GLOBAL COMMISSION ON INTERNATIONAL MIGRATION (GCIM)

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THE SECRETARIAT

REGIONAL HEARING FOR AFRICA

Cape Town, 28 February – 1 March 2005

Summary report

Introduction

On 28 February and 1 March 2005, the Global Commission on International Migration (GCIM) organized a Hearing for Africa in Cape Town, South Africa. The Cape Town Hearing was the fourth in a series of consultations that the Commission is holding in five different regions of the world in the course of 2004 and 2005.

The Regional Hearings provide the Commission with an important opportunity to hear the views of a wide range of stakeholders and to gain insight into those migration issues which are of specific relevance to each region. The findings of the Hearings will contribute to the Commission's Final Report, which will be presented to the United Nations Secretary-General and other stakeholders in the second half of 2005.

GCIM Co-chairs Mr. Jan Karlsson and Dr Mamphela Ramphele, presided over the event. The opening of the Hearing was addressed by H.E. Mrs. Nosiviwe Mapisa-Nqakula, Minister of Home Affairs of the Republic of South Africa, followed by Commission members Aicha Bellarbi and Reda Shehata. GCIM Executive Director Dr Rolf K. Jenny provided a summary of the Hearing's proceedings during the closing plenary session.

Some 175 people attended the Hearing, including officials from 19 African countries, as well as representatives of 17 non-African members of the Core Group of States, which follows and supports the work of the Global Commission. A variety of international organizations, representatives of NGOs and human rights organizations, the private sector, the media, as well as research and policy institutes, were also present at the Hearing.

The Hearing took place both in plenary and in working panels that involved three different stakeholder groups: (1) governments; (2) regional bodies, international organizations and experts; and (3) civil society organizations, including NGOs, the private sector and the media.

 The agenda of the Hearing covered four principal topics:

- I.   The economic dimensions of international migration

- II.   Irregular migration;

- III.   Migrants in society and the human rights of migrants; and,

- IV.   The governance of international migration.

This summary report reflects the general content of discussion in both working panels and plenary. No statements in the report are attributed to individual participants or delegations.

Key characteristics of migration in Africa

Participants in the Hearing made a number of general observations with regard to international migration in Africa.

First, migration within, to and from Africa is a longstanding phenomenon, and has played a central role in shaping the continent's economic and social structures, as well as its diverse cultures.

Second, migration in Africa is closely associated with the continent's exploitation. The slave trade and colonialism were responsible for uprooting and displacing millions of Africans. Many more were induced to leave their homes and to sell their labour for minimal wages so that foreign enterprises and settlers could benefit from the continent's land and mineral resources. Referring to the title of Walter Rodney's well-known book, one participant pointed out that migration played a central role in "How Europe Underdeveloped Africa".

Third, the Hearing recognized that migration in Africa has always been a very complex phenomenon, with distinct regional and sub-regional variations. In southern Africa, the dominant form of migration has been the movement of contract labourers, whereas in the western part of the continent, the migration of agricultural workers and female traders has been of greatest significance. Much of the continent, it was pointed out, has been affected by large-scale refugee movements, especially eastern and north-eastern Africa.

In recent years, Africa has witnessed some new forms of cross-border movement. A growing number of people from sub-Saharan Africa having been making their way to the states of the Maghreb, in the hope of crossing in an irregular manner to outposts of southern Europe, such as the Spanish Canary Islands and the Italian island of Lampadusa. South Africa has become an important regional economic power and a magnet for people all over the continent in search of opportunities. In addition South Africa has become a centre for the trafficking of women, while the trafficking of children has become a growing concern in West Africa.

There was a broad consensus that the causes of migration in Africa are multiple, complex and interlocking. Many participants pointed to low levels of development, the absence of sustainable livelihood opportunities and economic differentials between neighbouring and nearby countries as the key to an understanding of Africa's migratory patterns. Others focused on political factors, such as armed conflict, poor governance and human rights abuses.

