

# **The Role of African Union (AU) in Curtailing Migration Problems in Africa**

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## **Abstract**

It is assumed across much of the continent that it is poverty that forces poor people to migrate, rather than migration been a potential route of poverty. The poor are generally seen as those worst affected by conflict-induced migration itself a prominent feature in Africa. It is a topical issue across Africa. Indeed migration both within countries and across borders can be seen as integral part of labour markets and livelihoods across much of the continent for at least the last century. The paper looks at the effect of migration on the continent. Migration has taken a number of different forms. It has cut across class and skill boundaries exist in widely different geographical and demographic contexts. The paper examines the role of the African Union on its policy formulation of migration in Africa. The source of data for the paper will be essentially secondary involving books, journals; articles on the subject matter under review. Data sourced will be qualitatively analyzed using the descriptive method of data analysis and qualitative reporting, in order to achieve the objective of the article.

**Keywords:** Africa; Africa union; Migration

## **Introduction**

Generally, the movement of a person or group of people, to settle in another place, often across a political or administrative boundary is known as migration. On the other hand, immigration is when people move from other places into a place to settle while emigration is when people move out to new places. Globally, migration is on the rise. People are living in other places more than before. Africa is not left out of this. Migration within, and out of Africa is an important demographic dynamic closely tied to broader social, economic and political process. According to statistics from United Nations, (2013: 1), about 232 million international migrants are living in the world today. About 19 million migrants are from Africa. Since 1990, the number of international migrants in global North increased by around 53 million (65%), while the migrant population in the global South grew around 24 million (34%). This movement will only increase as economic and institutional integration continues regionally and globally.

Furthermore, migration phenomenon in Africa can be better understood within the context of political and historical evolution of African societies. The effects of colonization and decolonization on the economy and indirectly on migration are most visible when examined in the context of the pre-colonial era. In the pre-colonial era, population movements in Africa were associated largely with the prevailing socio-political and ecological conditions, especially internecine warfare, natural disasters and the search for farm land or colonization. Today, migration from and into Africa has continued to rise with globalization. A curious connection exists between globalization on the one hand and migration (both intra-and inter-state) on the other hand. The increasing trend in the incidents of migration is partly attributable to the phenomenon of globalization, which not only weakens the state, but also renders its borders irrelevant (Akokpari, 2000:73). The conventional causes of migration in Africa-conflicts, political oppression, economic crisis and environmental factors-have,

in recent years, been reinforced or complicated by the force of globalization. Migration is currently at the center of disagreement between the mainly poor sending countries and the richer receiving nations. Today, the world is more connected than ever. Information, commodities and money flow rapidly across national boundaries than ever. But while industrial countries are promoting easier flows of capital, goods and services restricting the movement of labor, which comes mainly from developing countries. African countries view this as double standard, especially since labor is an important factor in the production of goods and services.

Therefore, a large proportion of African migrants resort to illegal means to leave the country or what is termed “irregular migration”. There are various illegal processes associated with irregular migration, including forgery of passports, visas and other travel documents, marriage under false pretenses, bogus claims for asylum, human smuggling, and human trafficking. African migrants are adopting more sophisticated, daring, and evasive methods to elude increasingly tight border controls and enter countries in the world in the developed North. A growing number of young people are involved in dare devil ventures to gain entry into Europe. Movements are more clandestine, involving riskier passages and trafficking through Senegal to Spain by way of Canary Islands. Individual stowaways engage in life-threatening trips hidden aboard ships destined for Southern Europe, and recently they have headed as far as East Asia. Traffickers have recently extended the destinations of children to EU, especially the Netherlands, UK, and beyond. Women and children are trafficked to Europe such as Italy, Germany, Spain, France, Sweden, UK, and the Netherlands for commercial sex. Children are similarly moved in connection with domestic labor, sexual exploitation, and pornography. Trafficking syndicates obtain travel documents and visas for women and link them up with brothels abroad.

