of cross-border migrants, IDPs and refugees. It is important to consider all these in the context of cross-border which characterizes the IGAD region.

RECOMMENDED STRATEGIES:

- i. Facilitate migrants' access to health care services by granting them uninhibited access to national healthcare systems and programmes that remove cultural and/or linguistic barriers that could prevent migrants from seeking and/or obtaining care, especially in relation to dual protection from unintended pregnancies, STI's, Tuberculosis and HIV/AIDS infection.
- ii. Assist refugees and displaced persons (including IDPs) to have adequate access to healthcare services even in refugee camp settings, paying special attention to the needs of vulnerable groups, by inter alia enhancing collaboration with UNHCR, IOM, WHO, ICRC, UNFPA, UNAIDS and other relevant agencies working on migration-health interrelations.
- iii. Strengthen research and data collection initiatives on the relationship between health and migration to provide a basis for enhancing co-operation between IGAD Member States countries and relevant agencies, including WHO, UNAIDS, IOM, UNFPA and ILO.
- iv. Support the implementation of regional policies, particularly Abuja Declaration and Plan of Action on HIV/AIDS, Tuberculosis, Malaria and other related infectious diseases; Decision CM/Dec. 673 (LXXIV), which recognizes the role of human resources in promoting health, urging IGAD Member States to develop realistic health plans, well-trained human resources for health and other facilitating factors.

- v. Identify the challenges facing the health sector, accounting for the number and professional qualifications of health personnel emigrating from IGAD Member States and tracing their deployment in the countries of destination.
- vi. Advocate for better utilization of human resources in the health sector and institute mechanisms for retaining health sector professionals as stipulated in CM/Decision 673 (LXXIV).
- vii. Monitor the extent to which IGAD Member States who belong to the Commonwealth work with the countries of destination of their health personnel to gauge the implementation of the Commonwealth Code of Practice for International Recruitment of Health Workers.
- viii. Advocate for the inclusion of migrants and mobile population health issues into national and IGAD-wide health programmes and strategies.
- ix. Strengthen the Health and Social Affairs desk at IGAD to harmonize migration and health policies of its Member States.
- x. Encourage effective interaction and exchanges amongst Health and Social Affairs outfits of other RECs.

12.2 Migration and Education and Human Resources

Education enhances the capacity of the highly educated to migrate freely wherever their services are required. The educated consist of not only those with high educational attainments but also the skilled and professionals who dominate brain drain. In IGAD, education has enabled Member States to develop human resources, some of them emigrating within as others move beyond the IGAD region. The migrants include voluntary migrants (including brain drain) and forced migrants (IDPs and refugees/asylum seekers). IGAD Member States that have experienced civil war and protracted displacement of population have had large numbers of their nationals undergo education and human resource development in their counterparts with relative peace and tranquillity. Thus, with peace-building gaining ground in IGAD, the Member States are likely to share services rendered by the highly educated and skilled for the benefit of the REC and, of course, individual Member States. Some of the challenges facing IGAD Member States include, Member States' adoption of varying education systems that cannot be easily reconciled, not least incomparable; lack of involvement of the private sector that complements the public sector efforts in employment opportunities; lack of sensitivity to differential gender roles and capacities; lack of career guidance; lack of promotion based on labour market demand; lack of skill audit; and the challenge of return migrants, some of whose qualifications are irreconcilable with those in the countries of origin.

RECOMMENDED STRATEGIES

- i. Urge the IGAD secretariat to streamline education and human resource development among Member States, ensuring proper accreditation and ultimately unification of the education system.
- ii. Encourage tertiary institutions in IGAD to admit students from different Member States thereby cultivating comradeship among students and thereby preparing them for post-education careers as citizens of IGAD rather than of different States.

- iii. Encourage periodic meetings of teachers and trainers at different levels of education system to undertake meaningful discourses on educational and human resource issues of interest to IGAD.
- iv. Involve the private sector in human resources development of migrants to supplement the efforts of the public sector.
- v. Ensure gender sensitivity in the provision of education at all levels and in the development as well as deployment of human resources, developing the capacities of underserved gender.

