



**Distr.  
LIMITED**

**CS/LEG/JIL//AUGUST  
2023**

**ORIGINAL: English**

**COMMON MARKET FOR EASTERN  
AND SOUTHERN AFRICA**

Livingstone, Zambia  
18<sup>th</sup> August, 2023

**REPORT OF THE FIRST JOINT MEETING OF MINISTERS RESPONSIBLE FOR  
IMMIGRATION AND MINISTERS OF LABOUR**

**KLN-pm**

## **INTRODUCTION**

1. The First Joint Meeting of COMESA Ministers Responsible for Immigration and Ministers of Labour was held on 18th August 2023 in Livingstone, Zambia.

## **ATTENDANCE, ADOPTION OF AGENDA AND ORGANISATION OF WORK**

### **Attendance**

2. The Meeting was attended by delegates from the Republic of Burundi, the Republic of Comoros, Democratic Republic of Congo, the Republic of Djibouti, the Arab Republic of Egypt, the State of Eritrea, the Kingdom of Eswatini, the Republic of Kenya, the Republic of Libya, the Republic of Malawi, the Republic of Madagascar, the Republic of Rwanda, the Republic of Somalia, the Republic of Tunisia, the Republic of Zambia and the Republic of Zimbabwe.
3. The following Intergovernmental organisations also attended the Meeting: the African Union; the European Union; the International Labour Organisation (ILO) International Organisation for Migration (IOM), United Nations High Commissioner for Refugees (UNHCR) and United Nations Office on Drugs and Crime (UNODC). The list of participants is attached as Annex 1 to this report.

### **Opening of the Meeting (Agenda item a)**

#### **Statement by Guest of Honour**

4. The Southern Province Minister, Honourable Cornelius Mwetwa, MP, who was the guest of honour opened the Meeting by extending warm greetings from President Hakainde Hichilema and the people of Zambia to the visiting Ministers and delegates for gracing the Meeting. He invited Ministers to consider visiting some of the tourist spots including the mighty Victoria Falls so that they can experience the warm hospitality of the people of Zambia.
5. The Honourable Minister reminded delegates of the role played by the founding fathers of COMESA who visualised a COMESA region that was integrated with a focus on trade and investment as a vehicle for the attainment of sustainable economic development. He stated that the Ministers of Immigration and Labour are meeting to play their role in the implementation of the aspects of movement of persons, labour, and services as enshrined under Article 164 of the COMESA Treaty.
6. He informed delegates that COMESA cannot have intra-regional trade if factors of production, such as human capital, labour and services are not able to move across our borders easily. He went on to observe that although there have been negative political messages against migration over the past few years manifested by xenophobic attacks against foreigners, the rise of modern slavery and the lack of respect of the rights of migrants workers, it is an established fact that effective migration management can lead to economic growth and development. He informed delegates that this can be achieved by ensuring that Member States

create a balance between facilitating the movement of persons, labour, and services across our borders in a legal and orderly manner by addressing the negative aspects of migration such as transnational crimes in the form of drug trafficking, human trafficking and human smuggling. He further observed that although Member States should guard against brain drain and ensure that they invest resources on human capital including skills development.

7. The Honourable Minister reminded delegates that COMESA's ability to manage migration effectively is dependent upon the Ministers having reliable migration data both at the regional and national levels as well as being able to share this data.
8. In the premises, the Honourable Minister observed that COMESA developed a regional migration database that will link with other existing regional and international databases such as that of the International Organisation for Migration (IOM) and the SADC Labour Migration Observatory. He also reminded delegates that the regional migration database which has already commenced as well as the First COMESA Labour Migration Statistics Report will enable the development of evidence-based policies and programmes that will lead to effective migration management in the region. He finished by calling upon delegates to take positive decisions on facilitating the movement of persons under the COMESA Regional Integration Agenda based on empirical evidence including usage of real-time data as opposed to being dictated by negative political rhetoric and fear of the unknown.
9. On the importance of the facilitation of movement of persons across borders in the context of Trade in Services, the Honourable Minister called upon Member States to prioritise the issue of Mutual Recognition of Qualifications and Skills. He notified delegates that under the framework of implementing the COMESA Protocol on Trade in Services, COMESA is considering a COMESA Framework of Mutual Recognition of Qualifications and Skills which may be a tool for attracting foreign direct investment, modern technology, and specialised skills. He therefore encouraged Member States to ensure that the framework is in place to ensure that skilled labour can efficiently and effectively participate in the implementation of the COMESA Integration Agenda. He observed that one Member State's gains in the form of skills transfer and technology is another Member State's gains in diaspora remittances.
10. The Honourable Minister reminded delegates that as they implement programmes to facilitate the movement of persons across borders for development, they should also ensure that they carry their people along with them. Member States must raise awareness among their people of the existence of the COMESA Regional Integration Agenda, the Protocols, and decisions of the COMESA Council of Ministers on this programme.
11. He further stated that migration is not an issue that one country can solve alone but Member States should work together by harmonizing their policies and legislations. He informed the meeting that the COMESA Treaty calls upon Member States to implement the COMESA Free Movement of Persons, Labour, and Services programme progressively and hence there is no need for Member States to shy away from their commitments under the COMESA Treaty.

12. The Minister called upon Cooperating Partners such as the European Union and other partners such as the Swedish Government to continue supporting COMESA in her development endeavours. He also thanked cooperating partners for the financial and technical assistance and urged them to continue this journey with COMESA.
13. Finally, the Honourable Minister called upon all COMESA Member States to ensure that all COMESA legal instruments and decisions on migration that are required to be domesticated at national level, are implemented. He stated that COMESA can only implement its programmes when legal instruments are domesticated at the national level. He therefore invited the Ministers Responsible for Immigration to ensure that they are not just talking but implementing our commitments when they return to their home countries.
14. He ended his statement by expressing his gratitude to the Secretary General and her team for organising the Meeting and wished the delegates fruitful deliberations.

### **Statement by the COMESA Secretary General**

15. The Secretary General opened the meeting by extending her gratitude to the Government of the Republic of Zambia for hosting the First Joint Meeting of Ministers Responsible for Immigration and Ministers of Labour. She also thanked the Government and the people of Zambia for graciously and successfully hosting the COMESA Summit on 8 June 2023.
16. She informed delegates that the just ended Summit Communique adopted by the Heads of State and Government in June 2023 underscored the critical role that the tourism sector plays in facilitating Member States' economic recovery. In that regard, he invited the Honourable Ministers to consider visiting the tourist town of Livingstone and other attractive sites to appreciate the beauty of this city.
17. She informed delegates that the Summit Communique urged Member States to remove all restrictions on movement of persons, labour, goods, and services across the region including visa requirements. It also urged Member States to conclude mutual recognition frameworks of qualifications in order to foster intra-regional trade and investments, for the full realization of the benefits of integration.
18. The Secretary General also reminded delegates of the vision of the founding fathers of COMESA that there cannot be any meaningful integration of the COMESA region and the attainment of the aims and objectives of COMESA without the ability for an eased movement of goods, services, and investment across the region. In that regard, the Heads of State adopted the COMESA Protocol on the Gradual Relaxation and Eventual Elimination of Visa (Visa protocol) which is already in force. She observed that considering that trade in goods, services, investment, tangibles, and intangibles are imperative in regional trade. She stated that there is need for human interface between them to facilitate an effective delivery of those goods and services.
19. She informed delegates that in order to facilitate a freer movement of factors of production across COMESA region, Member States adopted the COMESA

Protocol on the Gradual Relaxation and Eventual Elimination of Visa. The COMESA Heads of State also passed the Protocol on the Free Movement of Persons, Labour, Services, Right of Establishment and Residence (the Protocol on Free Movement) to ensure that people in the region move freely. She then congratulated Burundi and Rwanda for ratifying the Free Movement Protocol and urged other Member States who have not yet done so, to follow suit so that the instrument enters into force and unlocks inherent benefits associated by having a freer movement of factors of production in the region.

20. The Secretary General reminded delegates that as the full title of the Protocol on the Free Movement of Persons, Labour, Services, Right of Establishment and Residence states, it includes other issues not only about a freer movement of persons but also establishment and residence. The additional components involve dealing with issues of social security, participation in social security benefit schemes and funds, recognition of prior learning for semi-skilled workers, recognition of skills and mutual recognition agreements which are under the purview of Ministries of Labour in most Member States.
21. She reiterated that it is in the light of the above sentiments that the Secretariat invited Ministers of Labour to participate in this first Joint Meeting of Ministers of Immigration and Labour so they may share experiences and political wisdom to chart the way forward for an expeditious uptake of the Free Movement Protocol.
22. She further informed delegates that COMESA's cooperating partners are ready, willing and able to partner with the Organization and work with Member States to address issues of establishment and residence. She invited delegates to come up with a harmonized roadmap that will onboard issues of establishment and residence and enhance the signature and ratification of the Protocol.
23. On the relation between the Free Movement Protocol and the African Continental Free Trade Area (AfCFTA) which is already in effect, the Secretary General informed delegates that there will be a realization of a much freer movement of all factors of production as provided for under Mode 4 of the GATS Agreement continentally.
24. She concluded her remarks by wishing the delegates successful deliberations during their Meeting.

### **Statement by the Regional Director of the International Organization for Migration**

25. The IOM Regional Director Mr Ashraf El Nour, welcomed all Member States and recognized the timely theme of the 2023 Ministerial MIDCOM of "Regional Integration Through Labour Migration in the Context of Mobility and Trade". He mentioned that the theme of the Conference is in line with IOM's mandate and cooperation with COMESA Member States on migration for regional integration. He also noted that there is growing recognition among Member States on the migration, trade and regional nexus which is also acknowledged by both the Global Compact for Safe, Orderly and Regular Migration and the Sustainable Development Goals. In this regard, the Regional Director called upon COMESA

Member States to consider ratification of the COMESA Free Movement of Persons and full implementation of the COMESA Visa Protocol.