Several participants observed that the causes of migration in Africa have to be seen in a wider international context. One legacy of European colonialism has been the existence of artificial state borders that divide members of the same ethnic or linguistic group and which cut across traditional trading and grazing routes. In the post-colonial period, the continent's economies had been seriously affected by the imposition of structural adjustment programmes and inequitable trading policies pursued by the world's most prosperous states.

While some African states had remarkable records of recent economic growth, the Hearing was informed that the continent as a whole had been adversely affected by the globalization process. Unable to support themselves by means of agriculture, large numbers of people, including a growing proportion of women, had abandoned the land to join the urban labour market. At that point, they were able to make the connections required to migrate to other countries.

Turning finally to the broader context of international migration in Africa, many participants referred to the problem of generalization. The continent, it was pointed out, includes both 'megastates' and 'microstates'. Some African countries are fully democratic while others

remain highly authoritarian. Certain states in Africa are culturally and ethnically homogeneous, whereas others are very diverse in their composition. As a result of these and other differences, some participants observed, it would be difficult for the Hearing to reach conclusions and to make recommendations which were equally relevant to all of the countries and stakeholders represented at the meeting.

Despite these reservations, the Hearing reached a broad consensus on the key issues that currently confronted Africa with regard to international migration and related issues. These included:

- the need to attain the Millennium Development Goals and to restore Africa's competitiveness in the global economy, so that the continent's citizens did not feel obliged to migrate;

- the need to reinforce the rule of law and to combat xenophobia, so that Africa's migrants could enjoy a safer and more dignified life;

- the need to gain a better understanding of the gender dimensions of migration in Africa, taking into account the growing number and the particular situation of migrant women;

- the need to address the relationship between migration and health in Africa, especially the link with HIV/AIDS and the recruitment of health sector personnel by the world's richest countries;

- the need for capacity-building in African states, enabling them to collect better migration data and to formulate and implement more effective migration policies; and,

- the need for better inter-state cooperation and coordination on migration matters in Africa, including the conclusion and implementation of regional and sub-regional protocols on the free movement of people.

Economic dimensions of migration

Participants in the Hearing took note of the fact that while migration has been closely associated with the underdevelopment of Africa, it has also been central to the development process, especially in countries endowed with substantial natural resources, such as Cote d'Ivoire, Gabon and South Africa. In general, it was pointed out, those African states which have achieved any degree of economic success have been heavily reliant on migrant labour.

Because of the poor economic performance of many African states and the continent's marginalization from the globalization process, many people were looking for jobs abroad in order to support themselves and their families. But finding such jobs and gaining authorization to move to another country was usually difficult.

Because of their own unemployment problems, African states did not generally welcome foreign workers. And the industrialized states, especially those in Europe, would not open their labour market to the people of sub-Saharan Africa, unless they had specific skills that were in short supply. As a result, many African migrants moved outside formal channels and found employment in the informal sector. In addition, growing numbers of African women were engaging in cross-border trade and making an increasingly important contribution to household incomes.

There was broad agreement that while migration could contribute to poverty-reduction and local development in countries of origin, the African continent was not particularly well placed

in this respect. African states had generally not adopted a specific strategy with respect to migration and development, unlike countries such as Mexico and the Philippines. As a result, only a very small proportion of global remittances are transferred to Africa.

While their volume might be modest, the Hearing agreed on the need to maximize the developmental impact of remittances in Africa. In this respect, participants underlined the importance of reducing transfer costs, ending the monopoly established by certain transfer companies, establishing a better financial infrastructure in areas which receive remittances and encouraging governments to pursue macro-economic policies which create a favourable environment for the investment of remittances.

Many participants also pointed out that remittances are a private resource. They should not be appropriated by states in Africa, nor should they be regarded as a substitute for the Overseas Development Assistance provided by the world's more prosperous countries.

The Hearing agreed that the quality of the data on remittances in Africa is generally very poor and must be improved if effective policies are to be formulated in relation to migration and development. On one hand, our knowledge of the quantity of remittances is limited, largely because significant sums are transferred through informal channels. On the other hand, greater understanding is needed on how remittances are used.