12.3 Nomadic Pastoralism

The vast area of the IGAD region consists of arid lands occupied by nomadic pastoralists who rely on their livestock for survival and even for commercial enterprises. Strictly speaking, nomadic pastoralism is not categorised as migration, it is a kind of mobility involving people and their livestock (cattle, camels, sheep and goats) either continuously or seasonally. In the IGAD region, notably the area covered by Djibouti Ethiopia, Kenya and Somalia, about 95% of cross-border trade is through unofficial channels and generates between US\$ 250 and 300 million annually, which is more than 100 times more than the official figure.²⁶ The cross border helps (a) lower food prices; (b) increase food security; (c) relieve border tensions; and (d) promote regional integration. In the IGAD region, the Regional Enhanced Livelihoods in Pastoral Areas (RELPA programme and the Regional Livelihoods Advocacy Project REGLAP), supported by the European Commission Humanitarian Aid Office (ECHO) are important initiatives in improving the welfare of pastoralists and their livestock as well as other forms of survival.²⁷ Thus, nomadic pastoralism enables pastoralists to exploit more than one environment, widening the scope of the arid regions supporting both human life and livestock. It is a strategy for intensive livestock management, permitting dependable exploitation of livestock products (milk, blood, meat, skin, dung etc.) and for transport; it is a viable adjustment to the vagaries of climate and the harsh environment either continuously or seasonally; and it permits the use of other resources, for instance, hunted animals for food as well as for commercial purposes.

RECOMMENDED STRATEGIES

- i. Undertake systematic studies of nomadic pastoralism as a special form of mobility involving people and their livestock for sustainable livelihoods.
- ii. Gain insights of perspectives, benefits and constraints of cross-border trade between neighbouring IGAD Member States and between them and other RECs' contiguous Member States.
- iii. Provide the necessary infrastructure for orderly nomadic pastoralism in the IGAD region.
- iv. Promote pastoralists' cross-border trade to become more economically viable by embedding it in the system of intra-IGAD international trade.

²⁶ Wikipedia, Pastoralism; Nomadic Pastoralism.

²⁷ *ibid*

12.4 Migration and Culture

The Merriam-Webster dictionary defines ‘culture’ as “the act of developing by education, discipline, and social experience” or “training or refining of the moral and intellectual faculties”. To some, culture is a “social asset” whose acquisition by an agent generates no individual utility but has positive external effects.²⁸ UNESCO emphasizes that “culture should be regarded as the set of distinctive spiritual, material, intellectual and emotional features of society or a social group, and that it encompasses, in addition to art and literature, lifestyles, ways of living together, value systems, traditions and beliefs.²⁹

Migration pits the migrants’ culture against that of the host communities, often resulting in either cultural conflict or dominance of the stronger culture. Indeed, cultural conflict tends to manifest itself in xenophobia or overt discrimination against migrants. In certain cases migrants disregard the cultural milieu of host communities, exhibiting grossly unacceptable behaviour and rendering migrants unwanted.

RECOMMENDED STRATEGIES

- i. Urge migrant communities to avoid behavioural traits likely to run counter to those of the communities into which they migrate.
- ii. Urge the host communities to appreciate their differences with migrant communities, allowing the latter to observe their cultural imperatives provided they do not interfere with those of the hosts.
- iii. Organise orientation programmes for migrants and their hosts to understand and appreciate their cultural differences and to co-exist amicably where they reside.
- iv. Urge IGAD secretariat to explore the cultural similarities and differences of the Member States’ citizens to enable it develop meaningful strategies in cultural co-existence of migrant and non-migrant groups.

12.5 Migration and Tourism

During the tourist season, the IGAD region receives hordes of tourists from different regions. Tourism brings to the region many benefits but at the same time yields some costs which IGAD and its respective Member States detest and sometimes do not redress adequately. For example, tourism encourages commercial sex, even by children; it degrades the environment and compromises biodiversity; and it results in traditional versus foreign culture conflict. Environmental fragility of the region calls for observance of eco-tourism to make tourism sustainable and beneficial to all the parties concerned. IGAD Member States’ obsession with tourism and tourist traffic should not blind them to the costs that national economies incur.

RECOMMENDED STRATEGIES

- i. Track tourist traffic within IGAD to ensure the safety and security of both tourists and the local citizens, maximising benefits and minimising costs.
- ii. Encourage sustainable eco-tourism in which the local population and national econo-

²⁸ Guido Cozzi, “Culture as bubble”, *Journal of Political Economy*, 1998, Vol. 102, no. 2.

²⁹ UNESCO, *Universal Declaration on Cultural Diversity*. Paris: UNESCO, 1998.

mies derive benefits.

- iii. Ensure that tourisms respect the cultural traditions of IGAD citizens to help build trust between tourists and the local population.
- iv. Eliminate adverse aspects of mobility for tourism, for instance commercial sex networks, tourists' undue interference with the local culture, environmentally unsustainable lifestyles and so on.

