Implications of Externalization Policies on Regional States in East and Central Africa

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Introduction

The progressive of implementation of regional integration processes including customs union and common market in some regional economic communities (RECs) in East and Central Africa at varying levels has contributed to free movement of persons in the region. Similarly, the RECs including East African Community (EAC), Inter-governmental Authority on Development (IGAD), International Conference of the Great Lakes Region (ICGLR) and the Common Market for Eastern and Southern Africa (COMESA) are increasingly developing institutional, legal and regulatory frameworks to underpin regional migration governance. However, labour and economic migrants, refugees, asylum seekers, and other persons of concern still face considerable obstacles in destination countries within the region. As migration externalization expands across world's regions, it is important to assess externalization policies or programmes in the Eastern and Central Africa region.

Global framework for migration governance

The adoption of the Global Compact for Safe, Orderly and Regular Migration in December 2018 was a milestone in laying out the first-ever global cooperation framework for sharing responsibility to protect the world's more than a quarter billion people on the move (United Nations, 2018). The Intergovernmental Conference to Adopt the Global Compact for Safe, Orderly and Regular Migration held in Marrakech in Morocco had inclusive participation from senior Government officials, civil society representatives, the private sector and migrant communities. Earlier in September 2016, the United Nations General Assembly had unanimously adopted the New York Declaration for Refugees and Migrants.

The New York Declaration reaffirms the importance of the international refugee regime and contains a wide range of commitments by Member States to strengthen and enhance mechanisms to protect people on the move (United Nations, 2016). In the Declaration, states reaffirmed the principles and purposes of the UN Charter and committed to fully protect the human rights of all refugees and migrants, regardless of status and demonstrate full respect for international law and international human rights law. That reaffirmation was critical for the for negotiation of the Global Compact on Safe, Regular and Orderly migration. Effective migration governance, grounded in fundamental respect for our common humanity and the equality dignity and rights as articulated in the United Nations Charter and Universal Declaration of Human Rights, United Nations member states endeavour to achieve the aspirations of the Sustainable Development Goal No. 16 that aims to promote peaceful and inclusive societies for sustainable development,

provide access to justice for all and build effective, accountable and inclusive institutions at all levels.

Externalization policies and migrants' rights

Border externalization policies have been geared towards preemptive prevention of migration from Africa to high-income economies. Externalization refers to attempts by migrant destination states especially in developed economies to relocate control over migration flows to countries from which migrants come or through which they travel (Mesnard etal, 2024). The objectives of externalization policies are to prevent irregular migration before individuals reach the borders of destination states. Externalization involves diplomatic cooperation and forms of partnerships for migration and asylum management between migrant destination states and origin/transit states. Various initiatives of externalization emphasize border control strengthening to enhance migration management in which external priorities of rich countries often overshadow local needs of countries in the continent.

Migration externalization in Africa refers to policies in which countries, especially European states, shift their border control responsibilities to African states. This often involves agreements to manage migration outside Europe's borders, preventing asylum seekers from reaching the continent. North African countries such as Libya, Morocco, and Tunisia play a crucial role as transit hubs, enforcing stricter migration controls in exchange for financial, development, or diplomatic support. In Sub-Saharan Africa, West African countries have been targeted for border externalization despite liberal policies of movement with the ECOWAS region. West Africa and European countries collaborate on externalization policies that include migration and border control initiatives (Talleraas, 2024). West African countries have been under diplomatic pressures cooperate on migration-related issues but their responses range from compliance to incompliance (Zanker, 2025). Three main responses in the West Africa include reluctant compliance, reactive incompliance and proactive incompliance. It remains to be seen how the new regimes in the region especially in the Sahel sub-region will react to the migration externalization policies.

The EAC and IGAD seem to have migration policies that influence externalization. The EAC has a regional refugee management policy that has provisions on border management systems, asylum procedures which indirectly reduce irregular migration towards external destinations. Likewise, the IGAD collaborates with international partners to ensure that migration policies and strategies contain movements outside Africa. Rwanda entered into controversial deals with the United Kingdom to process and relocate asylum seekers to Rwanda. However, the deal has stalled since the Labour Party formed the government in July 2024. Moreover, Rwanda is currently in talks with the Trump administration to host asylum seekers and deported migrants to the country. These policies and strategies raise ethical concerns over human rights and fundamental liberties, sovereignty, and the responsibilities of destination countries like the United States and several European countries in global migration governance. Externalization shifts the

burden onto African states, influencing migration patterns, security frameworks, and regional dynamics. The externalization policies seem not to take into consideration the burden of African countries especially in the Eastern African region that already overwhelmed with hosting refugees from regional countries.

