

East and Southern Africa Civil Society Input – MICIC Initiative

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Introduction

Ladies and gentlemen, Excellencies, fellow comrades and compatriots and migrants, we thank you for this opportunity to share the outcomes and recommendations from the East and Southern Africa Regional Civil Society Consultation on MICIC. The East and Southern Africa Civil Society organisations held a Consultation Meeting on 29 April in Nairobi, Kenya under the coordination and support from the Migration and Development Network (MADE), the Global Coalition on Migration (GCM), and PANiDMR (the Pan-African Network in Defense of Migrants' Rights).

The civil society organisations included NGOs, Trade Unions, and migrant associations. The delegates came from across these two sub-regions from countries such as Ethiopia, South Africa, Kenya, Uganda, Somalia, and Djibouti to name just a few. We were joined by IOM, ICMPD and other global civil society partners.

The main objectives were to deliberate on the Migrants in Countries in Crisis Initiative (MICIC) with a view to making their input into the ongoing process of developing non-Binding Guidelines for states/governments on the protection mechanisms for migrants during times of crisis.

Background

East and Southern Africa is a region of contrasts, with countries in various levels of development. It has some of the richest and yet some of the poorest people. Many of these countries are characterised by high levels of unemployment, poverty and inequality and rising and high costs of living.

East and Southern Africa have also seen large movements of people for various reasons. Some are moving to seek better employment, economic, education opportunities, others to seek refuge and others seeking better grazing land for their livestock.

Migration in East and Southern Africa

These regions have countries that host the highest number of refugees in the world (ex. Kenya-Dadaab Refugee Camp) and also one with the highest number of pending asylum claims globally (South Africa – June 2015.) Because of the uneven state of development, conflicts, and natural disasters, many within the region are migrating to seek safety and/or better lives within the same region or across regions. Labour migration is also an important feature of these two regions.

It is thus important that we as civil society make inputs into this important initiative with the hope that it will contribute towards the Guidelines being developed and help save many migrants' lives both in times of crisis and in "ordinary" times.

Crises facing East and Southern Africa

Civil society noted the following crises facing countries in the region albeit in varying degrees:

- Severe drought – Horn of Africa Somalia
- Food insecurity – Southern Africa
- Political instability - in various countries
- Conflicts (political and over natural resources eg. water)
- Challenges with armed groups/terrorists
- Flooding
- Outbreak of infectious diseases like cholera, yellow fever (Angola)
- Xenophobia and racism (South Africa, Zambia, South Sudan)

Pre-Crisis Phase

First and foremost, we recognise that the responsibility to protect everyone within a state's borders rests with the concerned state and government. In this regard, civil society is willing to work collaboratively with states and governments in the region in ensuring the protection of migrants within their territories.

The following are the recommendations:

- More communication and coordination between governments in the region on migration and migrants.
- Early warning and contingency plans should be developed and be in place before a crisis arises.
- In order to have accurate plans, it is important to have accurate data and information on who is in the country including migrant communities. eg. IOM Migration Profiling exercise, eg. Kenya
- However, this information should not be collected and used against the migrant. Protecting their rights should be paramount.
- Guidelines and principles of data collection should be agreed upon by stakeholders.
- Governments should adhere to the already agreed upon legislative and policy frameworks that protect migrants including international, regional and sub-regional conventions and protocols. OAU Convention on Status of Refugees, Bilateral Agreements, Free Movement Protocols (including learning from ECOWAS' Free Movement of People.) We also note challenges arising from these agreements eg. challenges in GCC countries for migrants from this region.
- Ensure other actors are aware of migrant vulnerabilities and other issues of displacement.
- There is need to ensure that migrants are covered under National Insurance Schemes and that budgets are allocated for them during the pre-crisis phase. For

instance, involving migrants in developing and allocating budgets at local municipalities, eg. with IDPs.

