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**CONCEPT NOTE**

**MEETING OF THE SPECIALISED TECHNICAL COMMITTEE (STC)  
ON MIGRATION, REFUGEES AND INTERNALLY DISPLACED PERSONS**

**16 – 21 October 2017**

**Kigali, Rwanda**

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## 1.0. INTRODUCTION AND BACKGROUND

In the bid to strengthen its decision-making processes, the Assembly of Heads of State and Government adopted Decision, **Assembly/AU/Dec.227 (XII)**, in Addis Ababa, Ethiopia in February 2009. The Decision took into consideration reconfiguration of the Specialised Technical Committees (STCs) and further decided that each STC should meet at the level of Ministers and Experts once every two (2) years. STCs are policy organs of the African Union in accordance with Article 5 of the Constitutive Act of the African Union. Article 15 further elaborates the functions of the STC including preparing projects and programmes of the Union to be submitted to the Executive Council. Respectively, The the STC meeting on Migration, Refugees and Internally Displaced persons to be convened from 16<sup>th</sup> to 21 October in Kigali, Rwanda will be crucial to the future of Africa as a continent, as it will focus on key framework policies and important legal instruments for the implementation of Agenda 2063 of the African Union and its first 10 years implementation plan.

Three thematic areas will be considered during this STC meeting, including the following: with exception of the STC on Finance, Monetary Affairs, Economic Planning and Integration, the STC on Gender and Women Empowerment and that on Defence and Security which shall meet once a year in Ordinary Session and an Extra Ordinary Session if need be.

Consistent with this Decision, the African Union Commission organised the first meeting of the Specialised Technical Committee (STC) on Migration, Refugees and Internally Displaced Persons in November 2015 in Addis Ababa, Ethiopia during which the STC was operationalized and the Common African Position (CAP) on humanitarian effectiveness was considered and adopted. The second meeting of the STC on Migration, Refugees and IDP is scheduled to be convene from **16 - 21 October 2017 in Kigali, Rwanda** and will theconsider the following subjects: three thematic areas will be considered during this STC meeting, including the following:

- a) Consideration and adoption of the Protocol to the Treaty Establishing the African Economic Community relating to Free Movement of Persons, Right of Residence and Right of Establishment;
- b) Consideration and adoption of the AU Migration Policy Framework for Africa and its 10-year Plan of Action;
- c) Consideration and adoption of the Common African Position on the Global Compact on Safe, Orderly and Regular Migration;

The meeting of Ministers will convene on 20 -21 October 2017 and will be preceded by meetings of Experts from 16<sup>th</sup> to 18 October 2017, in Kigali, Rwanda.

## 1.0. BACKGROUND

In the bid to strength its decision-making processes, the Assembly of Heads of State and Government adopted Decision, **Assembly/AU/Dec.227 (XII)**, in Addis Ababa, Ethiopia in February 2009. The Decision took into consideration reconfiguration of the Specialised Technical Committees (STCs) and further decided that each STC should meet at the level of Ministers and Experts once every two (2) years. STCs are policy organs of the African Union in accordance with Article 5 of the Constitutive Act of the African Union. Article 15 further elaborates the functions of the STC including preparing projects and programmes of the Union to be submitted to the Executive Council. Respectively, the STC meeting on Migration, Refugees and Internally Displaced persons to be convened from 16<sup>th</sup> to 21 October in Kigali,

Rwanda will be crucial to the future of Africa as a continent, as it will focus on key framework policies and important legal instruments for the implementation of Agenda 2063 of the African Union and its first 10 years implementation plan. Three thematic areas will be considered during this STC meeting, including the following:

### **Thematic I: The Protocol to the Treaty Establishing the African Economic Community Relating to Free Movement of Persons in Africa**

Free Movement of People in Africa is a fundamental pillar for the continental integration process<sup>1</sup>. The foundation to gradually facilitate Free Movement of People in Africa was set forth by the African Economic Community (AEC) in 1991 (Abuja Treaty). Decision, EX.CL/Dec.908 (XXVIII) made on the Mekele Retreat of the Executive Council on 23 - 28 January 2016, further affirms commitment to free movement of people and goods, and of Africans having free access to all African Union (AU) Member States, amongst the enduring project of Pan Africanism and African integration. This Decision reinforces the Assembly Decision, Assembly/AU/Decl.6 (XXV) of June 2015, where the AU Assembly affirmed yet again its previous commitments aimed to accelerate mobility and integration on the continent<sup>2</sup> and mandated the African Union Commission (AUC) to develop a Protocol on Free Movement by January 2018.

