



# Data for Governance Alliance

## Policy Brief No.32

Migration Governance in Africa: An overview of the African Union and Regional Economic Communities legislative and policy framework

**Dr. Simbarashe Tembo**

20 March 2024



**Data for Governance Alliance**  
African voices for African policy





**Dr. Simbarashe Tembo (Ph.D)** is an emerging academic and researcher based at the University of KwaZulu-Natal (UKZN). With a background in Constitutional and Human Rights Law, Dr. Tembo has made significant contributions to the academic community through his research, publications, and teaching endeavours. His expertise lies in Migration law, Constitutional and Human Rights Law, and International Law. Dr Tembo holds an LLB, LLM (International and African Regional Law), and a Ph.D (Constitutional and Human Rights Law). He has also undertaken training in Constitution Building at the Central European University.

**E-mail the author:** [TemboS@ukzn.ac.za](mailto:TemboS@ukzn.ac.za)



## Executive Summary

Migration governance in Africa is in a critical state due to the complexity of migration trends as well as challenges and opportunities that it presents within the continent. This research brief provides a comprehensive appraisal of the legislative and policy frameworks established by the African Union (AU) and Regional Economic Communities (RECs) to ensure sustainable migration governance. Key AU instruments such as the [Migration Policy Framework for Africa \(MPFA\)](#) and the [African Common Position on Migration and Development](#) are examined. Their role in promoting safe, orderly, and regular migration while addressing the root causes of irregular migration are articulated. Additionally, the study recognises the significance of regional treaties on migration such as the [Economic Community of West African States \(ECOWAS\) Protocol Relating to Free Movement of Persons, Residence and Establishment](#) and the Intergovernmental Authority on Development (IGAD) Free Movement Protocol. It is observed that these treaties facilitate intra-regional mobility, promote economic integration, and enhance cooperation among member states in managing migration flows.



## Introduction and background

Migration has become one of the most topical issues at the global level. Migration, as a global phenomenon, presents opportunities and challenges equally for both the sending and receiving states. In recent times, there has been an increase in migration between States in Africa. This migration is partly attributed to globalisation and the deteriorating political, socio-economic and environment situation in the continent.<sup>1</sup> While irregular migration<sup>2</sup> is largely undesirable, it simply cannot be wished away. As such the African Union (AU) has actively formulated policies and mechanisms to manage migration effectively on the continent. Regional Economic Communities (RECs) have also been actively engaged in formulating policies and mechanisms to manage migration effectively. These mechanisms primarily aim to improve migration governance in Africa by providing comprehensive guidelines and policy standards for all key stakeholders including member states. It should be noted that migration is not a sole prerogative of the African Union and sub regional economic communities, individual states have also formulated and implemented various policies and guidelines for the management of migration flow.<sup>3</sup> The African Union provides two important normative and policy frameworks - the [Migration Policy Framework for Africa \(MPFA\)](#)<sup>4</sup> and the [African Common Position on Migration and Development](#)<sup>5</sup> - to guide member states on issues related to migration within the continent. These policies complement the various African Union (including the OAU) treaties and protocols on migration.

Migration flows are closely tied to various factors such as economic opportunities, war, famine, climate change among others.<sup>6</sup> Abebe and Mudungwe report that most African migration is intra-regional particularly between neighbouring states.<sup>7</sup> Africans also migrate beyond the continent. The major destinations have been observed to be the former colonial states and this migration is influenced by the colonial ties that exist.<sup>8</sup> It is these colonial ties that explain the Afro-European migration.

This research brief provides a comprehensive analysis of the migration governance framework established by the AU, regional treaties on migration, and progressive domestic mechanisms within African nations. The paper begins by examining the role of the AU in coordinating regional efforts to address migration challenges. It explores key

<sup>1</sup> Akokpari, J.K., 2000. Globalisation and migration in Africa. *African Sociological Review/Revue Africaine de Sociologie*, 4(2), pp. 72-92.