26. The Regional Director also acknowledged that migration in the context of Africa was mainly intra-regional and therefore called upon COMESA Member States to promote the safe orderly and regular migration within the continent. He also urged Member States to put in place measures to reduce the transactional costs of sending remittances and promote skills and knowledge transfers. In addition, the Regional Director acknowledged that 70 - 80% of small-scale cross border traders in the region are women and therefore called upon Member States to be intentional in recognizing gender related challenges faced by women as they engage in cross border trade. He also called upon COMESA Member States to reduce the drivers of informality of small-scale cross border trade in the region. Further, the Regional Director called upon the removal of non-tariff barriers that hinder the smooth movement of people, goods and services and called upon a rights-based approach when it comes to the facilitating small scale cross border trade in the region.
27. The Regional Director concluded his remarks by reiterating IOM's unwavering commitment towards free movement of persons as a means towards promoting intra-regional trade and regional integration. He noted that migration should be viewed as a critical development enabler. He noted that IOM stands ready to support COMESA Member States on effective migration management for the benefit of migrants and Member States.
- 28.

### **Vote of Thanks**

A vote of thanks was moved on behalf of the Arab Republic of Egypt by the Deputy Minister of immigration, Ambassador Amr Abbas, who highlighted that the Meeting followed the recent Country Visits of the COMESA Taskforce and the consultations that took place with the Arab Republic of Egypt last June to improve the implementation of legal instruments and Ministerial Council Decisions on the Free Movement of Persons as an integral part of trade facilitation within the framework of the COMESA Trade Facilitation Project, taking into account the results of the Taskforce Country Visit to Mauritius from 20-24 February 2023.

Ambassador Abbas emphasized that the Republic of Egypt supported the efforts of the COMESA Taskforce which diligently applied itself to review a strategy and roadmap for the implementation of the COMESA protocols and the Ministerial Council Decisions on the Free Movement of Persons. He also reiterated Egypt's support to the COMESA intra-trade and accelerating the signing of the Migration Protocols. However, he noted that there were aspects that require thorough examination in order to reach radical solutions that enable the roadmap to move forward. He encouraged Member States to unite to coordinate the efforts combating terrorism and illegal acts. He also emphasized that the primary objective is for COMESA to succeed which can only be achieved through trade and cooperation between the Member States.

The Deputy Minister noted the need for more studies on the implications of the provisions of the Protocol on the Free Movement of Persons to populate the extent of its impact in enhancing intra-trade between the COMESA Member States and scrutinizing the feasibility of the established timetable that is to be implemented more than 20 years after its endorsement by a limited number of COMESA Member States. The foregoing will ensure that the COMESA Free Movement of Persons Protocol is in line with the African Union Freedom of Movement Agenda.

The Honourable Deputy Minister also highlighted other challenges facing COMESA in terms of irregular migration, forgery of documents, organized crime, money laundering, human trafficking and terrorism. He stated that these crimes can be overcome by through concerted efforts of Member States to tighten their cooperation within the COMESA Member States in order to attain the highest rates of economic cooperation among the Member States. The Honourable Deputy Minister concluded by wishing the delegates success when returning back to their home country.

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

29. The Meeting adopted the following agenda:

1. Opening Ceremony
2. Adoption of Agenda and Organization of Work
3. Official Launch of the COMESA Regional Migration Database
4. Official Launch of the First COMESA Labour Migration Statistics Report
5. Election of Bureau
6. Consideration of the Report of the Eleventh Meeting of Chiefs of Immigration
7. Consideration of the Report of MIDCOM
8. Consideration of the Report of Joint Meeting of COMESA Chiefs of Migration and Directors General/ Commissioners of Labour
9. Any other Business
10. Closure of Meeting

### **Organisation of Work (Agenda item b.)**

30. The Meeting adopted the following hours of work:-

Morning: 9.00 - 12.30 hours  
Afternoon: 1400-17.30 hours

Election of Bureau (Agenda Item c)

31. The Meeting elected the following Bureau:-

Chairperson:	Zambia
Vice-Chairperson:	Malawi
Rapporteur:	Kenya

32. After the election of the new office bearers, the Chairperson, Hon. Brenda Mwika Tambatamba, Minister of Labour and Social Security thanked the Meeting for the trust reposed in her to chair the Meeting. She then invited the Meeting to consider the issues contained in the Agenda and Programme of work with diligence and commitment in order to make appropriate recommendations.

## **ACCOUNT OF PROCEEDINGS**

### **Official Launch of the First COMESA Labour Migration Statistics Report, the COMESA Regional Migration Database and Portal**

33. The First COMESA Labour Migration Statistics Report, the COMESA Regional Migration Database and Portal was launched by the Guest of Honour after presentation of the report by the Secretary General.

### **Consideration of the Report of the Eleventh Meeting of Chiefs of Immigration**

34. The Meeting considered the Report as follows:

### **Consideration of the Progress Report of the Small-Scale Cross Border Trade Initiative under the 11th European Development Fund Programme;**

35. A presentation was made by the International Organisation for Migration on the progress of the Small-Scale Cross Border Trade Initiative.



36. The presentation highlighted the following important points:

37. The Common Market for Eastern and Southern Africa (COMESA), East African Community (EAC), Intergovernmental Authority on Development (IGAD), the Indian Ocean Commission (IOC) and Southern Africa Development Community, (SADC) signed Ocean Commission (IOC) and Southern Africa Development Community (SADC) signed

the Regional Indicative Programme (RIP) on 4 June 2015 in Brussels, Belgium paving way for the 11th European Development Fund (EDF):

- a) Specifically, the COMESA sub-regional envelope was given an indicative allocation of Euro 85 million to assist in the implementation of its regional integration priorities;
- b) In light of the same key border posts were designated in close consultation with all relevant stakeholders in the region (including Member States authorities) and with the support of a comprehensive design study validated by Member States;
- c) Selection was based on the following criteria commonly agreed between the EU and the COMESA Secretariat:
  - (i.) demographic density;
  - (ii.) cross-border trade flows;
  - (iii.) the existence of traders' associations in that region;
  - (iv.) key transport and commodity corridors;
  - (v.) price differences across borders;
  - (vi.) specific constraints faced by small-scale traders (in particular women traders);
  - (vii.) likeliness to implement the activities at national level;
  - (viii.) past COMESA initiatives; and
  - (ix.) complementarities with EU and other donors' initiatives.
- d) The following initial border posts were selected:
  - (i) Mwami/Mchinji between Zambia and Malawi;
  - (ii) Kasumbalesa between Zambia and DRC;
  - (iii) Chirundu between Zambia and Zimbabwe;
  - (iv) Tunduma/Nakonde between Zambia and Tanzania; and
  - (v) Moyale between Ethiopia and Kenya.
- e) Under the Small-scale cross border trade initiative, there are 5 key thematic areas of support namely;
- f) Specific trade facilitation policies and instruments for Small-scale traders designed and implemented in the COMESA /tripartite region;

- (i.) Addresses the extent of corruption, bribery and harassment experienced by small-scale traders;
  - (ii.) Capacity Re-enforcement for Cross-Border Traders Associations (CBTAs) and similar business associations;
  - (iii.) Gender disaggregated statistical data and analysis on small-scale cross-border trade shall be systematically collected, compiled, harmonized and disseminated; and
  - (iv.) Adequate and gender sensitive basic border infrastructures for small-scale traders are built/upgraded at selected border areas.
- g) The activities under the programme were implemented by COMESA with some activities co-delegated to the International Organisation for Migration (IOM) as well as the International Trade Centre (ITC) based on their expertise and experience in the areas.

## **Discussion**

38. The Meeting noted the presentation and highlighted that there was need to support the development of standard operating procedures for COMESA Border posts to facilitate human mobility and the movement of goods. The Meeting also agreed on the need to provide priority border and health infrastructure to facilitate resumption of safe trade in the context of COVID-19.

## **Decisions**

39. The Meeting made the following decisions:

- a) Directed the Secretariat to increase awareness on the nexus between human mobility and trade;
- b) Urged Member States to strengthen an integrated approach to border management that recognizes the health, trade and human mobility dynamics;
- c) Urged Member States to adopt deliberate measures, strategies and action plans to promote cross border trade in times of pandemics and migration crises; and
- d) Urged Member States to adopt gender and health sensitive infrastructure to promote safe trade across the borders.

## **Consideration of the Paper on the Migration Component of COMESA Trade Facilitation Project funded under the 11th European Development Fund Programme**

40. A presentation was made by the Secretariat on the progress of the COMESA Trade Facilitation Project.

41. The presentation highlighted the following important points:

(a) The COMESA Trade Facilitation Programme was funded by the European Commission under the 11th European Development Fund for a period of 42 months commencing November 2018;

(b) This project sought to deepen regional integration, improve inclusive regional economic growth and enhance the competitiveness of the COMESA region;

(c) The specific objective of the programme was to increase intra-regional trade flows of goods, persons and services by reducing the costs and delays of imports and exports at specific border posts through the reduction of Non-Tariff Barriers (NTBs);

(d) The project also sought to implement the COMESA Digital Free Trade Area, World Trade Organisation Trade Facilitation Agreement (WTO TFA) as well as improve the Cross-Border Management (CBM), and the liberalization of the trade in services and movement of persons;

(e) The Key result areas of the project were as follows:

(i) Result 1: Improve monitoring and resolution of Non-Tariff Barriers (NTBs)

(ii) Result 2: Enhance implementation of the WTO TFA;

(iii) Result 3: Strengthen Coordinated Border Management (CBM) and Trade and Transport Facilitation;

(iv) Result 4: Improve levels of implementation of harmonised, science based Sanitary and Phyto-Sanitary (SPS) Measures and Technical Standards; and

(v) Result 5: Enhance Trade in Services, free movement of persons, trade negotiations, intellectual property, support and improve trade promotion.

(f) In the implementation of this program specific border posts had been selected, namely:

(i) Lamu corridor: Moyale (Ethiopia/Kenya)

(ii) Djibouti corridor: Galafi (Djibouti/Ethiopia)

(iii) Tunduma/Nakonde (Tanzania/Zambia)

(iv) Chirundu (Zambia/Zimbabwe); and

(v) Mwami/Mchinji (Zambia/Malawi).

## **Discussion**

42. Meeting noted the presentation and the planned activities under the project.

## **Decision**

43. The Meeting urged Member States to support the implementation of the activities planned under this project.

## **Consideration of the Paper on the Southern Africa Migration Management (SAMM) Project with a focus on COMESA Components**

44. A presentation was made by the Southern Africa Migration Management (SAMM)'s Migration and Data Technical Officer on the implementation of the Southern Africa Migration Management project.

