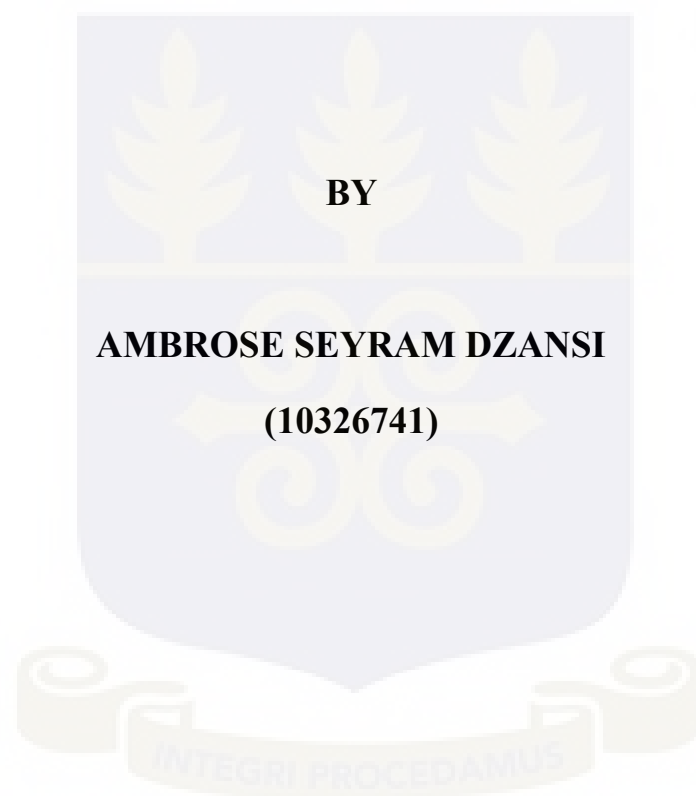


UNIVERSITY OF GHANA

CENTER FOR MIGRATION STUDIES

MIGRATION MANAGEMENT IN GHANA



BY

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**A LONG ESSAY SUBMITTED TO THE UNIVERSITY OF GHANA, LEGON IN
PARTIAL FULFILMENT OF THE REQUIREMENT FOR THE AWARD OF
MASTER OF ARTS DEGREE IN MIGRATION STUDIES**

JULY, 2018

DECLARATION

I, Ambrose Seyram Dzansi, hereby declare that, except for references to other people's work, which have been duly acknowledged, this Long Essay is the outcome of my independent research conducted at the Centre for Migration Studies, University of Ghana, Legon, under the supervision of Prof. Joseph K. Teye. I, therefore, declare that this Long Essay has neither in part nor in whole been presented to any other institution for academic award.

.....

AMBROSE SEYRAM DZANSI

(STUDENT)

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DATE

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PROF. JOSEPH K. TEYE

(SUPERVISOR)

.....

DATE

DEDICATION

This book is dedicated to my innovative, lovely and dependable wife Eunice Kweku and my precious children namely; Selikem, Lordina, Sesime and Sedinam for their support, encouragement, advice and guidance. My parents; Mr. & Mrs Hilarious Dzansi and my siblings are also acknowledged duely.

I owe all my successes to my trustworthy friend, class mate, colleague co-worker Wise Yao Adzah for their unflinching support. May the good Lord bless us all.

ACKNOWLEDGEMENT

Many thanks go to all whose work, research, and support helped me to write this thesis, especially Prof. Joseph K. Teye, my supervisor, all lecturers of Center for Migration Studies (CMS) and its staffs for their contributions. I would be indebted if I don't mention pioneers of sandwich programme of 2016 intake (Migration Kahunas).

My colleague and friend Courage Kwame Amegbe is as well acknowledged for his timely advice.

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CHAPTER ONE

INTRODUCTION

1.1 Background

Migration as a phenomenon has been in existence since human existence, either for survival or exploration. It is a global phenomenon that is increasingly shaping developmental processes in our ever globalising world and touches on a multiplicity of economic, social and security aspects affecting our daily lives (Blinder and McNeil, 2017). Migration covers a wide array of movements and situations which involves people of all backgrounds; it could be internal or international, rural-urban or urban-urban migration. It provides countries opportunities to benefit immensely and help improve peoples' lives in both origin and destination (McCauliffe, Goossens and Ullah, 2017). The increase in global mobility due to the advancement in technology leading to easy access to transportation either through road, air and sea; coupled with the growing complexities of migratory patterns and its impact on countries, communities, household and individual migrants have contributed to migration becoming a topic of interest (Duncan and Popp, 2017; Weeks, 2011). Many countries are now experiencing massive movements in populations both within and across borders. According to the United Nations and the International Organisation for Migration (2016), there has been an increase of international migration from 222 million in 2010 to 243 million in 2015; representing a third of the world (UN DESA, 2016). Overall, the estimated number of international migrants has increased over the past years. There has been a substantial increment in international migrants, even at a greater rate than expected. For instance, IOMs 2003 World Migration Report projected that by 2050 international migrants would account for 2.6 per cent of the global population or 230 million (UN DESA, 2002), this projection was revised in the 2010 report to 405 million international migrants globally 2050 (IOM, 2010). This indicates how international migration has been increasing proportionally. A point to note that, this still represents a small minority of the global population meaning that the majority of people migrate within countries; with an estimated 740 million internal migrants in 2009 (UNDP, 2009). African migrants actually move to the global north and that intra and inter-country movements within the region are and continue to be central feature of people's livelihood strategies. Indeed, data indicates that in 2006, 84% of the migration movements from West African countries were directed toward another country of the sub-region. Such intra-regional movement, estimated at 7.5 million persons, was about seven times greater than migration movements from West Africa to the rest of the world, including Europe and North America. Even though different data sources provide different estimates due to the difficulties of documenting movements within West Africa, all data sources indicate that majority of West African movements, involving different categories of migrants

such as temporary cross-border workers, especially female traders, seasonal migrants, clandestine workers, professionals and refugees, farm labourers, unskilled workers and nomads, remains the bulk of migration streams. Much of these movements take place in diverse political, economic and ecological settings and are critical for the livelihoods of many families and communities in West Africa.

Countries in Africa are also experiencing challenges and opportunities related to migration and this is fuelled by poverty, ethno-religious conflicts, civil unrest and rapidly growing population (Adepoju, 2010). Internal, intra-regional and international migration all takes place within some context. According to Adepoju (2010), there are different forms of migration that characterises the various sub-regions in Africa. West and Central Africa is characterised by labour migration to other locations within the region, to other developed countries in the West and the rich oil countries; Refugees flow within eastern and western Africa as well as inflow of labour migration from eastern and southern African countries to other southern countries that are more developed. This is evident in the 2017 World Migration Report. In 2015, over 16 million Africans were living in another African country and this population of migrants has been growing for the last five-year period (UNDP, 2009). These distinctive migrations are complex in Africa due to factors such as free movement agreements, porous borders among others.

In Ghana, migration has played a central and important role in livelihood strategies of the population, be it rural or urban. Ghana's pattern of migration is characterised by movement from the north to the south within Ghana and from the less developed rural areas to the developed urban areas. Ghana is also experiencing emigration to other countries especially in the 1970s after the economic decline. This trend started with the movement of unskilled Ghanaians to Cote d'Ivoire for work in the Agricultural sector; this triggered the emigration of Ghanaians to other African countries and even beyond Africa. By 2008, there was an estimated net of 250,623 to 1.5 million Ghanaian emigrants residing in 33 countries (GSS, 2012; Twum-Baah, 2005). With internal migration, almost half (48.6%) of the population in Ghana have migrated, Accra having the highest proportion of migrants (60.3%) (GSS, 2014). These distinctive migrations have presented both challenges and opportunities to Ghana and will therefore need proper management.

Thus, from the period when migration was perceived as mainly negative characterising —brain drain‖ which carried all the skills of Africa, migration is now regarded as a key to development and even a poverty reduction strategy (Frank, 2003). Migration continues to offer new opportunities for sustainable development as brain gain initiatives continue to contribute to the development of Ghana (Talamo, 2016). Despite its importance, migration has also caused significant challenge to the developmental goal of the country; coupled with the unavailability of reliable and up to date data has made it difficult to integrate migration into the broader development agenda of the country

(Adepoju, 2010; Weeks, 2008). There is limited coherence and linkages in existing migration-related laws due to the low coordination among the various institutions.

The proper management of migration could help promote the positive outcomes of migration and prevent the negative consequences. This essay hence examines the National Migration Policy (NMP) which was meant to manage Ghana's migration flows in tandem with the goal of Ghana's long term development goals. This essay aims to examine the various management strategies adopted by Ghana to manage migration as well as examine the challenges or weaknesses of migration management in Ghana.

1.2 General Objective

The general objective of this study is to review and understand the migration management system in Ghana

1.2.1 Specific objectives

1. To describe the evolution of migration management policies in Ghana
2. To identify the weaknesses of migration management policy
3. To examine the various stakeholders in the management of migration in Ghana

1.3 Problem Statement

Migration has become an important topic in the global agenda as it has the potential for economic and social development. From a period when migration was seen as mainly negative including brain drain; where most African nations lose their skilled population to the more developed countries (Adepoju, 2010) migration is now widely regarded as key to development and poverty reduction. It is now a survival mechanism which impacts at the family, community and national level. Remittances by migrants are one important source of development. For instance, in a survey conducted by IOM in 2017, remittances in Ghana have nearly doubled households' incomes. The total amount of cash received in the 12-month period was 1,361,678 Ghanaian Cedi (GHS) (approximately USD 300,000), with each household receiving an average of GHS 4,663 (approximately USD 1,069). The monetary value of goods received during the same period was GHS 1,042,463 (approximately USD 220,000). Furthermore, the survey showed that the primary use of the remittances received was to buy basic necessities, such as food, clothing and household goods, with a lower priority given to investments or savings ([www.iom](http://www.iom.int), 2016). The effective management of the multiple areas of migration could prove beneficial to any country including Ghana.

The effective management of migration includes an institutional framework that coordinates the interconnectedness between migration and development. This will lead to the formulation and implementation of an effective migration policy. The management of migration is made up of many aspects involving governmental administrative units such as Foreign Affairs ministry, Ministry of Interior, ministry of health etc.; as well as other international agencies (Adepoju, 2010). However, most states have failed to manage migration effectively, even where there are policies, they rarely meet the declared objectives of the policy (Castles, 2004). Migration management policies fail to attain all intended benefits because in some instances they are based on short-term and narrow views of the migratory process. Migration policy should therefore address the entire scale of the migratory process; decision to migrate, settlement, community formation among others.

To help Ghana manage its internal, intra-regional and international migration flows for poverty reduction and sustained national development, the Government launched the National Migration Policy on April, 2016 (theheraldghana.com). The National Migration Policy (NMP) is to provide a comprehensive framework to manage migration for Ghana's sustainable development. However, the NMP has not been implemented after its launch, neither has the Ghana National Commission on Migration (GNCM), a body that is crucial for the implementation of the NMP. The lack of establishment of the GNCM is hampering the effective and co-ordinated implementation of the NMP. Although the policy exists, there is still limited coordination among the various stakeholders dealing with migration issues. There is also absence of reliable data to guide policy formulation as well as inadequate institutional capacity for effective management of migration. There is a dearth of knowledge on migration management in Ghana; the roles of the various stakeholders and how they affect the effective management of migration as a spectrum. This essay seeks to review migration management in Ghana using the NMP's listed stakeholders; their roles and they execute these roles. This essay looks at the various institutional frameworks guiding migration management in Ghana and juxtaposes it to the IOM's model. By using literature and various documents, the essay will examine the various strands of migration and its management in Ghana.

CHAPTER TWO

LITERATURE REVIEW

2.0 Introduction

This chapter presents a review of relevant literature on the topic of migration management in Ghana. The literature review includes history of migration in Ghana, the overview of Global migration, institutions of global governance among other themes.

2.1 Overview of Global migration management

International migration has increased significantly in recent years. Today, approximately one out of every 35 persons in the world is a migrant (United Nations, 2002). Migration flow has been on the rise with almost all the sovereign states now either points of origin, transit or destination and often all three at the same time (IOM, 2003). With the great potential that migration holds to contribute to the growth, development and stability of economies and societies worldwide, countries have paid more than the usual attention to this phenomenon and have sought to put measures in place to discover these benefits. For example, even though migration can cause brain drain, which could lead to the underdevelopment of the countries and communities of origin; migration can also contribute to the development in countries of origin through remittances, knowledge of skills transfer, investments among others. Thus, implementation of strategic migration management policies is a must if any country is to reap the benefits of migration and reduce the negative impacts of migration. (IOM, 2005).

The notion of ‘migration management’ was first elaborated in 1993 by Bimal Ghosh, following requests from the UN Commission on Global Governance and the government of Sweden (Commission on Global Governance, 1995). In 1997 following the report, the New International Regime for Orderly Movements of People (NIROMP) which was financed by United Nations Population Fund (UNPFA), together with the Dutch, Swedish and Swiss governments. Overall, the idea was that migration had the potential to generate real crises, and that a global and holistic regime of rules and norms was needed to successfully address the phenomenon (Ghosh, 2000). It was indeed planned to cover all types of human mobility, including refugee flows that were already addressed by the existing Geneva Convention and other related international norms and rules. Another key characteristic was the attempt to turn migration into a more orderly, predictable and manageable process, and to make it beneficial for all the stakeholders involved. Global migration governance is instead based on a range of different formal and informal institutions, operating at different

levels of governance. States' responses to the various different categories of migration addressed in this book are regulated in different ways. The same as those that regulate states' responses to skilled labour migration. In each category of migration, there is a complex range of multilateral, regional, inter-regional, and bilateral agreements, with different levels of governance having greater importance in relation to some categories of migration than others. For example, while refugee protection is predominantly regulated through multilateral and regional governance, labour migration is predominantly regulated through bilateral and regional governance and diaspora relations are predominantly regulated through the extra-territorial scope of individual states' policies. In different categories of migration, regulation in different issue-areas matters to a greater or lesser extent.