Crossing the borders either by choice or necessity which brings both risks and opportunities. Effective local, national and

regional responses to movement cannot address all migration related challenges. Their reactions have a fundamental role to play in ensuring human rights protections and that the benefits of migration accrue for migrants, hosts and sending communities. The paper is divided into four sections. The first section is the introduction. The second section focuses on conceptual clarification. The third section examines the role of the African Union in Migration Policy formulation, fourthly the conclusion.

### **Conceptual Clarification**

In recent years migration through sub-Saharan Africa has become more diverse and impulsive. Many who migrate are exploring a much wider set of destinations, resulting in rising levels of both temporary and long term circulation (Findley, 1994). There is also some evidence to support a pattern of replacement migration, whereby migrants of rural origin move to towns to occupy positions vacated by nationals who emigrate abroad. This migration sequence takes place in Mali, Burkina Faso, Ivory Coast, Gabon, and Senegal (where urban workers go to France) as well as in Egypt (whose migrants move the Gulf). In some instances immigrants from neighboring countries occupy positions vacated by nationals who emigrate abroad. These movements yield a stepwise migration pattern: first from rural area to cities and then from cities to foreign destinations.

Across Africa the position of governments towards migration generally remains either neutral or hostile. In a review by UNDESA, seven countries Kenya, Gabon, Cote d'Ivoire, Botswana, Namibia, Djibouti, and Gambia were reported as indicating in 2000 that levels of immigration were too high, whilst a further eleven reported that they had in place policies to reduce immigration (UN, 2002). However four African countries Gabon, Sudan, Burkina Faso and Guinea-Bissau reported that emigration was too high, and that their priority was to reduce migration. In its review of the status of poverty in Africa, the African Development Bank refers to rural-urban migration as

a source of urban poverty. A position paper of the International Labour Organization (ILO) fails to mention migration as a relevant component of poverty. In the UNDESA survey, only one country Cape Verde considered that its level of emigration was too low and even then, there was no explicit government policy to promote it.

It is inevitable to concur with Adepoju (2008: 17) that the Sub Sahara Africa is characterized by a variety of migration configurations –contract workers, labour migrants, skilled professionals, refugees and IDPs all moving within a continuum of internal, intra-regional and international circulation with most countries serving as places of origin, transit and destination. Although African immigration to the developed North has been dominating airwaves and raising growing concern. It trails that of other developing regions. At the turn of the millennium, immigration from Africa accounted for only 4.5 percent of Australian immigration, 5.4 percent of Canadian and 2.8 percent to the United States; these proportions were far below Asia's 28.6 percent, 36.7 percent and 26.4 percent respectively (Migration Policy Institute, 2009). IOM (2008) World Migration 2008 reports that although Africa's migrants increased from 16.3 to 16.9 million between 2000 and 2005, the region, with the lowest share of only two percent, registered the lowest growth rate in international migrants of any world region.

One area expressed on migration is the question of brain drain of African professionals. This is said to have affected the sectors of health, education and technological development particularly severely (IOM, 2003). As African professional leave the continent an estimated US\$ 4 billion is spent each year mostly through overseas aid programmes, on hiring some 100,000 skilled expatriates to replace them (IOM,2003).In contrast to this attention to the brain drain, there appears to be rather less interest amongst African government in migration as a livelihood strategy, or in the welfare of migrants, despite the fact that these relate more clearly to the poor. However traditional countries of immigration such as South Africa, Cotr d'Ivoire

and Gabon have become more intolerant of migration workers. Regional blocks such as ECOWAS and SADC have failed to prioritize freedom of movement. Focus has been paid to HIV/AIDS; this has tended to stigmatize migrants as potentially spreading the epidemic (Parker and Aggleton, 2002). There is little attention to date to policies on currency exchange and extension of banking systems in a way that would facilitate the flow of remittances.

A large proportion of emigrants from West Africa can now be classified as commercial migrants. This is especially true of those from Senegal and Mali who are also moving to unconventional destinations to which they had no prior linguistic, cultural or colonial ties. Initially this emigration focused on Zambia and when its economy collapsed, it shifted to South Africa following the end of the apartheid period (Adepoju, 2003). In the field of forced migration in particular, there has been a tightening of policies towards refugees in a number of countries, reflecting growing antipathy towards forced migrants. States have cited the economic burdens involved, declining support from international donors, and the potential security threats (e.g. camps been used as rebel bases, local insecurity and cross border attacks). In addition to some cases of expulsion of refugees, major consequences appeared to have been the increased use of camps with severe restrictions on movement, even though these have often failed to guarantee security and limit refugees ability to contribute to their own livelihoods and the local economy.

