

Chapter 7

Gaps in Protection for West African Migrants in Times of Crisis: The Role of a Multi-Stakeholder Platform Within a *Partnership in Preparedness Model*?



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This quasi-theoretical chapter examines the peculiar protection vulnerabilities that face voluntary migrants in times of crises in destination countries. It argues that while protection regimes broadly exist for involuntary migrants (i.e. refugees, asylum seekers and stateless persons) within the ambit of intergovernmental/international organisations such as the United Nations High Commissioner for Refugees, International Red Cross Society or even the International Organisation for Migration, there is a yawning gap in national protection mechanisms for voluntary migrants in destination countries during episodes of crises situations. Using Ghana in the West African sub-Region as a case study, the chapter evaluates the potential of a national protection platform to safeguard the rights of predominantly West African migrants in Ghana during crises situations. The chapter conceptualises protection preparedness as a continuous cyclical phenomenon within the three main phases in disaster management – pre-disaster phase (prevention, mitigation), the disaster phase (response), and the post disaster phase (recovery). It draws on data from three national inter-ministerial workshops held in Accra, Ghana in 2018 towards establishing a multi-stakeholder protection platform for voluntary migrants. The chapter concludes that existing generic national disaster management agencies are inadequate in providing specific support for voluntary migrants during disasters. It recommends a public-private partnership in preparedness as it pertains to migrants in destination countries.

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7.1 Introduction

The world's stock of international migrants has continued to grow in real terms, even if as a percentage of the global population it amounts to less than 4% (IOM, 2020b). The opportunities for global movement have been enhanced by a conjunction of new technologies, more democratic means of communication that have tended to bridge class divides, more adaptable social networks, an exponential growth in the number of affordable transportation providers, greater sources of financial credit (economic capital) and a general sophistication of broader migration infrastructures. The majority of international movements are carried out by labour migrants and members of their families (IOM, 2020a). Considering that these cross-border movements are increasingly associated with financial remittance income as well as intangible social remittances, there has been a justifiable switch in perceptions of migrants and migrant collectives as agents of development rather than the previous negative focus on brain drain arguments especially by proponents of the Historical-Structuralist school of thought (de Haas, 2010). Globally, the volume of remittances has hiked from \$325 billion in 2010 to \$689 billion by the close of 2018 (World Bank, 2019; IOM, 2020a). Implicit in the positive reliance on labour migrants to support socio-economic livelihoods at the origin as well as to contribute to the development of countries of destination, is the need to safeguard the rights of these migrants. The rights protection needs of different typologies of migrants tend not to be dissimilar but the existence of institutional frameworks for guaranteeing these rights differ.

As victims of persecution owing to their race, religion, nationality, social group or political opinions, refugees' rights have been protected through international conventions, protocols and compacts since the 1950s (Zamfir, 2015). Embedded in these international legal provisions are rights and obligations on all stakeholders throughout the forced migration trajectory – asylum seekers, countries of origin, countries of transit, migration intermediaries, host states and immigration control officials at the host society. An example includes the prohibition of wilful forced return of asylum seekers to places where they are likely to be subjected to torture or their lives are likely to be imperilled through persecution (the principle of *non refoulement*). Another example is the obligation on an asylum seeker who has been granted refugee status by a host state not to use that social sphere as a launch pad to organise destabilising activities against their country of origin (Shacknove, 1985).

The 2020 Africa Migration Report (2020) acknowledges the fact that Africa hosted 7.3 million refugees (including asylum seekers) or 25% of the global refugee population (28.7 million) in 2019. Overall, one in every four international migrants in Africa was a refugee, compared to one in every ten international migrants globally. This represents a significant number of vulnerable populations that are exposed to obvious challenges in host countries in times of national crisis. The Africa Migration Report points to the bulk of refugees on the continent being hosted by countries in Eastern Africa, with relatively smaller numbers in the rest of the regions.

Though comparatively smaller, Western Africa's stock of about 383,000 refugees in 2019, has protection needs just as regions with larger populations (IOM, 2020b).

