

COMMENTS by The African Group

Rev. 1 (12 July 2011)

AGREEMENT OF THE HIGH REPRESENTATIVES OF THE STATES MEMBERS OF THE AFRICAN UNION ON LARGE MOVEMENTS OF REFUGEES AND MIGRANTS

We, the Heads of State and Government and High Representatives, meeting at the United Nations Headquarters in New York on 19 September 2011 to address the question of large movements of refugees and migrants, have adopted the following declaration:

1. Recognizing the challenges

1.1 Since earliest times, humanity has been on the move. Some people move in search of new economic opportunities and horizons. Others move to escape conflict, persecution, terrorism or poverty, or food insecurity, or food insecurity. Still others do so in response to natural disasters, climate change or other environmental factors. In any event, indeed, for a combination of these reasons

1.2 We have considered today how best the international



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!1 Underlining the importance of a comprehensive a

accurate data on the whereabouts of people and vessels who are stranded at sea' ; and we will

as appropriate, national and regional anti-human trafficking policies' We note initiatives such as the ; African Union Horn of Africa Initiative on Human Trafficking and Smuggling of Migrants; Reaffirming the importance of the UN Convention against Transnational Organized Crime and the two relevant Protocols thereto, we encourage ratification of, accession to and implementation of relevant international instruments on preventing and combating trafficking in persons and the smuggling of migrants'

! '1! We will ensure, on the basis of bilateral, regional and international cooperation, that adequate, sustainable and predictable financing is made available to enable countries to respond to the immediate humanitarian and developmental needs of the large number of refugees and migrants arriving in their territories to prevent large movements of refugees and migrants as well as to for host countries, in where large numbers of refugees and migrants are arriving in their territories'

! '1! is We will intensify international support to host Governments, where appropriate, through appropriate capacity building activities, including training of relevant officials, providing financial, technical and advisory services to ensure the needs of persons who have been exposed to physical or psychological danger are addressed on their arrival, in particular those Governments that have received large numbers of refugees and asylum seekers

! '1- We will take steps to combat discrimination in our societies against refugees and migrants and to strengthen their inclusion in all spheres of life' National policies will be developed to this end in consultation with civil society, the private sector, employers and workers' organizations and other stakeholders' We also note the obligation on refugees and migrants to observe the laws of their host countries

! '1- is We commit to implement policies and strategies that promote the social, economic and cultural inclusion of migrants within existing legal frameworks in countries of destination' We commit to ensure migrants' access to adequate health, education and equal employment opportunities, and to combat workplace and recruitment discrimination, (working with migrants and conducting awareness raising interventions for private sector employers'

! '15 We will invest in improved data collection (national authorities, including, sex- and age-disaggregated data, as well as information on regular and irregular flows, the economic impacts of migration and refugee movements, and other issues, in coordination with countries of origin and relevant United Nations organization)'

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- '1 We commit to ensure the protection, protecting the safety, dignity, and human rights and fundamental freedoms of all migrants, regardless of status, at all times' We will cooperate closely with each other to facilitate and ensure safe, orderly, regular and responsible migration, including return and readmission'

- '1 We acknowledge our responsibility to protect the interests of, and assist, our migrant communities abroad, including through consular cooperation' We underline the right of migrants to return to their country (of citizenship)' We reassert on that all states to must readmit their returning nationals who used

- on the law of the country of destination have no right to stay in other countries and to ensure that they are duly received, and they must ensure the readmission of their nationals without undue delay.
- ! **ter** –is We acknowledge losses in human capital and agricultural resources as a result of migration and negative impacts, food security, sustainable farming, sustainable agriculture as well as rural development in countries of origin and we **commit** to invest in strategies which can strengthen social protection, increase rural employment opportunities especially for women and youth. Source: D; \* :
- ! **quat** –is We recognize lack of development prevents especially young people from receiving adequate education, and employment opportunities often serving as a push factor for migration. To address this challenge, we will commit to strengthen the institutional capacities of countries of origin, including their educational institutions, with special focus on higher education, skills and vocational trainings. We



facilitate transfer of remittances and facilitation of relations between the diaspora and their countries of origin' productive investments'

-7 We will ensure that migration and reintegration after return are mainstreamed in global, regional and national sustainable development plans and humanitarian policies and programmes'

-# We ~~will~~ take note of the work done (the Global Migration Group to develop principles and practical guidance on the protection of the human rights of migrants in vulnerable situations within large and/or mixed movements'

support is particularly important for government authorities who are the first receivers of migrants'

- '1- We recognise the progress made on international migration and development issues within the United Nations system, including the High Level Dialogue on International Migration and Development. We will support enhanced global and regional dialogue and deepened cooperation on migration, particularly through exchanges of best practice and mutual learning and the development of national or regional initiatives. We note in this regard the valuable contribution of the Global Forum on Migration and Development.
- '15 We will foster more opportunities for safe, orderly and regular migration, including employment and education opportunities. We will be sensitive to the needs of fragile states and countries and areas which are in crisis. We will pay particular attention to issues such as the ethical recruitment of migrants, the reduction of recruitment and other migration-related costs, the facilitation and productive use of remittance flows, enhanced transfers of skills and knowledge and the creation of employment opportunities for young people.
- '17 We strongly encourage cooperation between, on the one hand, countries of origin or nationality and, on the other, countries of destination and other relevant countries in ensuring that migrants who do not meet the criteria for staying what are the criteria? in the latter can return to their country of origin or nationality in a safe, orderly and dignified manner. This includes the type of return, whether voluntary or



- 5'7 We believe that a comprehensive response should be developed, initiated and coordinated (UNHCR and involving member states and other relevant UN agencies, for all situations involving large movements of refugees'. This should involve a whole-of-society approach spanning the United Nations, other international organizations, national and local authorities, civil society partners, including faith-based organisations and academia, the private sector and the media'. ~~Statements for such a comprehensive response are included in the Global Compact on Refugees and Sharing for Refugees which we are adopting today (linked to this declaration:'~~
- 5'# We will not implement restrictive refugee admission policies or arrangements which may curtail rights and commit where appropriate, to assist States that are unable to conduct early and effective registration and documentation of refugees in their territories'. This will ease

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We reaffirm that host States have the primary responsibility to ensure the civilian and humanitarian character of areas, and to commit to take all measures necessary to ensure respect for the principles of refugee protection and, in particular, to ensure that the civilian and humanitarian nature of refugee camps is not compromised by the presence or the activities of armed elements or used for purposes that are incompatible with their civilian character' (GA, RES, 47/13, 2001. "A11i1/ance /o refu. ee12 re/urnee1 an3 3i1place3 per1on1 in Africa"

5'9 ter We encourage the international donor community to provide financial and material assistance that allows for the implementation of community based development programmes, including those related to social services, environment and security, that benefit both refugees and host communities in agreement