In the case of environmental migration, for example, the global governance of climate change matters; in the case of labour migration, ILO conventions on labour rights and WTO law matter; in the case of refugee protection and IDPs, human rights law matters. Furthermore, In the different areas of migration, different actors matter to different degrees. The relevant international organizations, private sector actors and NGOs vary.

Mapping and understanding the institutions that regulate states' responses to international migration also has wider implications for understanding global governance. The complexity of global migration governance points to a different type of global governance beyond the formal and inclusive multilateralism that characterised the post Second World War consensus.

In the absence of a comprehensive UN framework, it highlights an environment in which institutional proliferation has created a complex, multi-level tapestry of diverse and contested institutions. This form of plurilateralism, in which a range of institutions with different degrees of inclusivity and exclusivity coexist, is increasingly becoming the norm in a range of issue-areas and global migration governance offers an extremely salient case study within which to explore international politics in the context of a dense framework of overlapping, parallel and nested institutions.

2.2 The Institutions of Global Migration Governance

There is no UN Migration Organization and no explicit migration regime (Bhagwati 2003; Ghosh 1999). The exception to this is in the area of asylum and refugees' protection, in which states have created a formal refugee regime, based upon the 1951 Convention on the Status of Refugees, which is overseen by a specialised UN agency, the Office of the United Nations High Commissioner for Refugees (UNHCR). Aside from the 1951 Convention, the 1990 UN Convention on the Rights of Migrant Workers is the only formal multilateral agreement within a UN framework that relates to international migration. Yet, although the position of the UN Special Rapporteur on the

Rights of Migrants was created in 1999 within the framework of the UN Human Rights Commission, the treaty has only been ratified by a relatively small number of predominantly migrant sending states.

Since the 1990s, the IOM has grown rapidly from being a small members' organisation for migrant receiving states to being the most prominent international organization working on international migration. However, it is not a UN agency, and it does not have fully inclusive membership. In contrast to UNHCR, its work is conducted in the absence of an underlying regime. It therefore has no normative basis for its work in the form of either a clear mandate or regime in the way that most UN organizations do. It exists mainly as a service-provider to states, providing advice on best practice and running migration-related projects in areas such as migration management, facilitating migration, migrant health, and the movement of people in post-conflict settings. In many ways IOM's approach is nearer to a private firm than a typical IO. For example, its Director-General sets the goals for the organization, which since 2000 has been institutional expansion. Beyond meeting its own institutional aims and providing services to meet states' own interests, it has very little normative vision of its own. One of the areas in which IOM has, however, acted very much like a typical IO is in attempting to facilitate international cooperation on migration through, for example, the role of its IOM Council and supplementary initiatives such as its so-called International Dialogue on Migration (IDM).

Within the UN framework, there are few formal multilateral structures relating to international migration. The exceptions to this were created in the context of the GCIM. In the first instance, the UN Secretary-General appointed a Special Representative on Migration and Development, Peter Sutherland, in 2006. In the second instance, a Global Migration Group (GMG) was created in 2003 with the intention of facilitating more joined-up collaboration across the UN system. It has attempted to allow inter-agency collaboration across the range of international organizations that provide services to states in the area of migration - IOM, UNHCR, ILO, the World Bank, UNITAR, UNFPA, and UNDP, for example. However, in practice, the GMG has done little more than engage in information-sharing activities.

These recent activities notwithstanding, with the exception of the global refugee regime, there is virtually no formal multilateral framework explicitly regulating states' responses to international migration. However, this is not to say that there is no global migration governance. There is; however, it is complex and difficult to identify. In particular, the institutions of global migration governance can be identified in two areas. Firstly, areas of global governance that are not explicitly labelled as 'international migration' which nonetheless regulate states' responses to international migration; secondly, *ad hoc* institutions that exist at different levels: bilateral, regional, inter-regional, and informal networks of states and other actors.

2.2.1 Embedded Governance

A common assumption in international relations is that a regime, by definition, regulates only a single issue-area. In other words, there is a health regime that regulates health, a trade regime that regulates trade and a climate change regime that regulates climate change (Hasenclever et al 1997). In practice, regimes are not this discrete and institutions created to regulate one issue-area can have implications for the politics of other issue-areas. In particular, much of global migration governance is not explicitly labelled as ‘migration’.

Nevertheless a range of institutions in other issue-areas have profound implications for how states behave towards international migration. At the deepest level, the sovereign state system defined by the Seventeenth Century Peace of Westphalia shaped the nature of how states perceive international migration by defining the nation-state structure that constitutes the very idea of international migration. Sovereignty represents the constitutive norm of the international system and creates the concept of exclusive political community, on which the very concept of international migration is premised. Without the system of institutions – including, for example, Article 2(4) and 2(7) of the UN Charter - that uphold the primacy of state sovereignty, states would not have a basis on which to legitimate the limitations that most states place on human mobility (Biersteker and Weber 1996).

Beyond sovereignty, it has been increasingly argued that one can conceive of ‘international migration law’ (IML). Although there are very few formal multilateral treaties relating explicitly to migration, a range of formal treaty obligations in other issue-areas have implications for how states can behave in relation to migration. Indeed, states’ relevant obligations in relation to WTO law, labour rights, international human rights law, and international refugee law can be conceived to amount to a basis for IML. Aleinkoff and Chetail (2003) and Cholewinski et al (2007), for example, have compiled the range of international norms that might represent the contours of an embryonic IML.

In labour governance, the ILO has concluded a range of conventions relating to labour rights since its creation in 1919, which set out standards and principles on how states can treat labour – including migrant labour. Fundamental labour conventions include: the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87); Right to Organise and Collective Bargaining Convention, 1949 (No. 98); Forced Labour Convention, 1930 (No. 29); Abolition of Forced Labour Convention, 1957 (No. 105); Minimum Age Convention, 1973 (No. 138); Worst Forms of Child Labour Convention, 1999 (No. 182); Equal Remuneration Convention, 1951 (No. 100); and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111). In 1998, the ILO Labour Conference adopted the Declaration on Fundamental Principles and Rights at Work, which consolidated many of the previous

ILO Conventions. This declaration identified four issue areas as "core" or fundamental international labour standards on freedom of association and collective bargaining, discrimination, forced labour, and child labour. These core or fundamental standards have been ratified by the overwhelming majority of ILO member states and are in any case binding on all ILO member states. The ILO exists to oversee and promote respect for these norms.

Similarly, even though states rarely openly acknowledge the fact, they have obligations to ensure that migrants' human rights are upheld. The UDHR, ICCPR, ICESCR, CAT, CRC, and CEDAW, for example, all have application to migrants just as they do all other human beings. Meanwhile, customary international norms such as the principle of *non-refoulement* have application beyond 'recognised refugees'. These rights include the procedural guarantees to have access to legal recourse and to be able to appeal against unfair or discriminatory treatment, which migrants so often lack access to.

In addition to these embedded norms, a range of international organizations provide services to support states in areas in which their mandates overlap with aspects of human mobility. For example, the World Bank works enabling states to use remittances and circular migration to facilitate economic development. UNFPA works on the relationship between gender and migration insofar as it relates to its wider work on gender and fertility. UNDESA has a migration unit as part of the broader work it does on population, which focuses on compiling a range of statistics and data for states. As part of this function, it also plays a coordinating role on international debates on migration within the UN secretariat in New York. UNITAR has developed a training programme on migration for diplomats and civil servants within the UN system, playing an important knowledge dissemination role.

2.2.2 Multi-level Governance

Global migration governance is emerging as a 'bottom-up' structure rather than a 'top down' treaty-based structure. A complex range of overlapping, parallel and nested institutions are emerging on a bilateral, regional, and inter-regional basis. They are being created in ways that cooperation that includes and excludes other actors on the basis of the participating states' immediate interests.

A dense set of bilateral agreements exist between states in the areas of migration – relating to reciprocal agreements on readmission, extradition, visa agreements, privileged access to temporary labour migration. These bilateral agreements often link to wider bilateral conditionalities in relation to trade or development. Prominent examples, along North-South lines include the migration partnerships between Italy and Libya, Spain and Morocco, France and Senegal, the U.S. and Mexico, and Australia and Indonesia. Many of these bilateral agreements link migration to a

range of other issue-areas such as market access and development assistance in ways that enhance the bargaining power of Northern states to get concessions in relation to migration control.

On a regional level, the EU, NAFTA and ASEAN have developed regional cooperation in relation to migration. The EU's regional cooperation on asylum and immigration represents by far the most developed of these – having both an internal element designed to facilitate the free movement of labour within the Union and an external dimension designed to reinforce migration control coming into the EU through external cooperation with third countries.

However, the most apparent form of international cooperation in relation to migration relates to a set of *ad hoc* informal structures that are emerging on a regional and inter-regional basis known as Regional Consultative Processes (RCPs) (Nielsen 2007). The first RCP is widely regarded to have been the Inter-governmental Consultations on Asylum and Immigration (IGC), created in 1985 by 16 destination countries in the West, with a permanent secretariat, in order to facilitate information-sharing initially in relation to asylum and now, increasingly, in relation to migration in general. Similar processes have emerged elsewhere in the world, sometime as stand-alone processes and sometimes as processes nested within wider regional institutions. The Colombo Process initiated a dialogue on labour migration in South Asia, which expanded in 2008 to become the so-called Abu Dhabi Dialogue and to include India, China, the Gulf States, Malaysia, and Singapore. These processes have discussed general principle relating to temporary labour migration, working to develop common standards on issues such as labour rights and best practice, and to enhance their bargaining power in labour migration negotiations with other states. Meanwhile, the six East African states that comprise IGAD have also begun a regional dialogue on developing common labour migration practices.

RCPs have also emerged on an inter-regional basis, most notably as a means to facilitate improved *ad hoc* international cooperation between migrant sending and migrant receiving states on a North-South basis. The Rabat and Tripoli summits of 2006 and 2007, for example, initiated EU-Africa dialogue on migration, attempting to develop partnership agreements to address European concerns with trans-Mediterranean migration. In this context, the so-called '5 plus 5' process has also developed dialogue between Northern and Southern Mediterranean states. The Ibero-American dialogue on migration met in Cuenca in April 2008 to develop a dialogue on labour migration between Spain, Portugal, Andorra and the Latin American migrant sending states. One of the oldest but most significant North-South RCPs is the Puebla Process, which has attempted to develop cooperation on migration between NAFTA and the Central American states.

These bilateral, regional and *ad hoc* structures have two related features. Firstly, they are generally exclusive. Unlike formal multilateralism with a UN framework, not all states participate in all of the governance structures. Rather, the

range of structures allow powerful Northern states to include and exclude partner countries on their own terms, generally excluding the global South from meaningful participation. When there is a need for partnership of agreement with a certain set of states, an institutional forum which allows for the desired level of inclusivity or exclusivity can be selected by the relatively more powerful states. Secondly, the structures' fragmented nature enables Northern receiving states to engage in forum-shopping, selectively shifting between different unilateralism, bilateralism, regionalism, and *ad hoc* governance structures to facilitate cooperation on their own terms. These types of cross-institutional strategies reinforce power asymmetries by giving the powerful states a range of forums within which to select the types of international cooperation that meet their interests (Busch 2007; Alter and Meunier 2008).

2.3 Actors of global migration management

Migration management is a notion that is mobilized by different intergovernmental organizations (IGOs). While migration has long been a neglected topic at the international level, it is now on the agenda of the 'international community' and has therefore become a field of activities for IGOs (Geiger and Pecoud, 2010).

One of the largest intergovernmental organizations is the IOM. As of March, 2018 it had 169 member states with a further 8 states holding observer status in over 100 countries. It has more than 440 field locations and about 7000 staff members that work on around 2000 projects all over the world. The IOM —provides secure, reliable, flexible and cost-effective services for persons who require international migration assistance. It also enhances the humane and orderly management of migration and the effective respect for the human rights of migrants in accordance with international law (www.iom.com). The IOM works in four broad areas of migration management, namely migration and development; facilitation migration; regulating migration as well as forced migration.

The United Nations High Commissioner for Refugees (UNHCR) the largest intergovernmental organizations. UNHCR promotes the establishment of a proper asylum policy in line with international standards, including refugee status determination procedures to identify forced migrants out of the aggregate of people on the move, and higher standards of protection. UNHCR recognizes that its population of concern is part of a larger context of population movement. In fact, the agency identifies notably four categories (future returnees, long-stayers, persons in need of protection, labour migrants), puts them on a continuum, and defines diversified arrangements to address each type of mobility.

