

**FIRST MIDSA FORUM  
FOR SOUTHERN AFRICA (SADC)**

**Mbabane, Swaziland, 6 to 9 November 2000**

**REPORT AND RECOMMENDATIONS**

**I. CONTEXT**

The First MIDSA Forum for Southern Africa (SADC) took place in Mbabane, Swaziland on 6-9 November 2000. Some 50 senior officials participated, representing Home Affairs and Foreign Affairs Ministries from institutions such as Immigration, Refugee, Border, Law Enforcement and other departments from the 14 countries of the Southern African Development Community (SADC), i.e. Angola, Botswana, DRC, Lesotho, Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, Swaziland, Tanzania, Zambia and Zimbabwe. The participants engaged in three days of intensive discussions and reached a set of conclusions on issues of mutual concern.

The MIDSA Forum Seminar was officially opened by H.E. Dr. B.S.S. Dlamini, the Right Honourable Prime Minister of the Kingdom of Swaziland. Ms. N. N'diaye, Deputy Director General, IOM, Dr. R.K. Jenny, Director, IMP, and HRH Prince Sobandla, the Honourable Minister for Home Affairs, also presented opening statements, introduced by Mr. E. Mkhonta, Principal Secretary of the Ministry of Home Affairs, Kingdom of Swaziland.

The event was closed by H.E. Mr. Albert H. N. Shabangu, the Honourable Minister of Foreign Affairs, Kingdom of Swaziland. Speakers at the closing ceremony also included H.E. Amb. John Lange, U.S. Ambassador to Botswana and SADC; Permanent Secretary Mr. Malefetsane Mohafa, Ministry of Home Affairs from Lesotho as representative of the participating governments, Ms. Ndioro N'diaye, and Mr. R.K Jenny.

The meeting was jointly organised by the government of the Kingdom of Swaziland, the International Organization for Migration (IOM), the International Migration Policy Programme (IMP), the Southern African Migration Project (SAMP), the United States Naturalization and Immigration Service (US INS), and the Office of the United Nations High Commissioner for Refugees (UNHCR), with financial support from the governments of Canada, Denmark, Sweden, Switzerland and the United States of America.

This event served as the first formal activity of the Migration Dialogue for Southern Africa (MIDSA) established to foster regional co-operation on migration-related issues.

**II. PROCEEDINGS**

The topics covered at the Mbabane meeting related directly to four priority issues defined by representatives of SADC governments:

## Module 1: MIGRATION AND MANAGEMENT OF BORDERS

This session, moderated by Prof Jonathan Crush, Director Southern Africa Migration Project, reviewed the changing roles of borders in regional integration and addressed the necessary functions and components for effective border management, control and facilitation. Three presentations, by Dr. Richard Griggs, Senior Researcher, South Africa; Dr. Willibald Pahr, former Foreign Minister of Austria; and Stephan Karangizi, Director for Legal and Institutional Affairs of COMESA (Common Market for Eastern and Southern Africa) provided a substantive review of visions and concepts of regional integration, international and European experience in development of common economic and migratory policy, and African initiatives in building common economic and political spaces.

A subsequent presentation by Ms. Phyllis Coven, Country Attaché, US Immigration and Naturalization Service, South Africa, reviewed border management practices between US, Canada and Mexico and the development of recent bilateral accords aimed at achieving new border visions for North America.

These presentations served as a starting point for working group discussions which identified commonalities among SADC countries in concepts and practices of border management, elaborated steps and alternatives towards border cooperation in the region, and discussed advantages and disadvantages of varying approaches to border control. Participants also articulated needs for harmonisation initiatives, and, at the outset, the need for political will to elaborate a regional vision for integration and related migratory aspects.

## Module 2: RIGHTS AND OBLIGATIONS RELATING TO REFUGEES

This session moderated by Vincent Williams, Manager, SAMP, conveyed, from the angle of international refugee law, main elements of the institution of asylum and the system of international protection of refugees. The presentation by Mr. George Okoth-Obbo, Deputy Director, UNHCR Southern Africa, focused on specific migration and refugee challenges that Southern African countries are faced with. Such challenges include the mix among refugee and migrant groups of different categories of persons. Issues of return, travel documents, backlogs of asylum applications and abuse of asylum systems were also discussed in the presentation.

Working groups analysed a case study to identify key issues pertaining to refugee policy and various methodologies which could be used to address the hypothetical situation which included elements faced by most countries in the region, following which the discussion turned to questions pertaining to the return of failed asylum seekers and undocumented migrants.

## Module 3: INTRA-GOVERNMENTAL CO-OPERATION AND CO-ORDINATION

This session moderated by Phyllis Coven, highlighted the need for enhanced inter-ministerial and inter-departmental co-operation for effective migration management at the national level. Dr. Willibald Pahr, presented a broad exposé of prerequisites and standards for Governmental structures in general, and for those regarding management of migration in particular.

Four presentations of “case-studies” of models applied in SADC Member States followed. Presentations made by Mr. Mushelenga, Deputy Director, Border Control, Namibia, Mr. Panachande, Director of Immigration, Mozambique, Mr. Mkhonta, Principal Secretary, Ministry of Home Affairs, Swaziland and Mr. Mugwadi, Chief Immigration Officer, Zimbabwe, showed clearly the variety, as well as the similarities which prevail, within the Southern African region, of structures and modalities applied. The ensuing discussion demonstrated that approaches within the region are manifold.

#### Module 4: RESEARCH, INFORMATION AND DATA EXCHANGE

This session, moderated by John Tesha, IOM Regional Representative for Southern Africa, identified needs and possible mechanisms for regional migration information generation and data sharing. The first presentation by Mr. Vincent Williams of SAMP, emphasised that good data includes statistics and also information on migratory patterns and other elements, that information must be presented in a useable format, and must be included in policy-making initiatives. He also proposed greater harmonisation of data collection by governments.