45. The project made the following important points:

- (a) The Southern Africa Migration Management (SAMM) Project, funded by the European Commission, is a four-year project to improve migration management in the Southern Africa and Indian Ocean region;
- (b) The SAMM Project is implemented by the International Labour Organization (ILO), the International Organisation for Migration (IOM), the United Nations Office on Drugs and Crime (UNODC) and the United Nations High Commissioner for Refugees (UNHCR);
- (c) Key project priorities to support the formulation and realisation of Regional Economic Communities (RECs) Labour Migration and Mixed Migration Frameworks of:
  - i. the Common Market for Eastern and Southern Africa (COMESA);
  - ii. the Southern African Development Community (SADC); and
  - iii. the Indian Ocean Commission (IOC).
- (d) Target groups of the project include migrants including migrant workers, refugees, internally displaced persons, victims of trafficking, and smuggled migrants in the region.
- (e) The main objective of the project is to improve migration management in the Southern Africa and Indian Ocean region. In addition to the above, the project has two strategic objectives as follows:
  - (i.) Improved policy environment for labour migration across the region and improved access to legal and efficient means of labour mobility for (prospective) labour migrants; and
  - (ii.) Strengthened and informed decision-making as well as management of mixed migration flows, including improved protection of vulnerable migrants in the Southern African and Indian Ocean region.
- (f) The project also aims at strengthening and enhancing an informed decision-making process as well as promoting the management of mixed migration flows;
- (g) The project focused on the following countries: Angola, Botswana, Comoros, Democratic Republic of the Congo (DRC), Eswatini, Lesotho, Madagascar,

Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, Tanzania, Zambia and Zimbabwe;

- (h) Over the past years several initiatives have taken place across the sub-region to improve availability of migration data, yet there remains much room for improvement; and
- (i) The Southern Africa and Indian Ocean Labour Migration Observatory (SAIOLMO) was being implemented aiming to be the first migration observatory in the region to work with RECs and Member State NSOs, building capacity in the collection of labour migration data and to work towards and strengthen evidence-based labour migration governance in the region.

## **Discussion**

46. Meeting noted the presentation and made the following observations:

- (a) The project has both regional and national migration data initiatives. The regional initiatives include Strategy for the Harmonization of Statistics in Africa (SHaSA II) coordination and SADC regional skills qualification framework among others; and
- (b) National initiatives on the other hand include the implementation of SADC regional skills qualification framework in South Africa and Mauritius and individual states commitments at the Global Refugee Forum/High Level Segment on Statelessness (2019) among others.

## **Decision**

47. The Meeting urged Member States to support the implementation of the project.

## **Consideration of the Paper on the Implementation of Developing Capacity in Migration Statistics project in COMESA**

48. A presentation was made by the Long-Term Advisor for the Developing Capacity in Migration Statistics project.

49. The presentation highlighted the following:

- (a) The African Union Institute for Statistics (STATAFRIC) and Statistics Sweden (SCB) initiated a three-year cooperation project on migration statistics in January 2019, financed by the Swedish International Development Agency, SIDA;
- (b) The project has the following objectives:
  - i. Production of quality migration statistics within REC:s;
  - ii. Harmonization of concepts and methods;
  - iii. Availability and greater awareness of migration data; and
  - iv. Coordination in the area of migration statistics.

- (c) The object of Developing Capacity in Migration Statistics project is to improve and facilitate the dissemination of up-to-date migration statistics for use in developing policies to adequately address the effects of migration on women and men in Africa;
- (d) The cooperating partners include the African Union Commission (AUC), Pan-African Institute for Statistics (STATAFRIC), Statistics Sweden and the following four Regional Economic Communities: Economic Community of West African States (ECOWAS), East African Community (EAC), Intergovernmental Authority on Development (IGAD) and Southern African Development Community (SADC). Common Market for Eastern and Southern Africa (COMESA) has replaced SADC; and
- (e) The project aims at contributing to a longer-term development objective of improving the situation of migrants in Africa and maximizing the contribution of migrants to development of the continent.
- (f) The project achieves its objectives through among other things:
  - i. assistance from Member States in identifying data sources and developing national networks;
  - ii. assistance from Member States in adapting data from different sources;
  - iii. assistance from cooperating partners in selecting Member States;
  - iv. clarifying definitions, methods and guidelines;
  - v. building up infrastructure to make it easy to retrieve information;
  - vi. regional dialogue and cooperation; and
  - vii. resource mobilisation through dialogue and coordination with stakeholders and donors.

## **Discussion**

50. Meeting noted the presentation and made the following observations:

- (a) The project has not yet started implementing activities in the COMESA Member States;
- (b) The project implements activities in the Member states upon request from the REC(s) in question;
- (c) Once the project starts to implement its activities and a request is made through a REC, the project is readily available to provide the necessary support;
- (d) Through the respective RECs, the project requested for Member States to provide national focal points from their Labour, Migration and Statistics department/ministries;
- (e) All the assigned national focal points will be communicated with by the project in good time advising of the planned project activities;

- (f) Coordination of activities being undertaken by the various RECs such as IGAD and ECA was very important considering that they are individually preparing a regional migration report;
- (g) Nonetheless, no joint regional report has been created with the other RECs. COMESA is yet to start working on its regional migration report. Thereafter, consideration for a joint report may or will be considered;
- (h) Regarding support in terms of infrastructure in the Member States, the project, in coordination with COMESA, will consider which Member States are in the greatest of such infrastructural support;
- (i) Selection criteria of the Member States to be offered support through this project has not been detailed in the project document. However, the project will engage COMESA in developing the selection criteria and ensure that the same is transparent; and
- (j) The selection criteria and support to be given to the Member States will depend on the needs of each Member State and the budget available for the project.

## **Decisions**

51. The Meeting made the following decisions:

- (a) Urged Member States to assign national focal points to provide the project with the detailed needs of the Member States; and
- (b) Directed the Secretariat to have a regional report peculiar to COMESA which will ensure that COMESA coordinates with the other RECs in the generation of the regional Report.

## **Consideration of the Paper on the COMESA – MIEUX+ (ICMPD/ EU) Migration Project in Addressing Challenges Posed by the COVID-19 Pandemic;**

52. A presentation was made by the International Centre on Migration Policy Development (ICMPD) on the implementation of the COMESA Migrants in Crisis Action.

53. The presentation highlighted the following points:

- (a) The COVID-19 pandemic was a global public health and socioeconomic crisis, which has presented significant challenges for COMESA Member States;
- (b) Public health concerns led to disruptions to migration and mobility, with many countries in the region closing their borders and imposing restrictions on travel, and disruptions to trade, including the movement of essential goods and services across borders;

- (c) The COMESA Council of Ministers adopted “Guidelines for the movement of goods and services across COMESA region during the COVID-19 pandemic” (May 2020), which included migration and mobility related elements;
- (d) In this framework, the COMESA Secretariat identified the need to complement these Guidelines with capacity building and awareness-raising and communication measures targeting stakeholders at key border crossings;
- (e) The Action aims at strengthening the capacities of COMESA and COMESA Member States to manage migration and mobility at the borders in the framework of a health crisis and at supporting COMESA and its Member States to better communicate with stakeholders at the borders during a health crisis;
- (f) The Action will adopt a dual approach: it will include activities involving the whole COMESA region (all Member States), as well as targeted activities at pre-selected border posts (involving a few COMESA Member States). This approach is called for in a diverse region, with different conditions at the various borders. The selection of a few border posts will ensure that the capacity building and awareness raising activities are targeted and adapted to the local needs;
- (g) In order to facilitate cross-border mobility, migration, and related trade flows, the Action focused on:
  - (i) Assessing the training/awareness-raising needs in COMESA Member States regarding border management in the framework of public health emergencies/crises;
  - (ii) Building the capacities of border officials of COMESA Member States to manage the movements of people during public health emergencies/crises;
  - (iii) Enhancing dialogue and inter-agency cooperation at COMESA Member State level in the field of border management, as well as cross-border cooperation, in order to better address health-related challenges at the border; and
  - (iv) Raising awareness among migrants and mobile populations crossing the borders (including small-scale cross border traders and truck drivers) of the measures in place at the borders in the framework of the current COVID-19 related crisis.
- (h) Considering the different conditions at different borders in the COMESA region, it was important to adopt an approach focused on a few selected border posts, in order to ensure that the capacity building and awareness raising activities are targeted and adapted to the local needs;



- (i) Following consultations with the COMESA Covid-19 Taskforce and the COMESA Trade and Customs Division, the targeted border posts were the following:
  - (i.) Chirundu (between Zambia and Zimbabwe);
  - (ii.) Kasumbalesa (between Zambia and DRC);
  - (iii.) Nakonde/Tunduma (between Zambia and Tanzania); and
  - (iv.) Mwami/Mchinji (between Zambia and Malawi).
  
- (j) It was important to ensure complementarities with other projects/initiatives in the COMESA region, including two programmes currently being funded under the 11th EDF, namely the:
  - (i.) COMESA Trade Facilitation Programme;
  - (ii.) COMESA Small-Scale Cross Border Trade Initiative; and
  - (iii.) The programme foresees the development of a training course for border officials on the management of migration/mobility at the borders during a health crisis, as well as awareness-raising materials related to COVID-19 protocols. The target group consists of border management agencies, as well as other stakeholders at the borders (such as truck drivers and transport operators; migrants; small scale cross border traders and other partners).

The programme foresaw capacity-building and the design and implementation of a comprehensive trade facilitation training programme for capacity building of small-scale traders and migration, trade, customs and government authorities.

## **Discussion**

54. Meeting noted the presentation, recognizing that:

- (a) Through horizontal interventions, the project provides technical assistance in all areas affecting migration;
- (b) MIEUX+ provides demand-driven technical assistance in all areas of migration. In addition to providing support in four key thematic areas namely:
  - (i) Legal migration and mobility;
  - (ii) Migration and development;
  - (iii) Irregular migration and trafficking in human beings; and
  - (iv) International protection and asylum policy.
- (c) MIEUX+ provides technical support on 'horizontal interventions'.
- (d) Support can be provided on transversal issues such as Migration and health, migration and climate change, data management, migration and gender, consular protection; and

- (e) The horizontal intervention is in respect of the four pillars of the project which include, data migration, gender, children and migration, which can all fall under either of the four pillars. As such they are horizontal forms of intervention.