At the United Nations International Conference on Population and Development (Cairo Conference), held in 1994, for the first time the international community documented the scope of the challenges surrounding the management

of international migration, and sought for the first time to develop a comprehensive blueprint for managing migration. Chapter X of the Programme of Action, which was devoted to international migration, mapped out a series of policy orientations covering, the rights and obligations of both documented and undocumented migrants, the development of orderly migration programs, the prevention of trafficking in migrants, the reduction of unwanted migration, the promotion of the development potential of migration and the need for cooperation between countries in successfully managing migration. While there is no central international legal instrument governing the international movement of people or comprehensive international migration regime (Aleinikoff and Chetail, 2003), States have entered into multilateral and bilateral agreements that constrain and channel State authority over migration, and legal norms on migration have emerged on some topics.

Migration management policies to maximize migration's positive contributions and minimize its possible negative consequences depend, in large measure, on identifying and building on common understandings, and pursuing collaborative approaches (Klein, 2005).

Although international migration is one of the most striking contemporary manifestations of globalization, and it is, by definition, a cross boundary issue that no state can address individually, it has not developed a coherent, multilateral global governance framework. Instead, it has remained largely the domain of sovereign states without a formal multilateral institutional framework. International migration is not regulated by a single formal multilateral structure in the way that health, monetary stability or trade are regulated through the WHO, IMF and WTO frameworks, for example. Although the International Migration Organization (IOM) exists in the area of migration it existed outside of the UN system and mainly as a service provider to individual states that pay for its services. The IOM had no clear mandate provided by the international community, in the way that most UN agencies have a statute that provides them with normative authority. Perhaps more importantly, with the exception of asylum and refugee protection, there is no formal migration regime in the sense of a formal set of inter-state agreements. This contrasts with the global governance of most trans-boundary issue-areas in which the main international organizations' work is underpinned by a mandate to uphold a particular normative framework based on international law (Betts, 2011).

It has also been increasingly recognized that the scope of global governance goes far beyond the formal multilateral institutions that exist within the structures of the UN. On a regional level, institutions have emerged to facilitate cooperation inside the regions and to enhance bargaining power outside (Fawcett and Hurrell 1996; Mattli 1999). Furthermore, global governance is not confined to inter-state cooperation. They involve a growing range of non-state actors—including the private sector—in agenda-setting negotiation, implementation, monitoring, and enforcement (Biersteker and Hall 2002; Ruggie 2003; Falkner 2008).

Koser (2010) proposes five reasons for greater international cooperation and more formal processes of global governance on international migration. Contemporary international migration is now occurring at unprecedented levels and is global in outlook. National migration policies, cannot be managed or controlled by nation-states alone, greater international cooperation is required to achieve national goals in international migration. Many migrants are vulnerable and exploited, and inadequately protected by either states or international institutions. Emerging structural features in the global economy, such as climate change, are likely to significantly increase the scale of international migration worldwide, and present new management and protection challenges.

2.4 The institutions of global migration governance

According to Betts 2011, it has become increasingly common to argue that there is no or limited global migration governance. While it may be true to suggest that global migration governance within a formal multilateral and UN context remains limited this is not a basis on which to claim that there is no global migration governance. It is simply of a different and arguably more complex type and existing at three principal levels.

There are multilateral treaties in the area of migration. However, although formal multilateral cooperation on migration is limited, it nevertheless does have elements of multilateralism. These exist at two levels. Firstly, there is a basic multilateral framework which regulates the way states behave in relation to refugees, international travel, and labour migration. Secondly, there is a more recent and emerging form of ‘facilitative multilateralism’ which does not aspire to create formal multilateral collaboration but serves to enable states to engage in dialogue and information-sharing as a means through which to develop predominantly bilateral cooperation (Cholewinski et al, 2007). Example is some facets of IOM's work. It exists mainly as a service provider to states, working on specific projects according to the demands and priorities of donor states. In many ways, IOM's approach is nearer to a private firm than a typical international organization. Beyond meeting its own institutional aims and providing services to meet states' own interests, it has very little normative vision of its own. One of the areas in which IOM has, however, acted very much like a typical international organization is in attempting to facilitate bilateral cooperation on migration, through enabling Northern donors to fund specific capacity-building projects in mainly Southern states (Betts, 2011).

In the absence of formal multilateral governance states are increasingly developing a range of migration partnerships to collectively address migration. These types of partnership are arising at the bilateral, regional, and inter-regional levels; some are formal and others based on informal networks. The actors involved in trans-regional governance may be regional, state, or non-state representatives. This type of migration governance helps in covering issues of the

proliferation of cross-cutting institutions that have emerged to regulate relations between migration sending, receiving, and transit regions. Global migration governance exists at a number of different levels: regional, inter-regional, bilateral, and even unilateral. The norms and forums that exist at each of these levels are cross-cutting and intersect (Raustiala and Victor 2004; Alter and Meunier 2009; Gehring and Oberthur 2009).

2.5 Trends and patterns of migration in Africa

Africa is a region of diverse migration circuits relating to origin, destination and transit. Migration in Africa is both voluntary and forced within and outside national borders. Forced migration is fraught with controversial and sometimes contradictory interpretations and connotations. Whereas the former refers to migrants who leave their respective residence and settle elsewhere in search of economic opportunities such as employment, business opportunities and education (Rwamatwara, 2005), the latter refers to migration due to social and political problems such as armed conflict, violation of human rights and environmental disasters (Anthony, 1999). The major cause of the voluntary movement of populations between and within national borders is rooted in the initial and growing disparity in development between and among states. The causes and consequences of such movements have economic, political, social and demographic dimensions. According to Mudungwe (2016) and RMMS (2013, 2014), African migratory movements are mainly in three routes:

- The Northern Route: through Sudan, Libya, and Egypt into Europe.
- The Eastern Route (Gulf of Aden migration route): Djibouti, Northern Somalia, Yemen and eventually Saudi Arabia and other Middle Eastern countries.
- The Southern Route: through Kenya, Tanzania, Mozambique, Zambia, Zimbabwe, and Malawi to South Africa.

More than 80% of migration is within the continent, and is characterized mainly by intra-regional and inter-regional migration, that is, from West Africa to Southern Africa, from East/Horn of Africa to Southern Africa. The rest of the migrants are heading north to Europe, and east to the Arabian Peninsula. In Africa, there were an estimated 21 million migrants as of 2015 (an increase of 6 million from 15 million migrants in 2000), of which 18 million originated from within the region and the rest originated from Europe, Asia and North America (UNDESA Population Division, 2016). In 2010, 31 million Africans were estimated to be living outside their country of origin, which constitutes 3% of the total African population (Shimeles, 2010).

According to the AU, multiple factors spur migration both within and out of Africa (African Union, 2006a), including poor socio-economic conditions, low wages, high levels of unemployment, poverty and lack of opportunities. These are because of a mis-match between rapid population growth and available resources as well as

low levels of technology and capacity to create employment and jobs in countries of origin. In addition, various political and social factors such as poor governance, corruption, political instability, conflict and civil strife lead to migration of both skilled and unskilled labour in Africa (African Union, 2006a). The perceived opportunity for a better life, high income, greater security, pressure to join relatives, families and friends, better quality of education and health care in destination countries influence decisions to migrate. Lower costs of migration, improved communication and readily available information facilitate migration in Africa. Globalization and information technology have also played a part in shaping migration trends by opening new frontiers and avenues for movement. Thus, emigration becomes a survival strategy for communities.

Africa has experienced a considerable increase in the feminization of migration during the past half century; with women constituting between 45% and 47% of all migrants on the continent between 2000 and 2015. The percentage of female migrants in the different regions ranged between 41% and 50% in 2015. Southern Africa and Northern Africa had the lowest percentage of female migrants at 41% in 2015 and Middle Africa had the highest percentage of female migrants at 50% followed by Eastern Africa at 49% (*UNDESA Population Division, 2016*).

2.6 The context for migration patterns and trends in West Africa

Africa's migration history is both dynamic and complex, and present-day migration trends are deeply rooted in historical antecedents. In West Africa, migration has historically been a way of life and has always been a key figure in livelihood strategies of both rural and urban populations. In pre-colonial times, movements occurred largely in search of security, new land safe for settlement and fertile for farming (Adepoju, 2003). Some cross border movements were also caused by differences in ecological conditions which necessitated exchange of goods, such as salt, livestock and food among the population (Zachariah et al, 1980). The current formation of different ethnic groups inhabiting the different parts of the sub-region for example is attributed to population mobility, as ethnic groups moved, in search of favourable ecological conditions and security and settled in their present locations. As these groups settled, the need to exchange products of the different ecological areas led to trade in commodities which resulted in the famous Trans-Saharan trade (Adepoju, 2005).

Colonial and post-colonial policies which among others established national boundaries however changed the dynamics of migration flows in the sub-region (Adepoju, 2005). The colonial regime changed the motivation and trends of migration by introducing and enforcing various blends of political and economic structures, imposing tax regimes and establishing territorial boundaries. Transportation developments also facilitated labour migration by reducing the distance and hazards of journeys that hitherto hampered long distance migrations. These developments

stimulated and altered large-scale population movements, giving rise to a largely male-dominated, seasonal and cross-border which subsequently became institutionalised for several decades.

2.6.1 ARAB MAGHREB UNION (AMU)

The North African migratory patterns have been shaped by the historical ties in the region based on cultural affiliation, trade and the geographical shape of the region (World Bank, 2010:1). Migration corridors have been carved through the long-established trade routes, which have now become migratory routes for those seeking a better life or fleeing conflict in their countries. Overtime, policies have been developed to control and manage migration at national and regional level. The types of migration that people engaged in dictated the type of policies that were developed in the region. In recent years, the policies have changed to respond to the increase in migratory flows to and through the North African countries including Libya, Egypt and Tunisia. For example, migration through and to Tunisia became a concern during the 2011 revolution that sparked the ‘Arab Spring’ that hit Libya and Egypt. Although the revolution increased irregular migration through the country due to the insecurity at the borders, it forced the Tunisian government to review their migration policies on refugees and asylum seekers to respond to the flood of people transiting through the country. The political instability in Tunisia has also pushed some migrants to seek safer destinations where they can access opportunities.

Like the other North African countries, Egypt has been impacted by migratory flows as it produces as well as receives migrants from other North African, sub-Saharan African states and the Middle East who choose to settle in, or transit through the country. As a result, the government has taken measures to address irregular access to and through the country. Instability during the ‘Arab Spring’ had a significant impact on migration where migrants bound for Europe or Middle East mainly used it as a transit rather than a destination country (De Bel-Air, 2016). Compared to East and West Africa, North Africa has a low number of international migrants at 2,159,048 in 2015 (UNDESA Population Division, 2016). Within North Africa, Libya has the highest migration stock whereas Egypt has the highest refugee stock in the sub-region. Libya is a transit country for migrants from West Africa (mainly Nigeria, Senegal, Mali and Ivory Coast) to Europe. Both Egypt and Libya are transit countries for migrants from the Horn of Africa (mainly Somalia, Eritrea, Sudan and Ethiopia) who go through Sudan. Libya has a high number of emigrants than immigrants leading to a high net migration level of -100,338 as of mid-2016 (UNDESA Population Division, 2016).

The main drivers of migration in North African countries are lack of employment opportunities especially among the youth and political instability that has pushed some migrants to seek safer destinations where they can access

opportunities. France is a top destination for some countries such as Libya due to the strong historical links, and in some countries such as Egypt, Saudi Arabia is the top destination country.

2.6.2 EAST AFRICAN COMMUNITY (EAC)

While the integration process of the East African partner states is reaching some of its benchmarks, migration within the EAC is becoming a central issue in both practice and policy implications (Kanyagonga, 2010). In recent years, cross-border labour migration has become intense within the EAC countries (Odipo et al., 2015). Migration of East Africans is driven by several factors, including the search for economic opportunities, high unemployment rates, political instability, regional climate variability, armed conflict and the pursuit of education and family visits (IOM, 2015b). Eastern Africa⁶ has the second largest number of migrant stock next to West Africa on the African continent. Member States within the EAC are source countries, transit countries for migrants heading to Southern Africa as well as destination countries for migrants from EAC Member States as well as Central and Western Africa.

With its booming economy and being a regional hub, Kenya is attractive to neighbours and many other African countries in search for economic opportunities, education and trade (IOM, 2015c; Regional Mixed Migration Secretariat, 2013; Oucho et al., 2013; Masinjila, 2009). The majority of the migrants in Kenya (79% of the total) come from sub-Saharan African countries. Kenya is a major host country for refugees from the Horn of Africa mainly Somalia, Eritrea, South Sudan and Ethiopia. The country has the highest number of refugee camps in the world with the top four collectively known as the Dadaab camp hosting about 589,994 refugees (RMMS, 2015). Kenya is also a transit country for migrants mainly from Ethiopia and Somalia to South Africa, and irregular migrants from Uganda to the Middle East. Though there is limited data on the number of Kenyans residing abroad (IOM, 2015c), there is no doubt that there is an upward trend in the number of emigrants from Kenya to the United States, Europe and of recent Middle East. Kenya is estimated to have the fifth largest African diaspora community after Nigeria, Ethiopia, Egypt and Ghana (McCabe, 2011).

On the other hand, Tanzania has been increasingly affected by mixed migratory flows mainly irregular migration from the Middle East and the Horn of Africa with a proportion departing partly to Southern African countries (Oucho, 2013). While a few of them settle in Tanzania, the majority use the country as a transit corridor to its southern borders with Mozambique, Malawi and Zambia en-route to South Africa and beyond⁷. A number of irregular migrants take advantage of porous border points in Tanzania, a problem that is faced by a number of African countries including Kenya and Botswana.