A number of participants pointed out that remittances contribute to poverty reduction, by, for example, enabling families to send their children to school or sustaining the parents of migrants in their old age. In this respect, remittances are contributing towards the attainment of the Millennium Development Goals. Other participants pointed to the danger of basing a poverty-reduction and development strategy on the receipt of migrant remittances. The current generation of African migrants will eventually retire, and there is no guarantee that the second generation will feel the same obligation to support their relatives.

An interesting discussion took place regarding the relationship between remittances and migration. According to some participants, by improving the quality of life in rural areas, remittances slowed down the rate of rural-to-urban migration and thereby limited the pool of people who chose to migrate to other countries. In contrast, other participants suggested that remittances provide the financial resources which people need to migrate, and that there was a causal relationship between rising levels of remittances and rising levels of irregular migration.

Turning to the issue of migration from Africa to other parts of the world, several participants drew attention to the fact that Africa has a surplus of young people, while Europe is confronted with a diminishing and ageing population. As a result, the member states of the European Union run the risk of an economic slowdown and an inability to maintain their pensions and social welfare systems. Logic suggested that European countries should admit migrant workers from Africa, a policy that would address the economic problems facing both continents and which would enable African migrants to move in a safe and legal manner.

Many participants complained that while the labour markets of the North remained closed to unskilled and semi-skilled migrant workers, the world's richer countries were happy to recruit highly-skilled personnel from vital public sectors, such as health and education. According to some speakers, such recruitment was often aggressive in nature, took no account of the investment which African states had made in the education of such migrants, and made it much more difficult for those states to meet the Millennium Development Goals. It was morally indefensible, some participants suggested, for the industrialized states to recruit skilled personnel from Africa because they had failed to invest in adequate planning and training at home.

Responding to these points, other participants suggested that African states had a responsibility to provide their citizens with an adequate income and satisfactory working conditions. Many skilled Africans were patriotic and would prefer to stay in their own country, but could not tolerate the low pay, low status and limited prospects available to them in their country of origin. In certain countries, the urge to migrate was reinforced by issues such as harassment in the workplace, gender inequities and constraints on the exercise of basic human rights, such as freedom of expression. While it was legitimate to express concern over the recruitment of skilled personnel by the countries of the North, the countries of the South also had to do more to retain the services of those citizens which they had trained.

The Hearing discussed the policy responses that were available to address the 'brain drain' issue. A number of participants called on African states to reconsider their public spending priorities, in order to provide better incentives for highly-skilled personnel to remain at home. Others pointed out that such personnel would be less prone to migrate if levels of crime and corruption could be brought down, and if their children could benefit from an adequate education in their own country.

There was a general recognition that any attempt to obstruct the departure of highly- skilled personnel was likely to fail, and might in any case, represent a violation of a person's right to leave their own country. Most participants also expressed reservations about the wisdom and feasibility of compensation programmes, whereby the countries and companies that recruit highly-skilled personnel from Africa would pay for the privilege. At the same time, the many participants in the Hearing agreed that the countries of the North should substantially increase their levels of Overseas Development Assistance and ensure that such aid is used to reinforce the sectors most seriously affected by the recruitment of skilled personnel.

In addition, participants pointed out that Africa could gain from the brain circulation if its citizens eventually returned to the continent, bringing new skills, connections and resources with them. At the moment, it was pointed out, the income and human security differentials between Africa and other parts of the world are so great that migrants who had intended to return home eventually decide to settle abroad. For this reason, organized 'return of talent' programmes were very modest in their achievements.

If Africa's migrants are to remain outside of the continent, then there is a particular need to tap the potential of the diaspora. States and other stakeholders should adopt a more proactive policy in this respect, reaching out to citizens living abroad and involving them more in the development process. It was again pointed out that the diaspora is ready to invest in their own countries, but would do so only if they felt that their investment was reasonably secure and that the government in their country of origin was pursuing an effective macro-economic policy.

A final issue to be addressed under the heading of 'economic dimensions of migration' concerned the situation of refugees. According to a number of speakers, while refugees may leave their own country for specific and protection-related reasons, they also become economic actors when they arrive in their country of asylum.