While protection regimes broadly exist for refugees, asylum seekers and other displaced people within the ambit of intergovernmental/international organisations such as the United Nations High Commissioner for Refugees, International Red Cross Society or even the International Organisation for Migration during peace times, there is a yawning gap in national protection mechanisms for voluntary (labour) migrants in host countries during episodes of crises situations. The following two central questions guide this chapter: in what ways do national statutory agencies that are responsible for coordinating disaster management adequately protect the rights of voluntary migrants during national crisis? How can a multi-stakeholder approach, in the form of a national platform dedicated to coordinating support specifically for migrants, better protect the rights of labour migrants during national crisis situations? To aid the analysis, we have adopted the conceptualisation of 'crisis situations' by the Migrants in Countries in Crisis (MICIC) Initiative (2016). Within this context:

crises may arise when social, political, economic, natural or environmental factors or events combine with structural vulnerabilities and/or when the magnitude of those events or factors overwhelm the resilience and response capacities of individuals, communities, or countries. This interpretation sees crises as events with such a severe intensity and magnitude that they can overwhelm the capacity of the government and population to cope with them. These are crises triggered by (1) natural disasters (e.g. hurricanes, earthquakes, tsunamis, and sudden and slow-onset floods); and by (2) conflict (e.g. civil unrest, generalised violence and/or international or non-international armed conflict)' (MICIC, 2014:1).

We provide a brief analysis of the relative availability of social protection benefits to migrants of the Global South compared with those of the Global North, after which we define and theorise the concept of 'conflict'. The approach adopted is then outlined in order to situate the analysis in the rest of the chapter. We discuss the existing frameworks, protocols and conventions on the protection of migrants' rights in the African context and identify gaps in the frameworks as they relate especially to voluntary migrants. We then propose the adoption of a public-private partnership model for migrants' rights protection during crisis situations in host countries, relying on the Ghanaian example. The applicability of the model is examined before some conclusions are drawn from the discussion.

7.2 Migrants' Access to Social Protection

Social protection includes health-care benefits, long-term social security benefits (such as old-age and disability benefits) and short-term benefits (such as social assistance, maternity and unemployment benefits, family allowances, as well as public housing and education). Access to social protection varies extensively among international migrants. Nonetheless, access to formal social protection is crucial for migrants as it impacts their level of vulnerability. While North-to-North migrants

enjoy social protection schemes that are more portable and tractable, migrants moving within low-income regions are disadvantaged (Avato et al., 2010). In these regions, formal social security provisions are less developed, and migration is characterized by high numbers of undocumented migrants which further increases their vulnerabilities.

An estimated 281 million people lived as international migrants in 2020 (UN DESA, 2020). In principle, access to social services by international migrants, such as health and education, is governed by the UN International Convention on the Protection of the Rights of All Migrant Workers and their Families (1990), which in 2007 was ratified by only 37 (mainly low- and middle-income) countries. This convention regulates the rights of migrant workers and members of their families including the rights to social security (Article 27) and access to services such as health (Article 28) and education (Article 30). High-income countries were reluctant to sign the Convention, perhaps because to them it provides (too) many entitlements for migrant workers (MacDonald & Cholewinski, 2007). Clearly, the issue of migrants' access to social security is irrevocably linked to politics and the way that political opinions affect the interpretation of rules and rights. For instance, immigration hubs such as the United Kingdom and South Africa are concerned about extending social benefits to "foreigners" because it is thought that formally entitling migrants to benefits could further encourage migration, putting a greater strain on stretched public services or increasing competition with current residents for jobs. As such, governments are not predisposed to making specific provisions for the protection of migrants during crises. Compared with nationals who work all their lives in one country, migrants face enormous challenges in exercising their rights to social security. Challenges in accessing social security in host countries might revolve around migrants' statuses, nationality or insufficient duration of the employment or residential periods.

Literature suggests that the issue of earnings-related contribution to social security programmes and their lack of portability across borders affects mostly South to South migrants (see Sabates-Wheeler & Koetti, 2010). There is also a lack of administrative capacity in many low-income countries in the operation of social security programmes. The inability of migrants to benefit, both from social security programmes that are in place in the country of origin and in the host country detracts significantly from the well-being and security of migrants and their families (Sabates-Wheeler & Koetti, 2010). Sabates-Wheeler and Koetti (2010) conclude that South-South migration must be understood as being significantly different from North-North migration, where social protection issues are much more tractable. The extent of migration between developing countries, and issues surrounding it, remain poorly understood, largely because data on such migration is sparse and unreliable. As Hatton and Williamson (2002) note, "South-South migration is not new. It is just ignored by economists", as well as by many other social scientists. The vulnerabilities associated with weak or poor access to social protection only worsen in times of a crisis in the host country.