12.6 Migration and Trade

Although intra-IGAD trade is insignificant cross-border trade in certain commodities sustains the economy of neighbouring States. Much of it involves nationals of IGAD Member States interacting and exchanging goods freely. This is attributed partly to same ethnic communities arbitrarily slotted into different countries by borders that the former metropolitan powers created and partly due to lack of formal trade arrangements among IGAD Member States.

RECOMMENDED STRATEGIES:

- i. Recognize diversity in commodities of trade in IGAD for purposes of encouraging the Member States to exchange them as would best the needs and desires of those who demand them.
- ii. Review economic profiles of IGAD Member States with a view to prescribe appropriate trade policies within IGAD and between IGAD and its neighbouring RECs.
- iii. Strengthen co-operation in the area of migration and trade amongst IGAD Member States and between them and the Member States of neighbouring RECs.
- iv. Establish regular dialogue for all government agencies in IGAD Member States with responsibilities in migration, trade and labour issues to enable them appreciate inter-linkages of their services and to facilitate intra-IGAD trade without imposing requirements such as provision of visas and work permits.
- v. Strengthen opportunities for strong trade links between IGAD Member States and other RECs, the developed North and identified regions in the South.
- vi. Establish a secure, reliable and attractive environment that could attract the necessary foreign direct investment (FDI) to reduce migration through economic growth, employment and wealth creation and development in general.

12.7 Migration, Human Security and Social Protection

Migration leads to insecurity of migrants in destination countries where the security of locals cannot be guaranteed either. In addition, migration often tests social protection of migrants and members of their families.³⁰ Although ILO requires that migrants get social protection and

³⁰ The concept of 'social protection' is variously defined: by the ILO as "the provision of benefits to households and individuals through public or collective arrangements to protect against low or declining living standards, in terms of insurance and extension of provision to those in the informal sector"; by the World Bank as "public measures intended to assist individuals, households and communities in managing income risks in order to reduce vulnerability and downward fluctuations in incomes, improve consumption smoothing and enhancing equity...[with] emphasis on risk management which frames social protection as both safety net, and spring board through human capital development"; by the IADB as "the set of public policies directed towards lessening the impact of adverse shocks on consumption over time...[because] people are vulnerable to risk without social protection"; by the ODI as "the public actions taken in response to levels of vulnerability, risk and deprivation which are deemed socially unacceptable within a given polity or society...[un-

the 1990 United Nations Convention on Migrants and their Family Members are treated in the same way as nationals, these international instruments are seldom observed in migrants' destination countries. The situation becomes more precarious for migrants who lose employment as they never benefit from social protection. Social protection entails considering vulnerability at origins of migration; protection during the migration journey; protection for individual migrants/migrant households; protection at destinations; formal protection for internal as well as international migrants; informal protection for both; protection of migrant households at origins; and protection of returnee migrants.³¹ Social protection is therefore crucial for migrants, members of their families and other relations left back home.

RECOMMENDED STRATEGIES

- i. Ensure the security of migrants, locals and any other persons with whom they interact.
- ii. Institute social protection mechanisms for migrant households at origins of migration.
- iii. IGAD secretariat to track equal social protection of migrant groups/households and host communities/households for streamlined cultivation of co-existence of the two groups in IGAD Member States.
- iv. Develop both formal and informal social protection strategies for migrant households at both origins and destinations of migration.
- v. Establish organised social protection programmes for returnee migrants (including refugees/IDPs to enable them make easy re-entry where they had departed sometime back.
- vi. Establish gendered social protection for men and women as well as boys and girls in both migrant and host communities.

derscoring] specific understanding of vulnerability and deprivation [and targeting] the poorest and most vulnerable.

³¹ R. Sabates-Wheeler and M. Waite (2003) "Migration and Social Protection: A Concept Note", Working Paper T2. Development Research Centre on Migration, Globalisation and Poverty, University of Sussex, United Kingdom.

PRIORITIZATION OF MIGRATION ISSUES

As there are many migration issues in IGAD, it is imperative that the IGAD secretariat and individual IGAD Member States prioritize issues of common interest and those peculiar in particular settings. The onus is on the Member States to do so, ultimately enabling the IGAD secretariat to implement, monitor and evaluate the IGAD-RMPF. This would arm IGAD Member States with invaluable information for bilateral and multi-lateral arrangements in migration management.

