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Deutsches Institut für
Entwicklungspolitik



German Development
Institute

Discussion Paper

9/2018

Regional Migration Governance in Africa and Beyond

A Framework of Analysis

Eva Dick
Benjamin Schraven

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Bonn 2018

Discussion Paper / Deutsches Institut für Entwicklungspolitik
ISSN 1860-0441

Die deutsche Nationalbibliothek verzeichnet diese Publikation in der Deutschen Nationalbibliografie; detaillierte bibliografische Daten sind im Internet über <http://dnb.d-nb.de> abrufbar.

The Deutsche Nationalbibliothek lists this publication in the Deutsche Nationalbibliografie; detailed bibliographic data is available in the Internet at <http://dnb.d-nb.de>.

ISBN 978-3-96021-065-8 (printed edition)

DOI:10.23661/dp9.2018

Printed on eco-friendly, certified paper

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Published with financial support from the Federal Ministry for Economic Cooperation and Development (BMZ)

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Foreword and acknowledgements

This Discussion Paper has been written as part of the DIE research project “Reducing root causes of forced displacement and managing migration”, which was supported by funding from the German Federal Ministry for Economic Cooperation and Development (BMZ).

The paper benefited from feedback on previous drafts from Julia Leininger, Jörn Grävingholt, Niels Keijzer und Irene Schöfberger. We further thank the participants of the workshop “Regional migration governance: Concepts, trends and policies” (held in December 2017 in Bonn), particularly Caroline Njuki, Sandra Lavenex, Stephen Adaawen and Marcia Vera Espinoza, for their insights and comments. Our field work was made possible by the support of Mrs Fathia Alwan and colleagues from the Health and Social Development Division of the Intergovernmental Authority on Development (IGAD). Last, but not least, we are grateful to Jana Fiona Grieger and Christopher Wogens, who assisted with compiling data on regional migration and forced displacement and with editing the paper.

Bonn, April 2018

Eva Dick, Benjamin Schraven

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Abbreviations

AU	African Union
COMESA	Common Market for Eastern and Southern Africa
CRRF	Comprehensive Refugee Response Framework
EAC	East African Community
ECOWAS	Economic Community of West African States
EU	European Union
IDMC	Internal Displacement Monitoring Centre
IDP	Internally Displaced Person
IGAD	Intergovernmental Authority on Development
IGADD	Intergovernmental Authority on Drought and Development
IOM	International Organization for Migration
OAU	Organisation of African Unity
RCP	Regional Consultative Process
REC	Regional Economic Community
RMMS	Regional Mixed Migration Secretariat
RO	Regional Organisation
SADC	Southern African Development Community
UNDESA	United Nations Department of Economic and Social Affairs
UNHCR	United Nations High Commissioner for Refugees

Executive summary

In the context of the global refugee crisis, trans-Saharan and trans-Mediterranean (irregular) migration from Africa to Europe has recently received huge public and political attention, particularly within Europe. Calls for reducing and containing irregular migrant flows and addressing the “root causes” of forced migration dominate the European policy discourse. However, migration within the African continent is much more prevalent than migration from Africa to Europe or other parts of the world. About two-thirds of African international migrants are living in another African country. The types of mobility thereby range from seasonal labour migration to forced displacement with varying geographic extensions.

Against this background, the African Union has defined norms and strategic guidelines regulating migration and forced displacement and regional organisations such as the Intergovernmental Authority on Development (IGAD) in the Horn of Africa and the Economic Community of West African States (ECOWAS) are involved in migration governance. Regional organisations and migration platforms are gradually becoming acknowledged political players, also reflecting a general trend of regionalisation and pluralisation in international and migration policies. Their actual involvement in global policy processes, such as the currently negotiated Global Compacts for Migration and on Refugees, as well as in EU-Africa migration initiatives remains nonetheless limited.

While increasingly recognised, up to present, regional migration regimes outside Europe remain little understood regarding their main drivers, features and impact. The present paper sets the ground for enhancing this understanding by introducing a framework of analysis for regional migration governance. The framework incorporates elements of various approaches to international organisations of which regional organisations (ROs) form a subset. In this context, both institutional characteristics such as organisational identity and history and the interests of (powerful) member states and external actors are considered key explanatory factors for migration-related strategy formulation and implementation.

The framework introduced is intended as a general scheme for the analysis of regional migration governance around the globe – not only specifically in Africa. However, in this study, migration governance in the two African sub-regions – Economic Community of West African States (ECOWAS) and the Intergovernmental Authority on Development (IGAD) at the Horn of Africa – is used to illustrate the diversity of historical pathways, migration realities and challenges as well as institutional settings. Whereas the IGAD sub-region is characterised by high levels of forced displacement, the ECOWAS countries have a long tradition of circular and seasonal labour migration, not least mirrored in a relatively established and internally driven migration policy agenda.

The paper shows that the framework facilitates a comprehensive understanding of regional migration governance structures and processes. Our hitherto analysis based on the framework indicates that the organisations studied, IGAD and ECOWAS, are well-placed for the management of regional migration. Institutional structures between the two differ, for instance, with regard to levels of legalisation, with ECOWAS disposing of strong formal powers to enforce regional policies and IGAD privileging informal cooperative relationships between member states. Since both regions experience challenges in the implementation of regional norms at national and sub-national levels, (further) financial and technical support in this area is necessary.

1 Introduction

Migration within the African continent is much more prevalent than migration from Africa to Europe or other parts of the world. About two-thirds of African international migrants are living in another African country. The types of mobility thereby range from seasonal labour migration to forced displacement with varying geographic extensions. Against this background, the African Union (AU) has defined norms and strategic guidelines regulating migration and forced displacement (AU, 2006, 2009) while regional organisations, such as the Intergovernmental Authority on Development (IGAD) in the Horn of Africa and the Economic Community of West African States (ECOWAS), have established migration governance structures.

In the international policy sphere, regional mobility regimes – comprising regional organisations acting on migration and more informal intra- or interregional cooperation platforms – are becoming acknowledged political players, albeit with some ambiguities. While concept papers for the presently negotiated Global Compacts for Migration and on Refugees (see UNHCR [United Nations High Commissioner for Refugees], 2017c) stress the important role of regional organisations, their de facto leeway to influence these processes is rather weak. And although the regional application of global migration initiatives is supported in some cases, for example in the context of the Comprehensive Refugee Response Framework (CRRF) with pilot implementation in the Horn of Africa (IGAD [Intergovernmental Authority on Development], 2018), recent European migration agreements such as the EU Horn of Africa Migration Route Initiative (“Khartoum Process”) of 2014 and the Euro-African Dialogue on Migration and Development (“Rabat Process”) of 2006 indicate the opposite. They primarily entail collaboration with national governments thereby sidelining regional organisations and programmes (Castillejo, 2016; Dick, Schraven, Koch, & Etzold, 2018).

Irrespective of such contrasting developments, but aggravating their assessment, there is still little knowledge about the features and the impact of regional migration regimes outside Europe. What factors accounted for the inclusion of migration in regional policies? What are the institutional set-ups and processes of regional governance systems? Who are the main actors and what are their interests? What types of migration are at the centre of cooperation and what challenges are sought to be addressed? And: How effective is regional migration governance at regional, national and local levels, and beyond the regional sphere?