## **Decision**

55. The Meeting urged Member States to facilitate the implementation of the MIEUX project and tap into the technical expertise that the project can provide in light of the broadened scope of the project.

## **Consideration of the Report of MIDCOM**

56. The Meeting considered the report as follows:

### **Objectives and Expected Outcomes of the Meeting (Agenda item (c))**

1. The objective of the MIDCOM Experts and Senior Officials Meeting was to provide a platform for dialogue and sharing of good practices on migration governance and in order to promote and facilitate evidence-based labour mobility and trade facilitation in the COMESA region.
2. The expected outcomes of the Dialogue were to have an improved understanding of the MIDCOM regional consultative process, the interrelationship between migration and trade, and practices for well-governed labour mobility. The meeting also sought to contribute to improved understanding of the importance of reliable migration data for national and regional policy and programmatic interventions and the concrete steps that Member States may take towards promoting small scale cross border trade as well as improved ratification and implementation of the COMESA Free Movement Agenda.

### **The Migration and Trade Nexus – Free movement and Trade Facilitation (Agenda item (d))**

3. The presentation noted that trade and human mobility are multifaceted and interrelated as such countries may benefit from different diaspora capitals including diaspora remittances, skills and knowledge transfers, diaspora tourism and trade facilitation. The presentation noted that restrictions to free movement along trade routes can present protection challenges for cross border traders, especially women. It was also noted that despite the significant contribution of small-scale cross border trade in Africa, institutional frameworks and policies for migration governance and trade facilitation are generally underdeveloped and fragmented.
4. The Meeting was informed that there is current limited understanding on the subject of trade in services. The presentation underscored the importance of enhanced understanding of trade in services and mobility interlinkages and linkages. The situation is compounded by limited data on labour markets to inform

policy making in trade in services and negotiations. COMESA Member States were urged to promote investment in trade in services in health care, tourism, finance, telecommunication, and education in line with the labour dynamics in the various labour markets at national and regional levels.

5. The presentation also noted that in order to enhance the contribution of small-scale cross border trade in the COMESA region there is need to simplify procedures and put in place supportive trade facilitation instruments such as the simplified trade regimes, single window systems, streamlined immigration and customs processes. The importance of official sex disaggregated data on small scale cross border trade, volumes, channels and nature of trade, among others, for evidence-based policy and programmatic interventions was emphasized.

## **Discussion**

6. The meeting noted with concern the growing challenge of irregular and labour migration in the COMESA region. At the same time irregular migrants do face a number of challenges including inadequate protection and unfair labour practices.
7. In the presentation, it was emphasised that there should be bilateral labour migrants to promote regular pathways for labour migration. The bilateral labour migrants will ensure that the countries and migrants benefit from the labour migration between the countries and also help in addressing the negative impacts associated with irregular migration.
8. Countries shared their experiences in terms of efforts to promote regular migration including formulation and entering into memorandums of understanding to promote bilateral labour agreements, skills training to equip nationals to work in other countries through vocational training centres, expanding collaboration between vocational training centres in countries of origin and countries of destination and setting national committees to oversee issues related to labour migration, bilateral labour agreements and strengthen relations between origin and destination countries.
9. There is need for more focus on transnational organized crimes like trafficking in persons and human smuggling, among others, within the context of free movement of people and regional integration.
10. There is a growing pattern of professionals becoming irregular because of restrictive visa regimes. Qualified skilled professionals end up in irregular status. Restrictive immigration regimes increase pathways to irregularity and there is need to promote pathways to regularity.
11. There are a few countries in the COMESA region with migration policy frameworks as the basis of effective and comprehensive migration governance and management. Consequently, there are limited foundational basis for effective migration management in the COMESA region.
12. The discourse on labour migration should not only focus on skilled labour migrants but include low and semi-skilled labour migrants.

13. Whilst countries have put in place diaspora policies, there is a challenge related to fully harnessing the development potential of diaspora nationals. Challenges include limited official data on the size, profile and distribution of diaspora nationals abroad and absence of structured mechanisms for sending and leveraging diaspora remittances.

## **Decisions**

14. The Meeting made the following decisions:

(a) Directed the COMESA Secretariat to come up with a roadmap to eradicate irregular migration and to strengthen capacity building for countries to manage and combat irregular migration and promoting pathways for regular migration through vocational training centres and address human trafficking, human smuggling, and money laundering;

(b) Urged COMESA Member States to conduct regular skills survey to promote evidence based critical skills list which ensure effective participation of skilled labour migrants in national labour markets;

(c) Noted the need to expand pathways and avenues for regular migration through relaxation of visa, permit regimes and mutual recognition of qualifications to promote of the said regular labour migration;

(d) Noted the need to come up with laws, policies, and strategies on labour migration to effectively manage issues related migration management;

(e) Directed the Secretariat to undertake an assessment on existing policy and legislative frameworks in the region so as to come up with recommendations to promote safe, regular, and orderly migration in the COMESA region;

(f) Urged COMESA Member States to formulate and adopt migration policy frameworks and strengthen migration regulatory and legislative frameworks; and

(g) Member States with the support of the Secretariat should undertake a study/survey on departures and arrivals of migrants within the region including the ratification of relevant conventions.

## **Experiences From Bilateral and Multilateral Measures Promoting Free Movement of Persons – Lessons Learned (Agenda item (d))**

15. The Director General of Immigration from Kenya gave an overview of the country's experiences on bilateral and multilateral measures to promote free movement of persons. The presentation touched on the policy and legislative frameworks underpinning the free movement of persons. Kenya has made significant progress towards visa relaxation including measures enabling use of

national identification documents for nationals from Kenya, Rwanda, and Uganda to move within the respective countries.

16. The Director General also stated that Kenya has provisions that allow for movement within the East African Community.
17. She stated that Kenya has also signed bilateral engagements with South Africa and Djibouti for visa free movements with the respective countries. Kenya has also established seven OSBPS and adopted e-services for issuances of passports, permits and other foreign national management services. One of the important lessons learned from the Kenyan experience is that free movement of persons calls for a robust border management system to deal with transnational crimes.
18. The presentation also gave a snapshot of labour migration in Kenya including systems in place to regulate labour migration in the country, policy and regulatory frameworks and bilateral labour agreements. It is noteworthy that Kenya has an online integrated system for the management of employment services in Kenya and is in the process of establishing a Kenya Migrant Workers Fund to offer assistance to distressed migrant workers. Kenya also is implementing a recognition of prior learning programme and concluded recognition of Mutual Recognition agreements (MRAs). Kenya noted the challenges related to reluctance of some countries to sign bilateral labour agreements as well as the growth of virtual private recruitment agencies which are not covered under the legislation.
19. The Republic of Rwanda made a presentation which highlighted the various instruments to facilitate movement of persons in Rwanda and the EAC region. It was noted that there was no requirement for a visa for a period of up to 6 months. The Republic of Rwanda does not charge permit fees for prospective employees. The Republic of Rwanda also implements mutual recognition agreements for academic and professional qualifications.
20. In addition, Rwanda has bilateral agreements with several COMESA countries on visa with DRC, Seychelles, Mauritius, Djibouti, Ethiopia and Mauritius, among others. The presentation also noted the various initiatives implemented at all the borders to facilitate border residents to cross the borders, including the e-jeton and some technology-based initiatives. Some of the challenges related to facilitation mobility of persons including post entry management of immigrants, trafficking in persons, expedited processing of travellers and transnational organized crimes.
21. It was noted that Rwanda leverages on technology to successfully address challenges related to border management within the framework of integrated border management. Among others, Rwanda uses the API system to pre-profile travellers before they actually arrive at the point of entry and exit as well as an integrated border management systems that collects intelligence data from passengers for migration management. Rwanda also has a post entry management system that is used to track persons with expired visas and permits. Furthermore, Rwanda has set up a virtual border system through adaptation of

Advanced Passengers Information (API) and Passenger Name Record (PNR) systems. This system is integrated to the Interpol and national watchlists and other national databases. Furthermore, Rwanda also has an entry-exit management system connected throughout the country and use electronic gates at its busiest borders for automatic entry and exit processes.

## **Discussion**

22. The meeting requested a clarification on the support given to distressed migrants who migrate outside established bilateral agreements and how accessibility of the Kenyan Migrant Welfare Fund. It was noted that the Government supports migrants who migrate outside and within the framework of the bilateral agreements. It was also noted that all migrants can access the welfare fund.
23. It was noted that recruitment agencies in Kenya have to be registered in order to promote effective governance of labour migration. It was noted that Kenya is strengthen its legislation to effectively deal with any unregistered private recruitment agencies.
24. The meeting noted the unfair labour practices and exploitation that migrant workers experience when they migrate for labour employment purposes. It was noted that in some countries the operation of unregistered private recruitment agencies and this compromises fair and ethical recruitment.
25. The meeting recognized the progress made by Kenya related to relaxation of movement within the East African Community including the use of the national identity documents as admissible travel documents. The meeting was also appraised for ancillary provisions related to the use of national identity documents for travel within Kenya, Rwanda and Uganda.
26. The meeting recognized that Rwanda is setting the pace in terms of best practices related to border management. It was noted that the systems in place enable the country to deal with the challenge of irregular migration and other COMESA countries noted the need to learn from the best practices from Rwanda.
27. The meeting noted that Rwanda has made significant progress on diaspora engagement. Among others, Rwanda has made progress towards engagement their diaspora nationals in different countries, profiling of the Rwandese diaspora nationals and implementing initiatives to promote diaspora participation in national development.
28. The meeting noted that Private employment agencies in Kenya do not charge service fees for migrants looking for employment outside Kenya. Further the Meeting was informed that contracts issued to migrant workers need to be attested by the Ministry of Labour before departure.