Migration issues of priority include but are not limited to those indicated below. These issues could change from time to time due to unpredictable scenarios in IGAD, its contiguous RECs other regions that are linked to IGAD in certain ways. IGAD Member States should consider carefully three issues on prioritization: (a) bases for prioritization, (b) mechanisms for prioritization and specific priority issues. The last item could consist of the following:

- i. Upholding the humanitarian principles of migration as stipulated in international instruments which IGAD Member States have signed, ratified and/or implementing.
- ii. Border management and security as provided for in international standards relating to international regular, irregular and forced migration.
- iii. Promotion of regular and labour migration; migration for educational and training and for business and tourism; and permanent migration entailing emigration/immigration, family reunification and humanitarian resettlement (in the case of forced migrants).
- iv. Integration of migrants in the countries of destination.
- v. Migration and development inter-linkages
- vi. Nomadic pastoralism and its implications for areas of origin and of destination.
- vii. Capacity building of migration-based institutions and individuals serving in them.
- viii. The promotion of policy-relevant research and capacity on migration.

These priority areas are by no means exhaustive. They are illustrative of many more priority areas which IGAD Member States both individually and under the auspices of IGAD secretariat might identify.

PART THREE

INSTITUTIONAL IMPERATIVES

IGAD INSTITUTIONAL FRAMEWORK

IGAD has an institutional framework that should easily implement, monitor and evaluate the proposed IGAD-RMPF. For the IGAD secretariat to ensure successful implementation of the IGAD-RMPF, it will require technical backstopping of IOM and other organisations to work with the organs mentioned below (see Figure 1).

(a) Assembly of Heads of State and Government

The Assembly of Heads of State and Government is the supreme organ of IGAD.

(b) Council of Ministers

The Council of Ministers (IGAD-CM) composed of the Ministers of Foreign Affairs and one other focal minister designated by each member state, is the policy organ of IGAD to promote, monitor, coordinate and harmonize initiatives to realize the objectives of IGAD. IGAD-CM may establish ad-hoc sectoral committees to deal with issues in their respective sectors in accordance with (Article 10(3) of the Agreement establishing IGAD).

(c) Committee of Ambassadors

The Committee of Ambassadors, comprising of the Ambassadors or plenipotentiaries of IGAD member states accredited to the country of IGAD's headquarter, advises and guides the Executive Secretary and promote his efforts to realize the work plans approved by the Council of Ministers.

(d) IGAD Secretariat

The Secretariat is the executive arm and is headed by an Executive Secretary appointed by the Assembly of Head of State and Government. Besides the Administrative and Finance Division, the Secretariat has three operational divisions, namely for Economic Cooperation, Health and Social Development, Peace and Security, and Agriculture and Environment. IGAD Health and Social Development Desk that will oversee the implementation of Programmes on migration is organized under the Division of Economic Cooperation, Health and Social Development division.