The present paper sets the ground for answering these questions by introducing a framework of analysis for regional migration governance. No framework allowing a comprehensive analysis of regional migration governance was available upon project start. Existing migration governance indexes or frameworks either relate to the national level (Economic Intelligence Unit, 2016; IOM [International Organization for Migration], 2015) or do not allow all the above questions to be addressed (Hulse 2014; Lavenex, Flavia, Terri, & Buchanan, 2016). Having said this, the present framework was able to draw on bodies of literature analysing international organisations, regionalism and migration policies in Africa and elsewhere (such as Börzel, 2016; Hartmann, 2016; Hulse, 2014; Lavenex et al., 2016; Ngunyi & Oucho, 2013; Peters, Freistein, & Leininger, 2012).

The framework introduced is intended as a general scheme for the analysis of regional migration governance all around the globe – not only specifically in Africa. However, two

African regional economic communities (RECs) and their respective migration governance frameworks are used in this study to illustrate the diversity of historical pathways, migration realities and challenges as well as organisational and institutional settings. Inversely, first insights on migration and governance challenges in these regions have contributed to empirically “grounding” the framework. These two RECs are the West African ECOWAS and IGAD at the Horn of Africa.

This paper is structured as follows: The subsequent, second section explains the rise of regionalism and the pluralisation of regional migration regimes. In the third section, the diversity of regions and their migration realities are illustrated, using the example of the ECOWAS and IGAD regions in Africa. The fourth section introduces the rational and key categories of the analytical framework. The paper concludes with preliminary insights on the regional migration governance features of the two case study regions and implications for the framework derived from the fieldwork to date.

2 Regionalism and regional migration governance

Regional migration regimes have received increasing attention in the last two decades, both as an object of academic enquiry and in political discussions. Apart from the predominance of migration flows taking place within regions or neighbouring countries, as opposed to overseas flows, this fact was spurred by at least two developments in international relations to be observed from the 1990s onwards: the rise of regionalism, and the pluralisation of the migration policy landscape.

2.1 The rise of regionalism

In the post-World War II period political regionalism has expanded and deepened. It manifests in geographically proximate states establishing regional organisations and engaging in economic integration processes or other areas of cooperation. As of today, almost all governments are involved in one or several regionalisation projects. Moreover, regional governance extends beyond the governmental sphere also involving non-state actors and informal cooperative forms and networks (Börzel, 2016, p. 41; Söderbaum & Hettne, 2010).

Depending on the respective strands of literature, different forces driving the formation, institutional features and issue agendas of international organisations, of which regional organisations form a subset¹, are emphasised. From a functionalist perspective, the role of (strong) member states is highlighted. States engage in trade and economic cooperation or in joint security agendas due to perceived interdependencies and common interests such as the reduction of trade barriers or gains in legitimacy. From a sociological or constructivist

1 Following the definition of Keohane (1989, pp. 3f.), we consider international organisations as a special form of an international institution, defined by a certain set of formal and informal rules regulating behaviour patterns, limiting actions and forming expectations. Unlike the other two types of international institutions (regimes and conventions), international organisations are more formalised and have their own organisational structure with their own (sub-)budgets and bureaucracies, thus turning them into actors in international politics.

angle, the intrinsic logic and identity of regional organisations is underlined (Hartmann, 2016; Peters et al., 2012, p. 14; Söderbaum & Hettne, 2010, p. 23). They are recognised as (partly) autonomous actors towards their member states, other regions, or international organisations. Moreover, in the context of the “new regionalism” emerging in the 1990s, regions are discussed as part of the multiplication and multi-leveilling of international relations and the rescaling of political authority also involving a larger role of non-state actors (Börzel, 2016, p. 43; Hartmann, 2016, p. 278; Hulse, 2014, p. 547).

Box 1: Dominant theoretical perspectives on international organisations

In the last years, two perspectives have dominated the discussion on international organisations (Peters et al., 2012, p. 5). The first, rationalist, perspective considers nation states as principal actors driving the formation and further development of an international organisation. Depending on sub-branches of discussion within this perspective, different aspects are highlighted. While some authors would not concede any significance of international organisations for international politics at all, others (such as Gilpin, 1981; Kindleberger, 1988) acknowledge that at least some international organisations may (though mainly for a limited period of time) offer a sound and stable framework for states to engage in a deepened cooperation – provided powerful states expect a benefit from such cooperation. In contrast, neoliberal authors (such as Snidal, 1985) consider that cooperative frameworks might evolve and even remain stable *without* single states being engaged in maintaining the framework’s structures. Thereby, they focus rather on the role of standards or norms in international organisations creating a system, which may allow states to attend to their interests and make a non-adherence to the accordant rules unattractive. The historical institutionalism approach goes even a step further and explains the stability of international organisations with their persistency: For example, institutional arrangements such as the unanimity principle tend to make it very hard to change an organisation’s basic rules. That, in turn, can be explained with the reliability of expectations of the states involved when it comes to the founding of an international organisation (Pierson, 2000). But the stability of international organisations can furthermore be explained with the particular interest of their beneficiaries in maintaining them (for example, international bureaucracies; Hawkings, Lake, Nielson, & Tierney, 2006).

The second, sociological or social constructivist branch acknowledges the potential “actorness” (in the sense of a capacity to act) (see Hulse, 2014, p. 547; Söderbaum & Hettne, 2010, p. 14) of a regional or international organisation. In other words: It is not nation states alone that determine the institutional structure, agendas and decisions of international organisations (Biermann & Siebenhüner, 2009). Some authors in that school of thought pinpoint the role of international organisations as socialisation entities, which significantly contribute to a diffusion of norms (such as democratic standards). In contrast to the rational approach, the adherence to these norms is not regarded as a consequence of exogenous force but rather induced by endogenous interests and preferences and part of the socialisation process. Other sub-branches such as sociological institutionalism that are based on system-theoretical considerations perceive international organisations as actors continuously striving for their autonomy (Koch, 2009).

As mentioned above, economic and trade integration is often a key driver for the establishment of regional organisations resulting in the formation of RECs. In Africa, apart from the African Union² as a continental institution, examples of RECs with strong regional integration agendas are ECOWAS, EAC (East African Community) and COMESA (Common Market for Eastern and Southern Africa). IGAD – which also became a REC in 1996 – constitutes an exception in that it focused on drought management at its time of

2 The African Union was established in 1999, in continuation of its predecessor organisation the Organisation of African Unity (OAU) created in 1963. The vision of a political and economic unification of all African states transcending linguistic and religious borders constitutes a central characteristic (Hartmann, 2016, p. 7; Leininger, 2012, p. 69). However, the relationship between regional and continental responsibilities has never been fully clarified.

foundation and subsequently on peace and security, also as a result of external pressure. With the exception of ECOWAS, migration rarely constituted a central policy area of RECs from the very beginning, but evolved as a functional spill-over from (predominantly) efforts for regional market integration. In recent years, external policy interests and pressure, notably against the background of the European “migration crisis”, also further pushed a migration agenda.

The institutional shape of regional organisations varies considerably.³ In terms of structures for decision-making, some organisations are characterised by relatively high levels of legalisation in that regional jurisdictional, executive as well as law-making powers supersede those of member states (supranational orientation); many times this goes along with systems for majority voting which facilitate decision-making and preclude national vetoes halting processes for extended periods. Other regional organisations are attributed less powers by their member states (intergovernmentalist orientation) frequently entailing decisions taken out of consensus-building (Hulse, 2014, p. 556). Operational structures, processes and capacities are likewise highly varied. They involve diverse levels of centralisation, as well as financial and technical capacities for agenda- and norm-setting and implementation tasks (regulation, information and monitoring) in the diverse policy fields or sectors. A specific feature on the African continent is the simultaneous membership of countries in both the AU (in which all African countries are a member) and regional organisations. Moreover, overlapping membership in several RECs is common. Although this might be a result of member states’ genuine interest for different regional alliances, it also constitutes a source of conflict for states when seeking to domesticate potentially incongruent regional conventions (Ngunyi & Oucho, 2013, p. 136).

