



SILENCING THE GUNS
Through the Promotion and
the Deepening of AU Shared Values

Concept Note

APRM Technical Symposium on the African Migration Governance Conference

8 to 9 December 2022
Cape Town
South Africa

I. BACKGROUND

1. The African Peer Review Mechanism (APRM) was established in 2003 as a self-monitoring instrument to which Member States of the African Union (AU) accede to voluntarily.¹ The APRM is an autonomous entity of the AU that serves as an African-owned and African-led platform for self-assessment, peer-learning, and experience-sharing in democracy and good governance, in full respect for democratic principles, human rights, rule of law, the acceleration of political, social and economic integration in Africa.
2. The primary purpose of the APRM is to foster the adoption of policies, standards and practices that lead to political stability, high economic growth, sustainable and inclusive development and accelerated regional and continental economic integration, through sharing of experiences and reinforcement of successful and best practices including providing up reliable data and information. One of the key functions of the APRM is promote and facilitate self-monitoring and evaluation by the Participating States.
3. The APRM country review reports have consistently highlighted the impact of migration, as well as the need to better integrate migrants, especially when there are sub-regional crises that overflow across borders, leading to large mixed migration flows. For example, the Uganda Country Review Report, which was peer reviewed at the 27th African Peer Review Forum of Heads of State and Government (APR Forum), held in January, 2018, in Addis Ababa, Ethiopia, noted that Uganda was situated in a sub-region that had experienced violent conflicts over the years, leading to millions of internally displaced citizens and refugees. By 2017, Uganda was hosting 1,252,470 refugees and asylum-seekers, making it the largest refugee hosting country in Africa and the third largest in the world (GoU and UNHCR, 2017), with most hailing from South Sudan, Burundi and the Democratic Republic of Congo. Uganda was commended by the 27th APR Forum for having one of the most progressive and generous refugee laws and policy regimes in the world. Uganda remains an excellent champion and example of best practices that could be shared with fellow AU member states.
4. South Africa is another case study. The country was one of the APRM pioneer countries to accede to the Mechanism in March 2003. The country's APRM Country Review Mission was conducted between the 9th to 25th July 2006. In July 2007, at the 7th APR Forum held in Accra, Ghana, the South African Country Review Report was peer reviewed. The country review report asserted that: "Given the levels of unemployment, socio-economic inequalities and inadequacies in service delivery in South Africa, some stakeholders perceive the presence of migrants as an additional problem in their own struggle for a better life".

¹The APRM Base Document adopted at the 6th Summit of the NEPAD Heads of State and Government Implementation Committee, 9 March 2003, Abuja, Nigeria, Para.1

5. The Report further noted that these perceptions may cause social tension and the eruption of violence and crimes, if not properly managed, and may convert into major sources of internal strife and, possibly, potential sources of inter-state conflict. An atmosphere of xenophobia seems to be emerging, particularly against black people coming from other African countries. It was noted in the report that during review consultations, some stakeholders in Soweto affirmed that South Africans generally welcome other Africans who seek economic opportunities in the country, especially when they bring needed skills and professional qualifications. They are, however, wary of those who come to be an economic and social burden on society. This appears to be the basic cause for the rising tide of xenophobia, which must be addressed” (para. 103, p. 77).
6. The South African Country Review Report identified xenophobia as one of 11 cross cutting issues i.e. issues that cut across all four thematic areas and accordingly deserve a holistic approach in the search for sustainable solutions. It recommended that South Africa should implement measures to transform itself into an inclusive democratic society; “find better informed measures for combating the growing problem of xenophobia, including programmes of civic education” (para. 117, p. 80); and “establish and strengthen anti-xenophobic institutions such as the counter xenophobia and counter corruption unit.” (para. 276, p. 119). To date South Africa has seen periodic flareups of what some characterize as Afrophobia. This is due to the nature of the violence which seems directed towards migrants of African origins while non-Africans are left unaffected by the violence and negative sentiment.
7. Although political narratives and media images often focus on the purported “exodus” of Africans to Europe, the bulk of African migrants move within the continent, with the latest figure putting the volume of intra-African migration at more than 80%² Africans are under-represented in the world migrant population and the continent has the lowest extra-continental out-migration rates of all the world regions, despite popular representations of Africa as a “continent on the move”. The number of international migrants living on African soil has been growing, from an estimated 20.3 million in 1990 to an estimated 32.5 million in 2015³. These figures reflect the low levels of development, and the high constraints poverty and border controls tend to put on people’s ability to migrate over long distances.
8. At the same time, it is important to note that Africa has made notable progress in terms of free movement. The Visa Openness Index indicates that Africans do not need a visa to travel to 25 per cent of the African countries (up from 22 per cent in