7.3 Theorising Conflict

Conflict is generally defined as presence of contrasting or mismatch with regards to needs, ideas, beliefs, values, or goals in society and among people or social groups (Kotia, 2017; Pia & Diez, 2007). In other words, conflict represents incompatibilities in the positions that individuals assume on an issue (Diez, 2006; Sulemana, 2009). Thus, at the heart of every conflict is discordancy in opinion and interest between individuals, groups or society (McKeown et al., 2016). Conflict is basically the absence of consensus and peace between differing entities (Gurr, 2000a, b). However, conflict does not necessarily produce violence. Conversely as Axt et al. (2006) reiterated, the absence of violence is not a convincing indication of the absence of conflict because conflicting interests may occur in the absence of violence or coercion. Mitchell (1989) simplified the reality of conflict as a structure containing three parts, including behaviour, attitude and situations, that interact and generate conflicts between social actors. Swanström and Weissmann (2005) further added differences in opinion to behaviour (violence) and attitudes (hostility) in their analysis of conflict. They are of the view that violence and hostility should not be the only key concepts in the definition of conflict but the difference embedded in people's opinions and positions on issues. From a peace building perspective, Anderlini and Stanski, (2004) described conflict in general as a natural expression of social difference and also people's perpetual struggle for justice and self-determination. Kotia (2017) defines conflict as resulting from discrimination in accessing resources and wealth, employment as well as unequal treatment, poverty, oppression and bad governance. This implies that conflict is born out of competition, unequal distribution of limited resources, opportunities and power. This claim thus, aligns with Marx's Conflict theory that human institutions are often in a state of continuous conflict because of competition for limited resources (Burrowes, 1996). According to conflict theory as derived from the work of Karl Marx, social order is not preserved by consensus and conformity but domination and power struggle. As a result, conflict erupts when the poor and powerless resist the suppression of those with **wealth and the powerful** try to hold on to their status. Unresolved conflicts of interest and ideas tend to culminate into war (Francisco & Wood, 2014). In conflict theory, war is the result of a cumulative and growing conflict between individuals and groups, and between entire societies. However, conflict theorists understand war as either a unifier or as a "cleanser" of societies (Burrowes, 1996). Thus, people who have common interest and identity use conflict as a binding tool to seek their interest and liberation by coming together.

Pia and Diez (2007) also classified conflict into positive and negative conflicts contingent on their outcome, whilst ethno-political conflicts are often conceptualised as "domestic" conflicts. Ethno-political conflict is where there is incompatibility between different so-called ethnic groups and their political organisation. Conflict could also arise from a clash of ideas and interest between people of different identities as reflected in the work of Amutabi (1995) who defined this type of conflict as identity conflict. A common form of identity conflict is ethnic conflict

which could be either inter-ethnic or intra-ethnic in nature (Sulemana, 2009). Analysing conflict from an inter-ethnic or tribal perspective, Gurr (2000a, b), explained ethnic conflict as the inclination of opposing groups to distinguish themselves using ethnic criteria such as: language, cultural elements, religion, territorial claim, nationality, the myth of common ancestry, racial ties, and using other but similar identity to claim equal status within a state or autonomy from it. In line with the concept of ethnic identity and conflict, Cederman et al. (2017), conceived ethnic civil conflict as those that may comprise rebels who recruit heavily from their ethnic groups to combat an opposing group which they consider belongs to a different ethnic identity. Roe (2005) is, therefore, of the view that conflict can be understood in terms of the self and the Other, which are inherent to the concept of incompatibility between groups. Invariably, the different dimensions or definitions of conflict have negative implications on migrants due to their 'otherness' within a majority host society.

Conflict has been explained differently because various academic disciplines have different approaches to understanding conflict. Whilst game-theory and decision-making are commonly used by economists in explaining conflict (Kreps, 1990), psychologists explain conflict from interpersonal conflicts perspectives (Fudenberg & Tirole, 1987). Again, political scientists look at conflict as either intra-national or international (Myerson, 1991) but the sociologist model conflict around status and class (Axt et al., 2006). Nevertheless, the theorisation of conflict within the migration discourse deserves more attention. A noted challenge to theorising conflict within the sub-discipline is the fact that the western literature conceptualisation of conflict is considered superior to non-Western literature's conceptualisation (Burrowes, 1996). This narrow view of conflicts excludes the varying contextual situations that influence the conflict (Maill, 2004).