2.2 The pluralisation of the international migration policy landscape

In the last two decades, against the backdrop of increasingly dynamic and diversified global migration and the resulting pressures in the respective destination countries, the global policy debate on migration has gradually gained momentum (Maru, 2012, p. 25). Inter alia, this has manifested itself in the pluralisation of migration platforms and policy actors – amongst them regional organisations, but also players from other levels of government and from outside the state (Angenendt & Koch, 2017, p. 19). Up to that point in time, migration had been a rather neglected field in international norm-setting and policies, with the exception of regulations pertaining to the protection of refugees and internally displaced people. Although the International Organization for Migration (IOM) carries an explicit migration-mandate, this refers to operational responsibilities and support without a norm-setting function (Newland, 2017, p. 8). Meanwhile, nation states continued to maintain full sovereignty in the management of migration (Angenendt & Koch, 2017, p. 17; Lavenex et al., 2016, p. 59).

In the last two decades, in Africa and elsewhere, regional migration governance has evolved in dissimilar formats exhibiting different degrees of formalisation, as well as policy

3 According to Ngunyi & Oucho (2013) and specifically referring to the East and Southern African region, the degree to which ratified regional (or international) norms translate into national policies and practice is also contingent on the nature of legal systems (monist versus dualist) in the respective member states (Ngunyi & Oucho, 2013, pp. 135ff.).

priorities. Broadly speaking, three formats can be differentiated (Angenendt & Koch, 2017, p. 17). The first developed alongside regional economic and trade integration policies of formal regional organisations. Not surprisingly, in many cases intentions to spur freedom of movement are at the centre of migration-related debates, but agendas also include other themes. The second are informal dialogue processes, the so-called Regional Consultative Processes (RCPs), which developed within regions or sub-regions and are frequently facilitated by the IOM. Many times, the RCPs centre on security topics (Lavenex et al., 2016, p. 457). The third format are transregional cooperation dialogues and programmes in which representatives of (at least) two different regions – of origin and destination – more or less regularly convene to consult on migration (and to a smaller degree define migration programmes). These interregional processes such as the EU-Horn of Africa Migration Route Initiative (“Khartoum Process”) or its Western African “sister” the “Rabat Process” are also heavily geared towards security themes. In Africa, all three formats are almost exclusively state- or government-led and not connected to more informal, non-state forms of regional migration-related exchange. Examples of these would be historical trade routes and contemporary transnational migrant networks (Hartmann, 2016, p. 6; Ngunyi & Oucho 2013, p. 137f.).

In the policy sphere, (at least) three strategic narratives or objectives of regional migration governance manifest themselves (Knoll & de Weijer, 2016, p. 7; Lavenex et al., 2016, p. 4): The first is the enhancement of opportunities and livelihoods, within the context of which, for instance, regional free movement and economic integration are promoted. Moreover, this narrative entails maximising the benefits of (economic, social and cultural) remittances for the enhancement of the welfare of individuals and countries and promoting the integration of migrants in their receiving communities (Knoll & de Weijer, 2016, p. 14). The second is a rights-based approach pointing both to the various protection needs of migrants and forcibly displaced people⁴ and to rights for longer-term economic and social integration into their hosting communities. And the third narrative focuses on security and control also highlighting the need to fight irregular migration and practices such as migrant smuggling and human trafficking.

Within the context of the preparation of the Global Compact for Safe, Orderly and Regular Migration and the Global Compact on Refugees, both to be adopted in late 2018, the role of regional organisations in the global migration governance architecture is likely to be addressed. In a general context in which the current fragmentation and normative weakness of the international migration regime is often criticised, contributions of regional organisations (such as in the definition of norms for the free movement of people or the protection of rights of refugees and Internally Displaced Persons, IDPs) are increasingly put forward. Indeed, regional organisations may show certain advantages compared to global organisations. For instance, they are attested a higher likelihood of achieving commonality of interest between member states as compared to global-level arrangements (Nita, 2014, pp. 6-7). Moreover, due to already established economic or security relations and a smaller number of participating states, regional organisations are also believed to be more apt to achieving coherence between migration and other policy fields. Regional regimes are also assumed to bring about higher benefits for weak members, such as migrant-sending states (Dick et al., 2018; Nita, 2014, p. 6).

4 The focal attention may be on human, labour or refugee rights, respectively (Lavenex et al., 2016).

Due to the pertinence of regionalism and regional migration governance in academic and policy discussions, more information is needed on the set-up of the corresponding institutions and the migration realities they respond to.

3 Regional migration realities: the examples of the IGAD and ECOWAS regions

Regional organisations are very diverse with regard to their mandate, institutional structure and capacity. They are shaped by certain actor and power constellations within or outside the organisation determining the degree of a region's "actorness" which may also differ for the diverse issue areas an organisation is concerned with (Hulse, 2014, p. 549). Specific to the field of migration, regional organisations face unique characteristics related to the prevalence of different mobility forms (labour migration, forced displacement, and so on) and the challenges that migrants experience in intra- and interregional migration contexts (for instance, violation of human and civil rights).

Such specific migration characteristics, challenges and institutional settings are illustrated below using the examples of the two African RECs IGAD and ECOWAS. While both organisations have had quite ambitious agendas in the field of migration in the past years, they differ significantly concerning their regional migration characteristics and institutional settings and developments. Whereas the IGAD sub-region is characterised by high levels of forced displacement and mixed migration, the ECOWAS countries have a long tradition of circular and seasonal labour migration. Moreover, while migration has been a focal policy area for ECOWAS since the foundation of the organisation, reflecting the "commonplace" of intra-regional migration, it is a relatively new field in the case of IGAD.

3.1 Introducing the case study regions

IGAD

The IGAD region comprises seven member states, namely Djibouti, Ethiopia, Kenya, Somalia, South Sudan, Sudan and Uganda, all forming part of the larger Horn of Africa area. All are Anglophone countries except Francophone Djibouti, which gained independence from France in 1971. The entire population of the region is about 230 million people (IGAD [Intergovernmental Authority on Development], 2016, 2018); Ethiopia constitutes the country in the region with the largest population (approximately 102 million). In terms of environmental and climate conditions, a comparatively large part (roughly 70 per cent) of the region is covered by arid or semi-arid lands, ASALs (IGAD, 2016, p. 8; IGAD, 2012, p. 57).

In 1986, IGAD's predecessor organisation the Intergovernmental Authority on Drought and Development (IGADD) was formed by the founding members Djibouti, Ethiopia, Kenya, Somalia, Sudan and Uganda. South Sudan joined the organisation after its independence from Sudan in 2011. Eritrea joined IGAD in 1993, but suspended its membership in 2007 and has not re-entered since then, despite reported own requests to re-enter the organisation (Byiers, 2016, p. 7). While a severe drought period experienced between 1984 and 1985 and shared environmental challenges initially triggered regional cooperation, political factors

such as international pressure and expected developmental aid are cited as further key motives for its formation (Byiers, 2016, pp. 6-7).

In 1996, the transition to IGAD in its current organisational shape took place, along with the first of several topical extensions of the organisation. Since then, “peace and security” constitutes the policy field that IGAD is mostly closely identified with, irrespective of the fact that two years later, when the organisation became a Regional Economic Community (REC), economic development was added as a further topic. Today the organisation hosts four divisions reflecting its four pillars of regional cooperation: Agriculture and Environment, Peace and Security, Economic Cooperation, and Health and Social Development.