Unfortunately, however, many refugees in Africa are unable to realize their economic potential because they are confined to camps, deprived of freedom of movement and have little or no access to agricultural land, the labour market or credit facilities. African states and humanitarian and development organizations were urged by participants in the Hearing to reconsider this approach to the refugee issue, which has negative repercussions for the welfare and dignity of refugees themselves, and which has made it impossible for them to contribute to the development of their host country.

Irregular migration

Turning to the issue of irregular migration, several participants in the Hearing questioned the relevance of this concept in the African context. Many African states, it was pointed out, have long and porous frontiers and a very limited capacity for border control. Crossing borders for economic or social reasons is part and parcel of life in much of the continent, especially in areas where colonial boundaries divided populations with close ethnic and linguistic links. Africa's nomadic tradition and the fact that many African citizens have no proof of their nationality also make it more difficult to employ the notion of irregular migration in this part of the world.

Other participants pointed out that while 'irregular migration' is a more satisfactory concept than 'illegal migration', it nevertheless has pejorative overtones. Irregular migrants, it was suggested, are no different from other migrants in the sense that they want to improve their quality of life and offer better prospects to their children. Many have a respect for national borders and would prefer to migrate in a regular manner, but are prevented or deterred from doing so by the need to procure travel documents and to pay visa fees.

Participants in the Hearing also made reference to the problems experienced by travellers at formal border crossings in Africa, many of which are inefficiently managed. Given the risk of corruption and other forms of abuse by police and immigration officials, it was not surprising that some migrants should seek to avoid such locations. Other participants drew a parallel between irregular migration in Africa and Europe. In Europe, it was explained, 'closed door' policies had been responsible for the growth of human smuggling and the submission of asylum applications by people who were not *bona fide* refugees, but who wanted to remain in the region. Africa was now experiencing a similar problem, especially in the southern part of the continent.

While the high level of irregular migration taking place in Africa may be understandable, the Hearing was reminded by some participants that its adverse consequences should not be ignored. States have legitimate security concerns in relation to irregular migration. They must also protect the interests of their citizens if large numbers of irregular migrants enter the labour market, find employment and push down wages. In addition, irregular migrants themselves rarely enjoy what the ILO describes as 'decent work'. They are prone to abuse if apprehended, while their children are at risk of becoming stateless.

A number of participants in the Hearing also expressed concern about the way in which deportations are conducted in certain parts of Africa, especially the tendency for irregular migrants to be 'dumped on the border'. In some cases, this occurs because of a lack of resources or inadequate training. In others, it takes place because the country of origin does not have diplomatic representation in the country of destination, or because the country of origin refuses to readmit its nationals. It was suggested that states and other stakeholders, including appropriate international organizations, should work in close cooperation to put an end to such incidents.

Particular concern was expressed at the Hearing with respect to the issue of human trafficking in Africa, an especially venal form of irregular migration involving the exploitation and abuse of women and children in particular. Participants agreed that in certain parts of the continent, it was normal for children to be placed in the homes of richer relatives, where they would be accommodated and expected to undertake household duties. This traditional practice, it was pointed out, should not be confused with the large-scale trafficking that now takes place within, into and from the continent, and which is organized by violent criminal elements.

As well as calling for such elements to be apprehended, prosecuted and punished, the participants agreed on the need to ensure that the victims of human trafficking receive

adequate protection and support, both in the country to which they have been trafficked and upon return to their own country.

Addressing the issue of the irregular migration of Africans to Europe, participants in the Hearing again drew attention to the demographic asymmetry that exists between the two continents. Africans were moving to Europe and staying there because there was a demand for their labour. This situation, it was suggested, should be regularized by the introduction of temporary migration programmes, which would give young Africans access to the labour markets of Europe, and enable them to save and send back money to their relatives and communities at home.

According to one participant, the migrant labour system employed during the apartheid years was exploitative and inhumane. However, it provided South Africa with the workers it needed and gave jobs and an income to migrants, without obliging them to take the risks of moving in an irregular manner. Similarly, both Africa and Europe would benefit from a system of 'orderly circulation'. Participants generally agreed that GATs Mode 4 would not serve this purpose, as it is restricted to 'service providers' and offers little or nothing to semi-skilled and unskilled workers who wish to find employment in another country.

