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Meeting on the Launch of the COMESA  
Regional Consultative Process on Migration (RCP)

Lusaka, Zambia  
26<sup>th</sup> to 27<sup>th</sup> September, 2013

**REPORT OF THE MEETING ON THE LAUNCH OF THE COMESA REGIONAL  
CONSULTATIVE PROCESS ON MIGRATION**

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## **INTRODUCTION**

1. The Meeting on the launch of the COMESA Regional Consultative Process (RCP) on Migration was held on 26 and 27 September 2013 at the Cresta Golfview Hotel in Lusaka, Zambia.

## **ATTENDANCE AND OPENING OF THE WORKSHOP**

### **Attendance**

2. The meeting was co-hosted by the COMESA Secretariat and the International Organization for Migration (IOM) was attended by delegates from the following COMESA Member States: Burundi, Comoros, Democratic Republic of Congo (DRC), Eritrea, Egypt, Kenya, Libya, Madagascar, Malawi, Mauritius, Rwanda, Seychelles, Sudan, Swaziland, Uganda, Zambia and Zimbabwe. The meeting was also attended by participants from the following key partner organizations: European Union (EU), Inter-Governmental Authority on Development (IGAD), and the United Nations High Commissioner for Refugees (UNHCR). The Republic of Botswana attended as an observer. A full list of participants is attached to this report as **Annex I**.

### **Opening Ceremony**

#### **Statement by the Deputy Minister of Home Affairs, Zambia, Honourable Stephen Kampyongo, MP**

3. The meeting was opened by Honourable Stephen Kampyongo MP, the Deputy Minister of Home Affairs of Zambia. The Deputy Minister extended a warm welcome to Officials from COMESA Member States and thanked the COMESA Secretariat and IOM for their joint efforts in implementing the decision of the Fifth Meeting of the COMESA Ministers Responsible for Immigration, which was held on 11<sup>th</sup> October 2012 in Lusaka, Zambia, to establish and launch the COMESA RCP.

4. The Deputy Minister recognized that migration was an increasingly global issue which held considerable potential for economic, social growth and development for countries of origin and destination alike, as well as for individual migrants and their families. He noted that population and demographic imbalances, labour market and income disparities combined to produce migratory dynamics that were increasingly dominated by the search for employment abroad.

5. He underlined that the positive impact of migration on development hinged on appropriate policies for humane and orderly migration governance. The Deputy Minister noted that there was need to focus on the protection of human rights and the well-being of all migrants; and observed that well-managed labour migration flows could lead to mutual benefits for both migrants and states.

6. The Deputy Minister highlighted the importance of a diversity of actors responding to migration-related issues, which would serve to broaden perspectives and issues brought forward for consideration. He noted the need for thematic trainings for officials from different

ministries, which would serve to deepen the understanding of migration and development in order to identify potential synergies for joint actions.

7. He also highlighted that as a result of the absence of sufficient legal channels for migration, irregular migration has risen significantly, which in turn increases the attendant risks to human life and affects the economic and social security of states. He stressed the importance of the role of governments in ensuring the protection of the rights of migrants.

8. The Deputy Minister stated that the meeting marked a momentous occasion for the COMESA Region as it was joining other regions with established RCPs in Africa, such as ECOWAS, the Migration Dialogue for Southern Africa (MIDSA), the Migration Dialogue for West Africa (MIDWA) and IGAD, which were established to manage migration in a comprehensive and effective manner. He reminded the delegates that one of the key outcomes of the meeting would be to develop a framework for the effective and sustainable operation of the COMESA RCP.

9. He concluded his remarks by expressing the hope that through the Migration Dialogue, COMESA Member States would spearhead information exchange, cooperation among states and ultimately establish a regional and holistic approach to addressing migration. In addition, the Deputy Minister expressed hope for the development of a sustainable roadmap that would achieve concrete outcomes, which would be beneficial to individual migrants, their families, the States and the Region. He wished the delegates fruitful deliberations.

#### **Statement by the Secretary General of COMESA, Mr. Sindiso Ngwenya**

10. Before the Guest of Honour, the Deputy Minister of Home Affairs of the Republic of Zambia, Honourable Stephen Kampyongo, delivered his opening statement and declared the meeting open, the Secretary General of COMESA, Mr. Sindiso Ngwenya, delivered a statement to the meeting. The Secretary General expressed gratitude to the Deputy Minister of Home Affairs for taking time to attend the event. He further welcomed the IOM Regional Director, Mr. Bernardo Mariano as a cooperating partner, generally relating to programmes on migration, and specifically on the RCP. He noted that the formation of the RCP is essential for a well-integrated Common Market, and indicated that the COMESA Council of Ministers had endorsed the launching of the RCP.

11. The Secretary General added that the main objective of the RCP was the need for a confidence building process among Member States, which would be achieved through non-binding dialogue. He further anticipated that the RCP's particular value would be through making recommendations for addressing challenges in the implementation of the COMESA protocols.

12. The Secretary General stated that COMESA has made progress towards the realization of the protocol, including through Mauritius, Rwanda and Seychelles having removed visa requirements for nationals of all African Union States. COMESA calls upon other Member States to follow suit. Furthermore, the RCP is intended to build on processes that have already started. The Secretary General stressed the need to learn from the experiences of other RCPs in the African Union.

13. He indicated that the RCP should focus on improving border management as opposed to border control. For this to be achieved there is need for sensitization and awareness, and that

challenges such as trafficking in persons and migrant smuggling cannot be ignored. He stressed that migration profiles and diaspora engagement were going to be important considerations and called upon IOM to mobilize the necessary resources to take these two initiatives forward.

14. The Secretary General concluded his remarks by thanking the Government of the Republic of Zambia and commended the Permanent Secretary of the Ministry of Home Affairs, Mr. Nkole, for having sent a notice to all border posts for the facilitation of entry of delegates attending COMESA meetings.

**International Organization for Migration Regional Director for Southern Africa, Mr. Bernardo Mariano**

15. Before the Secretary General of COMESA delivered his statement, the International Organization for Migration's (IOM) Regional Director for Southern Africa, Mr. Bernardo Mariano made a statement to the meeting. He thanked the Government and people of Zambia for their warm hospitality and for hosting the first COMESA Regional Consultative Process on Migration meeting, which he described as historic.

16. He in particular thanked Honourable Stephen Kampyongo, MP, Deputy Minister of Home Affairs of Zambia and his team for their excellent cooperation in preparing for the meeting. He noted, with appreciation, the high attendance of COMESA Member States at the meeting, which, in his view served as an indication of the realization by Governments in the COMESA Region that migration is not merely a national issue and that dialogue was necessary to foster partnerships between and among countries of origin, transit and destination.

