Chapter 11 | Complementarity of the Global Compact for Safe, Orderly and Regular Migration and the mobility dimensions of regional integration

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Abstract

Regional integration and the implementation of the Global Compact for Safe, Orderly and Regular Migration are mutually reinforcing. The Global Compact for Migration provides platforms including the International Migration Review Forum (IMRF) and financing mechanisms such as The Migration Multi-partner Trust Fund (MMPTF). The East African Community (EAC) and Intergovernmental Authority on Development (IGAD) Regional Consultative Processes on migration (RCPs) contribute to the implementation of the Global Compact for Migration. The IGAD Thirteenth Regional Consultative Process meeting in August 2021 was dedicated to sharing States' experience on the implementation of the Global Compact for Migration in view of the regional review report that informed the IMRF in 2022. Labour migration, border management and migration data are key priorities of countries in the region with respect to the implementation of the Global Compact for Migration, which are at the same time fundamental components of the mobility dimensions of regional integration. Lack of regional implementation frameworks and limited finance are among the challenges facing the implementation of the Global Compact for Migration in the region.

The Global Compact for Safe, Orderly and Regular Migration

This chapter analyses the nexus between regional integration and implementation of the Global Compact for Migration and the extent to which the latter strengthens regional integration within the EAC and IGAD region. The chapter is informed by an analysis of the voluntary Global Compact for Migration reviews, the statements made during the 2022 IMRF and the regional review process that proceeded the IMRF, the IMRF Progress Declaration, all of which have been collected and made available by the United Nations Network on Migration (UNNM).

The Global Compact for Migration was adopted in 2018, instigated by States' realization that no State can address migration challenges and reap its opportunities alone. The Global Compact for Migration is the first intergovernmental agreement covering international migration in a holistic and comprehensive manner. It defines 23 objectives for State action, reinforced by specific commitments,

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that seek to address challenges related to today's migration. These commitments and actions can be seen as a guide for States on how to cooperate to reduce the risks and vulnerabilities migrants face at different stages of migration. Further, the commitments and obligations aim to create conducive conditions that empower all migrants as well as to leverage the potential of migration for sustainable development.

The influence of the Global Compact for Migration on State actions largely depends on the capacity of its reporting and monitoring mechanisms to motivate States to fulfil the 23 objectives.[7] The key reporting and monitoring instruments of the Global Compact for Migration are the IMRF, the regional review of the implementation and the UNNM. The IMRF meets every four years to "discuss and share progress on the implementation" of the Global Compact on Migration.[8] It met for the first time in May 2022, when five countries from East and Horn of Africa (EHoA) took part: Djibouti, Ethiopia, Eritrea, Kenya and Uganda. This global monitoring process is supplemented by regular meetings to discuss progress in implementation on regional levels, which began in the second half of 2020. Moreover, the UNNM assist in the "follow-up and review of the Global Compact for Migration, in response to the needs of Member States".[9] The UNNM also reports on progress in its annual meetings. Furthermore, the Secretary-General also reports to the United Nations General Assembly on a semi-annual basis regarding the Global Compact for Migration's implementation progress.

At the regional level, whilst the Global Compact for Migration does not explicitly reference regional integration, it promotes regional cooperation. Furthermore, central to the Global Compact for Migration's implementation, follow-up and review process is the potential role of RCPs and other inter-State consultation mechanisms on migration (ISCMs) as key actors in international migration governance.[10] While the implementation of the Global Compact for Migration rests with States, RCPs can offer States useful forum for discussing the regional aspects of Global Compact for Migration implementation and for identifying convergent approaches to migration issues within a region, including how to pursue these through regional integration. As such, the Global Compact for Migration invites RCPs to "review the implementation of the Global Compact for Migration within the respective regions"[11] by providing platforms to exchange experiences, foster multi-stakeholder partnerships and contribute to the IMRF.

Since most international migration takes place within regions, States in the EHoA region can leverage RCPs to assess and strengthen regional frameworks on migration such as the Protocol on the Establishment of the East African Community Common Market (EAC-CMP) and the Protocol on Free Movement of Persons in the IGAD Region (IGAD-FMP) in relation to Global Compact for Migration commitments. As discussed in previous chapters, the EAC-CMP provides the basis for its fairly successful free movement of person regime.

