Knowledge Platform for Migration Governance in Africa

Platform Policy Brief 03

Migration Governance Architecture in the Horn of Africa: The Case of IGAD

This is the third policy brief of the Knowledge Platform for Migration Governance in Africa[1] produced by the African Diaspora Policy Centre. The platform is devoted to strengthening the interface between research, policy, and practice in the area of migration governance at continental, regional, national, and local levels. The motto of the platform is: organizing a knowledge network for better migration governance in Africa. It contributes to the migration and mobility dialogue from the perspective of Africa. Additionally, it is committed to contributing to a better migration governance system that works to the benefit of all. The platform organized its third webinar in September to reflect on the migration governance architecture of the Intergovernmental Authority on Development (IGAD) in terms of norm-setting, policy processes, and practical implications. The webinars also provide an opportunity for the platform's network to convene virtually, since they cannot meet face-to-face as long as the Covid-19 pandemic rages across countries.

Introduction

This policy brief is the product of a webinar organized by the Platform to reflect on the migration governance architecture of the Intergovernmental Authority on Development (IGAD) in terms of norm-setting, policy processes and practical implications. IGAD migration governance architecture is generally characterized as a system based on informal cooperation and partnerships between the member states in the region with regards to migration related matters. This informal institutional set-up contrasts with that of the Economic Community of West African States (ECOWAS) migration governance architecture, addressed in the last webinar, which has significant formal power to enforce regional policies on migration. The less formal power or authority of IGAD therefore makes it difficult for it to superimpose any regional norms on national and sub-national levels. Another difference between ECOWAS and the IGAD migration governance architectures is the contrasting migration trajectories in the two regions. For instance, migration in the Horn of Africa is characterized by high levels of forced internal displaced persons (IDP) and other forms of mixed migration that requires targeted policy instruments in terms of support, protection, or management within the region and beyond. Conversely, in West Africa migration is the

cornerstone of the regional development and promoted as a centrepiece of a development agenda driven by internal labour migration needs with an overarching economic and trade integration policy in the region. Against this background, this policy brief sheds light on the evolution and institutional patterns of the current IGAD migration governance architecture. It also addresses the challenges that IGAD faces in its efforts to improve the migration governance system in the region and measures undertaken to remedy these challenges in the short- and medium-term.

IGAD Migration Governance Architecture

IGAD evolved as a Horn of Africa regional institution from being the Intergovernmental Authority on Drought Disasters (IGADD) at its inception in 1986.[2] Gradually, IGAD's focus has broadened to include areas such as economic integration, peace and security, social development, and free movement of persons across countries in the region. In 2006, IGAD developed its first migration programme for the region under the auspices of the 'East Africa Migration Route Initiative'. The programme was originally developed to address the health of the mobile population in the region, i.e. the impact of diseases, notably, TBC, HIV, and malaria. The programme also targeted the health of migrants crisscrossing between the Horn and Southern Africa regions. Building on this original programme, IGAD created a Regional Consultative Process (RCP) in 2008. The RCP was designed as a formal platform for dialogue and coordination on migration issues among governments in the region. One of the achievements of the RCP was the establishment of a Training of Trainers (TOS) initiative on migration matters in 2010. Subsequently, the migration regime in the region was finally formalized through the 2012 IGAD Migration Policy Framework.[3]

This regional migration policy derives from the 2006 continental AU migration policy framework but is adopted in the context of the Horn of Africa region. The policy was further operationalized through the creation of a migration action plan at regional and national levels geared towards different thematic areas on the topic. The priority areas selected include migration governance, Diaspora, free movement of persons, IDPs, refugees, victims of trafficking, climate change and disaster related displacement, migration, and development and its integration in national development plans.[4] The activities of the action plan were designed in such a way that migration platforms at the national level are connected to those at the regional level.

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[2] We were fortunate to have Mr. Charles Obila, Migration Governance Officer at IGAD, as a speaker at the webinar. Mr. Obila has been closely involved in the development of the IGAD migration governance policy in recent years.