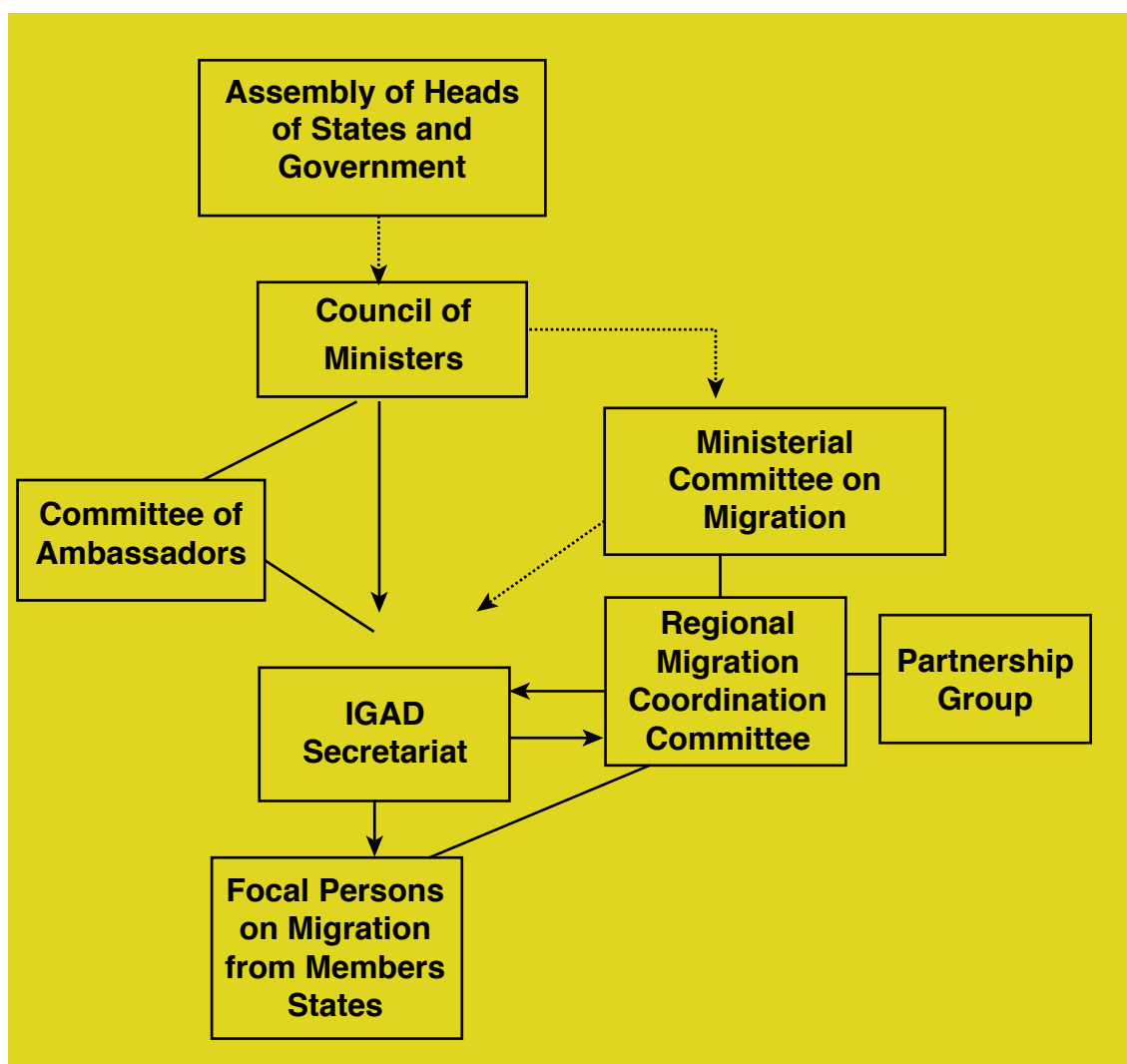
2. Institutional Arrangements for Migration Management

Will be as follows:

- (a) Ministerial Committee comprising of Ministers in charge of Migration - to be established

- (b) Regional Migration Coordination Committee (RMCC) – has been established attached are TORs
- (c) IGAD (Health and Social Services Desk); and
- (d) Focal Persons – Names to be provided

Figure 1 Institutional Arrangements



Development partners would be invited to attend the regular meetings in order to participate in non-execution items of agenda and provide advice on migration issues.

HARMONIZING MIGRATION LEGISLATION AND POLICIES OF IGAD MEMBER STATES

IGAD-RMPF secretariat will undertake work in collaboration with IGAD Member States to harmonize national migration legislation, policies and programmes thereby harmonizing them to realise migration policy coherence. Ultimately, individual IGAD Member States will receive technical support for IGAD-RMPF secretariat to develop, implement and supervise National Migration Policies (NMPs). Thus, national migration policy coherence would ultimately provide the basis for IGAD migration management coherence.

This activity would require systematic studies of national laws and policies guiding internal and external migration between individual IGAD Member States and between IGAD and neighbouring RECs (EAC and COMESA). The studies would reveal similarities and differences among IGAD Member States. Against the results of the studies, IGAD would then determine the way forward in harmonization of migration legislation and policies among its Member States.

MONITORING AND EVALUATION MECHANISM

IGAD-RMPF will develop a Monitoring and Evaluation (M&E) mechanism. The process will

require a workshop specifically on M&E, appropriately arranged by the IGAD-RMPF secretariat for IGAD Member States to determine how best this mechanism could be implemented, reviewed and modified to become a built-in activity.

APPENDIX

GLOSSARY OF TERMS

This document provides two key references containing glossaries of migration terms. All institutions and individuals involved in IGAD-MPF and NMPs are advised to procure copies of the two references which will furnish them definitions and interpretations of migration terms, drawn from diverse sources and circles.

1. Migration Policy Institute (2011). Glossary, Migration Information Source. Washington, DC: MPI. For over a decade, the Migration Policy Institute (MPI) has been undertaking work on a variety of migration issues: data hub, policy papers, country resources, focus on the United States, refugees and others.
2. International Organization for Migration – IOM (2004) International Migration Law: Glossary of Migration. Geneva: IOM. For decades IOM has been a lone ranger in migration work. It has asserted its position as the most reliable partner of its member states and non-member states alike in migration and its relationship with different issues in the arena of national and international development. IOM would easily lend support to IGAD secretariat and IGAD Member States in ensuring the success of the IGAD-RMPF.