Forming part of the Health and Social Development Division, IGAD’s Migration Programme was formally established in 2010 following a recommendation in the first IGAD Regional Consultative Process (RCP) on migration which took place in 2008 (IAGD, 2008). Thus, the introduction of migration and forced displacement as additional topical fields of IGAD is strongly related to international policy initiatives on migration that were just starting up at the time. Besides the RCP, these were the 2006 African Union Migration Policy Framework; the 2006 Joint Africa-EU Declaration on Migration and Development; and the African-EU Partnership on Migration, Mobility and Employment established in 2007 (Lavenex et al., 2016, p. 19; RMMS [Regional Mixed Migration Secretariat], 2013, pp. 18-19).

The governance structure across all the thematic areas consists of the Assembly of Heads of State and Government as the key policymaking, directing and controlling body, the Council of Ministers of Foreign Affairs, the Committee of Ambassadors and the IGAD Secretariat. The Executive Secretary forms the Chief Executive Officer and is spokesman of the organisation (IGAD, 2018). Since 2008, this four-year term position has been held by a Kenyan, while Ethiopia has been chairing the Assembly of Heads of State – meant to annually rotate – and the Council of Ministers since the last Ordinary Summit of IGAD which took place in 2008 (Byiers, 2016, p. 14). The long time that has passed since 2008 (and by implication Ethiopia chairing the organ ever since) is considered as somewhat indicative of the organisation’s lack of adherence to formal procedures. At the same time, having organised several Extraordinary Summits in the meantime, IGAD has been attested an institutional flexibility quite advantageous in the volatile regional context, as will become clear by what follows below (Byiers, 2016, p. 15).

ECOWAS

The ECOWAS region consists of 15 member states (Benin, Burkina Faso, Cape Verde, Ivory Coast, Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone and Togo) virtually covering the entire geographical area of West Africa. The region is divided into an Anglophone country group (Nigeria, Ghana, Liberia, Sierra Leone, Gambia), a Francophone cluster (Côte d’Ivoire, Mali, Senegal, Togo, Benin, Burkina Faso, Niger, Guinea) and a smaller Lusophone group (Cape Verde and Guinea-Bissau). Founding member Mauretania left ECOWAS in 2000⁵ and Morocco has applied

5 Mauretania left ECOWAS in order to join the Maghreb union together with Libya, Morocco and Algeria (Africanews, 2017).

for an ECOWAS membership but whether this application will be successful is, at the time of publication, not yet decided.

ECOWAS, which is formally chaired by the head of a member state in a currently one-year term, was founded in 1975 following the Treaty of Lagos. It consists of an executive, legislative and judicative branch. The executive, the ECOWAS commission, is headed by a president and has 13 departments including areas such as finance, agriculture, peace and security, and energy and mines. The Community Parliament of ECOWAS consists of 115 members, proportionally distributed based on the population size of the member countries. The ECOWAS Community Court of Justice officially started operation in 1996. The court is intended to decide disputes between states over interpretations of the Revised ECOWAS Treaty in 1993 and has also jurisdiction concerning fundamental human rights violations. Besides economic integration, security cooperation is also one of the major areas of ECOWAS (ECOWAS [Economic Community of West African States], 2015).

The societal, economic, political and ecological situation in the ECOWAS region, which is inhabited by about 350 million people, is highly diverse. Climate- and environment-wise, the region ranges from arid desert landscapes in the Northern parts of Mali and Niger and several savannah types in the West-African interior to forest-savannah transition zones and tropical rainforest areas in the Southern coastlands of the subregion. Economically, the region consists of both fast-growing lower middle income countries like Ghana as well as some of the poorest countries worldwide like Niger or Burkina Faso.

Migration issues are treated in an own sub-unit and attributed to the area of operations of the Commissioner of Tourism, Trade, Customs and Free Movement. Already in 1979 ECOWAS adopted the “Protocol on Free Movement of Persons, Residence and Establishment” as the centrepiece of its migration programming, which was based on three phases: Phase 1 gives citizens of ECOWAS member states the right of visa-free entry into other member states and the right to stay in the other member states for up to 90 days; Phase 2 (originally scheduled for the time period 1985 to 1990 but only signed in 1986) refers to the right of residence; while Phase 3 (originally scheduled for the time period 1990 to 1995) refers to the right of establishment (including the access to non-salaried activities, creation and management of enterprises and companies, and the principle of non-discrimination). Up to now, Phase 3 has still not been ratified (Fiaramonti & Nshimbi, 2016, p. 21).

3.2 Migration in the IGAD region

Regional trends

In the IGAD region, migration and forced displacement occur in the general context of political instability, weak governance, recurrent armed conflicts, high poverty, and environmental degradation, with resulting high levels of individual and collective vulnerability (World Bank, 2015, p. 12). Consequently, it is “one of the major refugee producing and hosting regions in the world” (RMMS, 2015, p. 18), Ethiopia constituting the fifth and Kenya the seventh refugee-hosting nation and Sudan representing the fifth country of origin of refugees in global terms (Carciotto & Orsi, 2017).

That being said, the security-related and developmental situation of individual countries differs significantly. While Ethiopia, Djibouti, Kenya and Uganda have seen relative political and economic stability by regional standards – albeit occasionally interrupted – Somalia, Sudan and South Sudan have been marked by civil war, state fragility and the related social and economic destitution over most of the last decade or two. Within countries, high levels of socio-economic disparity between regions and histories of conflict have resulted in tenuous relationships between social and ethnic groups and repeated outbreaks of violence.

Against the background of what by common measures can be considered a harsh environment for human subsistence and moreover one prone to climate-related and other disasters, nomadic pastoralism – mobile livestock holding – has evolved as a coping strategy for a significant part of the regional population (IGAD, 2012, p. 57). Partly due to the informal nature of its activities and its sustaining (trade) networks, it has tended to be sidelined on the level of formal regional and national policies (Byiers, 2016, p. 7; IGAD, 2012, p. 57, 2013, p. 46).

Like other regions in Africa, the IGAD region is characterised by a large variety of migration forms, implying a multitude of drivers, paths and patterns. These can best be conceived of as a continuum between (completely involuntary) forced displacement and (completely self-determined) voluntary migration (Ngunyi & Oucho, 2013, p. 23). In the recent policy and also academic discourse, the fluid and variable manifestations between these two extremes are prominently reflected in the notion of “mixed migration” (Adepoju, 2016, p. 13; Njuki, 2017, p. 2; World Bank, 2015, p. 17), as elaborated in Box 2. Insufficient options for legal migration both within and out of the region feed into diverse forms of irregular migration, not least providing fertile grounds for migrant smuggling and human trafficking⁶ (Angenendt & Koch, 2017, p. 7).

Box 2: Mixed migration

According to the Office of the United Nations High Commissioner for Refugees (UNHCR), the term “mixed migration” refers to migrants travelling “in an irregular manner along similar routes, using similar means of travel, but for different reasons” (UNHCR, 2007). For the International Organization for Migration (IOM) it consists of “complex population movements including refugees, asylum seekers, economic migrants and other migrants” (quoted in RMMS, 2015, p. 14). Generally, the term testifies to the increasing difficulty of drawing a clear line between migrants and refugees. This is due to the common mix of motives for migration and the increasingly indistinguishable (irregular) migration routes and (illegal) services used by both migrants and refugees. The latter is in large part an outcome of constrained regular migration channels in major countries and regions of destination of the world (Angenendt & Koch, 2017, pp. 7-8; RMMS, 2013, p. 6).