² Global Migration Data Analysis Centre (2017). African migration to Europe: How can adequate data help improve evidence-based policymaking and reduce possible misconceptions? GMDAC Data Briefing Series, No. 11.

³ Situation Report, African Regional Consultative Meeting on the Global Compact on Safe, Orderly and Regular Migration. October 2017.

2017, and 20 per cent in 2016). Africans can get visas on arrival in 24 per cent of the African countries (also 24 per cent in 2017, and 25 per cent in 2016). Africans need visas to travel to 51 per cent of the African countries (down from 54 per cent in 2017, and 55 per cent in 2016). The free movement agenda of necessity entails ever more liberal visa regimes, including issuance of visas at ports of entry for all citizens of African Union Member States. On this ambitious road to continental integration though, a lot of challenges in facilitating free movement of persons have been noted, including but not limited to national security, public health threats and socio-economic disparities between Member States. Much as considerable levels of liberalization has been achieved at regional levels such as the SADC, ECOWAS, EAC, the AU passport remains an elusive concept to the majority of African citizens of AU Member States.

9. Potential and real threats posed by organized crime including human, arms and drug trafficking, terrorism and violent extremism have given various African governments, like their global counterparts, justification to invoke national security concerns to forestall the advances towards free movement of persons. While security threats are undoubtedly real, there is limited empirical evidence and data to suggest that migrants pose a greater danger to national security than do nationals, as also exemplified in Rwanda, Seychelles and Mauritius which have put into place measures to remove visa requirements for certain short-term categories for all African nationals. What is undeniable though is that new forms of criminality that challenge the capacities of law enforcement authorities to respond will sometimes result from immigration. Migration governance and implementation of policies hence remains a major barrier.
10. On public health, as it was illustrated during the outbreak of the Ebola virus particularly in Guinea, Sierra Leone and Liberia in 2015 and the current COVID-19 pandemic globally that epidemics and pandemics present challenges to the public health safety of Member States. When epidemics and pandemics lead to the closure of borders, the economic implications are tremendous. Moreover, as clearly shown during the Ebola epidemic and currently during the COVID-19 in Africa the closure of borders does effectively prevent the transmission of diseases across borders as international travel and trade frequently take place through informal and unsupervised crossing points across states.
11. Due to the different levels of economic development and regional integration within the continent, there is often the fear that citizens of countries that are less developed will flock to more affluent neighbouring states. While free movement of persons could help to stem the fears that fuel xenophobia by working towards regulated labour migration schemes that allow for fair and legitimate access to labour, there is nonetheless need for regular review of the effects of migration on local communities as their concerns cannot be dismissed out of hand. Comparable practice and experiences of Rwanda, Seychelles and Mauritius suggest that challenges to free movement, be they real or potential, are not insurmountable. African governments may therefore wish to consider confronting these challenges

collectively through concerted efforts to strengthen their civil registration systems, border management systems, visa regimes, domestic law enforcement capabilities, public health and IHR core capacities, and labour migration arrangements.