As much as conflicts transcend international boundaries, it is equally important to acknowledge the transboundary cultural variances in the theorising of conflict. All the same, scholars in the field of international relations and those in the field of conflict and peace studies have spilled enough ink in trying to model aspects of conflict such as the sources of identity-based conflicts and why protracted conflicts are difficult to resolve compared to identity (Burton & Sandole, 1986; Ross, 1993; Rothman & Olson, 2001). Based on an inductive historical analysis, Crighton's (1991) theoretical model on the development and persistence of protracted ethnic or identity conflicts in the case of conflicts in Northern Ireland and Lebanon explained protracted conflicts as identity-driven which is mainly caused by fear of extinction due to perceived or existential threats of vulnerability.

In a slight departure from the prevalent assumptions of the causes of conflict, the Liberal Conflict Theorists according to Galtung and Jacobsen (2000) are also of the view that internal conflicts are not born by mere difference within people, groups, classes or ethnicity whose existence is denied but a result of underlying competing interests and goals or generated by underlying structures and social inequalities. Thus, the individual and the individual's behaviour are at the centre of conflicts and not society. The liberalists argue that, in understanding conflicts, responsibility therefore lies with the individual. Attention should be on the knot and not the wed.

The Marxists, however, assumed a critical path with regards to the views of the liberalist. They believe that conflict emerges out of structure and relations in society.

Foucault (1991) argues that power is diffused and embodied in discourse. According to him power is tied to discourse and knowledge production. He uses the term ‘power/knowledge’ to signify that power is constituted through accepted forms of knowledge and scientific understanding (Foucault, 1991). Each society has its ‘regime’ of knowledge which it accepts as a result of its structure and relations (Foucault, 1991). Hence these dual variables provide a good insight into society’s socio-economic inequalities influence the differences in wielding power to control the means of production resulting in conflict along class lines (Gopinath & Sewak, 2003). Marx emphasises the concepts of alienation, exploitation and inequality as structural causes of violence in most societies (Burrowes, 1996). The Ideological Hegemony Theory as introduced by the popular Marxian scholar, Antonio Gramsci, in his opus – the Prison Notebook – discusses tricks of the hegemony where the hegemon is able to get the lower class to do things that are outside its interest- in what he and Marx called the false consciousness by the class in itself (Gramsci, 1971). Also, Gramsci explained that conflict arises when the ruling class is challenged by the proletariats. The Ideological Hegemony Theory which downplays the importance of economic determinates posits that, the ruling class does not only control the factors of production but values, attitudes, beliefs, cultural norms, and legal principles in society (Gopinath & Sewak, 2003). Swanström and Weissmann (2005) explained the dynamic nature of conflict as cyclical hence, the life cycle of conflict should be understood before applying effective measures to deal with conflict as it often swings between stability and peace.

7.4 Approach

We draw on the National Platform for the Protection of Migrants in Crisis (NPPMC Platform) model that was initiated in Ghana, in 2018, under the Migrants in Countries in Crisis project to make propositions towards improving the efficacy of current frameworks, models and conventions on the protection of migrants’ rights during crisis. This we deem as critical in spite of the fact that the proposed model is yet to be fully implemented even in Ghana. Using Ghana as a case study, the Partners in Preparedness (PiP) initiative sought to address the lack of dedicated, inclusive and open structures to support dialogue, information-sharing and cooperation at the national level to implement migrant-sensitive responses in times of crisis, for migrants in Ghana. The model emerged from the adoption of participatory methodologies especially the multi-stakeholder dialogues (Künkel, 2016) among key stakeholders in Ghana. After three National Workshops held on 21–22 June 2018, 24–25 October 2018 and 13–14 December 2018 among representatives of relevant government ministries, departments and agencies, intergovernmental organisations, civil society organisations and academic/training institutions, a National Platform for the Protection of Migrants in Crisis (NPPMC Platform) was launched. Our analysis

point to the fact that this platform approach has broader applications across other regions in Africa and beyond because it complements existing international attempts through a public-private partnership approach.

7.5 Frameworks, Models and Action Plans on Protection of Migrants' Rights in Africa

The African Union (AU) has outlined incremental steps in the governance of both voluntary and involuntary movements of people on the African continent. Achiume and Landau (2015) note that the frameworks that have been initiated by the AU on migration, mobility and displacement are focused on strengthening a closer integration among nation states on the continent as well as enabling the continent to harness the benefits associated with migration.