Migrants in society

During the Hearing, many participants referred to Africa's long tradition of hospitality, and commented on the way in which this tradition had facilitated the reception and integration of migrant communities. This tradition had been reinforced by other shared values, as well as ethnic, linguistic, religious and cultural links between migrant-sending and migrant-receiving societies.

Cote d'Ivoire was cited by one participant as a good example of Africa's treatment of migrant populations. Following the country's independence from France, migrants were actively invited to go to the country, which was experiencing an economic boom based upon agricultural production. As well as being given the right to work, they were able to farm the land, to vote and to marry Ivorian nationals. A similar hospitality was shown to many thousands of refugees from Liberia, who began to enter Cote d'Ivoire at the end of the 1980s, when their country descended into a destructive civil war.

While Africa's tradition of hospitality is still alive, participants in the Hearing recognized that the welcome now given to migrants and refugees is not always as warm as it was. This is partly because of the daily difficulties of life experienced by many African citizens: unemployment, low incomes, poor health services and precarious security.

However, it is also because of the growth of xenophobia, mobilized in some cases by politicians, parliamentarians and the media. It was suggested that following the process of democratization in Africa, politicians had to find an excuse for their shortcomings and their inability to meet popular expectations. As in many other parts of the world, blaming and demonizing the foreigner could be an easy way of gaining electoral support.

At the Hearing, some participants suggested that migrants are increasingly perceived as criminals, especially in those countries where they have entered the country in an irregular manner and seem to pose a threat to the jobs and wages of local people. According to one participant, there was evidence to suggest that irregular migrants may indeed turn to criminality in order to survive if they are unable to make ends legitimately.

Another participant suggested that the new hostility towards migrants derived from the fact that more Africans are engaging in long-distance migrations to countries which have different

cultures and languages than their own. They are thus more visible and engender greater feelings of distrust from the local population.

A number of suggestions were made at the Hearing with respect to the problem of xenophobia. One participant pointed to the positive impact of a 'roll-back xenophobia' campaign which had been conducted in his country. Another suggested that additional media training workshops should be organized, so as to encourage more accurate and less prejudiced reporting.

A third participant spoke of the need for cultural and student exchanges between different African states, pointing out that many young Africans know more about the USA and Europe than they do about other countries in their own continent. A final participant pointed to the influential role played by local leaders such as chiefs and elders in the African context. By setting a positive example in the way that migrants are treated and by refusing to tolerate abuse, such leaders could have an important impact on society as a whole.

Turning to the broader issue of migrants in society, participants highlighted the situation of migrant women in Africa, who are more likely than migrant men to be socially marginalized and isolated, and who tend to have poorer education and language skills than their male counterparts. Migrant women, participants agreed, had to cope with the demands of child care, and yet often had poor access to health facilities and other public services. In the public sphere, they were subject to discrimination by the authorities and employers. In the private sphere, domestic abuse and abandonment were common problems.

A number of participants stressed the need to gain a better understanding of the gender dimensions of migration in Africa, not only amongst migrant populations, but also amongst those households and communities that the migrants had left behind. While there had been some research undertaken in Africa on migrant and refugee women, there was still little knowledge about the impact of migration on gender relations.

Finally, participants recognized that the question of integration does not apply only to international migrants in Africa. Africa's cities are becoming progressively larger, and many of their inhabitants are new or recent arrivals from rural areas. In this respect, the issue of migrant integration must be seen in the broader context of the formation of new communities with diverse populations.

The governance of international migration

There was wide agreement in the Hearing that African states are generally poorly equipped to deal with the issue of international migration. Throughout most of the continent there is a dearth of reliable data on migration. Participants pointed out that in many respects, the information available today is smaller in quantity and lower in quality than it was 20 years ago.

Participants agreed that relatively little research was being done on international migration in Africa, and the work that has been done is generally not known by policymakers. In too many instances, moreover, research was being undertaken by scholars from the developed world, who took their knowledge with them when they went back to their own country.