- Mainstreaming services to migrants during pre-crisis phase will assist in terms of crisis as they will already be in the system.
- It is important to involve migrants in planning and political processes. Examples:
 - JM Advisory Council chaired by the Mayor – a forum as part of engaging with diaspora organisations/migrants themselves.
 - National Forum in Ethiopia chaired by the PM in which migrants participated. Helped in bringing back 300 Ethiopians from Malawi who had been smuggled.
 - Migration, Smuggling and Trafficking Forum.
- Trust – trust building is important during ordinary times as this will assist with cooperation and collaboration in times of crisis.
- Awareness building, rights awareness is also important at this stage.
- Involvement of civil society in its broader sense, including Non-Governmental Organisations, Trade Unions, Diaspora organisations, associations/formations/networks, are all critical as they know who the migrants are, and where they are.
- Partnerships and established collaboration before the crisis are important as they will help with identifying early warning signs –partnerships between government, CSOs, international organisations etc.
- Ensure other actors are aware of migrant vulnerabilities and other issues of displacement, eg. Separated families, unaccompanied minor children, migrant women etc.
- Sub-regional bodies should be involved in promoting the protection needs of migrants.
- The role of civil society is important at this stage as they can play a supportive as well as monitoring role, including alerting the government and other stakeholders of an impending crisis especially in situations where governments are reluctant to do so. CSOs can also highlight the positive side of governments to migrants who might only have had a negative experience/engagement.
- If other stakeholders are already noting that a situation is a crisis, the regional bodies/MICIC will need to react to take action to save lives.
- Connection of Trade Unions across countries and regions to ensure continued protection of rights, especially in labour migration.
- We urge states to ratify and implement the AU Kampala Convention on IDPs – this is an important instrument for the protection of IDPs in the continent and will assist in strengthening protection mechanisms for IDPs in the region including migrants.
- We call upon governments in the two sub-regions to ratify and implement the International Convention on Migrant Workers and Members of their families.
- We also encourage them to ratify the ILO 189 Convention on domestic workers.
- Put in place information technology that will assist with communication during crisis times.
- Establishing coordinating mechanisms, eg. UN Protection Working Group in South Africa – bringing together government departments, UN agencies, other international organizations, civil society, migrant associations/organisations etc.

- Early warning systems can also include Helplines that are used to record information on impending disasters or conflict eg. xenophobia line linked to police service for response.

Emergency Phase

- It is important to Save Lives first, with no discrimination against migrants in irregular situations.
- We emphasise that it is the responsibility of government to provide information pre, during and after a crisis about measures to be taken to be safe. However, if the government is in the middle of the crisis or is the cause of the problem, the other governments in the sub-region should provide support to ensure migrants are safe eg. through the sub-regional bodies like East Africa Community, SADC etc.
- Coordination between government and other stakeholders like CSOs is important to ensure comprehensive protection.
- Bilateral engagement with neighbouring countries that promote cooperation for protection of rights should be activated.
- AU Framework on Human Rights should be implemented and respected especially when dealing with cases of terrorism.
- Need for resources and planning – resources from international community, it should be jointly administered and involve CSOs.
- Role of embassies in host countries to provide support but also to ensure that they are responsive to the needs of migrants when approached for assistance.
- Use of media in its various forms to disseminate information on what people – including migrants – should do to be safe, eg. use community radio stations, social media, migrants networks etc.
- Utilise the funds from the Contingency/Emergency Funds set up during the pre-crisis phase.
- Rebuilding for everyone – including migrants.
- IDP Convention provides a guide on how to ensure protection for IDPs and should be used.
- Opportunity to increase the integration of migrants during the crises period. For instance, if there is a need to move people to a place of safety that this be done in an integrated way.
- Role of civil society – alert authorities in case they are not aware; help mobilise resources; outreach and spread information to migrants communities. For instance, in some of the natural disaster or conflict areas, it is civil society NGOs that have provided support.

Post-crisis Phase

This period is critical for recovery and reintegration into communities. These processes should also include migrants:

- Provide data and feedback on how many people have been affected and require post-crisis assistance.
- Psycho-social support or counselling.
- Address the financial limitations and capacity needs of civil society.

- Return should be voluntary for all including refugees.
- Temporary integration in the host country - eg. professionals fleeing into another country should have employment opportunities.
- Activate insurance for property and other assistance.
- Trade Unions – to ensure the protection of unpaid salaries and other benefits like pension funds, unemployment funds, and getting their jobs back.
- Migrants should be included in the post-crisis recovery plan.

Role of Civil Society

- Rights awareness, information collection and research on migrants, trends and feeding information into government planning.
- Part of developing Contingency/Emergency Plans.
- Conduct rights awareness programmes on the rights and vulnerabilities of migrants.
- Serve as the link between migrants, government and other stakeholders.
- Often also have the technical skills and resources to assist in times of crisis.

General Notes for MICIC Going Forward

- Expand definition of crisis to take into consideration critical situations that may not be necessarily considered a crisis.
- Include guidelines on how to deal with crisis situations where government has been the cause of the crisis. Eg. Burundi.
- One of the impediments to the success of this process, is that governments might be reluctant to declare a crisis – for instance in the context of drought when will we know that it has reached a crisis levels – will MICIC Guidelines provide a baseline trigger point? There is a need to have clearly defined trigger points/thresholds at which an emergency response is activated.
- Migrants have been in crisis in countries not considered in crisis for instance, during the 2008 widespread xenophobic attacks on migrants in South Africa.

Thank you for this opportunity to give our input and we look forward to engaging with MICIC throughout this period and once the guidelines have been adopted to continue engaging with governments to ensure effective implementation. To that end, we would like to urge governments in East and Southern Africa to also remember the aspirations of Agenda 2063 for a borderless Africa and move towards it and not away from it without excluding everyone else who migrates to the region.