17. The Regional Director, IOM, stated that RCPs can prove to be effective platforms for interstate cooperation as a result of their non-binding nature, which often complement the discussions on migration and decisions made in more formal institutionalized, international and regional settings. He also stated that migration issues are inextricably linked to trade and development issues and thus the COMESA RCP is a positive development.

18. He noted that the meeting takes place at an opportune time when countries are finalizing preparations for the upcoming High Level Dialogue on International Migration and Development. The Regional Director encouraged the meeting to discuss the topics to be considered at the High Level Dialogue. He reiterated the need to accelerate the implementation of the various COMESA Legal Instruments pertaining to the free movement of persons.

19. The Regional Director concluded his remarks by expressing IOM's wish to see a government-led process, informed by regional development objectives and priorities with the support of IOM and the COMESA Secretariat. He wished the delegates fruitful deliberations with the hope that they would culminate into a clear roadmap of how the COMESA RCP will operate with specific and clear outcomes.

**Vote of Thanks, Director General for Immigration for the Republic of the Seychelles, Mr. Ronald Fock-Tave**

20. A vote of thanks was moved by Mr. Ronald Fock-Tave, Director General for Immigration for the Republic of the Seychelles.

21. He expressed gratitude to the Republic of Zambia and her people for extending a warm welcome to the delegates.

22. He noted that progress had been made in removing barriers to the movement of goods but this had not yet been matched with the facilitation of movement of people. He added that through the RCP the Member States would need to take time to look at areas of harmonizing immigration laws and policies to lead to concrete action and that it would be essential to build the capacity of immigration officials to overcome challenges that are currently being faced.

### **Adoption of the Agenda and Organization of Work**

23. The Meeting adopted the following agenda:

- (a) Opening of the Meeting
- (b) Adoption of the Agenda and Organization of Work
- (c) Research findings of a study on Mixed Migration Flows from East and Horn of Africa and the Great Lakes to Southern Africa
- (d) Regional Consultative Processes in Africa
- (e) Strategic Paper on COMESA Regional Consultative Process on Migration Dialogue
- (f) IGAD Regional Consultative Process: Achievements and Challenges
- (g) COMESA Regional Migration Dialogue Operating Modalities
- (h) Challenges and Opportunities in Implementation of COMESA Protocols
- (i) Presentation on Rwanda's Experience on Visa Relaxation Policy
- (j) Presentation on Burundi's Experience on the Stages Leading to the Ratification of the Free Movement Protocol
- (k) Group Work on the Challenges of Implementation of the Protocols
- (l) SADC Regional Labour Migration Action Plan
- (m) Sharing of Experience on Labour Migration, Mauritius
- (n) High Level Dialogue on Migration Expected Outcomes
- (o) Consideration
- (p) Adoption of the Report and Closure of the meeting.

### **Adoption of Agenda and Organisation of Work (Agenda Item B)**

24. The Meeting adopted the following hours of work:

**Morning:** 09:00 hours – 13:00 hours

**Afternoon:** 14:00 hours – 17:30 hours

## ACCOUNT OF PROCEEDINGS

### **Research findings of the Study on Mixed Migration Flows from East and Horn of Africa and the Great Lakes to Southern Africa, Presented by Mr. Amanuel Mehari, IOM. (Agenda Item C)**

25. Mr. Amanuel Mehari of IOM presented the preliminary results of a research study (still ongoing) conducted among populations involved in mixed migration flows from the Horn and East Africa and the Great Lakes Region to Southern Africa. The presentation focused on the demography and composition of mixed migration flows. The purpose of the study is to collect and analyse new data, as well as update earlier research findings from 2009, in order to have timely and detailed information on mixed migration flows in the region in order to inform policies and guide programmatic interventions. The presenter highlighted that a growing number of Africans from the East Africa and Great Lakes region are making their way to Southern Africa at great personal risk, creating significant protection concerns.

26. The presenter informed the meeting that the push and pull factors driving migration remain similar to the findings of an IOM study conducted in 2009, which included war, poverty, violence, opportunity and perceived flexibility in immigration laws of South Africa. He noted that many of the migration routes remain similar; while some routes have decreased in relevance due to increased policing or perceived danger and other routes are growing in importance. Migrants pay about USD 2,000 to 3,000, with some paying as high as USD 5,000 to smugglers to facilitate their journey. The average time en route has increased from 8 weeks in 2012 to 16 weeks in 2013, which has increased migrants' vulnerabilities.

27. The presenter explained that the research found that the smugglers are typically comprised of loosely organized syndicates and now conduct active recruitment with promises of jobs and high salaries in South Africa. There are significant health risks associated with the migrant(s)' journeys, including malnutrition, suffocation, physical and sexual violence, and increased exposure to communicable diseases. Through the research, new maps on smuggling routes are being developed.

### **Discussions**

28. The meeting noted the following key issues:

- (a) Lack of empirical data on migration poses a challenge to the development of national policies on migration;
- (b) In order to manage migration effectively at the regional level, there is need for the COMESA region to come up with a regional migration data base and information sharing system that will enable Member States to manage migration effectively, based on empirical evidence, especially in the context of irregular migration challenges;
- (c) In line with a decision of COMESA Ministers Responsible for Immigration, COMESA has commissioned a study aimed at gathering information on the type of information management systems that would be preferred by COMESA Member States. The results of the study shall be considered by COMESA Member States at a workshop to be held in the first quarter of 2014;

- (d) Corruption among border officials still poses a challenge to controlling irregular migration;
- (e) It is important that Member States meet regularly in a forum such as the COMESA RCP to share information on migration patterns and dynamics in the region;
- (f) One of the challenges to the management of irregular migration is limited interagency cooperation and national dialogue on migration;
- (g) Most COMESA Member States have no data on nationals in the diaspora and that poses a challenge in effectively engaging diaspora for development.

## **Recommendations**

29. The meeting made the following recommendations:

- (a) Member States should consider a pilot project to come up with a bio-database in order to have reliable migration data for effective migration management;
- (b) Member States should collaborate with Universities and other research institutions in the COMESA region for continuous research on migration issues that should inform national policies;
- (c) COMESA Member States need to develop or strengthen national information sharing systems that will help address migration challenges, especially irregular migration and cross border criminal activities such as human trafficking, human smuggling, drug trafficking and illicit proliferation of small arms and weapons;
- (d) COMESA should consider the development of a model regional policy on migration as a reference document to assist and guide Member States with the development of their own national migration policies;
- (e) COMESA Member States should develop structures on inter-ministerial/ agency cooperation for migration management at the national level;
- (f) There is need for Member States to have data on the diaspora for better engagement with the diaspora for development purposes.