<sup>2</sup> There is no generally accepted definition for "irregular migration", however, the International Organisation on Migration (IOM) provides some guidance. According to the IOM, irregular migration refers to "movement of persons that takes place outside the laws, regulations, or international agreements governing the entry into or exit from the State of origin, transit or destination". IOM (n.d) "Key terms" available at <https://www.iom.int/key-migration-terms> (accessed on 19 March 2024).

<sup>3</sup> Dibabo, M.F. and Badewa, A.S., 2020. Monitoring migration policy frameworks, treaties, and conventions for development in Africa. *Journal of African Union Studies*, 9(1), pp. 23-49.

<sup>4</sup> African Union Executive Council. 2006/2018. [The Migration Policy Framework for Africa](#). African Union.

<sup>5</sup> African Union Executive Council. 2006. [African Common Position on Migration and Development](#). African Union.

<sup>6</sup> Flahaux, M.L. and De Haas, H., 2016. African migration: trends, patterns, drivers. *Comparative migration studies*, 4, pp.1-25.

<sup>7</sup> Abebe, T.T. and Mudungwe, P., 2018. Migration policy frameworks in Africa. In *Routledge Handbook of Contemporary African Migration* (pp. 153-169). Routledge.

<sup>8</sup> Vezzoli, S. and Flahaux, M.L., 2017. How do post-colonial ties and migration regimes shape travel visa requirements? The case of Caribbean nationals. *Journal of Ethnic and Migration Studies*, 43(7), pp.1141-1163.



AU instruments such as the [Migration Policy Framework for Africa \(MPFA\)](#) and the [African Common Position on Migration and Development](#). These frameworks aim to promote safe, orderly, and regular migration while addressing the root causes of irregular migration, including conflict, poverty, climate change and lack of opportunities. Migration is conceptualised to include both intra and extra-African territorial migration. The research brief then explores the significance of regional treaties on migration, such as the [Economic Community of West African States \(ECOWAS\) Protocol Relating to Free Movement of Persons, Residence and Establishment](#)<sup>9</sup>, and the Intergovernmental Authority on Development (IGAD) Migration Policy Framework<sup>10</sup>. These treaties facilitate intra-regional mobility, promote economic integration, and enhance cooperation among member states in managing migration flows.

Migration is a phenomenon that finds expression in international human rights treaties. Various international instruments refer to the protection of the rights of immigrants which makes migration a human rights issue. The Universal Declaration of Human Rights (1948),<sup>11</sup> the International Convention on the Elimination of All Forms of Racial Discrimination (1963),<sup>12</sup> the International Covenant on Civil and Political Rights (1966),<sup>13</sup> the International Covenant on Economic, Social and Cultural Rights (1966), International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families (1990), Convention on the Rights of Persons with Disabilities (2006), and the International Convention for the Protection of all Persons from Enforced Disappearance (2007) all play a central role in ensuring human rights protection for migrants.

## African Union mechanisms

Africa's policies on migration have been underpinned by the need to articulate the AU's position on migration, and the belief that well managed migration has potential to benefit both the origin and destination countries. According to Omede and Ngwube "it was expected for the AU to create policies to harness the benefits of regular migration while lowering the risks and costs of irregular migrants".<sup>14</sup> The policy framework covers a wide array of issues ranging from free movement of persons, goods and services, labour migration, refugees, human trafficking, smuggling and internally displaced persons (IDPs).<sup>15</sup> The African Union's approach to migration is articulated in

<sup>9</sup> Economic Community of West African States (ECOWAS), *Protocol Relating to Free Movement of Persons, Residence and Establishment*, A/P 1/5/79, 29 May 1979, available at <https://africanlii.org/akn/act-ecowas/act/protocol/1979/free-movement-of-persons-residence-and-establishment/eng@1979-06-15> [accessed 19 March 2024].

<sup>10</sup> IGAD. 2012. Regional Migration Policy Framework. IGAD. Available at <https://www.iom.int/sites/g/files/tmzbd1486/files/icp/igad-regional-migration-policy-framework1.pdf>.

<sup>11</sup> UN General Assembly, Universal Declaration of Human Rights, 217 A (III), 10 December 1948, <https://www.refworld.org/legal/resolution/unga/1948/en/11563> [accessed 5 March 2024].