One recognizes the importance of economic and environmental determinants of international migration from sub Sahara Africa. Our main interest is on the impact of armed conflict. However it must be stressed that it is very difficult and counterproductive to attempt to isolate the impact of armed conflict from the impacts of economic opportunities and environmental change very often, conflict arises out of changes in economic opportunities and environmental change. For example, as far as economic opportunities are concerned, lower economic growth may be one cause for conflict. Miguel et al

(2003: 2) find empirical evidence of a casual relationship from economic (GDP) growth to civil conflict, finding that a “five percentage point drop in annual economic growth increases the likelihood of conflict by 10 percentage points”. As far as environmental change is concerned, Raleigh and Urdal (2007) present empirical evidence that water scarcity and land degradation may increase the risk of conflicts in Sub Sahara Africa. In these cases one could expect to find correlations between migration and economic change. This is faced with the difficulty of disentangling the impact of conflict.

Furthermore, conflict has a detrimental impact on the economy and environment. Collier (1999) found that civil conflict depresses growth rates by about 2.2 percent per annum on average. Conflict limit the degree to which countries can manage or protect the environment (Barrios & Bertinelli, 2006; Le Blanc & Perez, 2007). Thus, in cases of conflict one should also expect to find migrants leaving for economic and environmental reasons, again making it difficult to disentangle the impact of conflict. Much of Africa international migration is intra-regional, however African countries are starkly unaware of this because they rarely share figures on the migrants exchanged, largely due to either lack of data or absence of bilateral arrangements, or both. Out of a total of 14.5 million migrants originating in SSA, 10 million (or 69 percent) move within the region (IOM, 2008: 408). However the region has the world’s highest concentration of IDPs-12.7 million in 20 countries at the end of 2007 (IOM, 2008: 408 quoting IDMC, 2008) who outnumber refugees whose population declined from about six million to three million in the decade 1995-2005 (IOM, 2008: 408).

### **African Union Policy on Migration in Africa**

It was expected for the AU to create policies to harness the benefits of regular migration while lowering the risks and costs of migrants. The African Union so the need to adopt a number of legal and policy instruments planned to regulate voluntary and forced migration on the continent which has been a source of concern. These frameworks are

informed by the vision of African economic integration outline in the Treaty Establishing the African Economic Community which came into force in 1994 and has been ratified by at least 48 AU member states. The Abuja Treaty commits member states-individually, bilaterally or through regional groups-to taking ,the necessary measures in order to achieve progressively the free movement of persons and to ensure the employment the right of residence and the right of establishment by their nationals within (the African Economic Community (African Union, 2002)

The AU's overarching approach to migration is articulated in two policy documents: the African Common Position on Migration and Development (African Common Position) and the Migration Policy Framework for Africa both adopted by the Executive Council of the AU in 2006. This paper focuses on these two documents as they provide the continental body's most detailed and expansive guidance on how African states should regulate migration. They also address policies governing how member states regulate migrant access to their territories, and the treatment of immigrants within their lands. Neither policy document is binding on AU member states' although both underscore AU member states obligations to comply with legally binding migration-specific regional and international law. This includes the two AU treaties that govern involuntary migration-the Organization of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa, and the African Union convention for the protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention).

The AU's two central policy documents, the Migration Policy Framework are the most comprehensive. It covers nine key thematic migration issues: labor migration, border management, irregular migration, forced displacement, human rights of migrants, internal migration, migration data, migration and development and inter-state cooperation and partnerships. It also makes policy recommendations for AU member states and their regional economic communities (RECs). Although the Migration Policy Framework does not designate social cohesion



as one of the nine fundamental issues it lists integration of migrants in host communities and upholding the humanitarian principles of migration among the top priorities that should guide AU member states in their management of migration (African Union, 2006).