## **Regional Consultative Processes in Africa, *Presented by Professor John O. Oucho.* (Agenda Item D)**

30. Professor John O. Oucho, of the African Migration & Development Policy Centre, who was engaged as a Consultant by IOM and COMESA, made a presentation on Regional Consultative Processes in Africa.

31. He stated that African RCPs had been set up to foster inter-state dialogue on migration issues; facilitate information exchange, sharing of experiences and cooperation among States and key partners. He also stated that RCPs were generally geographically-based or thematically organized.

32.The presenter informed the meeting that RCPs can operate either outside or within traditional/ regional institutional structures such as RECs and were flexible, informal and non-binding institutions serving the Member States. He highlighted the importance of documentation of RCP's principal achievements and that 'good practices' should be used as lessons for other RECs and its Member States.

33.The presenter advised the meeting on the need to link RCPs to existing protocols on migration, trade, infrastructure and investment.

**Strategic Paper on the COMESA Regional Consultative Process on Migration Dialogue, Presented by Professor John O. Oucho. (Agenda Item E)**

34.Professor John O. Oucho also presented the findings of a Strategic Paper on the COMESA Regional Consultative Process for Migration Dialogue.

35.The presenter gave an introduction and background to his paper which provided insights to the initiative taken by the Common Market for Eastern and Southern Africa (COMESA) to join other African Regional Economic Communities (RECs) in establishing an RCP on migration management in the context of COMESA's treaty and relevant protocols.

36.He explained that the paper defined and provided theoretical frameworks of regional integration and its initiation in Africa in the form of RECs. He pointed out that RCPs have characterized migration management in different regions or sub-regions globally. COMESA has now set the stage for the COMESA RCP Migration Dialogue.

37.The presenter explained that since the year 2000, three African RCPs have been operational, consisting of: the Migration Dialogue for Southern Africa (MIDSA), the Migration Dialogue for West Africa (MIDWA) and the Inter-Governmental Authority on Development (IGAD-RCP or MiGAD). The experience of these RCPs is instructive for COMESA, which is now initiating the COMESA RCP Migration Dialogue.

38.He observed that generally, RCPs have operational modalities along the lines of those that COMESA expects to review and subsequently adapt. Generally, a RCP involves modalities that are common in all RECs, modified to suit region-specific interests of the regions that they serve.

39.The presenter stated that labour migration in the COMESA region requires understanding and appreciation of national migration profiles and diaspora engagement in the REC and with individual Member States. Against the backdrop of the AU Regional Migration Policy Framework for Africa and Africa-EU arrangements on migration management, COMESA Member States are committed to developing national migration profiles for which IOM would be expected to provide support; as Member States aspire to promote engagement with national and regional diaspora through remittances and homecoming gatherings.

40.He also indicated that the East Africa/ Horn of Africa region has witnessed 'mixed migration' involving movement of people within COMESA Member States and beyond the COMESA region. This phenomenon affects many COMESA Member States, which are now keen to find lasting solutions, especially to forced migration.

**Discussions**



41. After the presentation, the delegates noted the following:

- (a) There is a need to engage various stakeholders on research on migration and policy development;
- (b) Member States acknowledged the need to develop National Migration Profiles (NMPs) to underpin national development policies and strategies;
- (c) IOM has technical expertise on migration profiling and can provide technical support in enhancing the capacities of Member States to develop and or update their NMPs.

### **Recommendations**

42. The meeting made the following recommendations:

- (a) ESA countries should explore mechanisms adopted by European and Schengen countries regarding free movement of people, in order to inform and to guide their own national and regional protocols on free movement of persons;
- (b) COMESA should devise appropriate strategies for harmonising the existing migration management initiatives to attain a meaningful yet comprehensive migration management framework;
- (c) Engage various stakeholders to support research and policy development and other identified priority areas of particular interest to COMESA and its Member States;
- (d) Roll out a process where Member States develop National Migration Profiles (NMPs) based on a standard template with the technical support of IOM and other competent partners.

### **IGAD Regional Consultative Process: Achievements and Challenges, *Presented by Ms. Caroline Muthoni Njuki, IGAD. (Agenda Item F)***

43. The IGAD Secretariat Political Integration & Human Security Support Programme Project Manager, Ms. Caroline Muthoni Njuki, presented on the achievements and challenges of the IGAD RCP.

44. The presenter stated that the IGAD Secretariat has served as the support Secretariat of the RCP since its establishment. She informed the meeting that the RCP meeting of 2010 recommended the establishment of a Regional Migration Coordination Committee (RMCC) to discuss “sensitive” migration matters. The RMCC was launched in March 2011 and adopted by the Council of Ministers in 2012.

45. The presenter stated that a sectoral committee, comprised of agencies and departments with migration roles, fed into RMCC as well as RCP deliberations. She informed that all IGAD Member States and relevant partners participate in the RCP deliberations. Key partners including the African Union, IOM and the IGAD Partners Forum hold observer status.

46. The presenter informed the meeting that key transit and destination countries participate in the RCP meetings. Target transit countries include Chad, Niger, Yemen, Egypt, Libya and Tunisia, whilst notable destination countries include some of the IGAD Partners’ Forum (IPF) countries, particularly in Western Europe as well as USA and Japan. Civil Society

Organizations (CSOs) and Inter-Governmental Organizations (IGOs) participate in meetings on an *ad hoc* basis depending on the themes of the consultations.

### **Recommendations:**

47. The meeting made the following recommendation:

- (a) Explore synergies and enhance information sharing, exchange of experiences and best practices between the two RCPs, due to shared membership between COMESA and IGAD.

### **The COMESA Regional Migration Dialogue and Operating Modalities, *presented by Mr. Guedi Houssein, COMESA. (Agenda Item G)***

48. A presentation was made by Mr. Guedi Houssein, Immigration Expert for the COMESA Secretariat. Mr. Houssein highlighted that the RCP should add value to existing COMESA processes.

49. The presenter noted that one of the objectives for the establishment of an RCP for the COMESA region on migration management would be for the coordination of the implementation of pilot programs on migration. Additionally the COMESA RCP would enhance inter-regional cooperation with other institutions such as the East African Community (EAC) and Southern Africa Development Community (SADC) to harmonize their immigration instruments and policies.

50. He recalled that the 31<sup>st</sup> meeting of COMESA Council of Ministers held in Kampala, Uganda from 19-20 November 2012 endorsed the concept of establishing a COMESA RCP and granted authority to proceed with the launch of the COMESA-RCP in June 2013.

51. The presenter stated that the COMESA RCP would be a process within a regional trade/economic body that would contribute to the implementation of COMESA legal instruments and decisions on migration issues.