<sup>12</sup> UN General Assembly, International Convention on the Elimination of All Forms of Racial Discrimination, United Nations, Treaty Series, vol. 660, p. 195, 21 December 1965, <https://www.refworld.org/legal/agreements/unga/1965/en/13974> [accessed 5 March 2024].

<sup>13</sup> UN General Assembly, International Covenant on Civil and Political Rights, United Nations, Treaty Series, vol. 999, p. 171, 16 December 1966, <https://www.refworld.org/legal/agreements/unga/1966/en/17703> [accessed 5 March 2024].

<sup>14</sup> Omede, J. and Ngwube, A., 2017. The role of African Union (AU) in curtailing migration problems in Africa. *Humanities, Arts and Social Sciences Studies* (former name *Silpakorn University Journal of Social Sciences, Humanities, and Arts*), pp.25-40.

<sup>15</sup> Abebe, T.T. and Mudungwe, P., 2018. Migration policy frameworks in Africa. In *Routledge Handbook of Contemporary*



the [African Common Position](#) and the [Migration Policy Framework for Africa](#). The two policies provide a guiding framework for how Member States of the AU should regulate migration in their borders as well as the treatment of immigrants in those countries. While these policies are not binding on member states, they oblige member states to comply with treaties such as the [Organisation of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa](#)<sup>16</sup>, and the [African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa \(Kampala Convention\)](#)<sup>17</sup>.

### *The AU Migration Policy Framework for Africa (2006 and 2018)*

The [AU Migration Policy Framework for Africa \(MPFA\)](#)<sup>18</sup> was adopted in 2006 and was eventually revised in 2017 and adopted in 2018. The [MPFA](#) provides Member states and Regional Economic Communities with guidelines on migration governance and related issues. The themes covered in the [MPFA](#) are Migration Governance; Labour Migration and Education; Diaspora Engagement; Border Governance; Irregular Migration; Forced Displacement; Internal Migration; and Migration and Trade.<sup>19</sup> One of the themes that also comes out of a more pronounced reading of the policy is its emphasis on integration of migrants in host communities. This document is comprehensive by any international standard. More importantly, the policy deals with eleven other issues and provides recommendations for consideration by the member states. In addition to that, the 2018 revised Framework provides a plan of action for the period 2018-2030.

The [AU Migration Policy Framework 2018-2030 Plan of Action](#)<sup>20</sup> is a strategic roadmap developed by the African Union (AU) to guide member states in addressing the complex challenges and opportunities associated with migration on the continent. This plan builds upon the principles and objectives outlined in the [2018 AU Migration Policy Framework](#) and provides a detailed framework for action for the period running up to 2030.

The [AU Migration Policy Framework 2018-2030 Plan of Action](#) emphasises the need to uphold the rights and dignity of all migrants, including refugees, asylum seekers, and internally displaced persons (IDPs). It calls for the implementation of policies and mechanisms to prevent discrimination, exploitation, and abuse of migrants, in line with international human rights standards. The plan seeks to enhance the management of migration flows within Africa by promoting legal and orderly migration pathways while addressing irregular migration. It emphasizes the importance of strengthening border management, enhancing migration governance structures, and fostering

African Migration (pp. 153-169). Routledge.

<sup>16</sup> Organization of African Unity (OAU), *Addis Ababa Document on Refugees and Forced Population Displacements in Africa*, 10 September 1994. <https://africanlii.org/akn/aa-au/doc/convention/1969-09-10/19690910/eng@1969-09-10> [accessed 19 March 2024]

<sup>17</sup> African Union, *African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa ("Kampala Convention")*, 23 October 2009, <https://africanlii.org/akn/aa-au/act/convention/2009/protection-and-assistance-of-internally-displaced-persons-in-africa/eng@2009-10-23> [accessed 19 March 2024]

<sup>18</sup> African Union Executive Council. 2006/2018. [The Migration Policy Framework for Africa](#). African Union.