Nascent actions included the drafting of the Lagos Plan of Action in 1980 in order to foster self-reliance and interdependence on the continent (OAU, 1980). This initial attempt was largely unsuccessful due to low uptake by member states (ECOSOC and UNECA, 1990). The African Economic Community established through the 1991 Abuja Treaty further provided a staggered pathway to integration through the empowerment of Regional Economic Communities (RECs) where they existed and the creation of such communities where they did not already exist (Genge et al., 2000 as stated in IOM, 2020b). According to Mkwezalamba (2006), the African Union officially recognizes eight RECs as constitutive vehicles for Africa's integration. These are as follows: (a) Economic Community of West African States (ECOWAS); (b) Common Market for Eastern and Southern Africa (COMESA); (c) Economic Community of Central African States (ECCAS); (d) Southern African Development Community (SADC); (e) Intergovernmental Authority on Development (IGAD); (f) Arab Maghreb Union (UMA); (g) Community of Sahelo-Saharan States (CEN-SAD); and (h) East African Community (EAC). The 1991 Abuja Treaty encouraged the adoption of the necessary measures, in order to achieve progressively the free movement of persons, and to ensure the enjoyment of the right of residence and the right of establishment by their nationals within the Community (AU, 1991). In addition, agreements in relation to free movement of persons across the continent were supposed to assist, at the regional and community levels, the bridging of the protection gaps for both displaced persons, asylum seekers and refugees and labour migrants, by facilitating the entry and residence in host states, allowing access to territory and possible protection, promoting the options for seeking livelihood opportunities and providing access to assistance from international and non-government organisations.

Later continental policies recognise that migration within the African context is an important livelihood strategy which has the potential to boost the socio-economic development of the entire continent. For example, the Migration Policy Framework for Africa (MPFA) which was adopted in 2006 and renewed in 2018, outlines

guidelines for African States and the eight recognised Regional Economic Communities to manage different aspects of migration, including topical issues on border management, irregular migration, labour migration, inter-state cooperation, forced displacement, internal migration, and cross-cutting issues around migration and poverty, conflict, health, environment, trade, gender, children, youth and the aged.

Similarly, the 2006 African Common Position on Migration and Development recognises the important linkages between migration and development. In cases of forced displacement and/or involuntary migration, member states are mandated to ensure that migrants are provided access to health care, education, accommodation among other rights that will enable them to contribute to both their host countries and countries of origin. This further reflects the overwhelming focus, at the continental level on positively exploiting the linkages between migration and development even in situations of displacement or involuntary migration. Specific protections of the rights of asylum seekers, refugees, internally displaced persons and other involuntary migrants are encapsulated in the extensive provisions of the OAU Convention Governing the Specific Aspects of the Refugee Problem in Africa (OAU Convention on refugees 1986) and the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention, 2009) which offers protection to IDPs, and the African Charter on Human and People's Rights (article 12) which equally provides extensive protections for people on the move (Usro & Hakami, 2018). These continental conventions complement existing international conventions such as the 1951 Convention relating to the Status of Refugees (Geneva Convention) and its 1967 Optional Protocol relating to the Status of Refugees.

Nonetheless, these frameworks are flexible, giving the necessary space for AU member states to adopt and adapt certain implementation steps at their pace (Hirsch, 2021). As a result, AU member states, bilaterally and as part of regional economic communities (RECs), have developed specific policies that align with the identified priorities of the AU and operationalise these policy frameworks.

Within the ECOWAS region, a number of attempts have been made to safeguard the rights of different cohorts of migrants. One notable attempt is the ECOWAS gender and migration framework and plan of action (2015–2020). This framework highlights contemporary global migration trends along gender lines, the regional context of migration of females and the inherent challenges that they tend to face relative to their male counterparts, the diverse initiatives by governments, non-governmental organisations, civil society organisations and United Nations agencies on gender and migration issues and gaps in the efforts directed at gender-related challenges in migration. This framework then sets out its priority issues as well as the main goal and objectives of the plan of action it proposes.

The main goal of the Plan of Action was geared towards the usual promotion of the strategies to enable the harnessing of the socio-economic benefits associated with migration (i.e. of both males and females). The document notes that the main goal "is to encourage a regular and safe migration process for men and women in

order to enable them to contribute more effectively to the socio-economic development of the ECOWAS Region” (ECOWAS Commission, 2015).