National mechanisms that facilitate labour mobility and other national priorities at intra-EAC level have been put in place in Kenya, Rwanda and Uganda, activities that both Kenya and Uganda reported on in the framework of the Global Compact for Migration follow-up and review.[12] Countries in the region such as Ethiopia, Kenya, Uganda and the Sudan have submitted their Global Compact for Migration reviews highlighting their commitment to the whole-of-government and whole-of-society approach in implementing Global Compact for Migration objectives and guiding principles.

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7   Bufalini, 2019.
8   United Nations, 2018:35.
9   United Nations, 2018:34.
10 During 2017/2018 several ISCMs developed formal recommendations on the Global Compact for Migration stocktaking exercise. These recommendations, along with the collective position of the ISCMs on the Global Compact for Migration – formulated at the 2017 Seventh Global Meeting of ISCMs – the "GRCP 7 Highlights", were taken into consideration by the Global Compact for Migration co-facilitators when drafting the Global Compact for Migration text. Hence, Member States ensured the inclusion of ISCMs as important actors in the Global Compact for Migration resolution, in its implementation, follow-up and review.
11 United Nations, 2018.
12 Republic of Kenya, 2020; Republic of Uganda, 2021.

Complementary: The Global Compact for Migration and the mobility dimensions of regional integration

The implementation of the Global Compact for Migration in the EHoA region largely remains an individual State-led affair. The regional level engagement needs to be strengthened to enhance better implementation of the Global Compact for Migration. As such, ISCMs such as the RCPs can play an important role. The RCPs, although non-binding and strongly dependent on the political will of the participating States, provide a discrete, informal environment for States to consider migration issues among themselves, leading to the emergence of policy dialogues on migration at the regional level. Traditionally, these dialogues have contributed to migration governance by, for example, setting the national and regional migration agenda and building consensus, harmonizing migration policies, building capacities for better migration governance, coordinating migration data and facilitating evidence-based research on migration.

In the EHoA region, IGAD has established an RCP, whereas the EAC has recently embarked on the establishment of one. The IGAD RCP[13] focuses on enhancing dialogue, partnership and policies on migration-related opportunities and challenges such as migration governance, labour migration, irregular migration, migration and climate change, trafficking and smuggling, and border management. IGAD dedicated its thirteenth RCP meeting, in August 2021, to providing a platform for IGAD Member States to share their experiences on the implementation of the Global Compact for Migration and to contribute to the regional review report that informed the IMRF in 2022. The EAC RCP is relatively new, being endorsed at a ministerial meeting and its full adoption will be decided at a Sectoral Council of Ministers for EAC. Once formally adopted, the EAC RCP is expected to enhance networking relations amongst governments' ministries, departments and agencies with migration-related mandates.

These RCPs will further offer a platform for stakeholder consultations to discuss migration priorities and niches in the region, as well as to enhance linkages and partnerships with national, other regional, continental and global platforms, among others.

Besides the RCPs, other important regional efforts include the establishment of IGAD-led political platforms such as the Regional Migration Coordination Committee (RMCC).

At the national level, six countries in the EHoA (Kenya, Ethiopia, Somalia, Uganda, Djibouti and South Sudan) have set up National Coordination Mechanisms on Migration (NCMs), which are government-led inter-agency platforms responsible for the coordination of national migration management in a whole-of-government and whole-of-society approach. Within the IGAD region, Ethiopia and Kenya established their respective NCMs following the recommendations of a joint assessment by the IGAD and IOM in 2014.[14] These NCMs now also serve as platforms for stakeholder coordination, national migration policy development and policy coherence in the framework of the Global Compact for Migration.