[3] The policy framework was adopted by the IGAD Council of Ministers in 2012 and is the lead IGAD policy guideline on matters related to migration and mobility dynamics in the Horn of Africa. For more information, see the website of IGAD. www.igad.int.

[4] These are some of the 12 priorities in an action plan that underpins the implementation of the current IGAD migration regime.

For instance, at the national level, the overarching action plan has helped to promote coordination between different agencies, departments, and ministries through a National Coordination Mechanisms (NCM) created at the state level in each country of the region. There are currently six NCMs operating, which mostly prioritize the development of national migration polices although they function differently from one member state to another.[5] Nonetheless, the enforcement authority of the NCMs remains limited, as they are not yet legislated into law.

Three coordination platforms were instituted at the regional level. The first is the Regional Migration Committee, which is tasked to bring together labour, health, and foreign affairs directors across countries to assess how national migration policies are being implemented in the context of the policy frameworks set at the regional level. The second is the Regional Consultative Process (RCP) with a mandate that covers various non-state actors, including civil society organizations, UN system, academia, transit, and destination countries. It also coordinates policy discussion on migration issues at the highest levels. The third entity is the Inter-Ministerial Committee on Migration (mainly ministries of immigration, foreign affairs, labour, and health) that takes political decisions at the highest level and adopts guiding operations at the national levels.

Migration Pressures in the Region

To date, the region as a whole has been dealing with different diverse migration pressures. Migration in the region is the result of both forced internal displaced persons (IDP) and other forms of mixed migration that requires different policy responses at national and regional levels. For instance, while some migrants, like IDPs, need protection and support, others need to be managed properly within the region and beyond. Clearly, IGAD has formulated a robust migration governance regime in the Horn of Africa. It has also succeeded in establishing a number of mechanisms at different policy levels aimed at addressing the complex challenges emanating from the different multi-facets of migration dynamics. Yet, the current migration pressures in the region cannot only be addressed by formulating regional and national policy frameworks despite their critical importance. These policy frameworks must be effectively operationalized, which demands increased institutional capacity at all levels. For instance, enhanced capacity will be needed at the national levels to further strengthen the operational capacities of the existing National Coordination Mechanism for Migration (NCMs). This will ensure that they serve as effective national platforms across IGAD member states. In addition, at the regional level, enhanced institutional capacity will also be needed to reinvigorate the operational performance of the existing Regional Consultative Process (RCP). This will, in turn, contribute to enhanced institutional cooperation among governments of IGAD member states in various aspects of migration that have not yet been sufficiently realized. The impact of migration pressures and

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[5] Kenya, Uganda, and South Sudan have draft NCMs while Ethiopia and Somalia are in the development phase with the support of the AU and GIZ.

challenges cuts across different aspects of societal and economic spheres and that reality demands a broader response. It requires the building up and fostering of networks of migration-oriented researchers, policymakers, and practitioners within and across countries so that the region contributes effectively and significantly to the dialogue objectives of the Khartoum Process and Continental Dialogue. It also requires facilitating the establishment of a multi-stakeholder consultation mechanism in each country to increase public awareness of migration and mobility issues within society. Finally, it requires offering technical support to sub-national and local governments to develop policies targeted at protecting the rights as well as the economic and social integration of migrants in their respective countries. In sum, the migration challenges in the region remain complex in nature and are also increasing due to growing environmental challenges, scarcity of resources, and intermittent political conflicts in the region. IGAD is playing an important role in addressing the migration challenges in the region with limited resources, insufficient institutional capacity, and lack of enforcement mechanisms at its disposal.