Over the years, Uganda has similarly been faced with dynamic and complex patterns of migration in and out of her borders. Migratory patterns in Uganda have existed within diverse social, political and economic contexts (IOM, 2015b), and have been driven by political factors, poverty, rapid population growth and the porosity of the international borders (Mulumba and Olema, 2009). Uganda has been and continues to be a major hosting country for asylum-seekers and refugees (mainly from Burundi, Democratic Republic of Congo, Eritrea, Ethiopia, Kenya, Nigeria, Pakistan and Somalia), standing at the geographical centre of a region characterized by instability and conflict (Zachary, Naggaga and Hovil, 2001). As of 2015, Uganda was hosting about 433,595 refugees and is the third country in Africa with the highest number of refugees after Ethiopia and Kenya and among the top 10 refugee hosting countries in the world. Uganda is 12th of 15 sampled non-organizations for OECD countries with the highest percentage of highly skilled expatriates in OECD countries.

Although migration contributes significantly to remittances in Uganda and Kenya, data and information on the nature of international migration particularly the effect of economic and social remittances are still scanty in Tanzania (Agwanda and Amani 2014). Given the levels of immigration and emigration, the three countries are in the process of developing national migration policies and diaspora policies.

2.6.3 ECONOMIC COMMUNITY FOR CENTRAL AFRICAN STATES (ECCAS)

The recurrent insecurity in a number of countries in the ECCAS region has led to many countries being origin rather than destinations for migrants. For instance, much as DRC is characterized as a source, transit and destination country, it is a large producer of refugees due to the civil unrest in the country. Despite this, DRC hosts refugees from neighbouring countries. The DRC also has a large IDP population and is among the top five countries in the world with the highest number of IDPs since 2013. DRC is a transit country for nationals from Burundi and Rwanda bound for South Africa or Europe (IOM, 2010). The DRC's rich mining resources make the country attractive for migrant workers from Africa and beyond, making it a destination country. The DRC is in the process of drafting a national migration policy.

Contrary to DRC, Cameroon is dominated by internal rural to urban migration. The drivers of migration in Cameroon include poverty, slow economic growth relative to population growth, and the external debt burden that the country bears. Cameroon seems to be the preferred destination due its geographical position and political stability for many people fleeing from wars in their countries of origin or residence. There has been an increase in the number of refugees in Cameroon from 46,454 in 2000 to 327,121 in 2015. Approximately 59 000 of them are Nigerian refugees fleeing Boko Haram violence and living in the Minawao camp, and 267,500 are from Central

African Republic (UNHCR, 2016b). Despite the high number of international migrants and estimated refugee stock in Cameroon, the country does not have a national migration policy.

2.6.4 COMMON MARKET FOR EASTERN AND SOUTHERN AFRICA (COMESA)

The Southern Africa region continues to experience a significant rise in mixed and irregular migration flows. These flows mostly consist of refugees, asylum-seekers, economic migrants, unaccompanied migrant children and victims of trafficking, including women and children (IOM, 2014). The large majority of these migrants attempt to reach their destinations through established smuggling and trafficking networks. Irregular migration has increasingly become an issue of political, economic and social concern to governments and the public in COMESA states. While their contribution to economic development at destination countries is significant, frequent conflict between irregular migrants and nationals stems from perceptions that migrants usurp jobs from deserving nationals. The conflict also relates to social issues such as crime and prostitution, which migrants are universally accused of fostering. Female migration has introduced a commercial dimension to African movements on the continent and this is evident in movements of Zimbabwean women to South Africa and Botswana (Adepoju, 2003). While there is much in favour of female migration, they are frequently exposed to discriminatory behaviour, physical abuse and HIV infection (Peberdy and Dinat, 2005).

A number of COMESA countries are origin, transit and destination countries. For instance, Malawi is not only an important transit country for immigrants heading to other Southern Africa countries, but also a preferred destination choice. Most immigrants to Malawi originate from neighbouring countries, mainly Mozambique, although the number has gradually gone down because of the end of the civil war in Mozambique in 1992. The number of irregular migrants mainly from Ethiopia has been increasing overtime in Malawi. Malawi is also attracting immigrants from Asia mainly from Pakistan and India. It is estimated that more than 400 migrants were in prison in Malawi in 2015. Malawians continue to leave the country, and are destined for countries within Southern Africa, mainly to work on the mines and farms in South Africa (IOM, 2015).

2.6.7 SOUTH AFRICAN DEVELOPMENT COMMUNITY (SADC)

Although labour migration within, from and toward SADC has been a feature of the region historically (Crush et al., 2005), there is a lack of comprehensive data on the number and types of labour migration in the region with variances from country to country. Three SADC Member States – South Africa, Botswana and Namibia - enjoy

sustained economic buoyancy that has attracted large volumes of foreign migrant labour over the years. Crush and Williams (2010:4) cite a Southern African Migration Project (SAMP) study of 30 000 migrants from five SADC countries in 2005 —which showed that 23% of migrants had grandparents who had gone to work in another country, and 57% had parents who had done so. Data from the UN suggests that 72% of all African migrants in SADC are from within the region (UNDESA Population Division, 2013).

Mining remains the largest employer of labour migrants from SADC (almost 50%). Lesotho, Swaziland and Mozambique are clearly dominated by mine migration to South Africa. For example, about 80% of emigrants from Lesotho go to South Africa (ACP Migration Observatory, 2010a). Lesotho is one of the most migration dependent and one of the poorest countries in the world due to high domestic unemployment, declining agricultural production, falling life expectancy, rising child mortality and half the population living below the poverty line (Crush et al., 2010). Lesotho is among the top three remittance- receiving countries as a share of GDP worldwide, making remittances an important source of foreign exchange and to pay for basic necessities. For the past 20 years, migration patterns from and into Lesotho have changed considerably. With work opportunities for men in the mines in South Africa decreasing and at the same time increasing female emigration from Lesotho (ACP Migration Observatory, 2010a). Strategically located within Southern Africa, most migrants bound for Lesotho must travel via South Africa to access the country and this is based on the bilateral agreements it has with South Africa.

In the case of Botswana, the country was primarily a migrant sending country in the 1960s but changed drastically to a migrant receiving country with the discovery of diamonds, which attracted mine workers from South Africa and Zimbabwe. From the 1970s onwards, Botswana's rapid economic growth required labour and expertise, and the government's open migration policy approach successfully secured these from across the continent. The political stabilization in the Southern Africa region (culminating in South Africa's first democratic elections in 1994) brought the voluntary repatriation of many non-nationals living in exile in Botswana, and the UNHCR estimated that only 210 refugees remained in the country by 1996. Very few labour migrants leave Botswana for work other than in mining and these numbers have declined over time. Zimbabwe has experienced a progressive rise in emigration since 2000, and the vast majority of the emigrants were to the Southern African region. Emigration patterns have been complex, marked by an increase in informal cross- border movement, migration of highly skilled nationals and survival migration of the poor (IOM, 2010).

Two key factors drive migration in Southern Africa: demography that leads to rising migration pressure and differential economic opportunities among countries. Growing unemployment and economic hardship have prompted some households to look elsewhere for economic livelihoods, either in the urban informal economy or

outside the country or both. It should also be noted that there is a long history of informal movements of people across borders in this region (Crush et al., 2005)

South Africa being the strongest economy in Southern Africa attracts many people mainly from neighbouring states and beyond. During the apartheid era, migration was heavily controlled especially among black labour migrants within the country. The collapse of apartheid allowed people to freely move to any location within the country. South Africa also became an attractive destination for other African nationals seeking better economic opportunities. For instance, there has been substantial irregular migration to South Africa making it a country with the highest migration and refugee stock in the sub-region. South Africa has more immigrants than emigrants, hence a positive net migration level of 120,000 in 2016 (UNDESA, Population Division, 2016). Aligning migration and border control policies with economic and security realities is not easy for South Africa. For example, some SADC countries struggle to issue identification and travel documents. This creates significant challenges for managing migration because, in the absence of valid documents, all cross-border movements are illegal. A report by the Department of Home Affairs (2016) reveals that South Africa has limited capacity to manage international migration. Much as South Africa has developed migration policies, successful implementation has always been a problem perhaps because of the sensitive nature of migration in South Africa (Amin and Mattoo, 2007).

2.7 Policy response on migration in Africa

Regional Economic Communities (RECs) as well as the African Union (AU) have stood out as platforms for multinational cooperation on migration and development within the respective sub-regions. A number of initiatives and regional consultative processes have provided opportunities for information sharing, perspectives and experiences in addition to enhancing cooperation, dialogue and capacity building among governments (Adepoju, 2008). As part of AU's 2063 Agenda, there is a focus to introduce a single passport for Africa with the aim of easing movement of Africans and intra-African trade between Member States.

In recent years, there have been a lot of growing interests and readiness shown by African governments to take advantage of migration patterns and handle challenges related to migration. This is evidenced by the fact that some African countries have launched their national migration policies (for example, Ghana and Nigeria) (Mudungwe, 2014).

2.8 The Migration Policy Framework for Africa (MPFA)

The AU Commission and RECs have formulated or instituted a number of treaties, frameworks, and regional consultative processes that provide Member States with guidelines for managing migration and opportunities for enhancing cooperation, dialogue and capacity building on migration issues (Adepoju, 2008). In this respect, AU Commission adopted the Migration Policy Framework for Africa. The Migration policy Framework For Africa sought to contribute to addressing the challenges posed by migration and ensure the integration of migration and related issues into national and regional agendas for security, stability, development and cooperation; work towards the free movement of people and strengthen intra-regional and inter-regional cooperation in matters concerning migration, on the basis of the established processes of migration at regional and sub-regional levels as well as create an environment conducive to facilitating the participation of migrants, in particular those in the diaspora, in the development of their own countries (Klavert, 2011).

The Migration Policy Framework for Africa is a wide-ranging document covering nine key issues: labour migration; border management; irregular migration; forced displacement; the human rights of migrants; internal migration; migration data; migration and development; inter-state cooperation and partnerships. The MPFA encourages member states to adopt national laws and policies based on international and regional policies; a comprehensive approach to migration management as well as working closely with IOM to foster regional cooperation and dialogue for effective border management. The MPFA emphasises that Member States could implement the policy in accordance with their own priorities and resources, and that the framework does not envisage priorities or resource mobilisation mechanisms for implementation or evaluation mechanisms for the recommendations. States and regions are also urged to address their specific migration challenges and determine the resources needed to address them. Member States are encouraged to work with international organisations that provide technical assistance and support to states and RECs in implementing their migration frameworks. Despite having identified the key migratory issues in Africa, there are a range of challenges identified by researchers in the adoption and implementation of the MPFA in the various sub-regions. Those challenges are the absence of an institutional mechanism that guides and monitors AU Member States' compliance with the framework; there is a lack of accountability from states failing to comply with the framework and even then, compliant countries can only do so without the necessary guidance from the continental body (Achiume and Landau, 2015); the framework also lacks evidence-based recommendations that would guide concrete policy initiatives geared towards ensuring the wellbeing and social integration of migrants and their hosts; The African Union (2006a) admits that the lack of political-will stands as one of the major challenges towards policy implementation that promotes access to markets, territories, and services for migrants. However, 10

years later, RECs and Member States have been working towards developing regional and national migration policies using the MPFA as a reference tool; and, The AU is cognizant of possible tensions between migrants and nationals, and urges Member States to strike a balance between the rights of the two in accordance with international standards and norms (AU 2006a).

2.9 IOM conceptual model for migration management

The rationale for the IOM model is to bring to the fore the need to have a global understanding of migration management, and conjunctive approach to that. The various stages of migration; pre-migration, migration and post-migration all involve different forms of management. These include travel and entry, return among others. The IOM migration management model offers principle in which migration can be managed in an orderly way (IOM, 2004a).

The IOM model categorises the migration management into four main areas. The first is policy. This area explains that the state or government has to synchronise all the policies regarding migration to ensure effective management of migration. The rationale for the policy area is that according to the IOM, any policy is based on national objectives and is normally derived from other policies (Adepoju, 2010).

The second area is the area of legislation. According to the IOM model, legislation gives definite expression to migration policy and gives the policy the authority required to manage migration effectively. Indicates the institution that the government employs to guide and control migration matters. It includes recruitment and selection, authorizing entry and stay etc. (Manuh et al, 2010; IOM, 2004a).

The third subsection is the resulting administrative organisation. This __assigns and coordinates the various functions involved in managing migration within a coherent framework of operational responsibility and accountability. The state is the helm institution for managing migration. The model therefore puts the state as the main managers of the migration issues in their respective states (IOM, 2004a).

The next level depicts the 4 main areas of migration management that the state should coordinate.

These are migration and development. __The goal of migration and development is to help harness the development potential of migration for individual migrants and societies. This should include data of factors and consequences of migration, such as economic imbalances, trade, globalisation impacts, conflicts, the nature of governance, environmental factors and disasters, sources and destination of migrants, remittances, and demographic characteristics of migrants in the diaspora. These are data generated by different arms of the state, often policies other than migration policy (Adepoju, 2010; IOM, 2004a).

The second main area of migration that the state should coordinate is facilitating migration. The goal of facilitating migration is to safeguard and improve the ability of workers, professionals, students, trainees, families, tourists and others in order for them to move safely and efficiently between countries with minimal delay and with proper authorization. The data and information required to achieve this goal cut across diverse spheres of government, including labour migration, family reunification, and integration. (Adepoju, 2010; IOM, 2004a).