While NCMs were further strengthened and activated as part of the Global Compact for Migration follow-up and review process, these mechanisms have demonstrated varying degrees of effectiveness. In the case of Ethiopia, its NCM structure[15] has been given a strong mandate, embedded into national legislation. The Ethiopian NCM, in line with the subsidiarity governance principle, is being replicated at lower levels of government (regional States and zones). Using the NCM, Ethiopia is developing its five-year Strategic Plan on Migration Management in line with the Global Compact for Migration and national policy framework through the NCM technical group. Several consultations were organized in

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13 The IGAD RCP was established in 2008 and brings together IGAD Member States represented by members of their ministries of the interior, foreign affairs and labour, as well as other ministries per the thematic topic of the RCP, development partners and international organizations. The RMCC is a closed Member States session that usually meets ahead of the RCP.
14 Federal Democratic Republic of Ethiopia, 2020; Republic of Kenya, 2020.
15 National Partnership Coalition (NPC) under the coordination of the Attorney General Office.

collaboration with IGAD to draft the national migration policy. In Kenya, the NCM has organized a multistakeholder consultation on the draft Kenya National Migration Policy. The Kenyan NCM was instrumental in the development of a Global Compact for Migration National Implementation

Plan and the Global Compact for Migration review. Efforts are currently underway to enshrine the NCM into law. In Uganda, the NCM has collected inputs into its Regulatory Impact Assessment paving the way for the development of its National Migration Policy.

United Nations system-wide support for the Global Compact for Migration

The Global Compact for Migration calls for a coherent United Nations system to support the effective implementation of its 23 objectives and accompanying guiding principles.[16] Such coherent support is provided through the United Nations Network on Migration (UNNM),[17] a coordinating body that consists of members of the United Nations system for whom migration is of relevance to their mandates. In the EHoA region, UNNM provides support through its country networks in Djibouti, Ethiopia, Kenya, Rwanda and Uganda as well as through a regional network that covers East and Southern Africa. The East and Southern Africa regional network, as outlined in its terms of reference, aims to support the implementation of the Global Compact for Migration, considering the priorities of the region, working closely with RECs including the EAC, IGAD and SADC and in line with important continental policies such as the Agenda 2063.[18]

A particularly relevant UNNM initiative is the Champion Countries Initiative. This initiative currently brings together a group of 33 countries, 12 of which are African, including Kenya and Ethiopia.[19] Global Compact for Migration champion countries receive explicit support from the UNNM, while also generating lessons learned and positive practices that can be shared with other Member States. While not specific to the EHoA region, the Champion Countries Initiative offers a platform for some of the region's governments to enhance collaboration on the implementation, follow-up and review of the Global Compact for Migration. All champion countries, for example, gathered ahead of the IMRF for a Ministerial Meeting of

Global Compact for Migration Champions to discuss how States and other stakeholders could work together to contribute to the IMRF.

Another tool for information and knowledge sharing that was set up in the framework of the Global Compact for Migration is the Migration Network Hub.[20] The Migration Network Hub serves as a repository of existing evidence, practices and initiatives, and it facilitates knowledge sharing via online discussions, an expert database, knowledge platform and training and guidance. Unfortunately, at the time of the first IMRF, the engagement from governments and stakeholders in the EHoA region proved to be limited, with no registered engagement in the Hub's discussion spaces and only three experts from the EHoA region registered in the Hub's Expert Database. The Hub's Experts Database currently provides details from over 1600 migration experts from around the world.[21]

The MMPTF, which was established within the United Nations, funds joint programmes to support the implementation of the Global Compact for Migration. These programmes are the product of collaborative work by members of the UNNM working with partners in governments, with local authorities and alongside stakeholders. At the time of the IMRF, 113 joint programme concept notes had been submitted by over 80 countries and regions; of those, 12 joint programmes have been implemented and 34 will be implemented when resources are available. Amongst these, a joint programme by different United Nations organizations (IOM, ILO, Platform on Disaster

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16   United Nations, 2018.
17   UNNM, 2020.
18   UNNM, n.d.b.
19   UNNM, n.d.a.
20   UNNM, n.d.c.
21   UNNM, n.d.b.

Displacement and UNHCR) and IGAD, focusing on migration in the context of disasters and climate change, was selected as the first regional project, running from 2021 to 2023.