52. He emphasized that the main objective of the COMESA RCP would be to provide a platform for informal and non-binding dialogue on issues and opportunities related to migration management thereby improving the capacity of the governments to better manage migration.

53. The presenter indicated that the COMESA RCP should focus on addressing existing gaps and complimenting the work of other RCPs within the region. The proposed main areas of focus include migration management, trade and development.

### **Discussions**

54. The meeting noted the following:

- a) The meeting highlighted the importance of reflecting the African Union position on the relevance and contribution of RCPs in migration management;

- b) The meeting suggested that the expansion of the areas of focus to include: Human trafficking and smuggling; migration profiles; Intra and inter regional trade and partnerships; and migration policies, legislation and data collection;
- c) States would not be required to formally apply for membership to the RCP, as membership is automatic by virtue of belonging to COMESA;
- d) The chairmanship of the RCP should be aligned to the cycle of COMESA chairmanship, and this should be clearly reflected in the document. Furthermore, the meetings should be convened every two years, to alternate with the statutory meetings of Chiefs of Immigration and Ministers responsible for Immigration;
- e) The meeting proposed that the Operating Modalities should include the establishment of a core support structure within the COMESA Secretariat, comprising of a Coordinator as technical focal point and an administrative support focal point;
- f) The final contribution from the meeting on the Operating Modalities relates to Section 11, on decision making processes. The meeting suggested that the heading of this section be amended to 'recommendations' rather than 'decisions' to reflect the non-binding nature of the RCP.

## **Recommendations**

55. The meeting made the following recommendation:

- a) Suggested amendments should be incorporated into the final Operating Modalities (attached as Annex II).

## **Challenges and Opportunities in Implementation of COMESA Protocols, *presented by Mr. Guedi Houssein. (Agenda Item H)***

56. The presenter informed the meeting that COMESA, under Article 164 of the COMESA Treaty, has two free movement-related protocols, namely: 1) Protocol on the Gradual Relaxation and Eventual Elimination of Visa Requirements (1984), which is already in force; and, 2) The Protocol on Free Movement of Persons, Labour, Services, Right of Establishment and Residence (2001), which is not yet in force.

57. He further highlighted that the two protocols aim to abolish obstacles to free movement concerning services, manpower and capital between COMESA Member States.

58. The presenter indicated that despite the provision in the protocol on visas, specifying that visas would be issued to nationals of Member States at the point of entry, in practice only a handful of Member States implement this provision.

59. Regarding the second protocol on free movement, the presenter stated that since being adopted by heads of state and governments in May 2001, the presenter highlighted that only four Member States have signed the Protocol and only one has ratified it.

## **Presentation on Rwanda's Experience on Visa Relaxation Policy, *presented by Mr. Vianney Karangwa, Senior Immigration Officer, Rwanda. (Agenda Item I)***

60. Mr Vianney Karangwa, Senior Immigration Officer in Rwanda, made a presentation on Rwanda's experience regarding visa liberalization.
61. He explained that since Rwanda started the process of removing visa requirements for AU Member States, Rwanda had not experienced any major problems. He stressed that the major focus in implementation of the Protocol was on managing migration rather than controlling it. The main purpose is to enhance the free movement of persons and labour as well as boosting intra-regional trade.
62. The presenter provided statistics on migration trends since visa requirements for nationals of AU states were removed, and highlighted that there had been a significant increase in the number of formal entries to the country. He added that although Rwanda no longer benefitted from visa fees, the increased number of migrants entering the country had contributed positively to the economy, including through hotels and food, explaining that the economic gain is self-explanatory.
63. The presenter indicated that the major factors contributing to increased number of visitors is that many now prefer to transit through Rwanda than other alternative routes, due to lack of visa fee, and that tourism had improved since visa removals.

#### **Discussions**

64. The Meeting noted the following:

- a) There is a need for a clear change of mind-set in order to adopt the shift from border control to border management, as was evidenced from the experience of Rwanda.

#### **Presentation on Burundi's Experience on the Stages Leading to the Ratification of the Free Movement Protocol, presented by Mr. Gerard Nyandwi, Permanent Secretary, Ministry of Home Affairs, Burundi. (Agenda Item J)**

65. Mr. Gerard Nyandwi, Permanent Secretary, Ministry of Home Affairs, Burundi made a presentation on Burundi's experience since signing the Free Movement Protocol.
66. The presenter indicated that Burundi's motivation for ratifying the Protocol is because Burundi is a small landlocked country that is experiencing poverty. Political strife prevented Burundi from signing the Protocol in the early years since its establishment. However, in May 2006 the COMESA Council of Ministers meeting was held in Burundi. Further to the decision taken by Council of Ministers at the preceding meeting, Burundi's president signed it into law in 2006 and has fulfilled its commitment to sign and ratify the Protocol.
67. The presenter explained that the Protocol allows for export and import of labour and services and will make the flow of goods and services much easier; to the benefit of Burundi. Burundi encourages other COMESA Member States to take the same approach.

#### **Group Work on the Challenges of Implementation of the Protocols (Agenda Item K)**

68. Member States representatives were split into two groups to further discuss the challenges with regards to implementation of the two COMESA protocols on free

movement. Each group discussed one of the protocols: 1) Protocol on the Gradual Relaxation and Eventual Elimination of Visa Requirements (1984), which is already in force and 2) The Protocol on Free Movement of Persons, Labour, Services, Right of Establishment and Residence (2001).

69. Specifically, each group was tasked to respond to the following questions:

- i. What are the challenges that Member States are encountering in the signing, ratification and full implementation of the Protocol?
- ii. What is the recommended way forward?

### **Plenary**

70. With regards to the Protocol on the Gradual Relaxation of Visa Requirements and Eventual Elimination the group presented the following findings:

- (a) Currently the existing legal frameworks within various Member States are not in line with the provisions of the Protocol, and many Member States are reluctant to review laws;
- (b) There are varying levels of development within Member States, which affects their respective views on immigration and its contribution to development. For example, some are net senders while some are net receivers of migrants. Therefore, not all Member States view the approach to managing migration, including the Protocol, in the same way;
- (c) There remains a belief among many Member States that there are security risks associated with implementation of the Protocol. Many believe that the costs still outweigh the benefits;
- (d) Member States expressed a lack of reciprocity as well as rigidity of some countries – i.e. there are not necessarily benefits to certain Member States, which will result in failure to move at the same rate. The overall effect of this is that there will be a delay in implementation of the Protocol;
- (e) There is also a lack of policy coherence across Member States, as well as fragmentation within policies at national level;
- (f) War and instability in some regions, including between some Member States, pose a challenge for the signing and ratification of the Protocol;
- (g) Political allegiances exist between some Member States, which can influence decisions on which countries are allowed free entry into another. This can affect the successful implementation of the Protocol;
- (h) Visa fees can be a good source of revenue, and therefore removing these fees will have an economic impact;

- (i) Many countries take a 'risk-averse' approach to managing migration, which also contributes to limited signing and ratification of the Protocol, as there is lack of confidence among some Member States about the positive impact of migration.