## Decisions

29. The meeting made the following decisions:

- (a) Member States were urged to strengthen governance of the operations of private recruitment agencies in order to promote effective compliance;
- (b) Member States were urged to strengthen capacities of COMESA Member States to deal with border management during conflict and natural disasters that may cause large scale population movements. Member States were encouraged to adopt and operationalize IOM's Humanitarian Border Management Framework which has provisions for border management during crisis; and
- (c) Urged COMESA Member States to conduct diaspora mapping and profiling exercise to generate empirical information on the size, geographic spread, profile, and interests of their diaspora nationals to come up with evidence-based policy and programmatic interventions to leverage the development potential of diaspora nationals.

### **Member State Progress in the Implementation of the Protocols (Agenda item (e))**

30. The Member States took time to review challenges and progress made towards the implementation of the COMESA free movement agenda.

31. Based on the national submissions, the Member States made the following recommendations for consideration by the Ministers responsible for Home Affairs and Labour:

- (a) Strengthen measures to position COMESA Member States to fully implement the COMESA Visa Protocol and ratify the COMESA Visa Protocol:
  - (i.) COMESA Member States to start strategic and political processes towards the signature and ratification of COMESA Protocols on Migration;
  - (ii.) Secretariat should urge member states to ratify the Free Movement protocol for compliance purposes;
  - (iii.) The Secretariate to facilitate the initiation of bilateral engagements with Member States towards reciprocity, gradual relaxation, and elimination of visa requirements;
  - (iv.) COMESA Member States to implement mutual recognition of qualifications agreements, prior learning, and portability of social security benefits;

- (v.) COMESA Secretariat to promote the sensitization of national stakeholders including state and non-state actors on the benefits of free movement of persons, regional integration, safe, orderly and regular migration;
  - (vi.) COMESA Member States should implement Advance Passenger Information and Passenger Name Record at land, air, and sea points of entry to allow for pre-profiling and the necessary risk management measures prior to arrival of travellers and migrants;
  - (vii.) The COMESA Member States should strengthen Labour Market Information Systems (LMIS) for evidence-based skills matches and formulation of national critical skills lists;
  - (viii.) COMESA Member States to initiate bilateral and multilateral measures to promote the free movement of persons including conclusion of Bilateral Agreement between like-minded states;
  - (ix.) COMESA Secretariat should promote effective implementation and capacity building of integrated border management to facilitate open and secure borders to allow movement of persons, goods, and services; and
  - (x.) COMESA Member States should leverage technology to integrate employment, labour migration and immigration services.
- (b) Strengthen mechanisms to monitor Member States Progress towards full implementation of the COMESA Visa Protocol and ratify the COMESA Visa Protocols:
- (i) COMESA Secretariat should convene annual consultative dialogue for stakeholders responsible for Migration matters to discuss matters on migration management;
  - (ii) COMESA secretariat to conduct campaign on the benefits of COMESA protocols and clearly address the fears of each Member State;
  - (iii) COMESA in collaboration with member states should set timelines for the ratification of the FMP and implementation of a visa free region and the implementation of timeframes should be done on the highest political level; and
  - (iv) COMESA Secretariat should coordinate issues concerning migration management leveraging the experience of the EAC to fast track the implementation of pending labour and migration matters.
- (c) Enhance national processes to fully implement the COMESA Free Movement Agenda as follows:



- i) COMESA Member States to revise immigration laws to align to the COMESA Visa Protocols;
- ii) Initiate review of existing migration governance frameworks to enable full implementation of the COMESA Free Movement Agenda;
- iii) Strengthen regulation of private recruitment agencies to promote compliance and ethical and fair recruitment processes;
- iv) Establish labour migration information centres and public recruitment services to promote awareness and provide one stop services and information on labour migration; and
- v) Establish trade facilitation instruments including One Stop Border Posts to facilitate mobility of persons, goods, and services.

32. Country submissions are attached hereto and marked annex 2.

#### Decision

33. Urged all Member States to submit an updated table on measures they will take towards full implementation of the COMESA Visa Protocol and ratification of the COMESA Free Movement Protocol using the provided template by 16 October 2023.

#### **Global Legal Identity Strategy (Agenda Item (f))**

34. The session's presentation focused on developing and building regional capability in Strategic and Actionable Intelligence, institutionalize transnational mechanisms to share information and intelligence on smuggling routes and abuse of processes like identity fraud and exploitation of visa systems. It also looked at the enhancement of systematic bilateral, regional, and international cooperation between States to exchange information and intelligence on the smuggling of migrants through joint databases, online platforms, international training centres and liaison networks.

35. The presentation also emphasized that member States should consider the vulnerabilities faced by smuggled migrants, and other relevant data to dismantle the smuggling networks and enhanced joint responses. Member States should consider the modus operandi and financial transactions of smuggling networks and country-level mapping of the causes of irregular migration assisted by smugglers, based on interviews with migrants.

36. They also stated that legal identity encourages and establishes communication and training processes to harmonize techniques and processes in the field of criminal investigation at the regional level through the sharing of experiences. There is therefore need for the establishment of standardized procedures at the statutory and operational levels for carrying out joint investigations in specific cases. Member states should also consider the possibility of creating joint

migratory stations between neighbouring countries to facilitate border patrolling, case investigation, and migrant assistance.

37. It was observed that Member States navigate legal frameworks through transnational technical exchanges that adhere to the laws, policies, processes, and controls existing in their migration governance frameworks.

38. It was also observed that Border passes are vital for managing cross-border movement efficiently. However, they face various challenges that impact their design and implementation. Consequently, there is need to strike a balance between facilitating movement and maintaining territorial security. This assists in ensuring ease of access while preventing unauthorized entry into territories.

## **Discussions**

39. It was noted that conflict as well as natural disasters often result in large scale population movements which do not usually conform to regular border management practices. It was noted that during crisis it is unlikely that people fleeing conflict and disasters have the luxury to collect and utilize regular borders and travel documents. The aforementioned situation presents a challenge of effective border management and documentation of the affected foreign nationals in the receiving territory.

40. IOM was requested to support Member States on the implementation of an electronic visa system in line with national contexts.

41. Border residents often have social and economic ties that require them to cross the borders. The challenge is often that there may not be immigration control points. It is important to ensure that authorities do not only focus on immigration control but put in place measures to provide regular pathways of such communities.

## **Decisions**

42. COMESA Member States were encouraged to ensure that their immigration management authorities balance border controls and facilitation measures so as to deliberately expand regular pathways for regular migration for border communities.

43. The COMESA Secretariat and cooperating partners were directed to implement programmes to enhance the capacities of COMESA Member States on improved preparedness and response for comprehensive humanitarian border management, ensure effective protection of the crisis-affected migrants while respecting national sovereignty and security.

44. COMESA Member States were encouraged to engage with IOM and other cooperating partners for support with regards to electronic visa systems, solutions, and infrastructure.

## **GCM Progress update by member states (Agenda item (g))**

45. The presentation noted that the GCM offered the only internationally agreed comprehensive framework on migration governance. Strong commitment from the COMESA Member States was essential to build momentum around the GCM Review process. The GCM Africa Regional Reviews were set to take place between March and November 2024, culminating in a briefing on the outcomes of the Reviews by the Coordinator to the General Assembly during the second half of 2024, and ultimately setting direction for the 2026 International Migration Review Forum (IMRF).
46. The Meeting was further informed that COMESA Regional Reviews offer Member States and its champions an opportunity to strengthen their leadership on migration governance and policy at the regional level. The political climate around the GCM, particularly off the back of the IMRF, was significantly more amenable towards implementation and review. In this context, there is both the opportunity to further support the advancement of the GCM at the COMESA level with the hope that the Member States will deliver in a manner which is coordinated, inclusive, and regionally relevant.
47. The review brought timely attention to the ways in which pathways for regular migration, including new and expanded regular pathways to admission and stay, can be an effective tool to ensure the protection of migrants and their rights, including migrants in situations of vulnerability.
48. Regular pathways contribute to reducing the risk of migrants becoming vulnerable to sexual and gender-based violence, abuse, exploitation and exclusion, and ensure the protection of their human rights, including labour rights, decent work and social protection, and access to services while facilitating integration into the community of the destination country. Pathways for regular migration can also benefit all COMESA countries, helping them to build strong communities, contributing to sustainable development, responding to labour market needs, strengthening their capacity to identify who enters, transits through and remains in the territory, as well as supporting the rule of law by reducing human trafficking and other exploitation, and curbing migrant smuggling across their borders.
49. The GCM has specific commitment to enhance availability and flexibility of pathways for regular migration, in order to respond to the needs of migrants in situations of vulnerability (Objective 5). To achieve this, Member States are encouraged by their commitments in the GCM to develop or build on existing national and regional practices for admission and stay, including where based on compassionate, humanitarian, or other considerations. It is particularly intended to support Member States and other stakeholders in their capacity to analyze the need for and strengthen the design, implementation, monitoring, and review of pathways for admission and stay for migrants in situations of vulnerability. It considers matters relating to the availability and flexibility of pathways, admission and stay procedures, and the resulting conditions and duration of relevant measures.

## **Discussions**

50. The Meeting highlighted the progress made on the implementation of various GCM objectives.

## **Decisions**

51. COMESA Member States were requested to submit written submissions by 16 October 2023 to the COMESA Secretariat including updates on the status of implementation of the GCM by each Member States.

52. The COMESA Secretariat was also directed to consolidate the submissions from each COMESA Member State and submit at the forthcoming Africa Continental Review.

## **Consideration of the Report of Joint Meeting of COMESA Heads of Migration and Directors General/ Commissioners of Labour**

53. The Meeting considered the Report as follows:

Consideration of the Report of the Validation Workshop of the Revised Strategy and Roadmap/Action Plan for the Implementation of COMESA Protocols and Capacity Building on Free Movement of Persons (agenda item a)

54. A presentation of the Report of the Validation Workshop of the Revised Strategy and Roadmap for the Implementation of COMESA Protocols and Capacity Building on Free Movement of Persons was made by the Secretariat.

55. The Meeting of the COMESA Task Forces on the Implementation of COMESA Legal Instruments and Decisions of the COMESA Council of Ministers and the Development of a Capacity Building on Free Movement of Persons was held in Lusaka, Zambia on 30th May 2022 to 1st June 2022.

