



Regional migration governance and free movement regimes

Co-convened by **Diego Acosta Arcarazo**, University of Bristol, **Joseph Teye**, University of Ghana and **Anna Triandafyllidou**, CERC Migration, Toronto Metropolitan University

Date: Tuesday, September 27, 2022
Time: 10:00 AM – 4:30 PM EDT / 9:00 AM – 3:30 PM PET / 4:00 – 10:30 PM CEST
Location: Hybrid - In person at CERC Migration office / online via Zoom

OVERVIEW

Free movement regimes have become an important tool in migration governance at global level. Not only are there several free movement regimes in various regions, but they are also mentioned in the Global Compact on Migration under objective five as an important tool to expand legal pathways for safe, regular and orderly migration. Despite their importance, free movement regimes have been the subject of scarce academic attention and their analysis has mainly been restricted to the case of the EU. This workshop proposes to take a much more global perspective to discuss the functioning of various free movement regimes in Africa, the Caribbean, South America and beyond. It also intends to debate the way in which these regimes interact with national legislative instruments on migration and global legal frameworks, such as the Geneva Convention on Refugees, as well as how they might be able to respond to imminent challenges including displacement due to environmental degradation.

PROGRAM

10-10:30 AM EDT	Welcome reception
10:30 AM EDT	Welcome: Anna Triandafyllidou , CERC Migration, Toronto Metropolitan University, Diego Acosta Arcarazo , University of Bristol and Joseph Teye , University of Ghana

- 10:40 AM-12:40 PM EDT** **Panel 1: *The promise and pitfalls of free mobility regimes in the African continent***
- Chair:** Diego Acosta Arcarazo, University of Bristol
Co-chair: Melissa Kelly, CERC Migration
- Free movement in West Africa: Achievements and challenges to the implementation of the ECOWAS Protocol | Joseph Teye, University of Ghana**
- Re-negotiating AU's free movement protocol: Towards an effective migration governance | Adeoye O. Akinola, University of Johannesburg**
- Regional migration governance in Eastern and Southern Africa | Linda Oucho, African Migration and Development Policy Centre / Migration Policy Centre**
- 12:40-1:30 PM EDT** **Lunch break**
- 1:30-3:55 PM EDT** **Panel 2: *Addressing complex challenges through free mobility regimes***
- Chair:** Joseph Teye, University of Ghana
Co-chair: Marshia Akbar, CERC Migration
- Understanding regional policy reactions to the Venezuelan displacement crisis | Feline Freier, Universidad del Pacifico**
- Removing walls and fences in the 21st century. Towards a new paradigm of borders, free movement and people? | Diego Acosta Arcarazo, University of Bristol**
- Return migration, circularity and possibilities for enhanced mobility regimes | Zeynep Şahin Mencütek, Bonn International Centre for Conflict Studies / CERC Migration**
- Responding to refugee crises and displacement through regional governances | Idil Atak, Toronto Metropolitan University**
- 3:55-4:30 PM EDT** **Reflections and concluding remarks**

ABSTRACTS

PANEL 1

Free movement in West Africa: Achievements and challenges to the implementation of the ECOWAS Protocol | Joseph Teye, University of Ghana

While media and political narratives tend to suggest an exodus from West Africa to Europe, a majority of migrants from West Africa have been moving to destinations within the sub-region. In recognition of the potential and actual benefits of intra-regional mobility, the Economic Community of West African States (ECOWAS) adopted the Protocol on Free Movement of Persons, Right of Residence and Establishment in 1979 (Protocol A/P.1/5/79). This was followed by the formulation of a number of agreements and supplementary protocols aimed at facilitating the mobility of labour and goods within the ECOWAS region. Although these instruments provide guidelines for promoting intra-regional mobility and regional integration, there is enough evidence to suggest that the full implementation of the protocol has not been achieved. This presentation seeks to examine the achievements and challenges to the implementation of ECOWAS free movement protocol. The presentation will demonstrate that while free movement of persons has contributed to intra-regional trade, flow of remittances, and improved livelihoods for some Community citizens, the full implementation of the ECOWAS free movement protocol has not been achieved due to a number of challenges, including harassment of migrants at the borders, lack of travel documents by some citizens, low level of knowledge about the protocol, and lack of coherence between the member states' national laws and the ECOWAS Protocol. The presentation will conclude with recommendations for improving the governance of migration within West Africa.