<sup>19</sup> Omede, J. and Ngwube, A., 2017. The role of African Union (AU) in curtailing migration problems in Africa. *Humanities, Arts and Social Sciences Studies* (former name *Silpakorn University Journal of Social Sciences, Humanities, and Arts*), pp.25-40.

<sup>20</sup> AU (2018). [Migration Policy Framework for Africa and Plan of Action \(2018 –2030\)](#). In African Union Commission.



regional cooperation to manage migration more effectively. It recognises the importance of addressing the root causes of migration, including poverty, conflict, environmental degradation, and lack of opportunities. It calls for comprehensive approaches that promote sustainable development, job creation, and poverty reduction to mitigate the drivers of forced migration and displacement. The plan further emphasises the importance of data collection, research, and analysis to inform evidence-based migration policies and interventions. It calls for the development of robust data systems, research partnerships, and capacity-building initiatives to improve understanding of migration dynamics and trends in Africa. In addition to that, the plan acknowledges the significance of regional and international cooperation in addressing migration challenges. It calls for enhanced collaboration among AU member states, regional economic communities, and international partners to develop joint strategies, share best practices, and mobilize resources for effective migration management. Lastly, the plan acknowledges the potential of migration to contribute to sustainable development, economic growth, and social cohesion in Africa. It calls for policies and programs that maximize the positive impacts of migration, including remittances, skills transfer, and diaspora engagement, while minimizing the negative consequences.

The Plan has been hailed as a comprehensive roadmap for addressing the complexities of migration in Africa. If implemented to the letter, it has the potential to foster safe, orderly, and beneficial migration for the continent.

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

The [African Common Position on Migration and Development \(2006\)](#) is a framework developed by the African Union to complement the MPFA. This Common Position also seeks to address the complex challenges and opportunities associated with migration on the continent. It emphasises the need for a comprehensive and balanced approach that recognizes the positive contributions of migration while also addressing its negative impacts. The focus areas of the [African Common Position](#) include promoting regular migration, protecting the rights of migrants, enhancing cooperation among African countries, and integrating migration into development strategies. It aims to harness the potential of migration to contribute to sustainable development in Africa while mitigating its adverse effects.

The [African Common Position on Migration and Development](#) holds significant relevance within the African migration policy framework as it provides a platform for African Union member states to adopt a coordinated approach towards migration and development issues. With this policy, Member States commit themselves to working together more effectively and address shared challenges as well as capitalise on opportunities that stem from migration. The common position also provides for the protection of the rights of migrants, including access to basic services, discrimination, and combating human trafficking and exploitation. This rights-based approach is crucial for safeguarding the well-being and dignity of migrants, particularly vulnerable groups who (in the context of Africa) include refugees, migrant children, and internally displaced persons (IDPs). It recognises the potential of migration to contribute to development, hence its emphasis on integration of migration considerations into national and regional development policies and strategies. It is believed that this can be



achieved through leveraging the skills, resources, and networks of migrants to promote economic growth, innovation, and social progress.

Furthermore, this policy encourages the facilitation of regular migration channels, including through the adoption of fair and transparent migration policies and the removal of barriers to legal migration. By promoting regular migration, countries can reduce the occurrence of irregular migration and associated risks such as exploitation and human rights abuses. The importance of regional cooperation and dialogue on migration issues, including sharing information, best practices, and resources among African countries is a core element of the policy. It recognises that collaborative approach enables countries to address transnational migration challenges faced in cross-border movements, labour migration, and refugee flows more effectively. Finally, the common position recognises the dynamic nature of migration patterns and trends in Africa and the need for policies and strategies that can adapt to evolving circumstances. Countries can respond more effectively to emerging migration challenges, such as climate-induced displacement and urbanisation, only if they are flexible and open to innovation.