56. The presentation highlighted the following important points:

(a) The Secretariat was directed to assist Member States to have national training programs and workshops to address migration issues;

(b) That workshop emphasized the importance of establishing National Monitoring Committees with a provision for the establishment of sub-committees to deal with thematic issues where appropriate;

(c) That gender mainstreaming should be incorporated into all COMESA migration programmes; and

(d) The Secretariat was directed to continue providing assessment and monitoring reports on the implementation of the COMESA protocols and decisions periodically.

57. The Report also considered progress reports of the various projects and programmes being implemented by the Secretariat with emphasis on continuity and member state engagement, A copy of the Report is attached for ease of reference and marked "Annex 2"

## **Discussion**

58. The Meeting took note of the presentation of the Report and made the following important observations:

- (a) The capacity building for Member States should focus on immigration officials and should incorporate labour officers given some of the focus areas of the COMESA Migration Agenda such as portability of social security and mutual recognition of skills;
- (b) Member States emphasized on the need to put together inter agency Task Forces at national levels to coordinate implementation of the programme;
- (c) There should be a strengthened component on awareness raising for government agencies;
- (d) COMESA must consider the capacity of each Member States and extend the scope of capacity building to Labour, Foreign Affairs which encompasses the diaspora and Civil Society and Union Representatives;
- (e) Appreciate the fact that the issue of migration is a multistakeholder issue and should duly be considered in the capacity building exercise;
- (f) Harmonisation of Travel Documents as well as applicable Migration and Labour Laws; and
- (g) Consideration of the development of a day pass for persons in border communities.

## **Decisions**

59. On the basis of the discussions held, the Meeting made the following Decisions:

### **On the COMESA Programme on Free Movement of Persons, Labour, Services, Right of Residence and Right of Establishment**

- (a) That the revised strategy and action plan for implementing COMESA Protocols should address issues of fraudulent documents associated with Free Movement of Persons;
- (b) Directed the Secretariat to leverage on available resources to support Member States with the implementation of the COMESA Protocols and Decisions on Free Movement of Persons;

- (c) That the revised strategy and Action Plan or Roadmap should have a strong component on capacity building for migration stakeholders in the implementation of COMESA Protocols and Council decisions on migration. In implementing the capacity building programme, the Secretariat must adopt a multi-sectoral/ whole of government and society approach. Further the Capacity building programme should consider incorporation of state and non-state actors;
- (d) Directed the Secretariat to implement existing pilot programmes on migration so that rolling out of migration programmes is based on best practices;
- (e) Noted the need to establish and strengthen National Coordination Mechanisms on Migration in Member States in order to monitor the implementation of the COMESA Migration Agenda leveraging on best practices;
- (f) Noted the need for the implementation of an Integrated Border Management System which can detect fraudulent documents which are interlinked amongst Member States with a mechanism for sharing information on criminal practices;
- (g) That the Strategy should address the situation of persons in irregular situations and leverage on the best practices of the various regional bodies on the Continent;
- (h) Noted the need for an awareness creation and sensitization of communities on the vices of irregular migration such as human trafficking, human smuggling, harassment and issues of unethical recruitment ; and
- (i) Directed the Secretariat to mobilize resources to support Member States on the development of bilateral labour memoranda of understanding/ agreements.

### **On the COMESA Small Scale Cross Border Traders Initiative Project**

- (a) In implementing the programme on the Free movement of persons, the Secretariat should prioritise the following:
  - i. Visa liberalisation;
  - ii. Travel documentation;
  - iii. Border infrastructure and border management information systems;
  - iv. Integrated/Coordinated border management;
  - v. One-stop border posts; and
  - vi. Border residency arrangements and provisions for cross-border traders and unification of families.
- (b) The Secretariat was directed work on enhancing the awareness of cross-border traders on immigration procedures and their obligations to comply with customs requirements;
- (c) Member States, with the support of the Secretariat, should implement programmes that mainstream health, gender, protection of vulnerable groups in border management and trade facilitation;

- (d) The Secretariat was directed provide guidelines to facilitate cross-border trade;
- (e) The Secretariat was directed facilitate the development of a COMESA regional labour market information system in coordination with other existing labour market information systems in the region;
- (f) The implementation of regional labour migration statistics should be enhanced for effective decision making; and
- (g) The strategy should include comprehensive stakeholder consultation at national and regional levels in terms of labour migration, pandemics and enhancing security at the borders.

### **On the Southern Africa Migration Management (SAMM) Project and the COMESA Regional Migration Statistics Project**

- (a) The Meeting noted the need for the development of a regional labour market information system to be developed in COMESA in coordination with other existing labour market information systems in the region and establish links with market information systems in other RECs with shared membership such as EAC, IGAD and SADC;
- (b) The presentation underscored that an implementation of regional labour migration statistics needed to be enhanced for effective decision making;
- (c) Member States were urged to share their bilateral agreements with the COMESA Secretariat for purposes of harmonization and development of a regional legal framework;
- (d) Member States were encourage to adopt a “whole government approach” and “whole society approach” when collecting data at a national level for effective national development planning and policy development;
- (e) Member States were urged establish and strengthen National Monitoring Committees to monitor migration issues at a national level in order to enhance a whole society approach;
- (f) There is need to sensitize local communities on the benefits of migration as regards to economic development through investment that comes with transfer of skills which can lead to industrialization and finance in the form of foreign direct investment; and
- (g) There is also need to sensitise local communities on the dangers of irregular migration.

### **On the Revised Draft Strategy and Roadmap of Implementation of COMESA Protocol and Council Decisions on Free Movement of Persons and Draft Capacity Building Programme on Free Movement of Persons**

- (a) The Meeting observed the need for the Secretariat to assist Member States to have national training programs and workshops to address migration issues;
- (b) At national level, National Monitoring Committee be established with a provision for the establishment of sub-committees to deal with thematic issues where appropriate;
- (c) The strategy should include a Programme on mainstreaming gender in all COMESA migration programmes;
- (d) COMESA was directed to continue providing assessment and monitoring reports on the implementation of the COMESA protocols and decisions periodically; and
- (e) The Meeting adopted the draft Strategy and Roadmap of Implementation of COMESA Protocol and Council Decisions. Copies of the draft Roadmap and Strategy are attached hereto for ease of reference.

### **On the Compendium of Regional Instruments**

60. The Meeting recalled the importance of implementing Article 164(1) of the COMESA Treaty on harnessing regional and to a great extent multilateral measures on migration and directed the COMESA Task Forces on Migration as follows:

- (a) COMESA Member States should be urged to sign, ratify, domesticate migration legal instruments under which they have taken commitments at the regional and multilateral levels;
- (b) The COMESA Draft Strategy, Roadmap and Capacity Building Programme on Implementation of COMESA Protocols and Council Decisions on Free Movement of Persons, Labour, Services, Right of Establishment and Right of Residence should include a compendium of legal instruments with commitments by COMESA Member States;
- (c) The COMESA Task Forces on Migration should play an advocacy role on coordination of the COMESA Programme on Free Movement of Persons with other regional Programmes with shared membership for COMESA Member States to fully implement Article 164(1) of the Treaty; and
- (d) Establish and strengthen National Monitoring Committees under the umbrella of National Coordination Committees to effectively monitor the signatures, ratifications, domestication, and implementation of regional and international instruments.

### **General Decisions**

61. The Meeting further made the following decisions:



- (a) Urged Member States to facilitate the movement of persons across borders and facilitate trade, and address the challenges including national security concerns;
- (b) Urged Member States to identify milestones and timelines on reporting of progress and challenges experienced in the implementation of the COMESA Free Movement Protocol;
- (c) Urged Member States to prioritize the implementation of the strategy and road map; and
- (d) Urged Member States to take advantage of the availability of technical support from COMESA.

**Consideration of the Status Report on Implementation, Signatures and Ratifications of COMESA Legal Instruments and Decisions on Migration (agenda item c)**

62. The Meeting received a report on the Status Report on Implementation, Signatures and Ratifications of COMESA Legal Instruments and Decisions on Migration.

**Discussion**

63. The Meeting took note of the table on visa implementation and the amendments made by Kenya, Rwanda and Malawi.

**Decisions**

64. The Meeting made the following decisions:

- (a) Urged Member States to provide further updates to the table on visa implementation to ensure availability of current information; and
- (b) Adopted the table on visa implementation with amendments attached to the report and marked "Annex 3".

**Report of the COMESA Task Forces on the Implementation of COMESA Protocols and Council Decisions; Capacity Building Programme on Free Movement of Persons; and the Progress Report on the Implementation of the COMESA Trade Facilitation Project (agenda item e)**

65. A consolidated presentation of the reports was made by a representative of the COMESA Task Forces on Migration from the Republic of Zimbabwe.

66. The presentation highlighted the following important points:

- (a) Article 164 of the COMESA Treaty provides for the legal basis for Member States to progressively adopt individual, bilateral, or multilateral measures

to achieve free movement of persons, labour and services, the right of establishment and residence by citizens within the Common Market;

- (b) COMESA Member States have been implementing the Protocol on the Gradual Relaxation and Eventual Elimination of Visas (Visa Protocol) at varying levels. All Member States, except for Egypt, Mauritius, Seychelles, and Somalia have ratified the Visa Protocol;
- (c) The Protocol on the Free Movement of Persons, Service, Labour and the Right of Establishment and Residence Free Movement Protocol has not yet entered into force as it has not yet received the requisite signatures and ratifications;
- (d) To date, two Member States, namely the Republic of Burundi and the Republic Rwanda, have ratified the Protocol. Pursuant to Article 164(3) of the COMESA Treaty, Member States agreed that the Visa Protocol shall remain in force until the Free Movement Protocol enters into force;
- (e) The slow implementation of the Free movement Protocol affects the promotion of regional integration and the success of the COMESA Migration Agenda and the Continental Migration Agenda;
- (f) The Ministers Responsible for Immigration at their 4th Meeting held in 2011 created two task forces namely the Task Forces on the Development of a Capacity Building Programme on Free Movement of Persons and the Implementation of Legal Instruments and Council of Ministers Decisions on Free Movement of Persons;
- (g) The First Consultative Missions visited the following eight (8) Member States: Djibouti, Uganda, Rwanda, Kenya, Seychelles, Comoros, Swaziland, and Malawi. These missions were supported by the European Union under the International Centre for Migration Policy Development (ICMPD);
- (h) The Second Consultative Missions visited the following Member States Mauritius, Egypt, and Madagascar Consultative missions were supported by the European Union's 11th Development Fund under result area 5.2 which focuses on the Free Movement of Persons. Visits to the following Member States are still awaiting confirmation of dates of Meetings: Ethiopia; Zimbabwe; and Zambia; and
- (i) The missions were aimed at identifying challenges faced by Member States impeding the signature and ratification of the Protocols on Gradual Relaxation and Eventual Elimination of Visas (Visa Protocol) and on Free Movement of Persons, Service, Labour and the Right of Establishment and Residence (Free Movement Protocols).