Re-negotiating AU's free movement protocol: Towards an effective migration governance | Adeoye O. Akinola, University of Johannesburg

Building on the Lagos Plan of Action, African leaders identified regional integration as the most sustainable approach to African socio-economic development. One of the pillars of regionalism has been the establishment of free trade and free movement protocols. Indeed, the success of free trade and unrestricted movement of capital is dependent on free human mobility. Thus in 2018, the African Union (AU) approved a protocol founded on the 2006 Migration framework for Africa and the 2016 launch of Africa's passport. The AU Free Movement Protocol established the African economic community relating to the free movement of people, right of residence, and rights of the establishment. While member states are obligated to harmonize their national policies, legal frameworks, and systems with this Protocol, cases of non-compliance have impeded the successful implementation of free mobility. In contravention to the Protocol and Global Compact for Migration, from the West to Southern Africa, several states continue to reinforce anti-immigration policies such as economic protectionism, extreme nationalism and xenophobia. The study interrogates the implementation of the Protocol, explores the status of free mobility in Africa, identifies the impediments to free migration, and proffers sustainable policy frameworks for effective migration governance in Africa.

Regional migration governance in Eastern and Southern Africa | Linda Oucho, African Migration and Development Policy Centre / Migration Policy Centre

In 2006, the African Union Commission developed the Migration Policy Framework for Africa as a guiding framework to assist regional economic communities and member states to understand and manage their migration. The framework was revised in 2018 and included a 10-Year Plan of Action to assist member states and Regional Economic Communities (RECs) in developing instruments that reflected their respective migration profiles and provided strategic guidance to the key stakeholders and social partners. The migration governance structure in the East African Community (EAC) and the Southern African Development Community (SADC) has been strengthened based on discussions with members with technical and financial support provided by the International Organization for Migration (IOM) and the International Labour Organisation (ILO). The aim of this paper is to compare the regional migration governance structures of the EAC and SADC to determine how they have evolved through time to respond to the changing social, political, economic and environmental conditions at present today. This paper will take stock of the migration profile in the respective regions; highlight the regional instruments that are guiding member states in their efforts to strengthen regional integration; and the role and impact of the regional migration governance structure in managing migration in the respective regions.

PANEL 2

Understanding regional policy reactions to the Venezuelan displacement crisis | Feline Freier, Universidad del Pacifico

With over six million people having left their home country, the Venezuelan displacement crisis is one of the three largest international displacement scenarios in the world and the largest in Latin American recent history. In dealing with the Venezuelan exodus, executives had at least six distinct policy options: 1. The expediate naturalization of Venezuelans as Latin American citizens; 2. Protecting Venezuelans as refugees under the 1984 Cartagena definition of refugee, 3. Granting Venezuelans legal residence under regional free movement agreements; 4. Protecting Venezuelans as vulnerable migrants 5. Treating Venezuelans as any other immigrants, and 6. Maintaining Venezuelans largely in irregular status. This paper first offers a judicial description of these six categories and then critically discusses the determinants of policy choices across countries. The paper thus contributes to our understanding of how the Latin America's free movement agreements interact with national legislative instruments and global legal frameworks on migration management and refugee protection.