Regulating migration is the third goal. Regulating migration is to help governments and societies to know who is seeking access to their territories and to take measures that prevent access by those who are not authorised to enter. Replacing irregular flows with orderly, regular migration serves the interest of all governments. The data required to achieve this include visa systems, and border management, including counter-trafficking and counter-smuggling, measures. The institutions involved in this need to have a unified institution to tailor the data and information towards the formulation and implementation of migration policies and reviews of policy (Adepoju, 2010; IOM, 2004a).

The fourth and last goal is the aspect of forced migration. This aspect is to help persons move out of danger during emergencies and to return afterwards. Refugees and displaced persons are a distinct category of ‘people on the move’ deserving special attention. Managing forced migration involves finding solutions for Internally Displaced Persons (IDPs), refugees, former fighters, victims of ethnic engineering and populations in transition and recovery environments (Adepoju, 2010; IOM, 2004a).

In general, the state needs to oversee these diverse areas associated with these four main areas of management of migration. These are coordinating activities in the area of technical cooperation and capacity building, migrants’ rights, promoting international laws, migrants’ health, public information and education, the gender dimension of migration, integration and reintegration, policy debate and guidance, data and research and regional and international cooperation on issues pertaining to migration (Adepoju, 2010; IOM, 2004a). The link between these four main areas brings out the need to have an institutional framework that would coordinate the different activities. There should therefore be an institutional framework that coordinates all these different activities (Adepoju, 2010).

2.10 Integrating the MPFA into regional migration policies

2.10.1 Economic Community For West African States (ECOWAS)

ECOWAS like other RECs have had protocols and frameworks that have been used to manage migration within the region prior to the MPFA. The main strategic framework regulating migration in West Africa is the ECOWAS

Protocol on Free Movement of Persons, Residence and Establishment within the region that was signed four years after the establishment of the Community in 1979. The Protocol stipulates the right of Community citizens to enter, reside, and establish businesses in Member States, to be granted over a transitional period of 15 years through three phases. Phase I eliminated the need for visas for stays of up to 90 days in ECOWAS Member States by Community citizens. Phase II regulated Community citizens' right of residence on Community territory for seeking and taking up paid employment. Phase III aims at facilitating the establishment of businesses through the right of Community citizens to carry out economic activities in other ECOWAS Member States (Jimam, 2008; Antwi-Danso, 2009). The MPFA is a key guiding document that will help shape discussions and the design of the regional migration policy especially since it has influenced the design of the national migration policies of Ghana and Nigeria. Other Member States with NMPs include Burkina Faso, Liberia, Mali and Niger, whereas the rest are at different stages of the process. In other countries, migration policies are based on strategic documents that only address parts of migration, which results in an unbalanced approach that may neglect key migration aspects (ICMPD & IOM, 2015).

2.10.2 The Economic Community of Central African States

The Economic Community of Central African States (ECCAS) has some measures facilitating the free movement of ECCAS citizens in place although free movement and establishment have not been a priority for ECCAS Member States. ECCAS held a high-level meeting to discuss migration issues in 2013. They came up with a draft regional migration policy though there is little evidence of implementation. Although there exist migration policies in the ECCAS region, it is difficult to make a direct correlation between the MPFA and these policies (IOM, 2016).

2.10.3 The Southern African Development Community (SADC)

The SADC protocol remains the most controversial, more so because it has changed complexion twice. Within the decade 1995-2005, the protocol changed from being a —free movement of persons (FMOP) to the draft protocol on —facilitation of movement of persons (FMOP). SADC's attempts to bring about free movement have encountered problems. An initial Protocol on Free Movement from 1997 was withdrawn, revised several times following objections, mainly from South Africa, and finally signed in 2005. It allows for visa-free entry for up to 90 days and authorizes permanent and temporary residence. Only five Member States (Botswana, Lesotho, Mozambique, Swaziland and South Africa) have ratified the Protocol. The challenge facing SADC is the fact that there is no official regional policy in place but they have protocols in place that are influenced by the MPFA indicating that the framework is a key guiding document for the SADC Member States. This is illustrated by the draft Labour

Migration Policy (2013) which is guided by the MPFA outlining the RECs approach to managing labour migration with the Member States. The draft policy recognises the MPFA as a —key document that sharpens the RECs approach to labour migration under the Migration Dialogue for Southern Africa.‖ (Oucho, 2007).

2.10.4 ARAB MAGHREB UNION (AMU)

In the case of the AMU, although they are Member States of the AU and share interest in addressing migration issues affecting their nations and region, there is limited evidence that illustrates that the MPFA has been a key guiding document for their national and regional approach to migration issues. AMU Member States such as Algeria and Egypt have been closely engaging with EU Member States to address irregular flows of migration and within the region, the Member States have been outlining strategic approaches to effective migration management. This includes agreements between neighbouring states related to regular labour migration. North African states have been focusing more on collaboration with the EU rather than the AU making it difficult for the MPFA to be used as a principle guiding tool for designing the RECs approach to migration. Existing collaborations have been between AMU and EU in relation to security related to migration.

2.10.5 The East African Community

The East Africa Community is guided by the Treaty signed by Member States and came into force in 2000. In 2005 and 2009, the Member States signed the customs union and common market protocol respectively. Additional to the common market protocol and customs union, the EAC plans to introduce a common monetary union and political federation. All these are in relation to migration opportunities such as the free movement of persons, increased legal labour migration and remittances. Common market is legal and binding to a deeper and stronger functional integration by Member States to remove all trade barriers on goods and services and liberalise the movement of the factors of production amongst themselves. The EAC implements the Treaty through its strategic plan and vision 2050. They are both clear on migration issues in the community.

Article 104 of the Treaty provides for Free movement of persons, Labour Services, Right of Establishment and Residence. The scope of the article stipulates —Partner States agree to adopt measures to achieve the free movement of persons, labour and services and to ensure the enjoyment of the right of establishment and residence of their citizens within the community‖ (Kanyangoga, 2010:2). This will be achieved by easing border crossing by citizens of the Partner States as well as harmonizing and maintaining common employment/labour policies, programmes and legislation. Although the EAC has developed legal mechanisms to manage migration flows from Member States, it

is unclear whether the MPFA has played in shaping the REC's approach to migration and development as very few documents reference the framework and link the regional approach to managing labour migration. One of the challenges highlighted by Achiume and Landau (2012) is the fact that the framework is non-binding meaning that —Member States cannot be held accountable within these frameworks, and even those states committed to implementing the frameworks must do so without much-needed guidance and support at the level of the AU (2012:3). This makes it difficult for the AU to determine the usefulness of the framework at regional level.

2.10.6 The Common Market for Eastern and Southern Africa

The two main policies that have been driving migration management in the COMESA region are the *Visa Protocol* (1984) and the *Protocol on the Free Movement of Persons, Services, Labour and the Right of Establishment and Residence* (2001). The COMESA key informant indicated that the MPFA has been operating as a model for revising the existing protocols in place. According to the COMESA key informant, the MPFA has not yet been mainstreamed in the REC development plan. He adds that although he had observed very little mainstreaming of the MPFA indicating the lack of awareness about the MPFA, he added that —there is a need to develop and circulate an implementation framework to guide the implementation stage as soon as the MPFA will be revised....the RECs and its Member States need human resources, financial and infrastructure capacities in order for them to adopt and implement the MPFA (COMESA, Key Informant). Member states have taken effective steps to address the migration question by setting up the National Monitoring Committees (NMC) in Zambia and Zimbabwe that will implement the COMESA Protocol on free movement. Therefore, an implementation framework will guide RECs to some strategies of mainstreaming the MPFA into the regional framework and examples from other practices in other regions will help RECs to think more broadly on a number of approaches that guarantee the design and implementation of their own regional migration policy.

2.11 Integration of the MPFA into national policies

Nearly all the continent's RECs have attempted to incorporate migration and development in their regional development plans through the adoption of protocols on the free movement of persons and labour, as well as right of residence and right of establishment.

In general, there are a few countries within Africa that have already developed and launched national migration policies such as Ghana and Nigeria, while a number of Member States are currently at different stages of the process. Government focal points have been nominated to lead the migration coordination mechanism that allows all relevant migration stakeholders to discuss migration matters in the same space from different perspectives. These

coordination mechanisms are a recommendation from the MPFA that seeks to forge synergies and eliminate duplication in the management of migration among different ministries and departments as well as non-state actors.

Member States have recognised that migration is a potential asset for development but they are also aware of the challenges of migration and the impact it can have on a country especially in terms of security. The MPFA is meant to ensure that Member States have placed certain measures that would potentially minimize these challenges. The recommendations made in the MPFA were meant to ensure that Member States adopt appropriate international conventions and protocols but also have the appropriate mechanisms in place to effectively manage migration. From the responses in the study, 54% indicated that the national policies have been at least slightly influenced by the MPFA with 9% indicated that the national policies were entirely informed by the MPFA.

The 9 priorities of migration outlined in the MPFA have been used by some AU Member States as guiding principles to identify their policy needs and responses to different forms of migration. Member States have adopted recommendations for specific priorities, namely, labour migration, human rights of migration, migration data, migration and development as well as inter-state cooperation and partnership. According to the MPFA, —establishing regular, transparent and comprehensive labour migration policies, legislation and structure at the national and regional levels can result in significant benefits for States of origin and destination (MPFA, 2006:7). Labour migration is prominent across Africa from internal, regional and international migration. International and regional conventions and protocols are needed to protect the rights of migrants but also ensure that their movements are regular and transparent. The beneficiaries of a well-managed labour migration process would be the country of origin and host as well as the migrants and their families.

In Ghana, for example, their National Migration Policy (2016) goal is to promote the benefits and minimize the costs of internal and international migration through legal means with the rights and security of migrants well-respected to ensure socio-economic development in Ghana. The main objective of the national migration policy is to promote a comprehensive and sustainable approach to migration management which will enhance the potential of migration for Ghana's development. The Ghana migration policy was guided by a host of principles from the MPFA which included the protection of migrant rights, facilitation of migrants' equality, adherence to the 1992 Constitution of Ghana which guaranteed the rights of Ghanaians to migrate as well as the right of all persons to move freely within the country. The responsibility for migration management will be assigned to the Inter-Ministerial Steering Committee on Migration (IMSCM) under the leadership of the Ministry of Interior. Once this is set up, the government aims to set up the Ghana National Commission on Migration (GNCM) to implement the actions set out in the NMP (Government of Ghana, 2016).

The Nigerian NMP (2015) also influenced by the MPFA, recognises the need for a national labour market assessment, to regulate and monitor the activities of private employment agencies, and aims at limiting the promotion of employment abroad to sectors of the economy where migration does not impede national economic and social development. It also envisages measures to protect migrant workers before their departure and in the various countries of destination. In 2013, Nigeria finalized the labour migration policy which provides comprehensive guidelines on labour emigration, recognises the need for a national labour market assessment and calls for the protection of migrant workers among others.

At national level, countries have taken measures to ensure that policies related to irregular migration are in place to address human trafficking identified in their respective countries including developing national laws addressing human trafficking. Their laws have adhered to the guiding principles outlined in the MPFA especially in terms of —reinforce[ing] national policy, structures and laws in order to establish a coordinated and integrated approach (MPFA, 2006:17) to addressing human trafficking. This has also been backed up by capacity building activities with law enforcement on how to identify a victim of human trafficking. The establishment of Human Trafficking Taskforces that are assigned the duty of coordinating efforts to combat human trafficking has been a step in the right direction as it has created a platform where key representatives from different government ministries can discuss measures and approaches of addressing human trafficking cases. Through these taskforces, action plans have been developed to respond to the existing human trafficking situation. Djibouti has an action plan from 2014 – 2020 that aims to strengthen the legislative framework to combat human trafficking, protect and assist human trafficking victims, and establish a national referral mechanism between law enforcement officials and social service providers.

In terms of irregular migration, North Africa has faced a constant challenge of addressing irregular migration. Recently, the Government of Egypt developed its National Strategy on Combating Illegal Migration (2016-2026) guided by the MPFA. Under the leadership of the National Committee for Combating and Preventing Illegal Migration (NCCPIM), one of the objectives is to contribute to the development of a comprehensive policy on illegal migration. The formation of this strategy was in response to the recently passed anti-human smuggling law which, according to the Chairperson of the NCCPIM, Ambassador Naela Gabr, —the law does not criminalise irregular migrants, does not distinguish between Egyptians and non-Egyptians, and foresees Egypt’s protection in line with the country’s international obligations (IOM, 2016). This indicates that Member States are taking different measures to address irregular migration in their countries and may have addressed this recommendation by the MPFA.

Forced displacement is a big challenge experienced more so in Eastern and Central Africa. The largest refugee camps are located in Uganda, Ethiopia and Kenya catering to some of the unstable countries in the region (i.e. South Sudan and Somalia). The state of internal displacement is a bigger concern as a number of Member States have a significant population that are internally displaced. Handling forced displacement is a delicate issue as there are humanitarian principles that need to be upheld. Through international and regional conventions, Member States are able to ensure that the rights of those displaced are protected. In terms of the survey responses, as illustrated in figure 8 below, 73% of the respondents felt that their national/regional policies either partially or fully upheld the humanitarian principles in line with the framework.

The contribution of the diaspora to national development has been recognised by their governments. The development of a diaspora policy that outlines the positive contribution by the diaspora in terms of financial and social remittances to their country is a target that governments hope to achieve.