**Copies of the reports are attached hereto and marked "Annex 4"**

## Discussions

70. The Meeting noted the presentation and made the following observations:

- (a) Non-ratification of the Free Movement Protocol directly affects issues of reciprocity amongst Member States;
- (b) Member States noted the passage of time between the first 8 Missions that the Task Force in 2013 and the recent 3 Missions that the Task Force undertook in 2023 and called for the presentation of updated information to the Secretariat to be submitted by each Member State before the convening of the Meeting of Ministers. Once received, the Secretariat shall compile an update Report to be submitted to Ministers;
- (c) Urged Member States to consider best practices being implemented by some member states which could assist in addressing security concerns for example the Advance Passenger Information System which has supported the assessment of persons prior to arrival in the country of destination; and
- (d) Urged Member States to consider refocusing of activities to obtain quicker results on the COMESA Free Movement agenda given that Member States are making positive strides on the matter. It was also emphasized that activities undertaken by Member States relevant to free movement should be reported on frequently.

## Decisions

71. On the basis of discussions held, the Meeting made the following decisions:

- (a) Directed the Secretariat to update the Report to take into account updated submissions presented by Member States;
- (b) Directed the Secretariat to undertake a comparative study with regional economic communities that are successfully implementing free movement of persons programmes; and
- (c) Directed the Secretariat to develop a booklet of frequently asked questions which highlights the benefits of the Protocol which will support awareness and sensitization of the Protocol.

## **Consideration of the Presentation of the Report of the Validation Workshop of the First COMESA Labour Migration Statistics Report (For Noting) (agenda item f)**

71. A presentation of the Validation Workshop of the First COMESA Labour Migration Statistics Report was made by the Migration Statistics Officer of Statistics Sweden.

72. The Validation workshop for the First COMESA Regional Labour Migration Statistics Report was held in a hybrid format on 22nd to 25th March 2022.

73. The objectives of the Workshop were as follows:

- (a) Validate the first COMESA international labour migration report and discussions on the content for future reports;
- (b) Stocktaking of useful admin data on migrant stocks and flows;
- (c) Establishment of regional technical working-group on labour migration data;
- (d) Harmonization of labour migration indicators in the region; and
- (e) Facilitate MS contribution to the continental and regional data collections on migration.

74. The presentation further highlighted the following important discussion points:

- (a) Irregular migration, refugees and Internally Displaced Persons are important aspects of Labour Migration Statistics;
- (b) Need for the enhancement of the capacity of Member States to protect the rights of vulnerable groups especially unskilled migrant laborers;
- (c) Aim towards the efficient implementation of the regional Mid Term Strategic Plan MTSP to support Member States with the capacity to produce timely, reliable and accurate migration statistics;
- (d) Need for the harmonization of concepts and definitions of labour migration amongst Member States;
- (e) Harmonization the AU and ILO labour migration questionnaire to Member States for comparability of regional analyses;
- (f) Some aspects related to the migration report and key findings;
- (g) Country experience in data collection, concepts and definitions for labour migration; and
- (h) Challenges of combining different data sources.

## **Discussion**

75. Following the presentation, the Meeting made the following observations:

- (a) The Meeting noted the need to rely on updated information that focuses on labour market systems being used in the region; and
- (b) The Meeting noted the need to define key terms in the Migration Statistics Report for purposes of clarity.



## **Decisions**

76. The Meeting made the following decisions:

- (a) Directed the Secretariat to ensure that the next COMESA Labour Migration Statistics Report covers other aspects of migration other than labour;
- (b) Noted the need for more sensitization on the importance of Labour Migration Statistics;
- (c) Urged Member States to build capacity in collecting and analyzing labour migration statistics;
- (d) Noted the need to enhance interagency cooperation at the national level in the collection of labour migration statistics and migration statistics in general;
- (e) Urged COMESA Member States to take advantage of available opportunities under the Statistics Sweden and the Southern Africa Migration Management (SAMM) Projects being implemented at COMESA to build capacity in data collection compiling and analysis for effective evidence-based policy and decision making;
- (f) Urged Member States to adhere to the international concepts and definitions during data collection;
- (g) Directed COMESA to provide technical support to Member States to be able to collect migration data on different dimension such cross border movement (nomadic population), work with other partners to provide technical support to Member States that will allow for a harmonisation of concepts and definitions;
- (h) Urged Member States to share with the Secretariat, recently updated data on migration so that it may be considered in the next edition;
- (i) Directed COMESA to recognize local financial institutions that are involved in money transfers such as Hawala so that it represents what is on the ground, after the approval of the national financial control authorities of Member States, to achieve the desired result; and
- (j) Noted the need to enhance interagency cooperation at the national level in the collection of labour migration statistics and migration statistics in general.

## **Consideration of the Report on the Establishment of the COMESA Migration Database**

77. A presentation was made by the Migration Statistics Officer of Statistics Sweden.

78. The presentation highlighted the following important points:

- (a) COMSTAT is an on-line interactive database designed to serve as a central repository of all statistical data at the COMESA Secretariat; and
- (b) The database, which was launched in 2006, initially with only international merchandise trade statistics, has over the past years been enhanced and augmented with other statistical indicators and related statistical information pertaining to member states in the COMESA region.

78. The presentation also highlighted the following objectives:

- (a) The COMESA Migration Database facilitates easy public access of official statistics to the general public;
- (b) It improves decision making based on available data;
- (c) Further, it improve data collection among organizations and countries; and
- (d) It introduces a tool for data submission to partners.

### **Discussion**

79. Meeting noted the presentation and made the following observations:

- (a) That the scope of data collection should be extended to labour statistics; and
- (b) The importance of data protection and observed there was no regional agreement or legal framework on data protection in place;
- (c) The scope of coverage of statistics could be extended to unskilled labour and migrants and requested Secretariat to explore ways to include this sector in data collection; and(d) Member States could be supported by the Secretariat to develop regional indicator and guidelines on labour migration guidelines which are based on international best practices.

### **Decisions**

80. The Meeting directed the Secretariat to develop a legal framework to ensure data protection.

### **Consideration of the Progress Report on the Implementation of the Southern Africa Migration Management (SAMM) Project**

81. A presentation was made by the Technical Officer on Labour Migration and Data of the SAMM Project:

- (a) The presentation highlighted the following important points;

- (b) The project implementation timeline was for a duration of four years from January 2020 to December 2023 with a possibility of extension if the need arose;
- (c) The project's key project priority has been to support the formulation and realisation of REC's Labour Migration and the Mixed Migration Frameworks of the:
  - (i.) Common Market for Eastern and Southern Africa (COMESA);
  - (ii.) Southern African Development Community (SADC) and;
  - (iii.) Indian Ocean Commission (IOC).
- (d) The project has focused on migrant workers, refugees, internally displaced persons, victims of trafficking, and smuggled migrants.

82. The presenter highlighted the three key result areas as follows:

- (a) Rights-based legal and efficient channels of labour migration and mobility (including appropriate protection measures for migrant workers) promoted and put in place in the Southern Africa / Indian Ocean region;
- (b) Evidence-based management strategies and policies to address mixed migration challenges, including assurance of appropriate protection frameworks for vulnerable migrants, are formulated and implemented; and
- (c) A Southern African and Indian Ocean migration observatory established and fully operational.

83. He further noted that the activities implemented and to be undertaken by project in the COMESA Region were as follows:

- (a) A project Technical Officer on labour migration and data has been seconded to the COMESA Secretariat to support the implementation of the COMESA International Migration Programme as well as the COMESA Statistics Division;
- (b) Support was provided to convene a technical Meeting of the COMESA Task Forces on the Implementation of COMESA Legal Instruments and Decisions of the COMESA Council of Ministers and the Development of a Capacity Building on Free Movement of Persons where in a Draft Strategy, Roadmap and Capacity Building Programme were adopted;
- (c) Implementation of COMESA Protocols and Council Decisions on Free Movement of Persons, Labour, Services, Right of Establishment and Right of Residence (also known as the Visa Protocol and Free Movement Protocol);
- (d) Together with Statistics Sweden, a first COMESA Labour Migration Trends report, based on ILOSTAT data collected through the AU/ILO/IOM JLMP programme, has been drafted and validated by COMESA Member States;



(e) Together with Statistics Sweden, the first phase of the COMESA Regional Database on Migration with a focus on Labour Migration was established;

(f) A review of the COMESA Model Law on Immigration is planned and will start imminently;

(g) The Meeting further noted a presentation on the Mixed Migration component of the project; and

(h) The presentation highlighted the following important points:

(i) The need for Member States to support and implement the UN and AU Conventions for the protection and assistance of internally displaced persons as well as development of policies and strategies;

(ii) The need for governance and management of mixed migration flows and development of gender policies; and

(iii) The need for institutional arrangements to support mixed migration.