The MMPTF-funded joint programme on migration and climate change in the IGAD region makes use of NCMs to facilitate pathways for regular migration in the context of climate change, environmental degradation and disasters. A key focus is on enhancing pathways for regular migration and access to protection services, in accordance with international, regional and domestic law. Article 16 of the IGAD-FMP calls on Member States to facilitate entry and stay for people who are moving in anticipation of, during, or in the aftermath of a disaster. As the ratification of the Protocol is ongoing, the joint programme has started building preparedness capacity, operational response and regional and bilateral cooperation in cross-border disaster displacement. Furthermore, and in line with article 9 of the IGAD-FMP, the joint programme promotes labour mobility and the development of local labour markets in disaster-prone areas and areas vulnerable to climate change. The programme also seeks to increase data and knowledge on human mobility in the context of disasters and climate change, as well as on international protection and migrants' rights, and helps enable sustainable development, a green economy and regular migration pathways.

As can be seen, the tools and mechanisms that have been set up in the framework of implementing the Global Compact for Migration at the regional level have the potential to contribute to the advancement of the mobility dimensions of regional integration in the EHoA region. Moreover, the Global Compact for Migration's MMPTF and the United Nations Network on Migration Hub, if properly leveraged, can provide opportunities for capacity-building in the region that will also contribute to regional integration efforts.

Priorities of East and Horn of Africa countries

Priories of the States in the EHoA region with respect to the implementation of the Global Compact for Migration include labour migration, border management and migration data. This is derived from Global Compact for Migration reviews and statements of EHoA governments during the IMRF and the regional reviews. As discussed in chapters 2, 4 and 9 of this report, these priority areas are critical to advancing the mobility dimensions of regional integration.

On the facilitation of labour migration and the development of bilateral labour mobility agreements (BLMAs), Ethiopia[22] reported that it is exploring options for its citizens to have access to non-traditional labour markets within the African continent. This includes countries in EHoA. Kenya reported on the establishment of an interministerial committee in charge of reviewing BLMAs. Uganda started requesting information from labour migrants relating to their family members and dependents, with the aim of possible family reunion in the future. Uganda further reported on its Ministry of Education and Sports making provisions towards mutual recognition of qualifications and skills for persons educated abroad seeking to work in Uganda and vice versa. Considering regular migration to be a tool for development, the Sudan established a specialized body under the Council of Ministers to safeguard the rights of Sudanese working abroad, including through programmes that facilitate the transfer of knowledge and remittances.[23]

To support national level efforts, the UNNM has developed Global Guidance on BLMAs[24] which will be incorporated in relevant trainings and projects supporting Global Compact for Migration implementation in the region. The purpose of this BLMA guidance is to assist countries of origin and destination to design, negotiate, implement, monitor and evaluate rights-based and gender-

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22 Ethiopia focuses on the following 10 Global Compact objectives: 1, 2, 5, 9, 10, 11, 15, 18, 21 and 23 (Federal Democratic Republic of Ethiopia, 2020).
23 Republic of the Sudan, 2021.
24 UNNM, 2022a.

responsive BLMAs, based on a cooperative and multi-stakeholder approach. The guidance sets the criteria against which governments, workers' and employers' organizations, and other interested stakeholders may assess existing practices.

The EAC and IGAD have taken several steps to promote labour migration in the region and create a favourable environment for it, as discussed in Chapter 4. In the EAC, these include the removal of barriers to access employment, such as the removal of work permit fees; developing frameworks for mutual skills recognition; and increasing the portability of social security benefits, as discussed in Chapter 4. IGAD has developed regional frameworks to guide policy development on labour migration.[25] On BLMAs specifically, IGAD Member States have adopted the Declaration on Labour Employment and Labour Migration in the IGAD region, which provides a basis for IGAD Member States to develop a common position on BLMAs.

Border management is another priority area, as reported by Member States in the region. In this respect, the Government of Kenya reported in its Global Compact for Migration review on the roll-out of an online visa system applicable to all nationals wishing to visit Kenya, the enhancement of the Kenyan passport to an e-passport to support safe, orderly and regular migration and improved border management strategies through modernization and digitization of most borders and border procedures in line with Global Compact for Migration principles.[26] Ethiopia is working towards an effective and strengthened land and air border management system that facilitates the movement of persons and goods. In doing so, the Government also seeks to prevent the unauthorized movement of persons and goods, detect those responsible for smuggling, trafficking and related crimes and identify the victims of such crimes or any other person in need of immediate or longer-term assistance or protection.