At the national level, migration is not perceived as a priority by many states, given the plethora of other policy priorities which have to be addressed. Participants agreed that as in other parts of the world, responsibility for migration is often divided amongst several ministries, with different and even competing interests. Moreover, government officials dealing with other international issues, such as trade negotiations, rarely have an understanding of the implications of their work for international migration.

The need for more capacity building was a constant theme of the Hearing. Several participants observed that even if African states had good migration policies, they usually lacked the trained personnel, as well as the systems, procedures and technology required to implement them in an effective and consistent manner. The monitoring and evaluation of migration policy was also non-existent in many parts of the continent.

There was a broad consensus on the need for the international community to offer additional support for Africa's capacity-building efforts. However, there was some disagreement on the precise nature of such support. Some participants called for additional resources to be offered to the international organisations that deal with migration issues, whereas others thought that the money would be more usefully spent in reinforcing the quality of education provided in Africa's universities as well as strengthening Africa's own institutions to provide policy research implementation, monitoring and evaluation support to the governments. Building Africa's indigenous expertise in migration was emphasised. Some participants also suggested that broader economic measures, such as debt relief, would enable states in Africa to invest more heavily in their national migration structures.

Finally, a number of participants expressed at the Hearing that migration policy was not only the concern of governments, but was also of direct interest to the private sector and to civil society. These stakeholders should, it was suggested, be fully engaged in the formulation, monitoring and evaluation of migration policy in Africa.

Turning to the regional level of governance, participants acknowledged that there was sometimes a contradiction between the national legislation approved by African parliaments and the regional and sub-regional migration agreements which the same countries had already entered into. There was an evident need for greater coherence and consistency in this respect at both the national and international levels.

The regional and sub-regional migration agreements that have been reached in Africa were also considered to be somewhat problematic in terms of their implementation. While the provisions of such agreements are often impressive, in practice they are not always respected. As a result, relatively little progress had been made with respect to managing migration and promoting the free movement of people within the continent. It was suggested that either before or after the Global Commission's final report is published, the GCIM should engage in a dialogue with the African Union and with other regional and sub-regional bodies.

A number of participants expressed the opinion that Africa's regional and sub-regional organizations gave sufficient attention to the issue of migration, again because they are confronted with so many other and seemingly more pressing concerns. The Hearing also gave strong recognition to the value of regional consultative migration processes, underlining the contribution which they have made to inter-state cooperation and confidence-building, and to the exchange of information and ideas. Greater interaction between the different regional processes in which African states are involved was generally thought to be essential.

With respect to the governance of migration at the global level, a number of important points emerged from the Hearing.

First, African states have a propensity to sign international instruments relating to migration, refugee and related issues, but are not always aware of the obligations they assume as a result of ratification. A more consistent approach to implementation would again be of great value.

Second, there is a lack of coordination amongst the different international agencies dealing with migration, and there has been a confusing proliferation of different initiatives, fora, frameworks and conferences in this area. There is a consequent need for the international

community to approach the issue in a more rational and streamlined way. While one state saw the value in the establishment of a World Migration Organization within the United Nations, the majority expressed the need for better coordination and cooperation amongst existing agencies. In this respect, the establishment of a small inter-agency secretariat was mentioned as a possible way forward.

Third, states and other stakeholders in Africa should not look for global approaches to international migration until they have fully explored the value of national and regional initiatives. As the Hearing repeatedly acknowledged, the capacity required to achieve that objective does not currently exist.

Fourth, the Hearing commended the Berne Initiative and agreed upon the need for states in Africa and other parts of the world to make effective use of the International Agenda for Migration Management (IAMM). A hope was expressed that the IAMM would feed into the work of the Global Commission, and that the work of the Global Commission would feed into the General Assembly's High Level Dialogue on International Migration, scheduled for 2006.

Finally, a number of participants at the Hearing stressed the need for a more genuine international exchange of views on the issue of migration. While there was much talk of the need for dialogue and cooperation, much of the current discourse actually consisted of the world's richer states making demands upon the world's poorer states to prevent the migration of unskilled and irregular workers. There was a degree of hypocrisy in this approach, given the evident demand for irregular labour in the industrialized states, and in view of the eagerness of such countries to recruit health personnel from Africa and other developing regions.