How both the Migration Policy Framework and African Common Position locate humanitarian principles of migration in international human rights law. For instance, the Migration Policy Frame called on member states to enact policies protecting and promoting migrant's human rights, including guidelines from combating discrimination and xenophobia through for example, civil education and awareness-raising. It called on member state to harmonize national legislation with international convention to ensure the protection of the rights of migrants, including ensuring access to courts and promoting the integration of migrants in host societies in order to foster mutual cultural acceptance and as a means of ensuring the rights of migrants are respected and protected (African Union Executive Council 2006).

The Migration Policy Framework contains the following:

- 1) Recommends that AU member state implement the programme of Action of the World Conference Against Racism and Xenophobia (2001)
- 2) Encourage states to develop anti-racist human rights training for public officials, including law enforcers
- 3) Urge international migration and human rights organizations to coordinate anti-xenophobia activities.

In relation to social cohesion, both the African Common Position and Migration Policy Framework highlight the need for stronger rule of law, and conflict prevention and resolution as important features of national, sub-regional and regional migration and successful integration. The AU's migration policy framework has set the tone for a unified continent in which migration and integration are linked positively to development. However both the African Common Position and Migration Policy Framework assign significant roles to RECs and AU member states to develop policies that realize the AU's vision.

### **Challenges of African Union Migration Policy**

The frameworks have a number of fundamental weakness which include institutional, conceptual and political facets which neither the African Common Position nor the Migration Policy Framework have a dedicated institutional mechanism for monitoring AU member states compliance with their content. In such a situation members states cannot be held accountable within these frameworks. However the African Common Position and the Migration Policy Framework both emphasize a human rights framework as important in ensuring social integration and the well being of migrants and their hosts, they do very little to provide evidence –based recommendations for concrete policy solutions which would assist member states to use human rights in this way.

Take for instance the civil and human right education that should promote social cohesion, they are no match for the structural socio-economic and political factors that often fuel xenophobic discrimination (Achieme, 2014). This problem is not exceptional to the AU's migration, even international human rights instrument and policy makers fail to make the necessary connection between human rights norms and concrete policy mechanisms for realizing them. The AU Migration Policy anticipated there would be resistance across the continent especially process intended to facilitate increased trade and information exchange progress which has been accompanied by politics of closure when it comes to immigration. The tension between migrant rights and national security is definitely a challenge among states in the continent.

### **Recommendation**

The challenges of managing migration in ways that promote economic, human and state security are not exceptional to the African continent. Every region in the world currently facing difficulties of trying to balance their domestic immigration realities with assimilation aspirations

especially as global migration is on the increase. At this time it is expected that the African Union must carefully consider the specific contexts in which they operate. The following will guide the African Union in its Migration policy in the future:

1) The African Union must buttress member states commitments to the welfare of migrants. It can do this by making explicit the synergies between migrant welfare, social cohesion and national security.

2) The need to devoting research and resources to offer more tangible, evidenced-based policy trust on how best human rights can navigate the challenges migration poses to social cohesion.

3) Strengthening regional implementation and monitoring mechanisms in improving national implementation of regional and sub-regional policy which will mean moving beyond immigration policies in addressing broader concerns around governance that determine the treatment of international and domestic migrants.

4) There is the need to strengthen existing forums and avenues for authorities and stakeholders at sub-national level to discuss issues of mobility, social cohesion, trade and planning. Debates held in these forums need not be framed as immigration concerns per se. It will help in policy formation.

## **Conclusion**

The African Union policy on migration provides a valuable framework for the movement of people within Africa and for the basic protection when outside their countries of nationality. Its migration policies are flexible, an important feature given the diversity circumstances with the continent. Despite the strengths of the framework, it still does not offer protection for migrant's rights. There is tension on the aspiration goals of portable rights within the context of regional integration and the socio-economic and political realities of AU member states.

This is true in respect of the frame work goal regarding social integration and its failure to provide adequate, empirically informed guidance on achieving integration in challenging domestic contexts.

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