Removing walls and fences in the 21st century. Towards a new paradigm of borders, free movement and people? | Diego Acosta Arcarazo, University of Bristol

Adopted by 152 countries at the UN General Assembly in December 2018, the Global Compact on Migration (GCM) aims at achieving 'safe, orderly and regular migration along the migration cycle' through a number of commitments enshrined under 23 objectives. As highlighted by various commentators, the GCM primarily intends to facilitate mobility. Against this background, objective five is, arguably, the most important. States commit to enhance, diversify, and expand the 'availability

and flexibility of pathways for regular migration’. Doing that should facilitate ‘labour mobility and decent work’, while at the same time upholding ‘the right to family life’ and responding ‘to the needs of migrants in a situation of vulnerability’. To realize such ambitious commitment, objective five proposes the adoption of international and bilateral cooperation arrangements and offers three examples of what they could include: visa liberalization, labour mobility cooperation frameworks, and free movement regimes. While free movement regimes emerge as the most comprehensive and expansive of such arrangements, they are not defined in the Compact and few scholars have paid attention to them. This project attempts to identify, define and categorize free movement regimes at the global level and to distinguish them from other agreements facilitating mobility.

Return migration, circularity and possibilities for enhanced mobility regimes | Zeynep Şahin Mencütek, Bonn International Centre for Conflict Studies, CERC Migration

Free mobility regimes may stimulate emigration and return migration, thus increasing overall levels of circulation. Also, as empirical studies show, growth in return migration naturally occurs following economic crises, when receiving countries impose restrictive asylum policies or when sending countries encourage return through diaspora policies. However, many migrants tend to re-migrate after returning (reverse returns). Particularly when they are forced to return – often without preparedness and voluntariness – the re-migration tendency – at least at an aspirational level – is particularly prominent. Re-migration, circularity of returnees and transnational lives are often the case despite policy expectations for sustainable reintegration of returnees and sedentariness of people. Against this background, this presentation focuses on the potential links between return migration and free mobility regimes by raising both empirical and policy questions. Empirical questions include: 1) To what extent do free movement regimes accommodate the realities on the ground about return/re-migration circles between sending and receiving countries 2) How do free movement regimes respond to people’s own trajectories about mobility? Related policy questions include: 1) Is there any way to shift increasing policy attention and high-cost investments in return and reintegration programs of receiving countries to strengthen regional free mobility regimes? 2) Can the regularization programs targeting irregular migrants be taken as an example for creating more ‘inclusive’ free mobility regimes?

Responding to refugee crises and displacement through regional governances | Idil Atak, Toronto Metropolitan University

The aim of migration governance is to regulate the causes and consequences of migration in order to change a traditionally spontaneous and unregulated phenomenon into a more orderly and predictable process. The debate over the governance of the international refugee regime has emerged during the 1990s, with challenges such as the increase in numbers of asylum seekers and irregular migrants, declining asylum opportunities, the growth of humanitarian emergencies in conflicts, and the rise of nationalist populist discourses linking migrants and refugees to security threats. This presentation examines the role of regional governances in refugee crises and displacement. It focuses on recent developments in Europe and North America to explore the strengths and limits of the refugee protection frameworks.

BIOGRAPHIES

Diego Acosta is Professor of European and Migration Law at the University of Bristol. He has over 50 publications and his last book, *The National versus the Foreigner in South America*, is considered as the most important work in the region from a comparative and historical perspective. His new projects engage with free movement of people regimes at the global level. He has advised numerous governments, parliament, international organizations and law firms on migration and citizenship matters in the USA, Europe, Africa, Latin America and the Caribbean.

Adeoye O. Akinola is Senior Lecturer and Head: Research and Teaching at the Institute for Pan-African Thought and Conversation (IPATC), University of Johannesburg, South Africa. He obtained a doctorate in political science from the University of KwaZulu-Natal in South Africa. He was a Visiting Assistant Professor at the United Nations University for Peace (UPEACE) Africa Regional Programme in Addis Ababa, Ethiopia. He was a member of the UPEACE mission to Somalia and Somaliland in 2019, and co-editor of the IPATC's journal, *Pan-African Conversation: An International Journal*. He is the author and co-author of five books, including the edited volumes on, *The Political Economy of Xenophobia in Africa (2018)*, and *Worlds Apart? Perspectives on Africa/EU Migration (In Press)*. He specializes in *Globalization, African political economy, resource governance, migration, conflict, and peace studies*.