Diaspora engagement has been encouraged in many Member States especially in relation to national development. In Cameroon, the government developed a policy framework to address the country's migration management challenges through the 1997 Act No. 97/012. The Act sets out the conditions for the entry, stay and return of foreigners in Cameroon. A review of the migration management policy framework has been under way since 2008, with respect to security policy, the transfer of migrant funds, issues concerning the diaspora (transfer of skills), return policies, the brain drain and the irregular migration phenomenon (Mberu & Pongou, 2012). Both the new national migration policy and the programmes being drafted prioritize support for co-development. Despite systemic policy implementation failures of government institutions and the lack of financial resources (Mberu & Pongou, 2012), the policy focus on creating incentives is consistent with the new resolve to both reach out and harness the country's diaspora and its human and financial investment capacity for the development of the nation.

However, another stance adopted in other Member States is to have a policy that encourages out-migration with the purpose of gaining skills and building bridges between the country of origin and country of destination with the aim of harnessing these connections for development. Tunisia, for instance, used to have a policy that encouraged nationals to migrate as well as monitor their nationals abroad. However, in the 21st century, the influx of migrants from sub-Saharan Africa has required the government to adopt a policy to address migrants from these regions that may be transiting or looking for opportunities within the country. In 2011, the start of the Arab Spring, there was a revolution within the country that was in response to the migration policy that the government adopted addressing flows of asylum seekers from Libya and migrants heading to Europe via Tunisia. The revolution had a significant impact on the migration flows through Tunisia. First, it led to an increase in irregular movement through Tunisia due

to the lack of border management. Second, with the collapse of the Gadhafi regime, the Tunisian government was faced with the task of reviewing its policy on asylum seekers as it began to receive immigrants from Libya in the form of refugees. Third, it increased the visibility and presence of civil society organisations who began to advocate for the rights of migrants.

Member States have developed visions or development plans in which migration has been recognised as a key tool to national development. A key recommendation from the MPFA was to —encourage Member States to integrate Migration and Development policies, particularly Poverty Reduction Strategy Papers (PRSP) in their National Development Plans. In addition to development national plans of action aimed at comprehensive approaches to migration and development in order to contribute to the achievement of the Millennium Development Goals (MDGs) (MPFA, 2006:31). Ghana has managed to design its NMP against the backdrop of several policy frameworks including the Constitution of Ghana, Ghana Poverty Reduction Strategy (GPRS) 1 and 2, Ghana Shared Growth and Development Agenda (2010-2013), and the Millennium Development Goals (MDGs). It is anchored within the context of the 2006 African Union (AU) Strategic Framework for Migration and the 2008 ECOWAS Common Approach on Migration (Government of Ghana, 2016:1-2). In 2016, migration and development have been identified as a target for 2030 under the Sustainable Development Goals (SDGs) which replaces the Millennium Development Goals (MDGs).

2.12 Brief history of migration in Ghana

Ghana has a long history in both internal and international migration (Peil, 1974). Most migration that happened post-independence was within the borders of the country and involved individuals from different ethnic groups moving into others in search for new land safe for settlement and fertile for farming (Boahen 1975). Farmers migrated in search of empty land for the cultivation of both food crops and cash crops (Addea–Mensah, 1983). The introduction of cocoa farming in Ghana was one of the main causes of migration where farmers and children moved to work in farming communities.

Some studies on the north-south migration phenomenon in Ghana have focused on the emerging trend of the youth particularly young females from the northern parts of Ghana to the southern cities, particularly Accra and Kumasi to engage in menial jobs (Awumbila and Ardayfio-Schandorf, 2008).

After Ghana's independence, the prospect of landing a good job, the development of industry and higher wages, especially in urban areas, made the Ghanaian economy attractive and therefore induced not only rural urban migration, but sub-regional migration as well. (Bosiakoh, 2008). So for instance, by 1960 exploits of Nigerian migrants as traders, cocoa farmers, farm labourers and farm contractors, factory workers as well as menial workers in construction sites ensured a further influx of more Nigerians into Ghana. Hence, the population of Nigerians in Ghana increased (Adepoju, 2010).

According to Brydon (1985), a number of African freedom fighters and Pan-Africanists entered the country, describing it as 'a haven'. In the 1960 census for example, immigrants accounted for 12 per cent of the enumerated population. By 1969, when many 'aliens' were expelled, Ghana's alien community constituted about 2 million out of its population of about 8.4 million (Bosiakoh, 2008).

Mensah-Bonsu (2003) argues that rural outmigration in northeast Ghana is for employment purposes, and that, it is dominated by the youth. Many studies in Ghana have identified rural urban migration to be the most predominant of all movements within Ghana (Twumasi-Ankrah, 1995). It has been observed that, migrants have generally moved from resource-poor to resource rich areas, with a higher tendency for movements from the northern parts of the country to the southern cities (Anarfi and Kwankye, 2003).

In addition, some authors Twumasi-Ankrah (1995); Anarfi and Kwankye (2003) and Awumbila, 2008) explain the north-south pattern of migration to be due to spatial inequalities in levels of development brought about by a combination of colonial and post-independence economic policies and environmental factors among others. Another factor that has forced migrations in Ghana is conflict. According to Black et al. (2006), from 1994 to 1995, about 100,000 people were estimated to have been forced out of their homes in northern Ghana as a result of ethnic conflict.

On the international level, Peil (1995) identified Ghana's economy and educational system as one of the reasons why Ghanaians migrate to other countries. His stance was that, the situation in Ghana offered little opportunities for the then growing population. But various reasons including employment, education and training underlie much of Ghanaian migrants to other West African states as well as to Europe and North America (Nuro, 1999).

A study by Fosu (1992) revealed other problems such as political instability attributed to the increase in Ghana's international out-migration in the late 1970s and early 1980s. However, the period of large-scale emigration started in the 1970s and 1980s. The Convention Peoples Party (CPP) had maintained a liberal immigration policy to promote

its pan Africanism (Dzorgbo,1998). This was cut short by the promulgation of the Aliens' Compliance Order in 1969 which saw the expulsion of a large number of immigrants in Ghana in the same year.

Following the Order in 1969, the economic policies pursued in the 1970s by the National Redemption Council and the Supreme Military Council (1972-1978) and the frequent changes in government as well as the non-continuity of policies, created an economic downturn in Ghana (Addo, 1981). According to Dzorgbo (1998) the country's inflation and unemployment figures increased. The result of these was that, for some Ghanaians, a close exit option through migration was pursued. According to Manuh (2001), migration emerged as a 'tried and tested strategy' for dealing with the 'deteriorating economic and social conditions'. This set the stage for large-scale emigration of Ghanaians to African countries and the world at large which continues till date.

The most recent phase of the migration of Ghanaians is more importantly characterized by their —diasporisation, which had begun in the middle of the 1980s. Van Hear (1998) classifies Ghana as one of the ten countries involved in producing a 'new diaspora' in recent times. Since the 1990s, large numbers of Ghanaians have moved to major cities such as London, Amsterdam, Hamburg and New York (Anarfi et al. 2003).

According to Anarfi et al. (2003), Ghana was among the top ten sending countries to the UK in 1996, and in a decade (1990–2001), about 21,485 Ghanaians entered UK. Meanwhile, North America has also become increasingly dominant as a destination for Ghanaians. He classified the international history of emigration from Ghana into four distinct phases.

The first period is the period of minimal emigration. In this period, international movement from Ghana involved a relatively small number of people due to the fact that Ghana enjoyed a relatively strong economic prospect. Most the people moving at that time were students and professionals who moved to the UK and other English-speaking countries due to colonial links (Anarfi, Awusabo-Asare et al, 2000; Anarfi, 2003). These professionals did not only move to the West but other parts of Africa including Gambia, Botswana and Sierra Leone whereas it has been documented that those from the fishing communities also migrated to Benin and Ivory Coast (Odotei, 2000).

The second phase of emigration is the initial emigration which took effect after an unprecedented economic crisis in Ghana during the 1960's. The decline of the economy made Ghana unattractive to both foreigners and citizens. The proportion of foreigners in Ghana declined from 12.3 per cent in 1960 to 6.6 per cent in 1970. This trend was reinforced by the Aliens Compliance Order of 1970, whereby non-Ghanaians without valid documents were expelled from the country. Within that period Côte d'Ivoire emerged as one of the dominant points of destination in the sub-region (Anarfi et al, 2003). This precipitated many Ghanaians migrating outside the country to seek greener pastures.

Professionals such as teachers, lawyers, and administrators formed the majority of Ghanaians who moved to other countries for greener pastures.

However, by the turn of 1980s, there was a large scale emigration of both the unskilled and skilled Ghanaians into other countries in search of better opportunities. Migration into other countries exacerbated in response to the demand for the labour of these professionals in abroad as well the collapse in the economy of Ghana. As Anarfi (2003) posited, migration became the —basic survival strategies adopted by individuals and families to enable them to cope with difficult economic conditions. During that time, most of the migration occurred in Nigeria where a lot of the professionals had migrated there to pursue better opportunities. Others also migrated to Cote d'Ivoire. For instance, in 1986, it was estimated that about 800,000 Ghanaians were in Cote d'Ivoire compared to the total population of Ghana of just over 15 million in 1990. The facilitation of freedom of movement, residence and employment within the West African states by the then newly established Economic Community of West African States (ECOWAS) precipitated further migration.

Like emigration, migration movements within Ghana and from the rest of the West African region date back to a period long before colonisation (Wolfson, 1958). Rouch (1959) has noted that some of the migrants to Ghana, including many from Niger, Mali and Nigeria, were self-employed traders rather than wage labourers. Nypan's study of market traders in Accra also documented the presence of a sizeable population of emigrant traders from Nigeria, Niger and Mali working in the city's markets. In addition to traders, the development of gold mines and cocoa farms from the late nineteenth century to the second half of the twentieth century country attracted many migrants.

Labour migrants came from a variety of neighbouring countries in response to labour shortages in the colony (Ababio 1999).

To comprehensively manage these migration issues in Ghana, the National Migration Policy (NMP) was formulated. The next chapter will examine the evolution of migration management policies in Ghana as well as examine the various stakeholders in the management of migration in Ghana

2.13. METHODOLOGY

2.13. Introduction

This chapter present the methodology of the study which was employed in researching relevant issues of this study.

Because this was a review essay, a systematic review was done in the area of migration management in Ghana.

2.13.1 Methodological Approach

2.13.2 Inclusion criteria, selection procedure and results

The main inclusion criteria consisted of studies in peer review journals and books that reported on migration management in Ghana, West Africa and Africa as a whole. Studies which used qualitative, quantitative and mixed designs are included in this study. Methodical electronic searches of databases such as ProQuest Pubmed, ScienceDirect, Google Scholar, JSTOR were undertaken. Search terms like migration management, migration Acts, migration policy, migration, sub-Saharan African, African, and Ghana were used to gather articles and information about this review. There are no restrictions on the articles' year of publication. Therefore, all studies published by July, 2018 were considered. In addition, only studies which reported results in English are however, included in this review. One hundred and forty papers were initially retrieved and after screening titles and abstracts, twenty five papers were selected for use in the review.

CHAPTER THREE

FINDINGS

3.1 Introduction

Based on the various search of the literature and other relevant documents, the study describes the evolution of migration management policies in Ghana; identify the weaknesses of migration management and examine the various stakeholders in the management of migration in Ghana.

3.2 The evolution of migration management policies in Ghana

Migration in Ghana is based on a more or less restrictive regulatory framework which comprises of entry, residence and employment of foreign nationals. An example is the Aliens Act of 1963, Act 160. Before this act, immigration in Ghana was based on colonial ordinance with focus on colonial civil servants, missionaries, traders and West African nationals. However, until the imposition of colonial rule in Africa, there was no restriction of freedom of movement of people from one place to another either through national or regional borders or visa system. The British colonial authorities, the Nkrumah government and the National Liberation Council all devised numerous measures and policies to deal with immigration and other issues relating to immigrants in Ghana (Adjepong, 2009).

3.3 The Colonial Administration and Immigration Control

The term immigration and its regulations were first introduced by the British colonial administration. Thus, terms such as citizens, aliens, emigrants among others were all introduced to Ghanaians and other Anglophone countries that were also under the British colonial rule (GoG, 1920). The colonial authorities introduced the British Nationality and Status of Aliens Act of 1914, 1918, 1922 and 1933, the Aliens Ordinance of 1925 and 1935, the Naturalisation Regulations of 1933, the Statute Law Revision Act of 1933, and the British Nationality Act of 1948 as mechanisms used to establish the nationalities or citizenship of Ghanaians. These measures helped make a distinction between those who were natives and non-natives. Natives were defined as any person who was born in the territories under the authority of the British Crown whereas non-natives were people whose place of origin or birth lay outside the boundaries of Ghana (GoG, 1928; Adjepong, 2009).

In terms of regulating immigration into Ghana, laws such as Immigrant Paupers Ordinance of 1909, 1912 and 1919 as well as the Regulation of Immigrants Ordinance of 1914 all placed restrictions on immigration of people into Ghana. Provision was also provided for immigrants who would be deported. The 1916 Deportation of Suspects Ordinance, the Former Enemy Aliens (Restriction on Immigration) Ordinance of 1919, and the Repatriation of Convicted Persons Ordinance of 1945 gave the colonial masters the authorities to pass deportations orders for individuals who might have flouted the laws of Ghana; these ordinances gave authorities the power to extradite people (Antwi-Danso, 2009; Peil, 1974).