Global Compact on Migration (GCM)

Since the GCM was formulated in 2018, the political climate of the migration in the Horn of Africa has shifted to the worse according to experts present at the webinar. It has become harsher in term of managing migration across countries. For instance, governments in the region have resorted to measures geared to securitized border management, resulting in the mistreatment of vulnerable migrants crossing borders. This harsh act has driven migration underground and migrants are forced to avoid crossing officially designated borders. Consequently, the securitization of border management has significantly increased flows of irregular migration in some countries of the region. This has resulted in an unintended and adverse consequences. The matter has been further complicated by the lack of any high-level policy to promote expanded pathways for regular mobility within the IGAD region and beyond. This is in contrast with the current migration policy in the East Africa Community block (i.e. South Sudan, Kenya, and Uganda), which grants free movement of persons under the East African common market protocol (which the IGAD region as a whole has not yet ratified). Likewise, the securitization of border management has failed to prevent the increased smuggling and trafficking of migrants between Ethiopia and Kenya, Djibouti and Ethiopia, en-route to the Gulf Cooperation Council (GCC) countries. It has also failed to prevent the smuggling of migrants through Sudan towards Egypt and Libya. This illustrates that increased securitization of border controls neither prevents smuggling and trafficking of persons across countries, nor promotes a passage of free mobility in the IGAD region. According to regional experts, there is a need to pay more attention to the forces driving the people to migrate, namely, poverty, food insecurity, and the lack of any means of livelihood due to growing environmental hazards in the region. People are forced to move for their own survival. Regarding this aspect, migration in the form of labour mobility within the region is both a force for poverty eradication as well as a force for development. Unfortunately, to date, the dominant narrative is that migration in the region is a problem to be managed and

controlled by any means possible. It is this skewed narrative that pushes forward internal migration strategies deployed to limit movement from rural to urban areas. These same migration strategies label vulnerable displaced populations as the cause of higher unemployment, social delinquency, and the source of insecurities in cities.

Additionally, the prevalence of this skewed narrative also applies to the kind of migration that, generally, receives favourable policy attention. For instance, government policymakers in the region mostly talk of migration in terms of migrant workers or migrants working abroad and their treatment. By contrast, they consider those arriving in their countries as a threat to employment opportunities and competition in the labour market. This lopsided policy, frequently propagated by media outlets, i.e. in the case of trafficking where perpetrators and victims are lumped together, leaves migrants criminalized and unprotected. While there is a general agreement on regional recommendations and standards, most policymakers at the national level are not properly sensitized on the matter. This problem is exacerbated by a lack of sufficient capacities and political will at the highest levels of government and existing tensions due to the negative perceptions of foreigners and migrants that persist in many countries in the region.

Finally, external influence also plays a role in the decisions of government policymakers at the national level, who often fail to promote the general IGAD policy geared towards advanced pathways for regular mobility in the region. This IGAD policy is in contrast with the current policy partnerships pursued by EU governments in the region, which largely focus on the return and reintegration of migrants with irregular status expelled from Europe.

Dominant Narrative on Migration in the Region

As briefly discussed above, currently, the dominant narrative on migration in the region is the securitization of border management aimed at preventing human trafficking and smuggling of persons. Eradicating the horrible practices of human trafficking is an important priority, indeed it must be rooted out completely. However, the securitization of border controls and, more broadly, migration management, has assumed a dominant narrative in the region. This single issue sets the agenda on how to deal with migration. It also reinforces the perception that migration and human mobility within the region is the first order of business to be resolved. More importantly, the securitization of border management dictates policy priorities, action plans, and the allocation of resources to the issue above all other migration related issues. Experts from the region attest to the fact that most policy actions on migration in the region are directed towards the management of cross-border movements. This also applies to the allocation of resources, which, so far, have been disproportionally spent on the management of migration in the region.

In addition, as experts in the region explain, the management of migration even predominates the agenda regarding wider mobility dialogues pursued within the framework

of the current Khartoum Process.[6] The issue has even become a source of contention between policymakers in the region and those from Europe involved in the mobility dialogue. IGAD in particular is concerned by the messaging or the framing aspect of migration dynamics in the region, which is largely reduced to a single issue: the management of migration. Regional experts are of the view that, henceforth, countering this lopsided dominant narrative should be a priority in policy considerations, research undertakings, awareness raising, and advocacy.