**Recommended way forward:**

71. The Meeting recommended the following:

- (a) Member States should recognize the importance of having in place a Monitoring and Evaluation framework or mechanism for the Protocol. This will enable follow up and remedial actions to be taken;
- (b) Strengthening solidarity and cooperation among Member States will help to move the signing and ratification process forward, as will the signing of bi-lateral agreements between Member States. Both can be seen as stepping stones towards the implementation of the Protocol;
- (c) Gradual relaxation by visa type may be a useful approach towards the eventual elimination of visa requirements. For example, Member States experience different challenges with regard to different visa types. Visas may be removed for specific purposes, such as business, health, or on humanitarian grounds;
- (d) Greater advocacy needed on the benefits of implementing the Protocol;
- (e) Strengthening cooperation among RECs and learning from experiences of others;
- (f) Political will at national level is essential for the successful implementation of the Protocol;
- (g) Partners like IOM and COMESA can help with the dissemination of best practices as well as studies relating to the implementation of similar Protocols;
- (h) So far the approach to the implementation of the Protocol has been quite formal. Taking a less formal approach, such as through the RCP, will help Member States to identify 'real' challenges and attend to them appropriately.

**Plenary:**

72. With regard to the Protocol on the Free Movement of Persons, Services, Labour, Right of Establishment and Residence, which was adopted by Heads of States and governments in May 2001, but signed by only four Member States and ratified by only one Member State to date, the group presented the following findings:

- a) There is political will from the Member States to ratify the Protocol;
- b) The majority of the Member States that have not ratified the Protocol are in the process of ratifying the Protocol;
- c) There are security concerns for some countries as a result of their geographic location;
- d) Member States are at different levels of development;

- e) Some Member States are still conducting internal consultations to look at the impact of the Protocol on their economy;
- f) Some countries are too small with limited land, and this impedes their ability to accommodate all provisions of the Protocol.

### **Recommended way forward:**

73. The Meeting recommended the following:

- (a) The COMESA Task Force should visit Member States to assess progress on ratification of the Protocol and to identify the challenges inhibiting its ratification;
- (b) Participants should consult stakeholders in their countries and provide feedback to the COMESA Task Force / Focal Person on the status of the process and next steps for implementation.

### **Discussions**

74. The meeting took note of the following in relation to the above presentations:

- (a) COMESA Secretariat reiterated that a Task Force had already been constituted to conduct an in-depth assessment of the bottlenecks in signing, ratification and full implementation of the protocols. This Task Force would be travelling to Member States in the near future to conduct the assessment. COMESA further requested Member States to provide guidance to the Task Force, including key stakeholders in each Member State, to facilitate consultation;
- (b) COMESA Secretariat noted that some of the timelines for implementation of the Protocols had elapsed and requested feedback from Member States on whether these timelines need to be reviewed in light of this;
- (c) The meeting noted the need for clearly understanding the realities of what is happening on the ground in order to inform the way forward for implementation of the protocols. The possibility of inclusion of entities outside of COMESA Member States in the Task Force was also raised. The meeting pointed out that the Task Force would need to take into consideration issues raised during this meeting during their visits to Member States and factor them into the assessments;
- (d) The meeting reiterated the need for sensitization at grass-roots level on the protocols, for example with respect to issues such as land rights. COMESA Secretariat noted that it had been mandated to address this issue and was in the process of mobilizing resources for its implementation. The meeting stressed the need for a change of mind set in relation to free movement, including among border officials, focusing less on border control and more on border management/ migration management.

### **Recommendations**

75. The meeting recommended a reciprocal communication between Member States and COMESA Secretariat in advance of the Task Force visits to Member States to ensure that timely and adequate information is provided to guide and facilitate the assessment.

**SADC Regional Labour Migration Action Plan, presented by Ms. Angelique Inzun Okomba, Secretary General, Ministry of Labour, Democratic Republic of Congo. (Agenda Item L)**

76. The meeting considered a paper on the SADC regional labour migration action plan, presented by Ms Angelique Inzun Okomba, Secretary General, Ministry of Labour, of the Democratic Republic of Congo.

77. The presenter stated that the idea of developing a Regional Labour migration action plan had first been developed at a MIDSA (Migration Dialogue in Southern Africa) meeting of high level government officials, which was held in Mauritius in August 2012.

78. Following this proposal, a Technical Working Group (TWG) was formed, comprising of representatives from Ministries of Labour and Home Affairs from four countries in the region. The TWG was tasked with drafting a regional action plan. This process was supported by other key stakeholders who worked together with the TWG to produce a draft SADC regional labour migration action plan.

79. The presenter explained that the draft action plan was then presented and adopted by the joint meeting of Ministers of Home Affairs and Labour MIDSA in Maputo, Mozambique, during the second MIDSA Ministerial Meeting in July 2013. The objective of the action plan is to ensure a harmonized regional labour migration policy environment that protects and guarantees equal rights and access to decent and productive work for migrants workers.

80. The presenter indicated that the action plan is premised on two key issues, namely: (1) ensuring that the interests of the countries of origin and destination on one hand, and migrant workers on the other, are compatible; (2) ensuring that migrant workers enjoy human and labour rights in accordance with the ILO Declaration of 1998 on the fundamental labour principles and rights and the eight fundamental conventions which call for the protection of all workers, including migrant workers, and also promotes their contribution to social and economic development.

81. Following its adoption by the joint ministers meeting, Member States were encouraged to develop national road maps to implement the provisions of the regional action plan.

82. The presenter further shared the process her country had initiated following the adoption of the SADC Regional labour migration action plan. DRC is in the process of developing a national action plan. In this regard, the presenter informed the meeting that DRC had established a national Task Force comprising of representatives from the ministries of labour, home affairs, health, regional integration, and justice. This Task Force has since developed Terms of Reference and a road map for implementation of the regional action plan on labour migration.