II. RATIONALE

- 1) The call for well managed and harmonized migration governance in Africa has been attributed severally as a key contributing factor to the socio-economic development for Africa. The need to enhance regularized pathways and protect the rights and safety of migrants is at its peak, to ensure that migration is not only beneficial to migrant groups and their families, but also to countries of destination and origin. Moreover, noting the risks and vulnerabilities migrants face throughout their migration journeys, the need to promote protocols and frameworks on the free movement of persons, goods and services is pertinent to the successful realization of continental and continental development commitments, such as the Agenda2063, the sustainable Development Goals for 2030 (SDG's), and the Global Compact for Safe and Orderly Migration (GCM)>
- 2) In 2016 the African Union Commission (AUC) evaluated the 2006 Migration Policy Framework for Africa (MPFA). Among others, the evaluation made three findings/observations, and respective recommendations as follows:
 - a) The bulk of migration in Africa (about two thirds) is intra-continental, and less than 22 percent of migrants from Africa emigrate to other regions outside Africa.
 - b) In general, few Member States have robust migration governance⁴ regimes that are a prerequisite for the coherent management of migration, that is, few Member States have migration policies and/or robust institutional mechanisms for managing migration.
 - c) There is limited reliable and up-to-date migration data and analysis in Africa, which hinders evidence based policy-making and programming among Member States and RECs, which could be a symptom of lack of, or weak migration governance systems.

⁴ IOM defines **Migration Governance** as:

The traditions and institutions by which authority migration, mobility and nationality in a country are exercised, including the capacity of the government to effectively formulate and implement sound policies in these areas. As the primary actor in migration, mobility and nationality affairs, a State retains the sovereign right to determine who enters and stays in its territory, and under what conditions within the framework of international law. Other actors (including citizens, migrants, international organizations, the private sector, unions, NGOs, community organizations, religious organizations and academia) contribute to migration governance through their interaction with States and each other.

- d) In line with these findings, the evaluation recommended that the AU Commission should:
- Embark on a capacity building initiative for Member States and RECs.
 - Establish a continental research facility and observatory that would conduct research and generate data on migration in order to facilitate evidence-based migration policy formulation and programming.
- 3) The assessment, in which 39 Member States participated, corroborated the findings of the 2016 AUC evaluation of the 2006 MPFA, and the observations of the Experts who attended the March – August 2018 regional workshops. In this regard the assessment revealed that:
- a) Most Member States do not have migration policies, and that of those countries that have migration policies, a significant proportion of these policies do not have implementation plans, nor do they have monitoring and evaluation (M & E) frameworks with progress and impact indicators. Further, the policy frameworks of most countries are not integrated into their national development plans.
- b) With regard to institutional mechanisms for managing migration, very few countries have ministries, units or agencies that are dedicated to managing migration, and equally few countries have national coordinating mechanisms⁵ for migration.
- 4) The manifestation of weak migration governance reduces capacity of Member States to:
- a) Nurture and fully capitalize on the positives that migration can bestow towards development outcomes;
- b) Mitigate the negative impact of migration on development outcomes to the extent possible; and
- c) Effectively negotiate migration compacts with other countries or regions that are destinations of African migrants.
- 5) The 2018 deliberations made the observation that both migration policies and national institutional mechanisms for managing migration are central to the coherent management of migration, and that it is paramount, therefore, that technical assistance in the formulation of migration policies and capacity building be prioritized in the proposed five-year continental migration governance capacity building programme for Member States and RECs.
- 6) In light of the importance of migration governance in managing migration, the limited capacity of Member States and RECs to manage the phenomenon, and

⁵ National Coordinating Mechanisms are defined as government-led inter-agency platform in charge of facilitating cooperation & coordination of migration issues among stakeholders with migration related functions and responsibilities. It is an integral part of a country's migration governance system, and brings together all relevant government institutions, Civil Society Organizations and international partners involved in migration.

in a quest to buttress efforts towards strengthening the migration governance regimes on the Continent the AU Assembly, the AU Peace and Security Council, and the African Peer Review Forum of Heads of State and Government issued the following decisions:

