

AFRICAN UNION
الاتحاد الأفريقي



UNION AFRICAINE
UNIÃO AFRICANA

Addis Ababa, ETHIOPIA P. O. Box 3243 Telephone 002511-115 517 700 Cables: OAU, Addis Ababa
website : www.au.int

**SPECIALISED TECHNICAL COMMITTEE (STC)
ON MIGRATION, REFUGEES AND INTERNALLY DISPLACED PERSONS
Second Ordinary Session
MINISTERIAL MEETING
20 – 21 OCTOBER 2017
Kigali, Rwanda**

AU/STC/MRIDP/Dec.(II)
Original : English

Theme: *“Opportunities for Migration and Free Movement of Persons in
Africa and Mitigating Challenges”*

DECISIONS AND RECOMMENDATIONS

PREAMBLE

WE, Ministers in charge of Migration, Refugees and Internally Displaced Persons meeting at the Second Session of the Specialized Technical Committee (STC) on Migration, Refugees, and Internally Displaced Persons of the African Union, held on 16 to 21 October 2017, in Kigali, Rwanda,

Recalling the vision of the African leaders for a united, prosperous and peaceful Africa representing a dynamic force in the global arena and an enduring dedication to Pan Africanism and African Renaissance;

Cognizant of the Constitutive Act of the African Union adopted in Lomé, Togo, in July 2000, that highlights the ambition of accelerating the political and socio-economic integration of the continent; and the fact that this will not be achieved if there is no free movement of people, goods, capital and services;

Recalling the Treaty Establishing the African Economic Community (Abuja 1991), Assembly Declaration *Assembly/AU/Decl.6(XXV)* of Johannesburg on Migration; Assembly Decision *Assembly/AU/Dec.607(XXVII)* of Kigali of June 2016;

Guided by our common vision for an integrated continent, politically united and based on the ideals of Pan Africanism and the vision of Africa's Renaissance as reflected in Aspiration 2 of the African Union Agenda 2063;

Mindful of the provisions on free movement of persons as enshrined in the 1948 United Nations Universal Declaration of Human Rights and in Article 12 of the 1981 African Charter on Human and Peoples Rights;

Acknowledging the contributions made and building on the achievements of the Regional Economic Communities and other intergovernmental organizations towards progressively achieving the free movement of persons;

Convinced that the free movement of people, capital, goods and services will result in significant increases in trade and investments amongst African countries and strengthening of Africa's place in global trade, foster tourism, promote cultural integration and Pan-Africanism, facilitate intra-Africa trade and investment, promote education, increase remittances within Africa, promote mobility of labour, create job opportunities and employment and improve the standards of living of the people of Africa while promoting the mobilization and utilization of the human and material resources of Africa in order to achieve self-reliance and development;

Recalling the various decisions of the AU Assembly, including *Assembly/AU/Decl. 6(XXV)* adopted in Johannesburg in June 2015, in which the Assembly recognized the impact of migration on development and expressed concern over the gravity of irregular movements of African migrants within Africa and beyond; and requesting the AU Commission to make preparatory consultations with Member States on the

development of a continent-wide Protocol on Free Movement of Persons and the need to build institutional capacities of Member States to enhance effective migration governance;

Recalling Also the decision of the Assembly adopted in July, 2016 in Kigali, Rwanda Assembly/AU/Dec.607(XXVII) welcoming the launch of the African Passport and urging Member States to adopt the African Passport and to work closely with the African Union Commission to facilitate the processes towards its issuance at national level based on international standards, design and specifications;

Underscoring the various existing legal and policy frameworks that have been adopted by Member States to manage Migration and Mobility on the continent. These documents include the AU's Constitutive Act, Agenda 2063, the Kampala Convention for the Protection and Assistance of Internally Displaced Persons, the Niamey Convention on Cross Border Cooperation, the Maputo Protocol, the Revised Migration Policy Framework for Africa, the African Common Position on Migration and Development, the AU Border Governance Strategy and other similar AU instruments and initiatives such as the African Peace and Security Architecture (APSA), the African Governance Architecture (AGA), the African Remittances Institute (AIR), the Joint Labour Migration Program (JLMP), the Minimum Integration Plan (MIP), the Free Trade Agreement, the Comprehensive Africa Agriculture Development Program (CAADP) and the Program for Infrastructure Development in Africa (PIDA);

Desirous of adopting the African Common Position (CAP) on the Global Compact for Safe, Orderly and Regular Migration to ensure that Africa's concerns are properly reflected at the global level and other international fora and the continent speaks with one voice;

Having Considered the Draft Protocol to the Treaty Establishing the African Economic Community Relating to free movement of persons, right of residence and right of establishment as amended and the draft Implementation Roadmap annexed to this Protocol as an integral part of the Protocol¹; Migration Policy Framework for Africa and its Implementation Plan; the Common African Position on Safe, Orderly and, Regular Migration; and the Progress Report on the Horn of Africa Initiative on Human trafficking and Smuggling of Migrants;

¹ Egypt and Eritrea expressed their reservation to the phrase: "as an integral part of the Protocol".