**Discussions**

83. The meeting noted the following:



- a) Zimbabwe clarified that it was still working towards a migration policy that had been under development for about 5 years. They urged COMESA to assist Member States in coming up with policies that consider a cross-sectional approach which included labour, immigration and trade;
- b) Most Member States had more accurate immigration data than emigration data and requested suggestions on how migration data could be captured more accurately;
- c) DRC is putting together a migration policy which would be validated soon. They reflected the need for reliable data in order to better inform policy.
- d) The meeting deliberated on the importance of migration profiles, which most of the Member States do not currently have. The meeting noted the need for better understanding of national migration profiles in accordance with the specificities of each Member State to help inform decisions. The meeting was informed that COMESA, with assistance from IOM, has developed a project on migration profiles;
- e) COMESA informed the meeting that further to a decision taken by the Ministers Responsible for Immigration on the need for regional data sharing, that a questionnaire had been sent to Member States to establish what such a database may include and that a workshop is planned for next year to take this initiative forward;

## **Recommendations**

84. The meeting made the following recommendations:

- (a) IOM and COMESA should urge Member States to adopt an inter-ministerial approach by bringing together ministries with migration related functions e.g. labour, trade and immigration, to facilitate coordination and policy coherence on migration management;
- (b) The COMESA RCP should be Member State led with commitment and political will for its continuity and sustainability;
- (c) Member States must endeavour to find a balance between immigration and emigration regulation and adopt best practices of the Regional Economic Communities that have successfully developed a database for the same guided by best practices;
- (d) The meeting recommended that Migration Profiles and related data be compiled for all COMESA Member States.

## **Sharing Experiences on Labour Migration, Mauritius, presented by *Mr. Humush Guckool, Chief Inspector, Passport and Immigration, Mauritius.* (Agenda Item M)**

85. The meeting considered a paper on the Experiences of Mauritius on Managing Labour Migration, which was presented by Mr Humush Guckool, Chief Inspector, Passport and Immigration.

86. The presenter explained that most of the labour migrants in Mauritius are engaged in the construction and manufacturing industries. He further highlighted that Mauritius issues various types of permits and visas, including tourist, study, employment and investment

visas/ permits, amongst others. A special package is available for retirees who have an income in excess of USD 40,000 per annum, which in turn benefits the Mauritian economy through circulation of capital.

87. Since 2010 Mauritius has embarked on the removal of visa requirements for 209 countries worldwide, including all COMESA Member States. Furthermore, visas are issued without cost for national of countries that are required to obtain a visa.
88. The presenter indicated that this visa regime has presented a number of opportunities for Mauritius, including foreign direct investment, tourism, and reciprocal labour opportunities, such as with France, where Mauritian students can remain in France for up to a year after completion of their studies in order to gain practical experience.
89. In addition to the opportunities highlighted above, the presenter explained that Mauritius had also experienced a number of challenges as a result of the relaxation of visas. These include marriages of convenience, an increase in visa overstays, and the fact that foreign nationals do not always easily adapt to the local values and cultures.
90. The presenter explained that to mitigate some of these challenges, the Mauritius Government has in place an integrated data management system, which allows various ministries to collaborate and cross-check data on individual migrants.

**High Level Dialogue on Migration, presented by Professor John O. Oucho, on behalf of Mr. Charles Kwenin, IOM Senior Regional Advisor for Sub-Saharan Africa. (Agenda Item N)**

91. The meeting considered a presentation on the High Level Dialogue on Migration, which will be held in New York from 3-4 October 2013. This presentation was delivered by Professor John Oucho, from the African Migration and Development Policy Centre, on behalf of Mr Charles Kwenin, IOM Senior Regional Advisor for Sub-Saharan Africa.
92. The presenter recalled that the issue of migration was not included in the Millennium Development Goals because at that time it was not considered as a priority. Moreover, he emphasised that although the 1990 Migrant Workers Convention had been adopted by the United Nations General Assembly, it had still not been ratified by many African states. This is despite there being an increase in the number of migrant workers from and within the continent.
93. The meeting was informed that the issue of migration gained momentum after the first High Level Dialogue took place in New York in 2006. This led to the establishment of a state-led process; the Global Forum on Migration and Development, and the Global Migration Group.
94. He also explained that since this time, IOM's membership has increased from 120 to 149 Member States. Moreover, its field presence has grown from 290 to 440 locations.
95. The presenter explained that the UN General Assembly has adopted a resolution for a second High Level Dialogue to be held in October, 2013, with the theme of identifying concrete measures to strengthen coherence and cooperation to enhance benefits of

international migration for migrants and countries alike and its linkages to development. Under this overall theme, four round-table discussions will be held around the following sub-themes: 1) Effects of international migration on development / post 2015 priorities; 2) Human rights of migrants, especially women and children / combatting trafficking and smuggling; 3) Partnerships and cooperation, integration of migration into development policies; 4) International and regional labour mobility and its impacts on development.

96. The presenter informed the meeting that IOM proposed policy-related recommendations for the High Level Dialogue including: improving the public perception of migrants, factoring migration into development planning, protecting the human rights of migrants, managing migration in crisis situations, enhancing evidence and knowledge base on migration, promoting policy coherence, and recognising that migration is not just a south-north phenomenon.

### **Discussion**

97. The meeting noted the following:

- a) There is a challenge of incorporating a multiplicity of recommendations from various migration-related forums, some of which are conflicting;
- b) It is important to recognise the link between migration and development in general, and specifically the inclusion of refugees in development programmes;
- c) There is need to improve the perception of migrants among officials and host communities, which are commonly associated with ‘problems’;
- d) The meeting was informed that although the perception is that migrants take jobs from nationals of host countries, that in practice, migrants in fact fill gaps in the job market that are not being filled by host-country nationals;
- e) The meeting raised concern that while data is more commonly available on immigration, that Member States rarely capture comprehensive emigration statistics, and that this impedes the ability of sending states to protect their nationals abroad and to be able to utilize the diaspora potential effectively. Indeed, emphasis was placed on the need to initiate diaspora engagement programmes.

### **Consideration of Overall Recommendations (Agenda Item O)**

98. The meeting made the following overall recommendations:

- i. The Task Force on the Implementation of the COMESA Protocols, through the Secretariat, to inform Member States in advance of its missions to Member States, to ensure the engagement of all relevant stakeholders;
- ii. Member States to enhance their recognition of and engagement with the diaspora regarding their contribution to social and economic development of countries of origin;

- iii. COMESA Member States to strengthen data collection, analysis, dissemination and use, including through the development of Migration Profiles, to better inform policies at national and regional level;
- iv. COMESA should implement the decisions taken by Ministers responsible for Immigration relating to awareness-raising on the benefits of well managed migration among migrants, host communities and border officials;
- v. Member States to strengthen mechanisms for information sharing, experiences and best practices in migration management, for example through the Joint Permanent Commissions on Cooperation and bilateral immigration arrangements;
- vi. Member States should consider the signing and ratification of the Protocol on the Free Movement of Persons.
- vii. Member States should recognise the need to address migrants' rights, including access to health and social services.
- viii. Member States should recognize the International Organization for Migration (IOM) as the lead Migration Agency assisting COMESA and its Member States to address both policy and operational migration challenges, and request COMESA to urge all its Member States to join IOM membership to facilitate national and regional migration management.
- ix. Convene a Round Table Meeting of all African migration dialogues (RECs) under the auspices of the African Union and with the assistance and technical support of IOM and relevant partners to share ideas, information, experiences, lessons and best practices to enhance inter-regional cooperation, regional integration and economic cooperation. Operationalise the outcomes and recommendations of the COMESA Migration Dialogue and consultative process on migration through Regional programmes and practical initiatives.
- x. Integrate the COMESA Migration Dialogue and Consultative Process into the COMESA Structure for continuity and sustainability.