Currently, RECs are at different levels of implementing the Abuja Treaty. Whereas, implementation of the African Integration Agenda in the areas of trade, goods and services has since advanced as a result of development of relevant policies. Integration through free movement of people in Africa has not made much progress, as a result of lack of requisite policy. The development and adoption of the AU Protocols on Free Movement of Persons in Africa will therefore seek to facilitate free movement of persons on the Continent through harmonization of the different national and regional policies in the area of visa regimes, residence permits, and right to establishment aimed to facilitate free movement of persons, a prerequisite to the process of Africa's integration.

The achievement of Free Movement of People will however epitomize to create a community of African citizenry, who can move from country to country without restrictions and citizens whose human rights are respected; respect of the rights of migrants; tolerance; people to people solidarity and more importantly a sense of belonging to the African Continent. The objective of the Free Movement Segment of the STC aims to consider and adopt the Protocol to the treaty establishing the African Economic Community relating to Free Movement of Persons in Africa.

### **Thematic II: Migration Policy Framework for Africa**

The AU Migration Policy Framework for Africa (MPFA) adopted in Banjul, The Gambia in June 2006 has been in existence for about ten years now. It is anchored on the Abuja Treaty (1991) and provides guidelines and principles to assist AU Member States and Regional Economic Communities (RECs) formulate of their own national and regional migration policies in accordance with their priorities. It is non-binding, and provides comprehensive and integrated policy guidelines for consideration by Member States and RECs in their endeavour to promote migration and development, and addressing migration challenges on the Continent. It provides a comprehensive and integrated policy guideline on the following thematic areas: Labour

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<sup>1</sup> African Union; Agenda 2063, The Africa We Want, Second Edition, August 2016

<sup>2</sup> African Union, Assembly/AU/Decl.6 (XXV), Declaration on Migration, Doc. Assembly/AU/18(XXV)

migration; Border Management; Irregular Migration; Forced Displacement; Human Rights of Migrants; Internal Migration; Migration Data Management; Migration and Development; and Inter-State co-operation and partnerships. Further, the MPFA makes policy recommendations for consideration by Member States and RECs under each of the aforementioned thematic areas.

While the Migration Policy Framework for Africa has been in existence for the past 10 years, it was never evaluated before. Such an evaluation was critical, as it would establish the extent to which the framework has provided guidance to RECs and Member States in managing migration, especially as pertains to the current continental migration trends, and also constitute a basis upon which a continental plan of action on migration could be formulated. The plan of action is critical, especially if the continent is to realize the development benefits of migration as well as minimize its negative impacts within the context of Sustainable Development Goals and Agenda 2063.

To this end, between October 2016 and February 2017, the Department of Social Affairs, AU Commission undertook an evaluation exercise for the MPFA with a view to establish the extent to which it has been effective in its role as a guide to the Member States and RECs towards managing migration over the past 10 years; the challenges faced; the opportunities that could be seized; its continued relevance; and whether there is need to revise it. Consequently, following the Zanzibar meeting held from 24<sup>th</sup> to 25<sup>th</sup> November 2016 that deliberated on the Evaluation Report of the AU Migration Policy Framework for Africa, Member States recommended that the AU Commission review the 2006 Migration Policy Framework. The review was occasioned by rapidly changing trends and characteristics of migration on the continent and need to revise the policy to take into consideration current migration realities on the continent in line with the Sustainable Development Goals and Agenda 2063.

### **Thematic III: Global Compact on Migration**

On 19 September 2016, the United Nations General Assembly adopted the New York Declaration for Refugees and Migrants, a Resolution that seeks to address the question of large movements of refugees and migrants. This UN General Assembly resolution 71/1 entitled 'New York Declaration for Refugees and Migrants' set in motion a complex process of intergovernmental consultations and negotiations to elaborate by 2018 two instruments; Global Compact for safe, orderly and regular migration and that of refugees outlining a range of principles, commitments and understandings among Member States as regards to large movements of refugees and migrants.