- i) The Technical Symposium is held pursuant to the Assembly Decision, Assembly/AU/Dec.765 (XXXIII), which the Assembly supported the decision of the 29th APR Forum of Heads of State and Government for the APRM to organise an African Migration Governance Conference focusing on migration governance and sharing of best practices amongst AU Member States. The Assembly requested the APRM to organise the African Migration Governance Conference in collaboration with the AU Commission and relevant stakeholders. The Technical Symposium is a precursor thereof.
 - ii) Decision on the Report of the APRM Doc. Assembly/AU/11 (XXXIII) of the 29th African Peer Review Forum of Heads of State and Government, which called upon the African Peer Review Mechanism to organize an African migration conference which would focus on migration governance.
 - iii) Decisions on the Reports of the 30th and 31st Ordinary Sessions of the African Peer Review Forum of Heads of States and Government held on 25th March 2021 and 4 February 2022 respectively.
 - iv) The Symposium is also held in line with the Decision of the African Union Peace and Security Council (PSC) of 11 September, 2019, PSC/PR/COMM.1 (DCCCLXXIX). The PSC through Communique PSC/PR/COMM.1 (DCCCLXXIX) urged the AU Commission to expedite the holding of a continental conference, in collaboration with all AU Member States, that will serve as a platform for all AU Member States to thoroughly highlight the issue of xenophobia, including its root causes with a view to finding a collective continental approach on how best to prevent its recurrence on the continent.
- 2) This further banks on the continental implementation of the Global Compact for Safe and Orderly Migration (GCM), as reflected in the 2017 Common African Position on the GCM which beckons migration governance responses to apply sensitivities to peculiar African migration contexts, calling for more coordinated policy developments on enhancing migration management in Africa, in line with the implementation of the priority pillars of the GCM in Africa.
- 3) Additionally, the operationalization of the African Continental Free Trade Area (AfCFTA) has insighted reflections on the need to ensure easier movement of persons across national and geographic borders. Noting that goods under the AfCFTA will need to be transported and moved by people and calling for harmonization of policies and laws that will ensure cooperation and synergies in the movement of people and the movement of goods. In this regard, the AU Commission is similarly pushing for heightened engagement in the popularization and ratification of the Protocol to the Treaty Establishing the African Economic

Community Relating to Free Movement of Persons, Right of Residence and Right of Establishment.

- 4) Pursuant to the foregoing, the APRM, together with relevant stakeholders and partners, is desirous of hosting a continental conference on migration governance, The conference would be preceded by a consultation of technical experts that would deliberate on the scope of the continental conference, and its expected outcomes.

III. TERMS OF REFERENCE, TECHNICAL SYMPOSIUM METHODOLOGY AND OUTCOME

- 5) Titled **The APRM Technical Symposium on the African Migration Governance Conference**, the broad objective of the workshop will be to identify issues for discussion in the proposed African Migration Governance Conference. In particular the scope of work for the conference will focus on the following areas:
 - i) Establish the status of, gaps and on-going/planned initiatives in the area of migration governance in Africa.
 - i) On the basis of the identified gaps, identify priority areas for policy intervention and programmatic implementation in the area of migration governance in the next 5 years,
 - ii) Identify channels and mechanisms to advance advocacy and domestication of the Free Movement of Persons Protocol to enhance regular and safe migration.
 - iii) From the identified priorities, crystalize the areas of focus for the African Migration Governance Conference.
- 6) The expected outcome from the workshop will be a validated agenda and program for the continental conference on migration, and a roadmap for the African Migration Governance Conference.

IV. PARTICIPATION

It is expected the Technical Symposium will be attended by representatives of: APRM, AU Commission, Regional Economic Communities, Development Partners, Civil Society Organizations, Private Sector and Academia.

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It is expected the Technical Symposium will be attended by representatives of: APRM, AU Commission, Regional Economic Communities, Development Partners, Civil Society Organizations, Private Sector and Academia.

VI. TIMEFRAME AND VENUE

7) The Technical Symposium will be held at in Cape Town from 8 - 9 December 2022.

VII. LANGUAGE

8) The Technical Symposium will be held in English and French, and interpretation services will be provided.