### *The OAU Convention Governing the Specific Aspects of Refugee Problems in Africa*

The [OAU Convention Governing the Specific Aspects of Refugee Problems in Africa \(African Refugee Convention\)](#)<sup>21</sup> plays a crucial role in enhancing migration governance in Africa. The Convention is a regional Treaty that complements the UN Convention on Refugees (1951).<sup>22</sup> It provides for an expansive definition of a refugee to include:

“every person who, owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country, or who, not having a nationality and being outside the country of his former habitual residence as a result of such events is unable or, owing to such fear, is unwilling to return to it”.<sup>23</sup>

This Convention takes a further step in defining a refugee to include persons fleeing from aggression, occupation, foreign domination and events that lead to serious public disorder.<sup>24</sup> The Convention articulates the core principle of non-refoulement, which prohibits the expulsion or return of refugees to territories where their lives or freedom would be threatened on account of their race, religion, nationality, membership of a particular social group, or

<sup>21</sup> Organization of African Unity (OAU), *Addis Ababa Document on Refugees and Forced Population Displacements in Africa*, 10 September 1994, <https://africanlii.org/akn/aa-au/act/convention/1969/specific-aspects-of-refugee-problems-in-africa/eng@1969-09-10> (accessed 19 March 2024).

<sup>22</sup> UN General Assembly, *Convention Relating to the Status of Refugees*, United Nations, Treaty Series, vol. 189, p. 137, 28 July 1951, <https://www.refworld.org/legal/agreements/unga/1951/en/39821> [accessed 10 March 2024].

<sup>23</sup> See Article I.

<sup>24</sup> See Article I (2).



political opinion.<sup>25</sup> This provision is aligned with the UN Refugee Convention of 1951<sup>26</sup> as well as the 1967 Protocol.<sup>27</sup> The non-refoulement principle is well developed at international law as it guarantees the refugees rights against persecution.

Article II of the Convention requires that all refugees and asylum seekers be treated in a humane manner. It ensures that the rights and dignity of refugees are respected and protected. The host countries have an obligation to issue refugees with necessary documents, including travel documents, in conformity with international law.<sup>28</sup> The refugees themselves also have a corresponding duty to conform to the laws and regulations of the host country and to any pertinent measure in the maintenance of the host country's public order.<sup>29</sup> This provision contributes to a legal framework that is comprehensive and adopts a compassionate approach to migration governance, promoting the integration of refugees into host communities and minimizing their vulnerability.

The Convention underscores the need for burden-sharing and cooperation among member states as well as international organizations and NGOs in addressing refugee issues.<sup>30</sup> It places a burden on all stakeholders in assisting and protecting refugees. The Convention further fosters regional solidarity and collaboration thereby strengthening migration governance through distributing responsibilities more equitably, preventing the overburdening of host countries, and ensuring that refugees receive adequate support and protection across Africa.

### *African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa*

The Kampala Convention, formally known as the [African Union Convention for the Protection and Assistance of Internally Displaced Persons \(IDPs\) in Africa \(2009\)](#)<sup>31</sup> was adopted by the AU in 2009. It is the first legally binding instrument specifically addressing the protection, assistance, and rights of internally displaced persons within Africa. The rise in cases of internal displacements, as a result of war and natural disasters, saw the AU adopting this convention. The adoption of this Convention was prompted by the lack of adequate legal frameworks and mechanisms to address the needs of internally displaced populations. The Convention was adopted after a series of consultations and negotiations.

The Convention provides a comprehensive framework for preventing, managing, and resolving internal

<sup>25</sup> See Article II (3).

<sup>26</sup> UN General Assembly, Convention Relating to the Status of Refugees, United Nations, Treaty Series, vol. 189, p. 137, 28 July 1951, <https://www.refworld.org/legal/agreements/unga/1951/en/39821> [accessed 10 March 2024].

<sup>27</sup> UN General Assembly, Protocol Relating to the Status of Refugees, United Nations, Treaty Series, vol. 606, p. 267, 31 January 1967, <https://www.refworld.org/legal/agreements/unga/1967/en/41400> [accessed 10 March 2024].

<sup>28</sup> Article IV.

<sup>29</sup> Article III (1).

<sup>30</sup> Article VII.