3.4 Nkrumah and Immigration Control

Free international movements were reduced through the introduction of detailed development of visa and passport regulations; customs and control and work permit for foreign workers. These newly independent countries upon realising the available employment opportunities for their nationals and its potential to raise their standard of living formulated series of regulations to control the inflow unskilled migrants in their territories (Addo, 1974). When it assumed power, Nkrumah's government designed a number of immigration measures, some of which defined the legal status of immigrants and regulated their movement and economic undertakings in the country. The Ghana Nationality and Citizenship Act of 1957 and that of 1961 defined who citizens of Ghana were and, implicitly, who were not (GoG, 1961). The Deportation Act of 1957, and its amendment, the Deportation (Amendment) Act of 1959, empowered the government to deport from the country people suspected to be of dubious character, without being allowed to appeal to the courts (GoG, 1957; Adjepong, 2009).

The 1957 Immigration Act, the 1959 Immigrants Employment Authorisation (Delegation of Special Powers) Order, the 1961 Immigrants Employment Authorisation (Delegation of Special Powers) (Revocation) Order were measures put in place that required about entering or exiting the territories of Ghana to possess the necessary travelling documents (National Population Policy, 1994). Then in 1960, the government moved the Immigration Service under the Ministry of Interior for the first time, and in December, 1963, the government passed the Foreign Travels (Exit Permits) Act, which required Ghanaians travelling outside the country to be issued with an exit permit (GoG, 1971). The purpose of this passage was to control the movement of Ghanaians to and fro in Ghana especially the locals who were engaged in smuggling. The introduction of the exit permit system also increased the duties and responsibilities of the Ghana Immigration Service. Thus, in 1963 and 1965, the staff of the service was increased to be able to effectively handle immigration.

3.5 The Aliens Act of 1963

The Aliens Act of 1963, Act 160 was the first real effort by Ghana to have a law relating to the immigration of foreigners in the country (Piem, 1970). Act 160 ensured that any foreigner arriving in the country by sea, land or air should appear before an immigration officer for examination, in accordance with existing laws. The 1963 Act sought to rationalise the existing laws on immigration and incorporate them in a common legislative system by

consolidating, with modifications, enactments relating to the immigration, residence, employment and deportation of aliens (Addo, 1974). Among other things, the Act provided that every alien should possess the necessary legal documents for residence in the country. However, persons who arrived through air or sea vessel in direct transit to another country or in the case of air travel who don't leave the vicinity of the airport were excluded from the Act 160 (Benneh, 2005). The Act gave immigration officers the power to refuse admission to any person who did not meet the conditions of entry such as non-possession of documents. These rules were meant to secure the borders of the country as well as monitor illegal/irregular migration. These Acts, however, were not strictly enforced on the immigrant population at large, the majority of whom did not qualify for residence since they lacked the necessary papers. The result was that immigrants continued to enter the country, but now illegally, by unauthorised routes (Addo, 1974).

Another aspect of the Alien Act was the residence and employment section. This section of the Act forbade employers from engaging the services of expatriates or foreigners unless it is in accordance with a license issued by the then minister through the Immigration Quota System. The Immigration Quota System was to ensure that the indigenous labour market was protected from foreign competitions as well as establishing a conducive environment for business (Benneh, 2005).

According to Addo (1974), another step towards an effective immigration measures was taken when in 1965 an Advisory Committee on Population was formed to consider ways in which an effective population policy could be formulated for Ghana. The high rate of immigration of particularly unskilled workers who were trooping in from neighbouring countries was a great concern to the Advisory Committee on Population due to its potential effects on employment for citizens. Despite these concerns, the committee was unable to recommend any new action. Indeed, one of its recommendations stated that " in consonance with Ghana's policy of friendship with all countries, and especially in the interest of African unity, it would be undesirable for the Government to take any direct steps to stop immigration of Africans into the country".

Despite the committee's inability to recommend any action or draft new regulations in the controlling migration of people from neighbouring countries, they recommended existing migration be enforced (Addo, 1974).

After the military coup of February 1966, the search for ways of controlling immigration and regulating the activities of immigrants continued under the new regime, which issued a number of decrees on this subject, in particular defining economic areas in which aliens were not to be allowed to operate. For example, aliens were prohibited from entering or remaining in diamond-producing areas (it being suspected that they were participating in illegal diamond dealings), from carrying on certain types of retail and wholesale trade, and from starting up certain small-scale

enterprises employing 30 persons or less (in this case, with the ultimate aim of encouraging Ghanaian businessmen to operate in these sectors, by removing foreign competition). The new regime also instituted an immigrant quota review, designed to restrict the entry of foreign workers into business concerns to persons with scarce skills not available locally, as well as to encourage foreign entrepreneurs to train and use local talent (Benneh, 2005; Addo, 1974).

3.6 The NLC and Immigration Regulations

The National Liberation Council (NLC) inherited some political, social and economic problems when it assumed office in February, 1966. One of the problems they had was that the previous governments' previous immigration regulations had allowed many non-Ghanaians to settle in Ghana without proper paper work. Between 1957 and 1967, many second generation African immigrants in Ghana, with respect to the provisions of the Ghana Nationality and Citizenship Act of 1957 and that of 1961, were, therefore, without any African nationality, although legally those born in Ghana before independence remained British. What happened was that the embassies of Ghana's neighbouring countries, as they too achieved independence, started issuing identity cards to the Ghanaian-born children immigrants from their countries (Mabogunje, 1974; Addo, 1974).

In 1968, the government rescinded the 1963 decision which permitted Lebanese born in the country before independence to remain in Ghana as citizens. At the same time, the NLC amended the Aliens Act of 1963, and its 1965 amendment, which then became the Aliens (Amendment) Decree, 1968 (N.L.C.D.259), to check the influx of immigrants into Ghana and to limit the chances of non-Ghanaians qualifying for Ghanaian citizenship by clearly defining Ghanaian citizenship through the Ghana Nationality Decree of 1967 (N.L.C.D. 191), the Ghana Nationality (Amendment) Decree of 1969 (N.L.C.D. 333), and citizenship under the 1969 Republican Constitution. This was accompanied by the Aliens (Amendment) Decree of 1968, and the Aliens (Permits For Prohibited Areas) Regulations, 1969 (L.I.612), requiring immigrants to possess valid passports, visa or entry permits before entering Ghana and preventing non-Ghanaians from entering or remaining in certain areas unless permits were granted them (GoG, 1969).

Citizenship laws passed by the NLC virtually made everyone born in Ghana a citizen by birth. Nevertheless, these measures, particularly the 1967 Nationality Decree, made the acquisition of citizenship by registration almost impossible since applicants were required to be able to speak and understand a Ghanaian language before their applications would be considered. Even more serious was Article 10 (3) of the 1969 Constitution under which citizens —otherwise by birth— could be deprived of their citizenship (Danquah, 1970).

3.7 The Aliens Compliance Order, 1969

The Aliens Compliance Order was issued by the Busia administration on 18th September 1969. Thus, in a directive issued by the Ministry of Interior, the government directed all aliens without residence permits, to leave Ghana within fourteen days and even those with work permits were to strictly obey the terms of their entry permits and if these permits have expired they should leave Ghana. This Order called on all aliens to obtain immigration papers as required by these Acts within a period of two weeks from the date of its publication, failing which they would have to leave the country (Addo, 1974).

3.8 Immigration Act, Act 573

The Aliens Act which was the main act under which the various acts such the Aliens Compliance Order was implemented was passed under certain historical contest. Thus, by the turn of the 20th century, there was the need to update the law on immigration to meet the current trend and development as well the international laws. A new Immigration Act was passed in 2000 (Act 573) which repealed Act 160 and its amendments (Benneh, 2005).

Act 573 makes provisions for most of the repealed Act 160 and as such issues such as admission, residence, employment and removal of foreign nationals were all addressed. The act details the documents which were required for a potential migrant into Ghana must have before gaining access into Ghana. These documents included a valid passport or other travel documents and valid visa. Act 573 is very important because new categories were introduced in which none of the migration regulations had made provisions for. The act introduced the indefinite residence status; section 15 of the act says aggregate stay of not less than 5 years and seven years immediately preceding an application to the Director of Immigration. The person should be capable of making substantial contribution to development of Ghana, is of good character and has a valid residence permit. The act made provisions for foreign spouses who were married to Ghanaians. Person losses status if he/she absents him/herself from Ghana for more than 12 consecutive months.

Section 17 mentions Right of Abode and explains it as (a) ‘a Ghanaian by birth, adoption, registration or naturalisation within the meaning of the Citizenship Act who by reason of his acquisition of a foreign nationality has lost his Ghanaian citizenship’. Such a person could be granted this status. A person of African descent, if he satisfies the Minister that he/she has independent means, not convicted, good character, and contribution to development of Ghana could be given Ghanaian nationality. This act was to re-enact with amendments the various laws that have been in existence since colonial times relating to immigration.

3.9 Citizenship Act, 2000, (Act 591) and the Citizenship Regulations 2001 (Act 1960)

Both the Citizenship Act and Regulations seek to solidify the various laws on citizenship in Ghana and make a clear distinction who a Ghanaian citizen is. The Act makes provisions for means in which a person may become a Ghanaian citizen even though they were not born in Ghana. This could be done through naturalization and registration. The Citizenship Act made provision for dual citizenship in which a Ghanaian may hold the citizenship of any other country in addition to their own citizenship.

The table below provides existing national legal and policy frameworks guiding various types of migration in Ghana.

Law or Policy	Provision
1992 Constitution of Ghana	Grants citizenship by birth, marriage; amended in 1996 to grant dual citizenship
Labour Act, 2003 (Act 651) and Labour Regulations, 2007 (L.I.1833)	Grants permission for immigrant labour and other legally relevant industrial legal provisions
Refugee Law, 1992 (PNDCL 305D)	Grants refugee status in accordance with the UN 1951 Convention and the 1967 Protocol as well as the OAU (AU) 1969 Convention; established Ghana Refugee Board to manage refugee affair
Human Trafficking Act, 2005 (Act 694) and Human Trafficking (Amendment) Act, 2009 (Act 784)	Recognizes the 2000 UN Convention on Human Trafficking; created a Human Trafficking Management Board
The Children's Act, 1998 (Act 560)	Grants children rights, maintenance and adoption; regulates child labour and apprenticeship; supervised by the Ministry responsible for gender, children and vulnerable groups
Ghana Investment Promotion Centre Act, 1994 (Act 478) 2013	Established the Ghana Investment Promotion Center (GIPC) to encourage and promote investments
Ghana Free Zone Act, 1995 (Act 504)	Established free zones for development; grants resident permits to foreign workers who wish to work in designated free zones
Minerals and Mining Act, 2006 (Act 703)	Permits holders of mineral rights immigration quotas by specified numbers of expatriate personnel; freedom from

	taxation of financial remittances
Petroleum (Exploration and Production) Act, 1984 (PNDCL 84)	As in the minerals and mining Act, 2006 (Act 703)
Representation of the People (Amendment) Act, 2006 (669)	Allows Ghanaian emigrants to participate in the democratic process through voting in general elections
The Revised 1994 Population Policy	Acknowledges the role of migration in development, voluntary return of highly skilled emigrants for national development; recognizes issues and problems/challenges of internal migration with regard to development
The National Youth Policy, 2010	Recognizes youth as a national resource and the future; acknowledges challenges of unemployment, rural-urban migration and urbanization; recognizes the youth propensity for internal migration and emigration.
National Ageing Policy, 2010	For effective management of ageing issues in relation to migration

3.10 National Migration Policy (NMP)

The NMP attempts to serve as a thread that links all the existing migration-related laws for a holistic and national strategic framework on migration. Thus, several policy frameworks including the AU Strategic framework for Migration and the ECOWAS Common Approach on Migration all formed the backdrop for the formulation of the NMP (Ministry of Interior, 2016). Migration issues such as internal migration, urbanization, irregular migration, human trafficking, labour migration as well as return migration have been addressed in the NMP and strategies suggested. The author will discuss some of the issues addressed in the NMP framework.

In terms of internal migration, the policy acknowledges that it has both positive and negative impacts which in turn have knock on effect; both positive and negative effects on the development of Ghana. The policy outlines several strategies that could lead to the country benefiting from internal migration and at the same time prevent its negative consequences. These strategies include improving on the already established social protection and other developmental programmes for the vulnerable to ensure economic growth. Another adopted by the policy is to educate parents and other adults on the importance of child education and skills training to prevent child migration.

Another area of migration addressed in the policy is urbanization. The policy acknowledges that Ghana is urbanizing rapidly which leads to rising social services and other socio-economic consequences. However, the institutions in government lack the capacity and resources to tackle these rising issues. The policy therefore aims to develop an effective response to urbanization and increase government's capacity to manage urbanization. The strategies adopted by the NMP was to build the capacity of the all the Metropolitan, Municipal and District assemblies to manage migration as well as allocate resources to help those district development programmes.

Irregular migration has been increasing for the past decades and very common in Ghana. The NMP acknowledges that irregular migration presents a unique challenge to border management and is mostly caused by growing economic inequalities and increased barrier for regular migration. There is also the issue of internal child trafficking from other parts of Ghana to the fishing communities in Ghana (IOM, 2009). The policy therefore aims to protect the vulnerable; rescue and reintegrate victims of human trafficking as well as prosecute the perpetrators. The policy seeks to establish a national anti-trafficking approach which is comprehensive and coordinated to ensure that there is no overlap in terms of roles played all the stakeholders involved. Another strategy adopted by the policy is to have preventive measures against irregular migration and provides assistance to those recovering from trafficking.