At the regional level, the EAC and IGAD consider integrated border management (IBM) to be an important tool to advance regional integration.

As stated in Chapter 9 of this report, the EAC regards IBM as "a strategy for easing movement across borders and for realizing the right to free movement". The EAC-CMP mandates the progressive implementation of IBM, and the EAC has introduced a range of regulations and acts to implement IBM across the Community".[27] The EAC passport as a common administrative document facilitates the movement of people, providing strong evidence of the commitment of the EAC to these principles. Phase one of the roadmap of the IGAD-FMP also covers the right to entry and abolition of visa requirements, and has a strong IBM component.

Data and information sharing is the other priority area of Member States in the region. In line with this, Ethiopia reported its efforts to mainstream migration data in its ten-year Strategic Master Plan for Statistics and in the National Statistics for Development Strategy Three (NSDS III), as well as its work on integrating the topic of international migration into the National Labour Survey. Djibouti, Ethiopia, Kenya and South Sudan have also established their national level thematic working groups on migration, while Somalia, the Sudan and Uganda recently conducted migration data-capacity assessments to map the status of migration data production and usage.

As noted in Chapter 2, the EAC and IGAD have invested substantially in better harmonization and consolidation of migration data, including through setting up regional technical working groups (TWGs) on migration data and statistics in addition to national-level TWGs. Further, IGAD recently published its first report on migration statistics, and the EAC is drafting similar kind of report. RECs are also making efforts to standardize migration priority indicators, including efforts to minimize the impact of overlapping membership and to build intra-REC good practices.

These examples illustrate how the implementation of the Global Compact for Migration contributes to enhanced mobility of persons and regional integration in the EHoA region. The success of regional integration is subject to the commitment

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25   IGAD, 2020; IGAD, 2021.
26   Republic of Kenya, 2020.
27   Refer to Chapter 9 of this report.

Chapter 11
Complementarity of the Global Compact for Safe, Orderly and Regular Migration and the mobility dimensions of regional integration

and actions of the respective States. By promoting a whole-of-government and whole-of-society approach, the implementation of the Global Compact for Migration strengthens the inclusivity of mobility regimes of the EHoA region's integration. Similarly, the facilitation of the BLMAs and government efforts to remove barriers to employment for migrants, as called for in the Global Compact for Migration, have the potential to significantly contribute to facilitating regional labour mobility and regional integration. Border management is also central to advancing the mobility of persons and regional integration. Here,

the experiences of Kenya and Ethiopia underscore the attention given by the respective countries to advance their border management capacities, which eventually contributes to enhancing regional integration and mobility. Evidence-based migration management and the collection and utilization of accurate and disaggregated data, in line with objective 1 of the Global Compact for Migration, will provide an accurate overview of the inflow and outflow of migrants and displaced people in the EHoA region, paving the way for better regional integration.

Challenges to the implementation of the Global Compact for Migration in the region

While advances have been made in implementing the Global Compact for Migration in the EHoA region, progress remains slow for a number of reasons, including the COVID-19 pandemic. States in the region face several challenges in implementing the Global Compact for Migration, such as the lack of regional implementation frameworks (or, where such frameworks exist, the lack of updated alignment to Global Compact for Migration principles and objectives), limited available resources (especially finance and skilled personnel), lack of a centralized migration data-management system and limited political engagement at the regional level.

Lack of regional implementation framework

While the adoption of the Global Compact for Migration is a major step towards improving cooperation on international migration, the fact that no effort has been made to align existing regional migration governance frameworks to the objectives and guiding principles of the Compact has complicated the efforts of Member States and RECs to monitor progress towards the implementation of the Global Compact for Migration in the EHoA region. It is important to note in this regard that the African Union is working on a continental Global Compact for Migration implementation framework, which can provide a good entry point, including for further

discussion on the indicators. Once it is approved, it can be used as a baseline for RECs.