Regional framework for migration governance

Regional integration plays a considerable role in creating an environment in which migration can take place in a safe, regular, orderly and humane manner. It helps eliminate structural, legal and physical barriers to labour migrants' freedom of movement, extends their access to services and protection and streamlines conditions for recognizing their skills and qualifications. Strengthening these elements and addressing the barriers to labour mobility are also critical in unlocking the potential of other dimensions of regional integration such as trade and intermodal transport facilitation. With increase of regional integration processes in various world's regions, the role of regional economic communities (RECs) in addressing the needs and rights of migrants cannot be overemphasized.

Regional or community citizenship is realized in the context of regional integration. When countries in a particular geographical location deepen their cooperation through customs union, common market and monetary union among others, citizens of member states acquire regional or community citizenship that enable them to enjoy free movements of persons, labour and capital within the Regional Economic Community (REC). In some instances, more integrated regional blocs stipulate in their regional laws how regional, or community citizenship is acquired.

In Africa, almost all Regional Economic Commissions (RECs) have considered the free movement of people as a goal to be achieved within their regional integration processes. Some RECs have developed regional instruments to address problems associated with migration, refugee influx and asylum seekers, internally displaced persons, and statelessness. Efforts by the International Conference for the Great Lakes Region (ICGLR) member states to resolve the problem of migrants include acceding to international and regional instruments. Initiatives by the Heads of State and Government of the ICGLR that address some dimensions of persons of concern include the 2004 Dar Es Salaam Declaration on Peace, Security, Democracy and Development; 2006 Pact on Security, Stability and Development; and Action Plan of the International Conference on the Great Lakes Region on the Eradication of Statelessness. By founding the ICGLR in 2000, leaders in the Great Lakes region recognized that instability and insecurity in respective countries have considerable regional dimension, hence requiring regional response. The leaders and other stakeholders noted that citizens in the region have a shared history and close ethnic, cultural, social, economic, and political links hence there was a need to develop regional and common approaches to address stability, peace and security threats and common crises such as refugees, asylum seekers, internally displaced persons, and stateless persons.

The Dar es Salaam Declaration outlines aspirations and commitments of the ICGLR member states for the transformation of the region as a space of sustainable peace, a zone of reconstruction and development, and strengthening bilateral and multilateral cooperation in the region. The Dar es Salaam Declaration also intends to promote democracy and good governance; economic development and regional integration; protection of vulnerable persons including refugees and displaced persons; support to national peace processes; adherence to the norms and principles of international humanitarian law; finding lasting solutions to the protracted problem of displaced persons and. The objectives of Pact on Security, Stability and Development for the Great Lakes Region are to provide a legal framework governing relations between ICGLR member states; implement the Dar es Salaam Declaration, the protocols, programmes of action, the regional follow-up mechanism and the Special Reconstruction and Development Fund; create the conditions for security, stability, and sustainable development among ICGLR member states. The protocols (articles 5 to 15) and programmes of action are integrated within the Pact.

The Dar es Salaam Declaration and the Pact have addressed some aspects of statelessness in the region. According to Paragraph 68 of the Dar es Salaam Declaration, member states commit to "adopt a common regional approach for the ratification and implementation of the UN conventions on statelessness, harmonize national laws and standards and provide refugees and displaced persons with identification documents enabling them to have access to basic services and exercise their rights." Under the Programme of Action on Humanitarian, Social and Environmental Issues, the ICGLR member states developed "Framework for Durable Solutions to Humanitarian, Social and Environmental Issues in the Great Lakes Region." The Framework is to translate the commitments in the Dar es Salaam Declaration and the Pact into concrete actions. The Action Plan of the International Conference on the Great Lakes Region (ICGLR) on the Eradication of Statelessness (2017-2019) is therefore crucial in the implementation of the commitments made in the two instruments. The strategic objectives of the Action Plan include ensuring compliance with legal, policy and institutional frameworks governing eradication of statelessness; strengthening data management systems for effective response to the challenges of statelessness; establishment of strategic and operational monitoring and evaluation mechanisms.

Despite progress made under regional integration framework, it remains to be seen how countries in East and Central African region will balance their obligations to protect migrants, refugees and asylum seekers and their engagement with international partners that might be keen on promoting externalization in the region.

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