<sup>31</sup> African Union, [African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa \("Kampala Convention"\)](#), 23 October 2009, <https://africanlii.org/akn/aa-au/act/convention/2009/protection-and-assistance-of-internally-displaced-persons-in-africa/eng@2009-10-23> [accessed 19 March 2024].



displacement situations. It outlines the rights of IDPs, including the right to protection, assistance, and durable solutions, and sets forth obligations for states parties to ensure the fulfilment of these rights. Additionally, the convention establishes mechanisms for coordination, monitoring, and reporting to facilitate implementation at both national and regional levels. Recognising the importance of cooperation, the convention also seeks to promote the development of relevant cooperation frameworks between African states to address internal displacement and its consequences.<sup>32</sup> Obligations of international organisations and international organisations in relation to respect and protect the rights of internally displaced persons. The AU is obliged to provide support to member states to protect and assist internally displaced persons.<sup>33</sup> This entails provision of support to member states to protect and assist internally displaced persons and guarantees the AUs right to intervene in member states in cases of war, genocide, or crimes against humanity. Under various special provisions, member states are obliged to ensure sustainable return, integration in local communities or relocation and registration and documentation of IDPs.

## Regional Economic Communities mechanisms

Regional Economic Communities were established primarily for the purposes of promoting regional economic, social, and cultural integration. However, they have since become instrumental in almost all aspects of governance in their respective regions. They have made immense contribution towards the development of a more pronounced African regional legislative framework. They have also enhanced inter-state cooperation in matters affecting the regions including migration. The ECOWAS and IGAD have comprehensive migration policies while the Southern African Development Community is yet to adopt its draft migration policy. This study therefore pays particular attention to the ECOWAs and IGAD instruments below.

### *The ECOWAS Common Approach on Migration (2008)*

The ECOWAS Common Approach on Migration<sup>34</sup> was adopted in 2008. It is a comprehensive framework for addressing migration and development issues within the West Africa region. The policy covers several key aspects of migration management and promoting the rights and well-being of migrants. It underscores the importance of facilitating free movement of persons within the ECOWAS region in compliance with the [ECOWAS Protocol on Free Movement of Persons, Residence, and Establishment \(1979\)](#)<sup>35</sup> (ECOWAS Free Movement Protocol).<sup>36</sup> The framework also promotes the enhancement of mechanisms for the management of regular migration flows within the ECOWAS region. It draws upon the provisions of the ECOWAS Free Movement Protocol, which outlines

<sup>32</sup> See Article V.

<sup>33</sup> See Article VIII.

<sup>34</sup> ECOWAS Commission, 2008. ECOWAS Common Approach on Migration. ECOWAS. Available at <https://www.unhcr.org/sites/default/files/legacy-pdf/49e47c8f11.pdf>.

<sup>35</sup> Economic Community of West African States (ECOWAS), Protocol Relating to Free Movement of Persons, Residence and Establishment, A/P1/5/79, 29 May 1979, available at <https://africanlii.org/akn/aa-ecowas/act/protocol/1979/5-p1/eng@1979-05-29> [accessed 19 March 2024].

<sup>36</sup> See Articles 3 and 4 of the [ECOWAS Free Movement Protocol](#).



procedures for obtaining residence permits and other documentation necessary for legal migration. The ECOWAS Common Position further calls for the harmonization of migration policies and practices among ECOWAS member states to ensure consistency and coherence in policy formulation.<sup>37</sup> Member states are implored to align their national legislation with regional standards.

This regional policy framework takes cognisance of the ills of irregular migration. It aims to combat irregular migration and human trafficking through strengthening of border control systems, effective policing and providing support to victims. This complements Articles 13 and 19 of the [ECOWAS Free Movement Protocol](#) which deals with human trafficking and border security cooperation respectively.

In addition to that, the ECOWAS Framework emphasises on the importance of respecting the rights of migrants, asylum seekers, and refugees in line with the international and African regional legal framework.

#### *The IGAD (Intergovernmental Authority on Development) Regional Migration Policy Framework*

The East and Horn of Africa is led by the East African Community (EAC) and the Intergovernmental Authority on Development (IGAD).<sup>38</sup> These RECs have policy instruments that address migration issues in the region. The policies guide member states in their formulation of migration policies.