Border management is an essential element in the effective management of migration in any country. The NMP recognizes the importance of having an effective management of the national borders of Ghana especially with the continuous immigration of other nationals from West Africa. The policy therefore aims to establish an effective management of our borders by strengthening government's capacity of border management; ensure there an effective co-operation and co-ordination to combat immigration crime and illegal border movements.

The NMP also looks at the issue of environment and climate change induced migration. The policy acknowledges that climate and environmental change may increase people's vulnerability to displacement and permanent migration. The policy seeks to build the capacity of the government to address migration and environmental changes by fusing migration into the National Climate Change Policy 2013 and the National Urban Policy, 2012.

Just like the IOM model which served as a model for the NMP formulation, it sought to address the various cross-cutting issues that tend to affect migration. It therefore establishes the linkages between migration and health, gender, vulnerable groups among others. For instance, with regards to migration and gender, the policy seeks to mainstream gender into migration management and address the special needs of women migrant (e.g. Kayayo) and children. Migration involves the movement of people and this could pose health risks to both migrants and others at the borders and in the country. Irregular migrants are also vulnerable to mental and physical health risks. The policy

therefore attempts to have a framework that integrates the various international frameworks on migration and health into the national health policy of Ghana.

Effective management of migration requires that a country has an accurate and reliable data. The government admits that the various population census and surveys conducted by Ghana Statistical Service is not enough as they don't contain enough data on migration flow. The NMP seeks to facilitate efficient data gathering on migration by building and increasing the capacity of Ghana Statistical Services and other relevant institutions responsible for gathering and processing migration data.

Migration management has been in existent in Ghana since the colonial times. Most of the migration management policies and regulations were done based on historical events and the agenda of the government in power. However, the NMP sought to harmonize all the various regulations and Acts to address the various issues affecting migration in Ghana.

3.11 Stakeholders in the management of migration in Ghana

Effective management of migration requires commitment and full cooperation from various stakeholders. These bodies determine migration management in any country, by collecting, collating and analyzing information on migration. They also implement, monitor and evaluate policies and regulatory frameworks such as those aforementioned. They include Ministries, Departments and Government agencies (MDAs); in conjunction with regional, sub-regional, bilateral and multilateral international bodies. Associations, NGOs, and families also play informal roles in promoting or deterring the movement of people.

Ministry of Foreign Affairs and Regional integration: This institution is responsible for the protection of Ghana's interests and of Ghanaians resident abroad. The ministry has a Diaspora bureau that gathers and analyses data on Ghanaian emigrants. The ministry has launched the Diaspora policy with the aim of mobilizing diaspora support and help in the development of Ghana. It also collaborates with the Ghana Immigration Service and other security institutions in the processing of Ghana passports (Manuh et al. 2010). The ministry is responsible for issuing entry visas in missions abroad to foreigners intending to visit Ghana.

Ministry of the Interior: This ministry is a very important stakeholder with respects to migration. It is responsible for the formulation of policies relating to migration in Ghana. It serves as the supervising Ministry for the Ghana Immigration Service, Ghana Refugee Board, Narcotics Control Board and the Anti-Human Trafficking Unit of

Ghana Police Service. The ministry of Interior has set up a National Migration Unit to oversee migration policy and issues and incorporate them in the development agenda. The role of the Ministry of Interior is to create an enabling environment for immigrants to make a contribution to the development of Ghana. It therefore facilitates citizenship and work permits to immigrants. They oversee irregular migration and trafficking.

Ghana Immigration Service (GIS): The GIS was established by the now repealed Immigration Service Act, 2016 (ACT 908), PNDCL 226. It is generally responsible for the control and movement of people to and from Ghana and also charged with the responsibility of enforcement of all the enactments relating to the entry, residence, and employment of all foreigners in Ghana. The major law under which it operates is the Immigration Act 2000, Act 573, Act 848, LI 1691 and other enactments relating to migration and border security. The GIS issues residence permits and performs investigative functions for the issuance of work permits through the Ministry of the Interior. The GIS processes applications for Ghanaian citizenship either through marriage or naturalisation. It is mandated to prosecute immigrants who flout the immigration laws and also the removal of prohibited immigrants. It is also responsible for patrolling Ghana's borders to prevent inadmissible from entering the country and work in close collaboration with the anti-human trafficking institution. The service has also set up the Migration Management Bureau, which consists of 3 divisions namely; (i) the Anti-Human Smuggling and Trafficking Unit (AHSTIP)- with a specific mandate to develop and effectively target operational activities to combat smuggling and trafficking in Persons and contributing to Ghana's efforts towards full compliance with the minimum standards for the elimination of Human Trafficking; (ii) the Migration Information Bureau / Centre - whose main objective is to curb illegal migration and promote legal migration through the gathering and dissemination of information by creating awareness through public education on the dangers of irregular migration. The third section is the Refugee Section – this section provides protection for refugees and seeks permanent solution for problems of refugees in Ghana. GIS Coordinates with UNHCR, Ghana Refugee Board in screening and registering of asylum seekers and conducts refugee status determination interviews. Voluntary repatriation, local integration, resettlement and emergency resettlement procedures are all part of the duties of GIS (Manuh et al, 2010; Ministry of Interior, 2016).

The Ghana Refugee Board – established under the 1992 Refugee Law is mandated to grant rights and protections in the 1951 convention relating to the status of refugees and 1969 convention. For public order and security reasons the Board can detain/repatriate or refuse the status to individuals. However, the convention is against sending persons back to places where they risk persecution or torture. It is mandated to process asylum applications and grant same, but works in close collaboration with the UNHCR and the GIS, and sometimes in conjunction with IOM (Manuh et al, 2010; Ministry of Interior, 2016).

Ministry of Gender, Children and Social Protection: One of its numerous duties is to serve as a coordinating agency for anti-human trafficking tasks as well as assessing the impacts of migration on women and children. It also involved in public education on anti-human trafficking law. Its main mandate is to protect the rights of children and other vulnerable groups. It therefore provides the institutional and political conditions for addressing all aspects of the NMP that relate to gender associated with migration (Manuh et al, 2010; Ministry of Interior, 2016).

Ministry of Trade and Industry: This ministry main role in the migration management is to encourage diaspora investment as well as assist Ghanaians entrepreneurs abroad to establish industries in Ghana. The ministry also ensures local companies are not killed off by foreign nationals who have established businesses in Ghana.

Ghana Statistical Service (GSS): GSS is mandated to collect, analyse and disseminate migration related data. It collects census and survey data regarding all aspects of migration and migrant characteristics. GSS is very crucial in the implementation of the National Migration Policy as it provides data and information for its implementation.

3.12 Challenges/ weaknesses of migration management policy

The National Migration Policy has clearly stated in its document the migration challenges faced by Ghana. For example, it was stated that, —the brain drain, rapid urbanisation and rural-urban migration, pervasive and growing trends in human trafficking among others, became key factors influencing Ghana’s mobility patterns. Yet, migration has also provided opportunities which if managed and harnessed could contribute to its socio-economic development.

One of the major challenges impacting the effective management of is the data gap. In order to have an effective update to the Migration Profile, there needs to be an improvement in the timeliness of data collection, processing, and analysis of migration data. Census is the main source of migration data but the problem with that is the period of collection. Census is conducted every ten years and therefore makes the whole data outdated especially when migration data needs to be updated periodically. While GIS collects a wealth of administrative data on entries, departures, and registration, the lack of data disaggregated by sex, age, and other relevant characteristics makes meaningful analysis difficult. For instance, GIS generates data that are more detailed and more useful to international movement but it is not able to distinguish between who is a tourist and migrant (Benneh, 2005). The government also has no accurate data on Ghanaians abroad and irregular migration. Household survey data is a valuable source of migration information but often remains underutilized (IOM, 2008a; Asare, 2012).

There is also lack of coordination between the various institutions with no specific institution having a specific mandate involving migration management. This sometimes leads to the duplication of roles by the various institutions. This also leads to the failure of some key migration stakeholders sharing their data and this could result in hampering the effectiveness of the migration policy in the country. In Ghana government institutions, international agencies and NGOs have worked as separate units, with very few of them sharing data, information and practices on migration issues.

The National Migration Policy (NMP) of Ghana which was launched by government in April 2016 with pledges to ensure its implementation has not been implemented. Thus, the Ghana National Commission on Migration (GNCM), a body that is crucial for the implementation of the NMP, has also not been established. The implementation of the policy is very important as it does not only provide a policy framework, but also how to address migration issues, including irregular migration, internal migration, labour migration, and the return, re admission, and reintegration of emigrant Ghanaians for sustainable development. The lack of establishment of the GNCM is hampering the effective and co-ordinated implementation of the NMP.

According to Ayamga, 2014, concerns have been raised that the ratification of the ECOWAS protocols and hence free movement presented a security threat to Ghana's national security. This is due to the fact that Ghana is light or inadequate in terms of infrastructure and its inability to adequately do background and security checks on the increasing number of migrants coming from the neighbouring countries.

CHAPTER FOUR

SUMMARY OF FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

4.0 Introduction

This chapter provides summary of the findings draws conclusions from the study and provides recommendations for the study which sought to assess the migration management in Ghana. The research was based on review of articles, Acts and policies that are related to migration management in Ghana.

4.1 Summary of Findings

In Ghana, migration has played a central and important role in livelihood strategies of the population, be it rural or urban. Ghana's pattern of migration is characterised by movement from the north to the south within Ghana and from the less developed rural areas to the developed urban areas. Ghana is also experiencing emigration to other countries especially in the 1970s after the economic decline. The proper management of migration could help promote the positive outcomes of migration and prevent the negative consequences. This essay hence sought to examine the National Migration Policy (NMP) which was meant to manage Ghana's migration flows in tandem with the goal of Ghana's long term development goals.

The objectives of this essay were to examine the various management strategies adopted by Ghana to manage migration as well as examine the challenges or weaknesses of migration management in Ghana. Migration in Ghana is based on a more or less restrictive regulatory framework which comprises of entry, residence and employment of foreign nationals. From pre-colonial times, the colonial authorities introduced the British Nationality and Status of Aliens Act of 1914, 1918, 1922 and 1933, the Aliens Ordinance of 1925 and 1935, the Naturalisation Regulations of 1933, the Statute Law Revision Act of 1933, and the British Nationality Act of 1948 as mechanisms used to establish the nationalities or citizenship of Ghanaians. These measures helped make a distinction between those who were natives and non-natives. Nkrumah's government introduced the Ghana Nationality and Citizenship Act of 1957 and that of 1961 defined who citizens of Ghana were and, implicitly, who were not (GoG, 1961). The Deportation Act of 1957, and its amendment, the Deportation (Amendment) Act of 1959, empowered the government to deport from the country people suspected to be of dubious character, without being allowed to appeal to the courts (GoG, 1957; Adjepong, 2009).

Effective management of migration requires commitment and full cooperation from various stakeholders. These bodies determine migration management in any country, by collecting, collating and analyzing information on migration. They also implement, monitor and evaluate policies and regulatory frameworks such as those aforementioned. They include Ministry of Foreign Affairs and Regional Integration, Ministry of Interior, Ghana Statistical Service, Ghana Refugee Board among others. These stakeholders all play important roles in ensuring the effective management of migration in Ghana.

In terms of challenges, while GIS collects a wealth of administrative data on entries, departures, and registration, the lack of data disaggregated by sex, age, and other relevant characteristics makes meaningful analysis difficult. The government also has no accurate data on Ghanaians abroad and irregular migration. The National Migration Policy (NMP) of Ghana has not been implemented. Thus, the Ghana National Commission on Migration (GNCM), a body that is crucial for the implementation of the NMP, has also not been established. The lack of establishment of the GNCM is hampering the effective and co-ordinated implementation of the NMP.

4.2 Conclusion

Indeed migration is global phenomenon that is increasingly shaping developmental processes in our ever globalising world and touches on a multiplicity of economic, social and security aspects affecting our daily lives (Blinder and McNeil, 2017). For Ghana to enjoy the benefits of migration there is the need to have an effective migration management system. Ghana has attempted to respond to the global dynamics of migration flow by implementing various Acts and policies since colonial times. The various stakeholders managing migration have in their own capacity attempted to implement the various aspects of migration management. Ghana now has a National Migration Policy which attempts to holistically manage migration. The policy acknowledges the importance of various cross-cutting issues such as migration and health.

At the same time, this study had some limitations. The main limitation is that this essay was a review and solely relied on secondary data and literature available. Thus, the conclusions and recommendations were based on the literature reviewed by the author. The second limitation involves the paucity of Ghanaian literature on the management of migration in Ghana, particularly in terms of accessing the National Migration Policy.

4.3 Recommendation

The only way Ghana can ensure it derives maximum benefits from migration if more attention is given to that issue. Until the NMP is implemented and the Ghana National Commission on Migration established, it will be difficult be

to address migration issues, including irregular migration, internal migration, labour migration, and the return, re-admission, and reintegration of emigrant Ghanaians for sustainable development. There is also the need for the Government to have an established institutional reference point which could go a long way in addressing the issues of lack of coordination among various stakeholders involved in the management of migration in Ghana. Having an institutional reference point could have a positive effect on data gathering, analysing and even the timing of the data collection.

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