While the concept aptly describes an important trend in cross-border movement also indicating major challenges for targeted policy responses, it does not capture all forms of mobility and the consequences relevant to the IGAD region, such as pastoralism and the several types of internal migration and displacement.

Geographically, migration in the IGAD region extends in different directions and for different distances. About 50 per cent of all cross-border migrants move within the region, which – compared to other Sub-Sahara African regions – constitutes a rather low proportion (IGAD, 2013, p. 7). For example, in the ECOWAS area this figure stands at 86 per cent while in the

6 While migrant smuggling involves the illegal and commercial transfer of a person into a foreign state, human trafficking is characterised by the use of coercive and abusive force during recruitment, transfer or receipt of persons (Oucho, 2009, p. 17; RMMS, 2013, p. 8, 2015, p. 14).

SADC (Southern African Development Community) region it was 71 per cent (IGAD, 2013, p. 7). Countries in the IGAD region are all origin, transit and destination countries (Adepoju, 2016; RMMS, 2015) showing however important country-specific differences depending on their levels of political and socio-economic stability.

Among migrants moving to destinations outside the region, four routes constitute the dominant trajectories (RMMS, 2015, p. 18): The so-called eastern route (people moving to Yemen, oftentimes continuing towards Saudi Arabia or farther); the southern route (via Kenya to the South, with South Africa figuring as the main country of destination); the northern route (via Egypt and into Israel); and the western route, referring to migrants moving through Sudan and Libya and in a possible subsequent steps to Europe (Horwood, 2015, p. 10-11; IGAD, 2012, 2013; RMMS, 2015; World Bank, 2015). Out of the four routes mentioned, the eastern route towards Yemen is considered the numerically most important one, followed by the Southern route to South Africa (Horwood, 2015, p. 10).

The routes to external destinations mirror established patterns of mobility, but also evolve dynamically depending on international policy changes and national or regional border management practices. For example, recent decreased arrivals in Yemen are attributed to higher incidents of deportation from Yemen back to Djibouti at the beginning of 2017 (RMMS, 2016, p. 2). Moreover, currently negotiated arrangements between the European Union and African transit countries such as Libya concerning externalised border control (RMMS, 2017, p. 5) are likely to significantly influence migration patterns along the “western” route.

Country-specific trends

Depending on the levels of political stability and the economic opportunities available, there are country-specific patterns in migration and forced displacement: Kenya, Uganda and Ethiopia constitute the predominant migrant and refugee-receiving countries in the region; South Sudan, Sudan and Somalia are their highest producers. Population size and geographic location are also important factors resulting in a small country like Djibouti hosting the largest proportion of immigrants in the region, of which many are seeking to transit to onward destinations across the Gulf.

Despite the “mixed” nature of migration in the IGAD region mentioned above (Box 2) we will discuss these trends on the basis of the common migration-related categories used in the literature and available statistics. The main category is the total number of international migrants encompassing all types of movements (also refugees), a category which is used in migrant stock data (UNDESA [United Nations Department of Economic and Social Affairs], 2017a/b). In a subsequent step, we present refugee and IDP-related trends (IDMC [Internal Displacement Monitoring Centre], 2017a; UNHCR, 2017a, 2017b).

Regarding migration, the following trends can be seen (see also Table 1):

- Some of the highest flows occur between Somalia and Kenya, as well as between Somalia and Ethiopia. In 2017, about 50 per cent of migrants in Kenya were Somalis while roughly 40 per cent of migrants in Ethiopia were Somalis. If refugee numbers are also considered, it becomes clear that refugees make up the largest part of the migrant population in the two countries, namely more than 60 and 50 per cent respectively. Due to the encampment policies pursued by both Kenya and Ethiopia, large numbers of refugees stay in camps located in their arid peripheries, for example, Dadaab in Kenya alone hosted almost 350,000 Somali refugees (Betts, 2013, p. 145; RMMS, 2015, p. 22).
- While in absolute numbers Uganda and Ethiopia are the most important migrant-receiving countries in the region, in terms of the proportion of migrants to the total population Djibouti shows by far the highest share of 12.1 per cent. South Sudan and Uganda follow but with significantly lower shares of 6.7 and 3.9 per cent, respectively.
- The majority of IGAD member states exhibit very high shares of immigrants from other IGAD states with respect to the total migrant population. The smaller proportion of IGAD immigration to Sudan can be attributed to a high influx from neighbouring Eritrea and Chad, and to Uganda from neighbouring EAC-countries, particularly the Democratic Republic of Congo (DRC). The proportional figure in Somalia is likely to be related to enumeration problems.
- Almost all IGAD countries are net emigration countries, featuring higher numbers of emigrants than immigrants. While according to the figures South Sudan is the only exception to the rule, its positive rate may be related to large numbers of war-striven DRC and Central African Republic (CAR) asylum seekers, the extremely porous borders of the new country (RMMS, 2013, p. 89), and under- or non-enumeration upon its foundation in 2011.

Member state	Total	Total from IGAD*	Percentage IGAD from total immigration	Percentage migrants of total population **	Percentage females	Net migration rate 2010-2015**	No. of refugees received in 2015***
Djibouti	116,089	108,869	93.8	12.1	47.4	1.35	19,365
Ethiopia	1,227,143	930,532	75.8	1.2	49.1	-0.13	736,086
Kenya	1,078,572	953,999	88.5	2.2	50.1	-0.23	553,912
Somalia	44,868	13,732	30.6	0.3	47.5	-3.50	8,081
South Sudan	845,239	731,306	86.5	6.7	48.9	7.75	263,016
Sudan	735,821	378,187	51.4	1.8	49.9	-3.23	309,639
Uganda	1,692,120	1,097,268	64.8	3.9	53.1	-0.81	477,187

Source: UNDESA 2017a
Notes: * Excluding Eritrea; ** UNDESA 2017b; *** UNHCR, 2017a

Beyond the relatively well-documented figures on international migration, in the IGAD region diverse types of internal migration (rural to urban; rural to rural; and urban to urban) form an integral element of the mobility landscape (IGAD, 2012). They play a key role both for regional economies and food security as in the case of nomadic pastoralism in the context of which the larger part of cross-border trade is practiced (IGAD, 2012, p. 27). At the same time, large numbers of voluntary or forcibly displaced internal migrants pose similar challenges (and arguably potentials) to receiving cities and municipalities as their cross-border counterparts (Adepoju, 2016; IGAD, 2012, pp. 57, 44).

In the case of forced displacement, including both refugee and IDP numbers, the following features are apparent (see Table 2):

- Somalia, South Sudan and Sudan are the IGAD member states producing the largest numbers of refugees, due to high levels of conflict, state fragility and related violence. They are also the countries with the largest numbers of IDPs in regional terms, which in the case of South Sudan and Sudan represent more than twice or five times the number of refugees produced, respectively. That said, Ethiopia, Kenya and Uganda – the principal refugee-receiving countries in the region – also produce significant numbers of IDPs (IDMC, 2016, p. 97).
- The figures reflect two contrasting developments within the region: On one hand they mirror the worsening humanitarian situation in South Sudan, in the context of which hundreds of thousands of citizens of that country are seeking refuge in Uganda. But they also indicate the somewhat improved political and security developments in Somalia: increasing numbers of refugees have been voluntarily returning to the country,⁷ for example from refugee camps in Kenya over the last four years, albeit with rather discouraging results (RMMS, 2018, 3).
- While conflict is a salient factor for displacement in most IGAD member states, natural disasters and drought are key drivers as well. Since 2014, consecutive drought periods have led to a stark increase in food insecurity and malnutrition in the Horn of Africa, not least affecting pastoralist communities (IDMC, 2017, p. 40, IDMC 2016, p. 55). As a consequence of drought intersecting with violent conflict, South Sudan is witnessing the “world’s fastest-growing [refugee crisis]” (RMMS, 2017, p. 3).
- All IGAD member states receive high shares of displaced children and young people under 18 which indicates particularly high levels of vulnerability. Many of them travel either unaccompanied or in female-headed household constellations; for example, among the newly arriving South Sudanese refugees in Ethiopia 90 per cent are women or children (World Bank, 2015, p. 16).