The IGAD Regional Migration Policy Framework is a comprehensive document developed by IGAD member states to address the various aspects of migration within the region. In addition to outlining its principles and objectives, it sets out the strategies for managing migration.<sup>39</sup> Special focus is placed on protecting migrants' rights, promoting regional corporation, improving migration governance in the region, and addressing the root causes of migration challenges.

The framework provides for the protection of migrants' rights in accordance with international conventions and protocols. It stresses the promotion of human rights, including the rights of refugees, asylum seekers, and internally displaced persons (IDPs).<sup>40</sup> Member states have an obligation to develop laws and policies consistent with international and regional law on the protection of this category of persons. Through this framework, member states commit themselves to ensuring integration of migrants in host communities by ensuring their access to essential services such as education, health care and employment opportunities.

Through this framework, IGAD member states commit themselves to facilitating safe, orderly, and regular migration through the formulation and implementation of policies and mechanisms that ensure the protection of migrants

<sup>37</sup> Paragraph 2.3 of the ECOWAS Common Position.

<sup>38</sup> IGAD, 2012. Regional Migration Policy Framework. IGAD. Available at <https://www.iom.int/sites/g/files/tmzbd1486/files/icp/igad-regional-migration-policy-framework1.pdf>.

<sup>39</sup> See Table 1, page 3 Regional Migration Policy Framework.

<sup>40</sup> See paragraph 3.3.3 of the Regional Migration Policy Framework.



in their host countries as well as those in transit. This includes the adoption of measures to prevent and combat human trafficking and smuggling of migrants.

One of the aims of this framework is to strengthen migration governance by promoting the development and implementation of consistent migration policies at the national and regional levels. Coordination and cooperation among states, relevant government agencies, international organizations as civil society and other stakeholders is encouraged.

The member states are cognisant of the importance of addressing the root causes of challenges associated with migration. The root causes identified include poverty, conflict, environmental degradation, and lack of economic opportunities. Member states are encouraged to direct their efforts towards sustainable development, job creation and conflict resolution as means of mitigating against forced migration. Further, the framework recognizes the importance of regional cooperation in addressing these challenges. To this end, the IGAD Migration Framework calls on member states to establish mechanisms for information sharing, capacity building, and establishment of joint initiatives among member states to address common challenges.

### **Critical appraisal of the frameworks**

It is clear that both the AU and RECs have demonstrated commitment to the governance of migration on the continent. All the instruments discussed above recognize the importance of harmonizing migration policies to facilitate free movement of people across the continent. Several instruments stress on the need to ensure that migration policies are coherent and consistent. As such, the instruments refer to mechanisms for coordination and cooperation between AU and RECs as well as between member states. Some of the instruments underscore the need to promote information sharing which would enable stakeholders to better understand the migration trends and formulate evidence-based policies. This can be achieved if, in part these bodies engage in regular meetings, establish joint working groups, and establish an oversight body.

Facilitating the free movement of people across borders contributes towards regional integration and economic development efforts by promoting trade, investment, and cultural exchange. There is therefore a need to harness the opportunities that migration presents on the continent's integration and economic development fronts.

### **Conclusion**

Migration governance in Africa takes a multifaceted approach. This is necessitated by the intricate landscape in which migration occurs on the continent. As such, the African Union (AU), Regional Economic Communities (RECs), and individual member states have all been involved in migration governance. This research has highlighted the substantial efforts in creating a normative legal framework to regulate migration, through the adoption of key instruments which include the Migration Policy Framework for Africa (MPFA) and the African Common Position on Migration and Development. The role of regional treaties within RECs like the ECOWAS Protocol on Free Movement



of Persons and the IGAD Free Movement Protocol in facilitating intra-regional mobility and economic integration has been underscored. These frameworks provide crucial guidelines for promoting safe, orderly, and regular migration in the continent. In all African instruments, migration is posited as a human rights issue and states are implored not to abdicate on their commitments in the promotion and protection of human rights including the rights of migrants, refugees, and internally displaced persons. The instruments also emphasise on the importance of a multi-stakeholder approach towards the realisation the potential of migration as a catalyst for inclusive growth and development across the continent.

**END**



## Data for Governance Alliance

African voices for African policy



**Funded by  
the European Union**