Subsequent to this decision, two parallel processes were initiated to development these two global compacts on migration and the other on refugees. The Global Compact for safe, orderly and regular migration is intended to set out a range of principles, commitments and understanding among Member States as relates to international migration in all its dimensions including the humanitarian, developmental, human rights-related and other aspects of the phenomenon. The GCM is expected to make an important contribution to global governance and enhance coordination on international migration as it would present a framework for comprehensive international cooperation on migrants and human mobility.

As Africa's contribution to this important global process, Africa will be bringing to the table its Common African Position (CAP) as inputs to the negotiations and contribution to the outcome of the 2018 intergovernmental conference on international migration, to reflect Africa's concerns and priorities in the future of migration and mobility management. Africa seeks to speak with one voice and act collectively to promote common interests, while at the same time addressing the concerns of groups that are often more marginalized, including women, girls, children, elderly persons and persons with disabilities. The Common African Position will be anchored in the ideals of Pan-Africanism and African solidarity as well as shared values and informed by other existing African Union (AU) frameworks, including the AU Migration Policy Framework for Africa – 2006, the African Common Position on Migration and Development – 2006, the Common African Perspective for Valletta Summit on Migration – 2015, and Agenda 2063, as well as guided by the 2030 Agenda for Sustainable Development. It will also be informed by ongoing AU processes including development of Protocol on Free Movement of Persons in African, and the Continental Free Trade Area negotiations, among others.

## **2.0. OBJECTIVES**

The specific objectives of the meeting of the STC on Migration, Refugees and Displaced Persons are to:

- a) Consider and adopt the Protocol to the Treaty Establishing the African Economic Community relating to Free Movement of Persons, Right of residence and Right of establishment, and Implementation Mechanism/Plan
- b) Consider and adopt the Revised AU Migration Policy Framework for Africa,
- c) Consider and adopt Global Compact on Safe, Orderly and Regular Migration,

## **3.0. EXPECTED OUTCOMES**

The Protocol to the Treaty Establishing the African Economic Community relating to Free Movement of Persons, Right of Residence and Right of Establishment facilitates and accelerates free movement of Africa citizens on the Continent through harmonization of the different national and regional policies as a prerequisite to the process of African integration.

The revised migration policy framework for Africa provides a requisite comprehensive and integrated policy framework that takes into account current migration trends and characteristics for consideration by Member States and RECs in their endeavour to promote migration and development, and in addressing migration challenges on the Continent in line with Sustainable Development Goals 2030 and Agenda 2063.

The Common African Position (CAP) informs input to the global negotiations and contribution to the outcome of the 2018 intergovernmental conference on international migration, reflecting Africa's concerns and priorities in the future of global migration and mobility management. The CAP further seeks for Africa to speak with one voice and act collectively to promote common interests, and address concerns of groups that are often marginalized, including women, girls, children, elderly persons and persons with disabilities

## **4.0. DATE AND VENUE**

The Ministerial meeting will be held on 20 - 21 October 2017, in Kigali, Rwanda. The meeting of Member State Experts will be held on 16<sup>th</sup> – 18<sup>th</sup> October 2017.

## **5.0. PARTICIPATION**

The STC meeting will be attended by Member State Ministers and Experts in/Charge of Migration, Immigration, Refugees and Forced Displacement Matters.

## **6.0. KEY WORKING DOCUMENTS**

The following are the main working documents:

- Draft Protocol to the Treaty Establishing the African Economic Community Relating to Free Movement of Persons in Africa and its implementation plan
- UN Resolution on Global Compact
- Draft Revised 2017/06 AU Migration Policy Framework for Africa and its proposed ten-year Implementation Plan
- Draft Common African Position on the Global Compact Safe, Orderly and Regular Migration
- Treaty Establish the African Economic Community (Abuja Treaty) 1991
- The 2006 Migration Policy Framework for Africa
- The 2006 Common African Position on Migration and Development
- Common African Perspective for Valletta Summit on Migration - 2015
- African Union Convention on Cross-Border Cooperation adopted in 2014/07 in Niamey
- Social Policy Framework for Africa

## **FURTHER INFORMATION**

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