Idil Atak is Associate Professor at the Lincoln Alexander School of Law, Toronto Metropolitan University. The former editor-in-chief of the *International Journal of Migration and Border Studies (IJMBS)*, Idil Atak is a past president of the Canadian Association for Refugee and Forced Migration Studies (CARFMS). She is conducting a research project funded by the Government of Ontario's Early Researcher Award and examining the securitization of irregular migration in Canada. Idil Atak also leads the Canada-related portions of an international research initiative exploring the impacts of the United Nations Refugee and Migration Compacts on the functioning of the international refugee protection system. The project has received funding from the Social Sciences and Humanities Research Council and the European Union's Horizon 2020 research and innovation program.

Feline Freier is Associate Professor of Political Science at the Universidad del Pacífico (Lima, Peru) and Research Chair on Forced Displacement in Latin America and the Caribbean for the International Development Research Centre. Her research focuses on migration and refugee policies and laws in Latin America, south-south migration and the Venezuelan displacement crisis. Freier has published widely in both academic and media outlets, and has been interviewed on the Venezuelan displacement crisis in international media, including BBC, El País, La Presse, and The Economist.

Freier has advised various international institutions and organizations, such as Amnesty International, International Committee of the Red Cross, Inter-American Development Bank, International Organization for Migration, and the World Bank. She is Migration Research and Publishing High-Level Adviser of the IOM.

Zeynep Sahin-Mencutek is Senior Researcher Bonn International Centre for Conflict Studies (BICC), Germany and Research Affiliate, CERC Migration, Toronto Metropolitan University. Mencutek's research interests stand at the intersection of international relations, migration and governance studies. Currently, she leads a cross-regional research project on return and reintegration that focuses on Western Balkans, the Middle East, and Western Africa. Previously, she held an international fellowship at the Centre for Global Cooperation Research in Duisburg (2019-2020). She served as an assistant professor and achieved the rank of associate professor in International Relations in Turkey. She was a Senior Researcher for the Horizon2020 project titled RESPOND: Multilevel Governance of Mass Migration in Europe and Beyond. Her book, *Refugee Governance, State and Politics in the Middle East* (Routledge, 2018) explores how refugee governance differs across countries and why they diverge, looking in particular at Turkey, Lebanon and Jordan. She published several articles in internationally refereed journals, chapters in international collected volumes, book reviews and policy reports.

Linda Adhiambo Oucho is an established migration expert and Executive Director of the African Migration and Development Policy Centre (AMADPOC), an independent think tank leading in policy-based research on migration and development issues in Eastern Africa and beyond. She has led research projects on thematic areas including internal, regional, and international migration, poverty, climate change, youth-employment-migration nexus, forced displacement as well as diaspora engagement with national development. Oucho works in partnership with international institutions including University of Ghana, Open University and Carleton University and works closely with national governments assisting key stakeholders to understand migration dynamics to inform the development of policies on migration. She has consulted for many non-governmental organizations, serves as an editorial board member for the *International Migration Review* (IMR) and is a Migration Research and Publishing High Level Advisor for the International Organization for Migration (IOM). She is an active member of the National Coordination Mechanism for Migration (NCM) led by the Government of Kenya in partnership with non-state actors.

Joseph Teye is Associate Professor and Director of the Centre for Migration Studies at the University of Ghana. He is also Co-Director of the United Kingdom Research Innovation South-South Migration, Inequality and Development Hub. His current research interests include migration and development, migration governance, environmental change and migration, and natural resource governance. Joseph Teye has participated in large research projects funded by international organizations, including UK Research & Innovation; European Union; African, Caribbean and Pacific Observatory on Migration at the International Organization for Migration (IOM); International Labour Organization (ILO); and International Centre for Migration Policy Development (ICMPD). He has been working with international organizations, regional bodies (e.g. ECOWAS and African Union Commission), and various African governments to develop migration policies. He was a lead consultant for the development of the National Labour Migration Policy and the national migration policies in a number of African countries including Ghana, Sierra Leone, Malawi, Zambia and Zimbabwe.