Historically, people in the region migrate to escape poverty and improve their livelihoods. This action affirms the long-held notion that "migration is the oldest human occupation against poverty". This reality should therefore be taken into account as a core narrative in migration dynamics in the region and should also receive proper policy attention. Yet, this core narrative is largely relegated to the management of migration. This makes little sense; indeed, it seems like putting the cart before the horse. Without understanding and addressing the economic reasons that force people in the region to migrate, the movement of people cannot be sufficiently reduced or managed properly. Another issue highlighted by the regional experts is that migration in the form of labour mobility is also a force for development in the region as it can ignite growth and economic development across countries. For this reason, IGAD appeals strongly to the governments of member states to facilitate pathways for regular mobility in the region, similar to that implemented in the ECOWAS area. In short, migration in the region is not simply a problem to managed. It also has benefits that should become part of the narrative on migration in the region. This means advancing and propagating a new narrative on migration dynamics that is balanced and evenly presented. In this new narrative, highlighting the benefits of migration for the reduction of poverty and for economic development in the region should be paramount.

However, developing a new narrative on migration in the region requires drastic policy shifts in the mobility dialogue between the Horn of Africa and Europe under the continuing Khartoum Process. The departure point for the mobility discussion should not only be managing migration. It should also be the benefits of poverty reduction and development that migration sparks. Both aspects must therefore be taken into the account and given equal weight in mobility policy deliberations. Likewise, developing a new narrative on migration in the region will require investment in policy research that increases knowledge and understanding on how migration reduces poverty and promotes development. Finally, countering the current lopsided narrative on migration will require the mobilization of active voices for the cause across diverse stakeholders at the national, sub-national, and local levels in every country in the region.

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[6] The Khartoum Process is a platform for political cooperation amongst the countries along the migration route between the Horn of Africa and Europe. The platform was set up on 28 November 2014, at the Ministerial Conference held in Rome, Italy.

Conclusion

The IGAD migration governance regime was formally instituted in 2008.[7] It is recent compared with that of ECOWAS, which was formulated in 1979 under a protocol for the free movements of persons, rights of residence and establishment. Yet, within a short period of time, IGAD has succeeded in formulating a host of policy frameworks, coordination mechanisms, and dialogue platforms at regional and national levels, as spelled out in the body of the document. IGAD has also succeeded in designating 12 priorities in an action plan that underpins the implementation of its broader Regional Migration Policy Framework (RMPF), adopted in 2012. To this end, IGAD has developed a comprehensive and multi-faceted migration governance framework that is far more advanced than those developed by other regional organizations on the continent. Yet, IGAD still lacks sufficient institutional capacity and financial resources to translate its existing policy instruments into practical actions at different levels. In this regard, IGAD urgently needs further technical support to strengthen its institutional capacity, which is necessary given the growing migration pressures in the region. Additionally, as noted in the introduction to this document, IGAD has no formal authority to enforce any regional norms at national and sub-national levels. It also has no mandate to take decisions on behalf of its member states. Consequently, this institutional arrangement constrains IGAD's political power beyond facilitating informal dialogue frameworks such as the Regional Consultative Process (RCP) among member states.

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The analysis in this policy brief is informed by the knowledge, experience, and expertise of the African migration policy experts who participated in the third webinar organized by the Knowledge Platform for Migration Governance in Africa. The added value of the African migration policy experts in the policy discussion devoted to strengthening the institutional capacity of migration governance is tremendous. The experts articulate a less familiar African narrative in the discussion closely informed by insider observation, local perspective, specific country experience, and deeper understanding about the complexity and challenges of the multi-facets of migration and mobility dynamics on the continent, which receive little policy attention. The experts who participated in the Platform's third webinar represented different partner countries in Africa, namely: Cameroon, Ethiopia, Ghana, Kenya, and Morocco.

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[7] This is because migration was not one of the original thematic areas of the organization when it was created in 1986. For more information about the IGAD migration governance regime, see IGAD (2008) 'Declaration on the establishment of Intergovernmental Authority on Development (IGAD) Regional Consultative Process (IGAD-RCP) on Migration (unpublished document)', Addis Ababa.