## **Adoption of the Report and Closure of the meeting (Agenda Item P)**

### **Adoption**

99. The report was adopted with amendments.

### **Closure of Meeting**

**Statement by the Director of the Legal and Institutional Affairs Division of the COMESA Secretariat, Mr. Brian Chigawa, on behalf of the Secretary General of COMESA**

100. A closing statement was made by Mr. Brian Chigawa, Director of the Legal and Institutional Affairs Division of the COMESA Secretariat on behalf of the Secretary General of COMESA.

101. In his closing statement, the Director thanked the delegates for having taken the time to attend the meeting as well as for their invaluable contributions during the meeting. He acknowledged and thanked IOM for its assistance in the preparation of the meeting and their contribution to COMESA's integration Agenda. He also thanked the representative of the IGAD Secretariat for having shared the Organization's experiences, which would assist in strengthening cooperation amongst the REC's.

102. He reminded the meeting that the Task Force would be travelling to their respective Member States and urged them to work together with the Task Force as well as the IOM country offices in order to facilitate the implementation of the COMESA migration agenda

103. The Director concluded by thanking the Government of Zambia and in particular, the Director General of Immigration, Mr. Milomo who worked tirelessly to ensure the success of the meeting. He ended his remarks by urging continued communication between the Member States and the COMESA Secretariat

**Statement by the International Organization for Migration Regional Director for Southern Africa, Mr. Bernardo Mariano**

104. The International Organization for Migration's (IOM) Regional Director for Southern Africa, Mr. Bernardo Mariano made a statement to the meeting.

105. He expressed his pleasure at having had the opportunity to work with COMESA in the organization of the first RCP. He thanked the Government of Zambia for its invaluable support and commended the delegates' commitment to the process.

106. The Regional Director reiterated the importance of establishing the consultative process and expressed his wish for improved migration data systems across the region. He noted the importance of intercultural relations, which arise from migration, and which could be further improved by doing away with the negative perceptions that are often associated with migration.

107. He concluded his remarks by emphasizing the need to differentiate between intentions and actions and that the RCP was a step towards action commencing from the development of RCP operating modalities.

**Closing Remarks, Statement by the Director General of Immigration, Ministry of Home Affairs, Zambia, Mr. Moola Milomo**

108. Lastly, Mr. Moola Milomo, Director General of Immigration, Ministry of Home Affairs, Zambia, commended the meeting for two days of hard work, which would assist in harmonizing the migration policies of the region. He noted the importance of reaching consensus amongst the Member States and emphasized that communication was key to achieving this.

109. He thanked the COMESA Secretariat and the IOM, on behalf of the Minister, for having organized the first RCP, which he felt was crucial in moving towards a common plan of action amongst the Member States. He noted that the meeting was also served to facilitate the work of the Task Force once it begins moving from Member State to Member State.

110. He concluded his brief remarks by wishing delegates safe passage to their respective capitals and closed the meeting.

## Annex I

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## Annex II

### **COMMON MARKET FOR EASTERN AND SOUTHERN AFRICA (COMESA) REGIONAL CONSULTATIVE PROCESS (RCP) MIGRATION DIALOGUE**

#### **PROPOSED OPERATING MODALITIES<sup>1</sup>**

##### **1. INTRODUCTION**

The COMESA Meeting of Ministers responsible for immigration held in Lusaka 16-17 March 2011, decided inter-alia on; The establishment of a Regional Consultative Process (RCP) for the COMESA region on migration management that will coordinate the implementation of pilot programs and enhance the inter regional cooperation with other institutions such as the East African Community (EAC) and Southern Africa Development Community (SADC) to harmonize their immigration instruments and policies. This recommendation is further in line with African Union's position on the importance of RCPs. The COMESA Thirty First meeting of the Council of Ministers held in Kampala, Uganda on 19-20 November 2012 endorsed the concept of establishing a COMESA RCP and granted authority to proceed with the launch of the COMESA-RCP in June 2013. The COMESA-RCP will be one of the RCPs formed with migration as a pillar within a broader framework with other complementing pillars. The COMESA RCP will help re-shape the interpretation of the term RCP as processes that are necessarily informal and non-binding in their decisions. The COMESA RCP will also be a process within a regional trade/economic body that has a mission and responsibilities to formulate binding agreements in many areas. The potential for the COMESA RCP to directly influence multilateral agreements will be especially strong given its positioning within a regional common market.

The Common Market for East and Southern Africa (COMESA) focuses on enhancing shared economic prosperity through regional integration of its 20 member states. Since migration issues are inextricably linked with trade and development issues, as well as with security, the new added focus on migration through the COMESA-RCP is a natural development. Reaching formal commitments is important for facilitating the free movement of people and

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<sup>1</sup> These operating modalities address how the COMESA-RCP will be carried out and provide overall guidelines in which to structure this dialogue and related activities. The proposals are of a preliminary nature and make recommendations subject to discussion for further refinement in order to ensure the continuity of the process and consistency of its practical arrangements.

services and orderly labour migration in the COMESA region. When these agreements are difficult to achieve, among member states, alternative solutions such as Regional Consultative Processes (RCPs) can prove to be effective tools for interstate cooperation due to their non-binding nature. The RCP will bring together government officials to discuss migration-related issues in a cooperative way. In this regard, the RCP serves as a forum for enhancing the understanding of the causes and effects of factors leading to migration trends and also as a means for sharing reliable best practice on establishing effective strategies and policies. The COMESA-RCP complements the discussions on migration and decisions made in more formal and institutionalized settings such as, United Nations, African Union, COMESA-Meeting of Ministers Responsible for Immigration.

## **2. Objectives**

The main objective of the COMESA RCP is to provide a platform for informal and non-binding dialogue on issues and opportunities related to migration management thereby improving the capacity of the governments to better manage migration, including substantial progress towards harmonized data collection systems and harmonized immigration policy and legislation.