⁷ This however also reflects changed immigration policies in Kenya as their principal hosting country (RMMS, 2013, p. 14, 2015, p. 17).

Table 2: Refugees, asylum seekers, IDPs, returnees (refugees and IDPs) and others of concern to UNHCR in IGAD member states in 2015

Member state	Refugees produced (*)	Refugees hosted (*)	Returned refugees during 2014	IDPs protected/ assisted by UNHCR**	Returned IDPs	Percentage children under 18**
Djibouti	1,069 (1,440)	19,365 (17,683)	--	--	--	41
Ethiopia	85,834 (83,966)	736,086 (791,631)	5	258,000	--	58
Kenya	7,905 (7,534)	553,912 (451,099)	1,231	138,000	--	56
Somalia	1,123,022 (1,012,323)	8,081 (11,574)	32,344	1,107,000	5,000	53
South Sudan	778,629 (1,436,651)	263,016 (262,560)	--	1,854,000		61
Sudan	622,463 (646,036)	309,639 (421,466)	39,494	3,300,000	152,663	39
Uganda	6,316 (6,233)	477,187	1,192	53,000	--	61

Source: UNHCR, 2017a

Notes: * In parenthesis provisional data as of 2016 from UNHCR, 2017b.
** For IDPs from IDMC, 2017.

3.3 Migration in the ECOWAS region

Regional trends

The ECOWAS region has historically been characterised by a high degree of human mobility. More than half of all international migrants holding the citizenship of a Sub-Saharan African country are West Africans (Awumbila, Benneh, Teye, & Atiim, 2014). The degree of intra-regional migration – with about 86 per cent of the international migrants from West Africa staying in another West African country – is thereby higher than in other sub-regions (see below). The region has always experienced seasonal movements of pastoralists throughout the entire region. Furthermore, in addition to permanent migration, intra-regional patterns of circular or seasonal labour migration are common. For example, in colonial times, administrations facilitated migration between the poorer Northern Savannah to the Southern coastal areas and economic sectors (to work in the mining and timber industries) (Anarfi, Kwankye, Ofosu-Mensah Ababio, & Tiemoko, 2003). Today, urban manufacturing and services attract large migrant flows. The motives and drivers for migration are very diverse and range from livelihood diversification, high population densities, environmental change, difficult socio-economic conditions to cultural reasons or armed conflicts (Adepoju, 2016).

Moreover, the directions and the quantities of migration flows within the ECOWAS region are very dynamic and diverse. Although Côte d'Ivoire and Nigeria, for instance, have traditionally been the most important immigration countries for migrants from other countries of the sub-region, the role of these two countries as immigration hubs has been disrupted over and over by conflict and economic decline. In turn, emigration rates from Nigeria and Côte d'Ivoire have (significantly) increased in times of crisis. At least for a shorter time period, the outbreak of Ebola in 2014 has negatively affected the migration flows within the region as travel bans and the closure of some airports, seaports and some national borders were imposed. An important feature of migration processes within the ECOWAS region is also that it is still largely undertaken within the Anglophone (that is, between Ghana and Nigeria) and Francophone country groups and between directly neighbouring countries, respectively (Adepoju, 2005, 2016). In 2010, the migration corridor between Burkina Faso and Côte d'Ivoire was the largest within ECOWAS with 1.3 million people moving from Burkina Faso to Côte d'Ivoire and 840,000 people moving in the other direction. Other major migration corridors are the ones between Mali and Côte d'Ivoire, Benin and Nigeria, Ghana and Nigeria, Guinea and Liberia and Senegal and Gambia (Devillard, Bacchi, & Noack, 2015, p. 26).

Migration out of the region is likewise highly diverse. There are larger West African diasporas (mainly Nigerians and Ghanaians) in particular in the United States, South Africa and Great Britain. Likewise, France hosts a large group of migrants originating from its former West African colonies. These migrant groups consist of both high- and medium-/low-skilled workers and their families who had mainly migrated in a regular manner to their destination countries (Adepoju, 2005, 2016; Flahaux & de Haas, 2016). But in recent years there are also a growing number of West African citizens who are trying to enter Europe irregularly via highly dangerous routes through the Sahara desert – with Agadez (Niger) as an important travel hub – and the so-called Central Mediterranean route by sea from North Africa to Italy. Others become irregular migrants by overstaying short-term visas. According to Eurostat (2017), the percentage of Nigerians applying for asylum in the European Union among the overall group of (first-time) asylum applicants from Sub-Saharan countries was 23 per cent (that is, 51,000 applicants) in the time period between July 2016 and June 2017. Other larger groups of West African nationals in that statistic originate from Guinea (8 per cent), Gambia (7 per cent), Côte d'Ivoire (6.5 per cent), Mali (5 per cent), Senegal (5 per cent) and Ghana (4 per cent). All in all, citizens from ECOWAS countries represent by far more than half of the overall number of first-time asylum applicants in the European Union in the period of time mentioned.

Country-specific trends

In 2013, the stock of international migrants staying in the region was estimated at 9 million, which is about 3 per cent of the overall population. Drawing on the same common migration-related categories as in the IGAD migration statistics, Table 3 shows the country-specific trends for all 15 ECOWAS member countries.

Member state	Total	Total from ECOWAS	Percentage ECOWAS from total immigration	Percentage migrants of total population**	Percentage of females	Net migration rate 2010-2015 *	No. of refugees in 2015 **
Benin	253,284	210,229	83.0	2.3	43.9	-0.9	530
Burkina Faso	708,921	662,304	93.4	3.7	52.4	-1.5	34,017
Cape Verde	15,295	7,839	51.3	2.8	49.4	-4.3	/
Côte d'Ivoire	2,197,152	2,104,744	95.8	9.0	44.6	0.6	1,980
Gambia	205,063	195,642	95.4	9.8	47.3	-1.5	7,854
Ghana	417,642	314,447	75.3	1.4	49.1	-0.4	17,406
Guinea	122,796	79,213	64.5	1.0	41.1	-4.4	8,839
Guinea-Bissau	23,405	20,729	88.6	1.3	51.5	-1.2	8,684
Liberia	98,630	86,068	87.3	2.1	43.0	-0.9	36,505
Mali	383,721	136,789	35.6	2.1	48.8	-3.7	15,917
Niger	295,610	249,228	84.3	1.4	52.6	-0.3	124,721
Nigeria	1,235,088	1,050,981	85.1	0.6	45.1	-0.4	1,395
Senegal	265,601	143,858	54.2	1.7	46.9	-1.4	14,392
Sierra Leone	95,248	89,791	94.3	1.3	45.2	-0.6	760
Togo	283,966	255,454	90.0	3.6	49.7	-0.3	21,953
Source: UNDESA 2017a Notes: * UNDESA 2017b **UNHCR, 2017a							

The following trends can be observed for the countries of the ECOWAS region:

- Despite the fact that Côte d'Ivoire and Nigeria have experienced severe declines in immigration (see above), in absolute numbers they still have the largest proportion of migrants in the sub-region with almost 2.2 million and 1.2 million migrants, respectively. With regard to the share of migrants in the overall population, only Gambia has a higher share (9.8 per cent) than Côte d'Ivoire (9 per cent). But also Ghana and Mali are increasingly attracting migrants.