(iv) Ambassador Amr Abbas, Assistant Minister of State for Immigration and Egyptian Expatriates' Affairs, highlighted the correlation between migration and development demonstrating Egypt's experience in combating irregular migration and securing all shores by specific measures leading to the prevention of the departure of any irregular migration boats since 2016 until now. On the other hand, he showcased the pivotal role played by the presidential initiative "The Life-Saving Boats", launched in fourteen governorates known to be the main exporters of irregular migration. With the aim of combating the phenomena, and eradicating it, he shed light on the efforts exerted by the Egyptian Government with the aim of raising awareness about the dangers of irregular migration. He also pointed out the role played by the Egyptian – German Center for Jobs, Migration and Reintegration (EGC) which provides safe and effective alternatives by training young people professionally and culturally through vocational training centers, while raising their awareness. He also underscored that Egypt is determined to fulfill that strategy and cooperate with like-minded countries to ensure safe migration with fair payment and decent work;

(v) Within the same context, the representative of IOM lauded the vision of the Ministry of State for Emigration and Egyptian Expatriates' Affairs regarding the importance of combating irregular migration and identifying determinants that help obtain accurate data on irregular migrants. He also emphasized the importance of migration-development nexus and for COMESA Member States to follow this approach by setting migration policies based on the national determinants of each of them. While benefiting from the pioneering Egyptian experience in linking migration and development, he reiterated the importance of enhancing joint cooperation through similar development initiatives and programs;

(vi) In light of the difficulty of accessing specific and accurate data to measure irregular migration, the Representative of the International Labour Organization (ILO) pointed out the need to combating irregular migration. Underscoring the importance of

the human rights aspect, he added that irregular migrants have rights equal to regular migrants;

(vii) With the aim of stressing the importance of focusing on climate change impacts on migration, Dr. Salma Sakr, Associate Minister of Emigration for International Relations, pointed out that climate change impedes the development process and drives citizens to emigrate. Within the Context of its Presidency of the twenty-seventh session of the Conference of the Parties to the United Nations Framework Convention on Climate Change (CoP27), the Arab Republic of Egypt played a pioneering role in defending the rights of brotherly African countries who are exposed to the largest amount of carbon emissions while they are the least shareholders. She demonstrated that the Ministry of State for Emigration and Egyptian Expatriates' Affairs participated in the COP27 activities through a session that encompassed six young Egyptian researchers abroad specialized in the fields of technology and renewable energy. Through this session, they discussed ways to reduce carbon emissions and promote the production of sustainable green energy. She also emphasized on the need to benefit from the experiences of our citizens abroad in reducing the effects of climate change; and

(viii) In the same context, the representative of IOM praised the vision of the Ministry of State for Emigration and Egyptian Expatriates' Affairs on climate migration nexus, stressing the need to enhance African countries response capacity in times of emergency and crisis by raising the efficiency of workers in border management.

## **Discussion**

84. Meeting noted the presentation and made the following observations:

(a) Given the size of the region, there should be an extension of the SAMM programmes to non-SADC member States. It was however noted that there was implementation of the AU/ILO/IOM/UNECA Joint Labour Migration Programme (JLMP) and Better Regional Migration Management (BRMM) which supports the EAC and SADC Member States on similar interventions;

(b) Irregular migrants are illusive and therefore gathering accurate data has its challenges and deliberate policies needed to be developed to address this concern;

(c) Member States noted the importance of leveraging on national laws on migration implemented to address the issue of irregular migration flows; and

(d) The Meeting noted the importance of sustainability of activities after the close of the programme and highlighted the need to support Member States in that regard.

## **Decisions**

85. The Meeting made the following decisions:

(a) Directed the Secretariat to further develop the COMESA Regional Migration Database and establish of links with related ILO, IOM and other RECs databases;

- (b) Expressed support for a continued production and publication of COMESA Labour Migration Trends reports;
- (c) Called for the provision of regional and national technical support to National Monitoring Committees on Migration and on the Implementation of COMESA and ILO tools on migration, where they do not exist;
- (d) Called for the provision of technical assistance and support to COMESA on the development of a legal framework for Mutual Recognition of Qualifications and Skills in line with ILO conventions, recommendations and tools;
- (e) Invited a joint resource mobilization for implementation of labour migration and skills programmes;
- (f) Emphasized the nexus between migration and development; and
- (g) Urged Member States to formally engage the Secretariat to support them to address specific needs related to the project's thematic issues.

### **Consideration of the Progress Report on the Implementation of the Small-Scale Cross Border Traders Initiative (SSCBTI)**

86. A presentation was made by the International Organisation for Migration on the progress of the Small-Scale Cross Border Trade Initiative.

87. The presentation highlighted the following important points:

- (a) The Common Market for Eastern and Southern Africa (COMESA), the East African Community (EAC), the Intergovernmental Authority on Development (IGAD), the Indian Ocean Commission (IOC) and the Southern Africa Development Community (SADC) signed the Regional Indicative Programme (RIP) on 4 June 2015 in Brussels, Belgium paving way to the 11th European Development Fund (EDF);
- (b) Specifically, the COMESA sub-regional envelope was given an indicative allocation of Euro 85 million to assist in the implementation of its regional integration priorities;
- (c) In light of the same key border posts were designated in close consultation with all relevant stakeholders in the region (including Member States authorities) and with the support of a comprehensive design study validated by Member States;
- (d) Selection was based on the following criteria commonly agreed between the EU and the COMESA Secretariat:
  - (i) demographic density;
  - (ii) cross-border trade flows;
  - (iii) the existence of traders' associations in that region;
  - (iv) key transport and commodity corridors;
  - (v) price differences across borders;

- (vi) specific constraints faced by small-scale traders (in particular women traders);
  - (vii) likeliness to implement the activities at national level;
  - (viii) past COMESA initiatives; and
  - (ix) complementarities with EU and other donors' initiatives.
- (e) The following initial border posts were selected:
- (i) Mwami/Mchinji between Zambia and Malawi;
  - (ii) Kasumbalesa between Zambia and DRC;
  - (iii) Chirundu between Zambia and Zimbabwe;
  - (iv) Tunduma/Nakonde between Zambia and Tanzania; and
  - (v) Moyale between Ethiopia and Kenya.
- (f) Under the Small-scale cross border trade initiative, there are 5 key thematic areas of support namely;
- (i) Specific trade facilitation policies and instruments for Small-scale traders designed & implemented in the COMESA /tripartite region;
  - (ii) Addresses the extent of corruption, bribery and harassment experienced by small-scale traders;
  - (iii) Capacity Re-enforcement for Cross-Border Traders Associations (CBTAs) and similar business associations;
  - (iv) Gender disaggregated statistical data and analysis on small-scale cross-border trade shall be systematically collected, compiled, harmonized, and disseminated; and
  - (v) Adequate and gender sensitive basic border infrastructures for small-scale traders are built/upgraded at selected border areas.

88. The Meeting was informed that IOM collaborated with ITC to enhance awareness of small-scale cross border traders on the advantages of formal small scale cross border trade and the dangers and disadvantages of informal cross border trade.

89. Further IOM sensitized small scale cross border traders on immigration procedures through conducting two capacity building and awareness raising Meetings. The Meetings were held in Zimbabwe (Karoi, 19th – 24th March 2023) and Zambia (Mchinji, 24th – 27th April 2023). Amongst other things, the Meetings brought out some of the challenges experienced by small scale traders including difficulties related to accessing travel documents.

## **Discussion**

90. The Meeting noted the presentation and made the following observations:

- (a) Member States noted the increased migration cases induced by the influence of climate change which may have an impact on effective migration management;
- (b) IOM noted that there is a Humanitarian Border Management Framework which Member States benefit from by assisting them to come up with specific guidelines on dealing with large influx of population movements;

(c) IOM also noted that the Humanitarian Border Management Framework may also assist States to avert the closure of borders and effectively respond to humanitarian needs of the displaced persons;

(d) Member States noted that there is limited capacity including inadequate data sharing mechanisms, equipment, border management information systems and standard operating procedures among border management agencies to effectively collaborate on border management; and

(e) Member States also noted the limited awareness among government officials on the benefits of free movement of persons, formal cross border trade and regional legal frameworks.

## **Decisions**

91. The Meeting made the following decisions:

(a) Directed the Secretariat in collaboration with implementing partners to design programmes for sustained awareness raising at technical, strategic and political levels to ensure traction on the free movement agenda and signature and ratification of the respective protocols in Member States including the benefits of formal small scale cross border trade;

(b) Directed the Secretariat to take cognizance of each border's unique challenges and peculiarities in designing programmes;

(c) Noted the need for capacity building and training to be factored into ongoing organizational processes especially in the case of institutions that have high staff turnover;

(d) Member States be supported to strengthen Integrated Border Management in a manner that promotes intra, inter and bilateral cooperation for safe, open and secure borders;

(e) Encouraged Member States to further enhance electronic border management systems at all border points for easier collection and sharing of data as well as efficient processing of entry and exit. The Arab Republic of Egypt however registered its reservation with the implementation of this recommendation;

(f) Called for the strengthening of the capacity of border agencies or border control agencies to enhance security as well as address the vices that come with irregular migration;

(g) Urged Member States to be supported to develop programmes that address the effects of large scale population displacements caused by climate change/ natural and man made disasters; and

(h) The need for a review and harmonisation of laws which have a negative impact on effective and coordinated border management, recognising the various legislative frameworks of Member States.

**Any other Business (Agenda item)**

92. There being no any other business the Meeting was closed.

**Adoption of the Report and closure of Meeting (Agenda item (j.))**

93. The Meeting adopted the report of the First Joint Meeting of the COMESA Ministers Responsible for Migration and Ministers of Labour with amendments.

94. Before the Chairperson closed the Meeting, the Secretary General of COMESA expressed the Secretariat's gratitude to the Meeting for its commendable work and guidance on the areas discussed. She extended her thanks to European Union, IOM and ILO who were instrumental to ensuring the success of the Meeting. With those brief remarks she concluded her statement.

95. At the end of the Meeting, the Chairperson of the Meeting, Honourable Tambatamba expressed her gratitude to the Meeting for having reposed their trust and confidence in him to chair the Meeting. Honourable Tambatamba also thanked the Meeting for their cooperation and having discussed issues that were before the Meeting in a warm and cordial manner. She proceeded to commended the Ministers Responsible for Immigration and Ministers of Labour for the rich and in-depth discussions and contributions made during the Meeting. As current Chair of COMESA, she noted the meetings received reports to facilitate human mobility enhancing security in the face of transnational crime. She emphasised the need to support development to recover from post covid crisis. She emphasised the need for interagency cooperation to enhance safe, organised migration. She ended her by reiterating the commitment of the COMESA Minsters in the implementation of the COMESA Migration Agenda .

---

**CHAIRPERSON**

---

**VICE PRESIDENT**

---

**RAPPORTEUR**