Specific areas of focus for COMESA RCP include the following:

- i. Migration and development;
- ii. Migration and trade;
- iii. Irregular migration;
- iv. Human trafficking and smuggling;
- v. Migration profiles;
- vi. Migration and health;
- vii. Capacity building in migration management;
- viii. Forced migration;
- ix. Labour migration;
- x. Migration policies, legislation and data collection;
- xi. Intra and inter regional trade and partnerships.

## **3. Membership**

Membership of the COMESA-RCP remains open to COMESA member states as shown below. Moreover, Member States are not required to formally apply for membership, as

membership is automatic by virtue of belonging to the Common Market for East and Southern Africa:

Burundi,  
Comoros,  
D.R. Congo,  
Djibouti,  
Egypt,  
Eritrea,  
Ethiopia,  
Kenya,  
Libya,  
Madagascar,  
Malawi,  
Mauritius,  
Rwanda,  
Seychelles,  
Sudan,  
Swaziland,  
Uganda,  
Zambia, and  
Zimbabwe.

#### **4. Observers**

Provision shall be made for Organizations such as Regional Economic Communities (RECs), African Union, other RCPs, UN agencies and other Inter-Governmental Organizations to participate as Observers.

The following criteria will be generally considered for granting observer status on an *ad hoc* basis:

- i. the benefit to be derived by the COMESA-RCP from the relevant experience, expertise and/or perspective on issues of concern to the COMESA-RCP member countries of the prospective Observer(s);

- ii. the ability and readiness of the prospective Observer(s) to conduct complementary activities at national, regional and international levels that are of relevance to the RCP objectives;
- iii. the ability of the prospective Observer to mobilise financial and other resources to support the proposed actions of the RCP and/or their willingness to align their activities with those of the RCP.

The Chair-in-Office, with due regard to the considerations in Section (i-iii above), may invite on an *ad hoc* basis relevant international, regional, organizations, institutions and affiliates to participate as Observers for that particular meeting. The Chair-in-Office will duly inform the RCP Member States of such invitation.

#### **5. Participation of Civil Society Organizations (CSO) and Other Interested Stakeholders**

The COMESA-RCP will provide for the participation of CSOs and other interested stakeholders, if deemed necessary, in open sessions of its meetings. CSOs and other interested stakeholders may include the following:

- Recruitment agencies;
- Independent experts;
- Migrant associations;
- Non-Governmental Organizations (NGOs)
- Diaspora organizations;
- Trade union representatives;
- Private sector entities;

The participation of CSOs and other interested stakeholders will be determined by the following:

- 1) Formal request for participation will be submitted to the Chair-in-Office,
- 2) The consideration for CSO and other interested stakeholder participation will be based on the following criteria:
  - i. Relevance, competence and operational interest on migration in general, and on labour migration issues more specifically;
  - ii. Regional, national, gender and thematic balance in the representations



3) The Chair-in-Office may, with due regard to the requirements of the agenda, invite relevant CSOs and other interested stakeholders to participate in open sessions of the meeting. The Chair-in-Office will duly inform the RCP Member States of such invitation.

## **6. Chairing arrangements – Bureau**

The chair in office takes the responsibility to chair all sessions related to the Dialogue assisted by a co-chair, the country that organized the previous dialogue. Once a third country has been identified to host the following meeting, the three countries concerned will form the Bureau that includes: the outgoing Chair, the Chair-in-Office, and the forthcoming Chair. The Co-chairs shall assist the Chair-in-Office. The Chair-in-Office should, in principle, alternate annually between a Southern and Eastern Africa country.

### **a) Chairmanship**

The Chairmanship of the Process will be held within parameters that provide for the following:

- 1) Chairmanship of the RCP should be aligned with that of the cycle of COMESA chairmanship;
- 2) The country that is the Chair-in-Office of the Process will play the role of host country for the Meetings unless another Member State volunteers to host.
- 3) The Chair-in-Office will lay out a written agenda for distribution to the entire membership covering the priority issues and/or actions it will consider during the course of its Chairmanship as well as proposed timeframes for meetings and consultations

### **b) Support Structure**

A core support structure will be established within the COMESA Secretariat, comprising a technical focal point and an administrative support focal point. This support structure may be extended to include government staff as well as experts and advisers seconded from other governments and from interested institutions shall be established to assist the Chair-in-Office in preparation of the Dialogue. The COMESA Secretariat shall be responsible for maintaining the archives and for other related matters such as ensuring that a webpage dedicated to the COMESA RCP is kept up-to-date.

## **7. Relationship with COMESA**

The COMESA-RCP will be one of the RCPs formed with migration as a pillar within a broader framework with other complementing pillars. The COMESA RCP is a process within a regional trade/economic body that has a mission and responsibilities to formulate binding agreements in many areas. The potential for the COMESA RCP to directly influence multilateral agreements will be especially strong given its positioning within a regional common market. Though the COMESA-RCP itself may not be empowered to pursue binding agreements, its positioning within COMESA will provide additional weight, and a direct path, for the recommendations to lead to concrete outcomes.

### **8. Format and Hosting of Meetings**

The COMESA-RCP will be convened every two years, to alternate with the statutory meetings of Chiefs of Immigration and Ministers responsible for Immigration. The RCP meeting will bring on board representatives from ministries of trade and labour in addition to immigration.. At the end of each Meeting, the COMESA Secretariat will prepare a report on the proceedings of the Meeting.

The Ministerial Meetings and SOMs will be managed as follows:

- 1) The Chair-in-Office, in consultation with the membership, will determine according to the established agenda, which sessions will be open and which will be closed;
- 2) 2) Observer entities to the RPC may participate only in open sessions of the Ministerial Meetings at which they may be invited to take the floor as determined by the Chair-in-Office;

### **9. Operational and Technical Support**

The COMESA Secretariat, with support from the International Organization for Migration (IOM), and other development partners will provide operational as well as technical support to the COMESA RCP. The IOM will provide additional administrative support to the Chair-in-Office, and will perform the following tasks:

- 1) Provide operational and technical support with the preparations, including the thematic discussions, agenda, reports, RCP studies as well as any other substantive matters, particularly in relation to the Dialogue ;
- 2) Provide support for fundraising, follow-up activities and projects;

- 3) Provide any other operational and technical support related to the RPC activities, as deemed necessary.

#### **10. Funding**

- 1) The Chair-in-Office will undertake to make the necessary material contributions, including the provision of equipment; meeting space for the meetings that take place in the course of its Chairmanship;
- 2) Encourage member states to fully fund their participants to participate in meetings.

#### **11. Process for making recommendations**

The recommendations at the RCP meetings will be made on the basis of consensus.

#### **12. Amendments to the Operating Modalities**

The Operating Modalities may be amended by the RCP Ministerial meetings.