1. **DECIDE TO:-**

A. DRAFT PROTOCOL TO THE TREATY ESTABLISHING THE AFRICAN ECONOMIC COMMUNITY RELATING TO FREE MOVEMENT OF PERSONS, RIGHT OF RESIDENCE AND RIGHT OF ESTABLISHMENT:

- i) **Transmit** the amended Draft Protocol and its Implementation Roadmap to the STC on Justice and Legal Affairs for consideration and onward transmission to the AU policy organs in January 2018;
- ii) **Request** the Commission to convene a meeting of Member States Immigration Chiefs to develop, Guidelines and specifications for the design, production issuance and use of the African Passport as launched by Heads of State and Government in July 2016 in Kigali, Rwanda;
- iii) **Request** the Commission, to submit to the relevant Policy Organs, a proposal to establish a specialized technical unit that will provide technical assistance for the realization of the Implementation Roadmap annexed to the Protocol and to follow up the implementation of the Protocol after adoption;
- iv) **Request** the Commission to report on the entry into force of the Protocol and the status of its implementation by Member States to the 3rd Session of the STC on Migration, Refugees and Displaced Persons.

B. MIGRATION POLICY FRAMEWORK 2018-2030

- i) **Adopt** the revised Migration Policy Framework for Africa (MPFA) - 2018-2030;
- ii) **Adopt** the Plan of Action (2018-2030) annexed to the Migration Policy Framework;
- iii) **Encourage** Member States to consider aligning their policies to the Migration Policy Framework in order to facilitate proper migration management and governance;
- iv) **Reaffirm** Executive Council Decision EX. CL/Dec.314 (IX) on the creation of the African Centre for the Study on Migration and requests the Commission; in collaboration with the Government of the Republic of Mali, to expedite the process towards the establishment of the Centre by submitting to the relevant AU organs the administrative, financial and legal implications of the establishment of the Centre;

- v) **Request** the Commission to conduct a mid-term assessment in 2024 and end term evaluation in 2030 of the Implementation of the Migration Policy Framework;

C. AU HORN OF AFRICA INITIATIVE (AU-HOAI) ON HUMAN TRAFFICKING AND SMUGGLING OF MIGRANTS

- i) **Take Note** of the Progress Report on the AU Horn of Africa Initiative on Human Trafficking and Smuggling of Migrants;
- ii) **Commend** the Member States of the Initiative for the progress made and **encourage** them to continue dialogue and collaborate in tackling organized criminal groups;
- iii) **Urge** that the initiative be sustained and replicated to other trafficking and smuggling routes across the continent and also extend the operational mechanisms for the initiative to other Regions including the G5 Sahel countries;
- iv) **Request** the Commission to support the Regional Operational Centre in Khartoum (ROCK) and the Training Centre in Cairo for Law Enforcement and to facilitate the participation of other AU Member States, not part of the AU-HoAI, and RECs upon their request;
- v) **Request** the AU policy organs to allocate adequate resources for the implementation of the AU-HOAI activities;
- vi) **Request** the Commission to transmit the Progress Report to the Executive Council and the Assembly.

D. DRAFT COMMON AFRICAN POSITION (CAP) ON THE GLOBAL COMPACT ON SAFE, ORDERLY AND REGULAR MIGRATION

- i) **Approve** the Draft Common African Position as amended and transmit to Assembly for adoption, and subsequently to the African Groups in New York, Geneva and Brussels for use during multilateral negotiations;
- ii) **Urge** Member States to speak in one voice during the negotiations of the Global Compact on safe, orderly and regular migration while taking due consideration of the Common African Position.
- iii) **Encourage** Member States to be guided by the CAP in the negotiations of bilateral labour migration agreements;

2. **ACCEPT** the offer of The Republic of The Gambia to host the third session of the STC on Migration, Refugees and Internally Displaced Persons in Africa, scheduled for 2019.

3. **EXPRESS APPRECIATION** to H.E. President Paul Kagame, the Government and People of Rwanda for hosting the second session of the STC and for the warm hospitality extended to all participants.

Done in Kigali, Rwanda, 21 October 2017