Limited resources

One of the main challenges that EHoA governments raised in the lead-up to, and during, the regional reviews and the IMRF is the lack of capacity to implement the Global Compact for Migration. Kenya specifically raised the lack of resources to undertake regional activities, as well as the "divided loyalty due to overlapping regional memberships and internal socio-political and economic dynamics" that impede the implementation of the Global Compact for Migration.[28] Ethiopia, Djibouti and Uganda also highlighted the limited capacity for effective implementation.[29]

The MMPTF is designed to build capacities to implement the Global Compact for Migration, and while the demand for support from the MMPTF is strong and consistent, it currently far outweighs the supply. At the time of the IMRF, USD 28.2 million had been mobilized, representing 40 per cent of the target set by the Fund's Steering Committee. Despite the important role of the UNNM Hub as part of the Global Compact for Migration's capacity-building mechanism, the funding to develop the initial functions and features of the Hub has been ad hoc, and to date there is no investment in its sustainability.

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28   Republic of Kenya, 2022.
29   UNNM, 2020.

Limited regional level engagement

While the importance of regional organizations in facilitating safe, orderly and regular migration is clearly recognized in the Global Compact for Migration and by policymakers and migration scholars, regional organizations such as the African Union Commission and the RECs still possess relatively little weight in negotiations and discussions on migration governance. For example, while the IGAD Secretariat organized a side event during the IMRF,[30] and held in 2021 the RCP contributing towards regional Global Compact for Migration reporting, the EAC Secretariat did not attend the IMRF.

Conclusion and policy suggestions

This chapter clearly outlines the complementarity between the implementation of the Global Compact for Migration, regional integration and regional frameworks that aim to facilitate mobility of persons. More can be done, however, to streamline efforts towards the implementation of the Global Compact for Migration, as well as towards the mobility dimensions of regional integration. Both the EAC and IGAD have put in place regional frameworks and policies to promote regular migration, prompting buy-in from their Member States. This chapter has outlined as well how the lack of an agreed implementation framework and the lack of resources in the region have further impacted national and regional efforts to bolster migration governance.

To advance the implementation of the Global Compact for Migration as well as the mobility dimensions of regional integration, the chapter puts forward a number of policy suggestions to the EAC, IGAD and Member States in the region regarding the follow-up and review process of the Global Compact for Migration.

Regional implementation framework

The EAC and IGAD could explore options for the development of a Global Compact for Migration implementation framework at a regional level,[31] paying attention to the role of regional integration while maintaining their commitment to the integrity of the full Global Compact for Migration. Such a regional implementation plan could focus on those Global Compact for Migration objectives and guiding principles for which Member States in the region require more resources and capacity, or where more regional cooperation (including regional integration) is needed to achieve successful implementation. Such a regional implementation plan should be developed in close coordination with Member States and stakeholders and should complement the Global Compact for Migration implementation plan that is being developed by the AUC. This would also support the United Nations' effort to develop a limited set of indicators[32] to assist Member States in conducting inclusive reviews of progress related to implementing the Global Compact for Migration.

Enhancing financing capacities

The EAC and IGAD as well as their Member States could consider approaching private sector financing mechanisms to support the implementation of the Global Compact for Migration. Such private sector financing mechanisms would complement funding that is available through the MMPTF as well as other traditional avenues for funding. Leveraging their convening power, the EAC and IGAD could bring together their Member States to partner with the private sector towards implementing the Global Compact for Migration in line with their respective existing national plans.

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30 UNNM, 2022b.

31 Or in the case of IGAD, aligning the existing migration governance framework with the objectives and guiding principles of the Global Compact for Migration.

32 IMRF, 2022: paragraph 70. "We request the Secretary-General, in his next biennial report, to propose, for the consideration of Member States, a limited set of indicators, drawing on the global indicator framework for the Sustainable Development Goals and targets of the 2030 Agenda as contained in General Assembly resolution 71/313 of 6 July 2017 and other relevant frameworks, to assist Member States, upon their request, in conducting inclusive reviews of progress related to the implementation of the Global Compact, as well as to include a comprehensive strategy for improving disaggregated migration data at the local, national, regional and global levels".

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[*] All links were active at the time of writing this report.