- With the exception of Cape Verde, Mali and Senegal all other ECOWAS countries show very high shares of migrants originating from other ECOWAS member states with percentages of at least 75 per cent. The smaller proportions of immigration from other ECOWAS countries can be explained with a high share of European immigration in the case of Cape Verde and both return migration and immigration from neighbouring non-ECOWAS countries in the case of Senegal and Mali.
- All countries have a slightly higher share of male than female migrants with the exception of Burkina Faso, Guinea and Guinea-Bissau.
- With Côte d'Ivoire being the only exception, all ECOWAS countries are net emigration countries. The fact that only Côte d'Ivoire has more immigrants than emigrants can be explained with the again growing migration from Burkina Faso since the end of the conflict in 2011 (Devillard et al., 2015, p. 26).
- Compared to Eastern and Central Africa, the share of refugees in all countries of the ECOWAS region is very low (see also Table 4).

In particular, the civil wars in the 1990s and 2000s in Liberia, Sierra Leone and Côte d'Ivoire led to a massive increase in forced displacement in the region (Devillard et al., 2015, p. 22). After these conflicts were brought to an end, forced displacement has generally lost much of its significance in West Africa though armed conflicts, criminality, insurgencies and kidnapping remain major threats to the security in wide parts of the ECOWAS sub-region. Table 4 illustrates some important trends:

- Nigeria has become the “hotspot” of (internal) displacement in the West-African sub-region with about 2.2 million internally displaced persons and 152,000 refugees at the end of 2015 in particular due to activities of the terror group Boko Haram and the related armed conflict in Nigeria's North-east.
- Although the conflict has officially ended for several years now, Côte d'Ivoire still has more than 300,000 IDPs and 71,000 refugees living abroad.
- The conflict in Mali has produced an even higher number of refugees than in the case of Nigeria (154,000) but the number of IDPs is with 62.000 much lower than in Nigeria or Côte d'Ivoire.
- With the exception of Mali where the UN-led peacekeeping operation MINUSMA is already ongoing since 2013, return rates for both refugees and IDPs are generally rather low in the region.

Table 4: Refugees, asylum seekers, IDPs, returnees (refugees and IDPs) and others of concern to UNHCR in ECOWAS member states in 2015

Member state	Refugees produced	Refugees hosted	Returned refugees in 2014	IDPs protected/ assisted by UNHCR	Returned IDPs
Benin	412	530	/	/	/
Burkina Faso	2,148	34,017	/	/	/
Côte d'Ivoire	71,105	1,980	1,226	301,000 (303,000*)	399
Gambia	8,491	7,854	/	/	/
Ghana	22,978	17,406	/	/	/
Guinea	17,005	8,839	/	/	/
Guinea-Bissau	1,471	8,684	/	/	/
Cape Verde	28	/	/	/	/
Liberia	9,987	36,505	58	/	/
Mali	154,211	15,917	4,088	61,920 (37,000*)	53,551
Niger	1,390	124,721	/	137,337 (136,000*)	/
Nigeria	152,136	1,395	/	2,172,532 (1,955,000*)	/
Senegal	21,280	14,392	/	24,000*	/
Sierra Leone	4,895	760	/	/	/
Togo	8,785	21,953	7	1,500*	/
TOTAL	476,322	294,953	5,379	2,680,061	53,950
Source: UNHCR, 2017a					
Notes: *For IDPs, where marked, from IDMC 2017					

4 Towards a framework of analysis for regional migration governance

In this section, a new framework of analysis for regional migration governance is introduced. The framework is intended as a conceptual tool to describe and explain the functioning and effectiveness of regional migration regimes in Africa and elsewhere. Regional migration regimes comprise both formalised action on migration by regional organisations and more informal cooperation mechanisms such as intra- or interregional dialogue platforms in which regional organisations participate (Peters et al., 2012, p. 8, Lavenex et al. 2016: 457).

The framework is intended to analyse the following: the factors and historical pathways that account for the inclusion of migration in regional policies; the institutional set-ups, capacities and processes of regional governance systems with regard to migration; the main actors involved and their specific interests; the (prioritised) types and aspects of migration, which are addressed by the regime and the related challenges; and the effectiveness of regional migration governance at regional, national and local levels, and beyond the regional sphere. A complementary strategic function of the framework is to provide a basis for policymakers at different levels to enhance identified strengths and address gaps of current regional migration governance.

No framework allowing a comprehensive analysis of *all* these dimensions of migration governance at the regional scale has been introduced to the academic debate on migration governance so far. That said, available governance indexes or frameworks have provided important inspiration. For example, the Global Migration Governance Index of the Economist Intelligence Unit (2016) presents a broad set of indicators for diverse migration policy domains (among others, labour migration management, international cooperation and migrant rights) which are relevant for assessing the quality of national migration governance. While instructive in its holistic approach, only a limited set of these indicators are relevant for regions which possess less migration-related sovereignty and regulation density as compared to nation states.⁸ Also the IOM's Migration Governance Framework (IOM, 2015) considers "governance and management of migration from the point of view of the State" (IOM, 2015, p. 2). Lavenex et al. (2016) propose a distinct classification for regional migration governance, which differentiates levels of legalisation and scopes of regional integration for different policy approaches to migration. Their argument that institutional constellations and degrees of formality might differ among the respective approaches or narratives is valid. However, the largely (legal) structure-based classification does not sufficiently focus on the influence of specific, for instance, powerful actors – strong member states, external donor agencies etc. – in the regional (agenda) setting. Finally, while Hulse's (2014) set of criteria for determining regional organisations' actorness (identity, decision-making, preference convergence, presence, and capabilities) helps to shed light on the role of regional actors within their broader international relations and policy context, it does not include criteria for assessing norms and implementation specific to the field of migration.

Against the backdrop of identified gaps in existing frameworks and the required dimensions of regional migration governance we propose the following main categories of analysis. These contain both categories that tend to be mainly explanatory (1 and 2) and others that tend to be related to outcomes (3 and 4):

⁸ On problems related to using nation state-centric norms for assessing regional "actorness", see also Hulse (2014, p. 548).

1. Foundational factors and aims: This category of analysis looks at the foundational context of the organisation, identifying factors related to the regional history, geography, culture or economic structure likely to intersect with migration and its governance. It also sheds light on the present and historical weight of migration as one regional policy field among others.
2. Institutional structures and processes: This category provides evidence on key decision-making and operative organs with the regional organisation, their respective mandates and functions as well as key actors. Formal and informal processes, the “rules of the game” and the way institutions interact are also assessed. In doing so, the scope of action of a regional regime vis-à-vis its member states and the agenda-setting power of actors of the continental and international development and migration policy landscape as well as the specific interests of these actors are considered.
3. Normative approach: Against the background of competing international narratives on migration that are in use (such as: free movement-oriented; rights-based; security-focused; see also Knoll & de Weijer, 2016, p. 6; Lavenex et al., 2016, p. 4), this category serves to understand the dominant strategic approach pursued in regional migration regimes. It also sheds further light on competing interests and approaches between relevant actors – both internal and external to the regional migration governance system.
4. Transfer to policies and practice: This category of analysis helps to examine the degree to which stated regional policy preferences are translated into written (formal) policies and to what extent they are implemented in practice “on the ground”, that is, nationally and in specific localities. This for instance involves the level of harmonisation between regional and domestic migration policies, as well as the sub-national depth and extent of implementation.