The second presentation by Prof. Jonathan Crush, Director of SAMP, explored the relationship between research and good policy formulation. He stressed the importance of national migration household surveys in generating migration data for policy purposes. Prof. John Oucho, University of Botswana, then emphasised the need for mechanisms to assist policymakers and researchers to collaborate to a much larger degree than is currently the case, to ensure that policy has greater relevance.

In the subsequent working group sessions participants analysed the present state of affairs regarding the availability of migration related data, considered how existing data can be computed and analysed, and elaborated proposals for how data collection in Southern Africa can be enhanced and harmonised.

#### 5: BORDER VISIT

At the invitation of the Government of Swaziland, participants travelled on Wednesday afternoon to the border posts at Lomahasha and Namacha at the Swaziland-Mozambique border. Participants had the opportunity to witness firsthand the function and application of a bilateral arrangement for facilitation of cross-border movements, conducive to cross-border trade and trustful neighbourly relations.

## CONCLUSIONS

As an outcome of the three days of intensive dialogue and exchange, participants elaborated and agreed on the following observations and conclusions:

### I. General Policy Concerns

1. The development of a Comprehensive Migration Policy would be beneficial for Southern Africa.
2. Such a policy would recognize that effective and co-operative boundary management enhances trade, economic cooperation and development, as well as strengthen mutual trust between countries.
3. A comprehensive migration policy would also necessarily recognize interests of sovereignty, national security and national integrity and facilitate the orderly movement of people and goods, trade and regional integration.
4. Basic principles of democracy and standards of protection of persons are a fundamental basis of such a common vision, with emphasis on including the migration dimension within these principles.
5. Development of a common migration policy can be achieved by taking measured steps – without strict time-tables-- among the SADC countries towards harmonisation of laws, standards, procedures, information sharing, statistics, documents, and efficient use of resources.

### II. Steps towards a Common Approach to Migration in SADC

A number of approaches and steps were suggested for concerted cooperation:

1. Exploration of measures to facilitate freer passage across the region.
2. Development of measures for control of external borders of SADC as internal measures.
3. Re-examining the Draft Protocol on the Facilitation of Movement of People in SADC, with emphasis on an impact assessment of its provisions.
4. Recognised the relevance of the standards set in the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families for treatment of migrants.
5. Development of bilateral and multi-lateral accords between countries.
6. Enhance measures for “burden-sharing” especially in cases of mass influx.
7. Establishment of common model “one-stop” border crossing points.
8. Introduction of measures to prevent congestion at border points.
9. Harmonisation of immigration procedures and facilities.
10. Establish common repatriation and return policies.
11. Coordinated investment in new technologies.
12. Facilitation of police co-operation with other migration management agencies.

13. Invite participation of customs services to participate in relevant migration-related consultations.

### III. Rights and Obligations relating to Refugees

1. Regionally developed contingency plans should be in place, instead of such plans only being developed when large influxes of persons occur. Both States and international organisations should be involved in such planning processes.
2. Assist national teams and international organisations to co-operatively and effectively address large influxes of persons.
3. Policies dealing with refugees, be they national or regional, should be streamlined, including re-visiting the SADC Declaration on refugees.
4. At the same time, domestic legislation pertaining to refugees should be streamlined with the National Constitution and in accord with the Geneva Convention and Protocol on Refugees.
5. On the national level, various governmental departments should co-operate to deal with situations that are characterised by large influxes of persons, meaning that a national team should be in place to address such situations.
6. Need to examine further the regulations and practices governing the rights and obligations of refugees in host countries, particularly related to first country of asylum.
7. Need for training on refugee issues and enhancement of capacity to manage refugee matters and the influence of other categories or problems.
8. Assistance to governments and elaboration of arrangements among sending, receiving and transit countries, to return rejected asylum seekers.

### IV. Research, Information and Data Exchange

1. Harmonisation of data collection can be a secure system, which would assist in the conservation of resources. The benefits in this context would relate to effective information sharing and the promotion of solidarity, tourism and security throughout the SADC region.
2. Existing systems throughout SADC should be audited in order to determine what kind of data is needed.
3. "Best practices" should be identified as models for use throughout the region.
4. Entry forms should be standardised with national codes for users. Furthermore forms and data gathered should reflect the languages of the region.
5. Bi-lateral and multi-lateral possibilities for data harmonisation should be considered.

## V. The Way Forward

Participants looked forward to working with MIDSA as viable framework for regional dialogue and co-operation on migration issues and problems. In this regard, participants agreed that the MIDSA process should be sustained through a collaborative and concerted effort, involving countries of the SADC region, including the SADC Secretariat, and the international institutions that have supported the evolution of the MIDSA process.

In this regard, participants agreed that the International Organisation for Migration (IOM), the International Migration Policy Programme (IMP), the Southern African Migration Project (SAMP), and the United Nations High Commissioner for Refugees (UNHCR) and other relevant agencies should continue to support the MIDSA process. Consequently, participants recognised the need for a co-ordinated approach in providing such support and requested the partners to co-ordinate their efforts in support of the MIDSA process.

## VI. Acknowledgements

Participants paid tribute and expressed gratitude to the Government and people of the Kingdom of Swaziland for the hospitality offered and facilities put at the disposal of the organisers. Participants also thanked the organisers of the first MIDSA Forum/IMP Follow-up Seminar and encouraged the organisers to ensure the sustainability of the MIDSA process. Finally, participants expressed satisfaction regarding the results and output of the Forum.

Adopted in Plenary  
9 November, 2000  
Mbabane, Swaziland