Criteria	Key questions (sub-criteria)
Foundational factors and aims	<ul style="list-style-type: none"> • What were key motivations and topics at the formation stage of the regional organisation (RO)? • To what degree did migration and displacement form part of the RO's "raison d'être"? • If migration played a role at the beginning, in how far was this reflected in respective policy initiatives? • If not, how and why did that change up to present?
Institutional structures and processes, actors	<ul style="list-style-type: none"> • How formalised, legalised and centralised are the RO's decision-making structures in the field of migration? • How formalised and centralised are the operational structures and processes of the RO migration governance architecture? • How are the RO's migration-related activities financed? • Who are the dominant (internal and external) actors influencing the RO and what are their goals and their specific impacts on the RO's migration agenda? • How advanced is the RO's data management?
Normative approach	<ul style="list-style-type: none"> • What is the ultimate aim and are the dominant migration narratives used by the organisation? • Has the organisation established a protocol on free movement? And, if so, what degree of free movement does it entail? • Has the organisation pronounced norms on countering human trafficking and other kinds of human and labour rights violations? • Does the RO propose measures to promote development aspects of migration? • Does the RO address diverse forms of migration (internal vs. international, forced vs. voluntary), as well as their overlaps? • Are different migration approaches and narratives covered in more formal or informal formats of regional cooperation?
Transfer into policies and practices	<ul style="list-style-type: none"> • To what degree are policy frameworks (and migration narratives) of the RO manifested in its implemented projects and programmes? What gaps/inconsistencies can be observed and why? • To what degree are relevant policy fields harmonised at a regional level (e.g. labour market, trade, education)? • To what extent are regional policy frameworks reflected in national migration policies of the member states? • To what degree do regional norms influence sub-national migration-related practices (administration, development planning, police, the private sector, etc.)? • How flexibly can the organisation respond to changing migration dynamics e.g. sudden mass influxes?
Source: Authors	

The framework is intended as a conceptual guideline for empirical research rather than as structure to be strictly pursued in all instances. This means that, during fieldwork, depending on situational, informant and methodological specifics, a selective approach placing a focus on certain categories and aspects but not on others can be perfectly appropriate.

5 Empirical application

While this paper primarily constitutes a conceptual contribution, the application of the framework of analysis to migration governance processes in the two regions introduced – IGAD and ECOWAS – has already brought some important insights. These are however of a preliminary nature and relate to regional-level policies and processes. How these interrelate with and diffuse into the national and sub-national levels is subject to further analysis and will be discussed in subsequent papers.

These are the results of our analysis up to now:

- Regarding **foundational factors and aims**, IGAD’s programming on migration did not start before 2008 and migration does not constitute one of the organisation’s traditional thematic areas, but can be traced back to intra-regional challenges and political tensions along with pressure and the interests of external funders. The opposite was the case for ECOWAS: Based on the long and diverse migration history of West Africa and a joint understanding of its member states about the potentials of labour migration, migration was a focal area of the regional economic community (REC) right from the beginning.
- Despite the fact that both organisations have one member state with dominant agenda-setting and financing powers (namely Ethiopia and Nigeria), significant differences can be found when it comes to **institutional structures and processes**. The cooperation on migration of IGAD member states strongly relies on informal dialogue structures such as the Regional Consultative Process (RCP) in which external and notably EU-interests carry significant weight. While IGAD has no mandate to take decisions on behalf of its member states showing a strong inter-governmental orientation, ECOWAS with its three branches of government and a strong commission has established a strong formal structure with significant decision-making competences indicating a fairly supranationalist orientation. Although important, the RCP for the ECOWAS region, the Migration Dialogue for West Africa (MIDWA), comparatively does not have the same significance for intra-regional issues.
- The **normative approach** to an extent reflects the different migration trends and realities in the two regions. For example, the IGAD region which experiences much higher rates of forced displacement ultimately aims to ensure that “migration is voluntary and legal, through methods that respect the human rights of migrants and collaboration among actors, including migrants, countries of origin, transit and destination” (IGAD, 2013, p. 8). A resulting focus lies on Initiatives (such as the Khartoum Process) to combat the adverse dimensions of migration such as human trafficking and migrant smuggling. In turn, ECOWAS had already adopted the Protocol on Free Movement of Persons, Right of Residence and Establishment as early as 1979. Despite some throwbacks for the protocol, the promotion of regional migration norms is broadly supported.
- Concerning the **transfer to policies and praxis**, the two organisations show similar weaknesses. While IGAD has achieved significant results in terms of migration policy formulation, implementation of these policies by member states is fairly weak. For example, almost none has drafted a national migration policy as yet. A further point in case is the free movement “agenda”, constituting a stated aspiration but – except bilateral agreements such as between Kenya and Ethiopia – has not been translated into a regional

policy. In the case of ECOWAS, its Common Approach on Migration and Development (2008) has generated some new dynamics concerning ECOWAS' migration agenda, including refugees' and migrants' rights into the community's migration policy framework. Nonetheless, ECOWAS is yet to ratify the third phase of its free movement protocol (the right of establishment, whose implementation was originally planned for 1990). Furthermore, the implementation of ECOWAS Regional Labour and Employment Policy in order to support regional labour markets still remains very limited.

Challenges experienced during the implementation of regional norms at national and sub-national levels in both regions indicate the need for financial and technical support in this area.

6 Framing the regional migration governance challenge: outlook and further perspectives

The currently prepared Global Compact for Migration and the Global Compact on Refugees are expected to significantly influence or even reform the global migration governance architecture. While regional organisations still possess relatively little weight in these negotiations, their potential comparative advantages in facilitating “orderly, safe, regular and responsible migration and mobility of people” (Sustainable Development Goal (SDG) 10.7) in regional contexts and beyond are beginning to be recognised. Supporting this, the critical role of regional organisations was highlighted by Louise Arbour, Special Representative to the Secretary General (SRSG) on the Global Compact on Migration, in an interactive webinar with civil society representatives on 16 November 2017. Since relatively little is still known about the hitherto performance of regional migration regimes, a comprehensive analysis of the effectiveness and challenges of migration governance in specific regional contexts is needed.

The framework introduced in this paper serves to identify features of regional organisations which determine their respective strengths or weaknesses in managing migration. Ideally, it also provides the basis for regional migration policy approaches or external interventions to address gaps or problem areas. The hitherto application to the IGAD and ECOWAS regions suggests that the framework allows quite a comprehensive understanding of regional migration regimes. However, it certainly has its limitations and might be adjusted in future, not least following further empirical application and conceptual discussion.

Adjustments might be appropriate in the following respects: A differentiated analysis between diverse regional cooperation formats on migration, notably the formal activities of regional organisations and regional or inter-regional dialogue initiatives with a more informal character, might be necessary. Rationales and actors driving the respective formats tend to differ significantly, the same holds true for the prioritised approaches and operations on migration. For similar reasons, it may become necessary to separately analyse institutional settings and operations linked to different aspects of migration (opportunities and livelihoods, migrant rights, migration control). Finally, in order to gain a deeper understanding of migration policy- and decision-making dynamics a more procedural logic may in future be added to the current, more static logic of the framework. In other words, we will conduct complementary studies on migration policies being negotiated alongside different (regional, national, sub-national) levels of intervention, or on specific issues – such as (re-)integration of migrants in their host communities – “travelling” through the regional policy cycle.

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