The nine-point objectives of the gender and migration plan of action included:

1. To make available relevant data on Gender and Migration in ECOWAS Region.
2. To enlighten, sensitize and communicate with the citizens of West Africa on issues concerning Gender and Migration.
3. To train and enhance the capacity of state and non-state actors and the ECOWAS Commission on the challenges of gender, migration and development.
4. To put in place mechanism to discourage the irregular migration of young women and men from ECOWAS Region to other parts of the world.
5. To ensure that women and children in the sub-region are safe from human trafficking.
6. To put in place mechanisms that will eliminate absolute poverty in the region, thereby creating an enabling environment for youth to develop their full potentials.
7. To put in place mechanisms to address the corruption issues, eliminate harassment and constraints of women in cross-border trading.
8. To put in place mechanisms to address the needs of women migrants in conflict situations (refugees and internally displaced persons).
9. To put in place a Monitoring and Evaluation System that ensures an effective and efficient management and implementation of the plan of action.

Of the nine objectives set, only objective number eight touches on the needs of migrants in conflict situations but even here the focus is on refugees and internally displaced persons, with special mention of risks of sexual abuse and exploitation and inadequate access to potable water, good nutrition, good sanitation and health facilities in camps. There is no acknowledgement of challenges that could be faced by voluntary or labour migrants in host countries during crisis situations.

Another primary ECOWAS convention that specifically seeks to govern the protection of migrants’ rights is the “Social protection for migrant workers and their families in ECOWAS states: the ECOWAS general convention on social security” (ILO, 2019). This convention duly recognises that migrants have vulnerabilities around access to social security coverage in host country contexts as a result of their status, nationality or short duration of their employment or residence in that host country. The convention also appreciates the risk of migrants losing their social security entitlements in their country of origin because of the period of absence during their migration.

As a way of minimising these obstacles, the ECOWAS General Convention on Social Security was drafted in 1993. It was subsequently adopted by the ECOWAS Ministers of Labour and of Social Affairs in December 2012, and by the Authority of Heads of State as a Supplementary Act to the Revised ECOWAS Treaty in 2013 (ILO, 2019). The Convention is based on the principles of equal treatment between migrant workers and nationals of the host country and largely inspired by ILO Conventions, in particular: Social Security (Minimum Standard) Convention, 1952 (no. 102), Equality of Treatment (Social Security) Convention, 1962 (no. 118) and

Maintenance of Social Security Rights Convention, 1982 (no. 157). The ECOWAS convention on social security is applicable to a much broader category of migrants, thus covering workers who are nationals of ECOWAS countries and who have been working in an ECOWAS country, refugees or stateless persons who are working in and live in an ECOWAS country and who have paid contributions to a social security fund, family members and or beneficiaries of workers and workers who are contributing and or have contributed to a social security scheme in a host country. This convention focuses on a range of social security benefits including disability, family, surviving dependants, unemployment, maternity, occupational diseases and work-related accidents, old age and healthcare and sickness. The scope of coverage as well as the provision of portability of social security rights for migrant workers is the most relevant ECOWAS convention for the protection of rights including those of voluntary or labour migrants. However, the text of this convention is drafted to cover rights in peace times. The gap still remains in times of a crisis in the host state. Does this convention adequately guarantee the rights of migrants during a conflict or crisis situation? While it can be reasonably inferred that one's access to social security protections during peace times might provide a buffer during crisis/conflict situations and also most likely fast-track one's recovery post-crisis, the convention does not compel state and non-state actors to deliberately protect the rights of migrants as a unique category.

The ECOWAS Common Approach on Migration (2008) is another concrete step by the regional economic community to enhance protections to neglected categories of migrants as well as restate the groups' commitment to harnessing the positives from migration while minimising the negative aspects of migration. The Common Approach is anchored on six main principles. These include the fact that:

1. Free movement of persons within the ECOWAS zone is one of the fundamental priorities the integration policy of ECOWAS Member States
2. Legal migration towards other regions of the world contributes to ECOWAS Member States' development
3. Combating human trafficking and humanitarian assistance are moral imperatives of ECOWAS Member States
4. Harmonising policies
5. Protection of the rights of migrants, asylum seekers and refugees
6. Recognising the gender dimension of migration policies

The fifth principle broadly recommends the formulation of active integration pathways for migrants from ECOWAS member states and to combat exclusions and incidents of xenophobia. It also encourages member states and their EU partners to ratify the UN Convention on the rights of migrants and members of their families. Specifically, the principle further recommends the establishment of a mechanism for extending rights of residence and establishment to refugees from ECOWAS countries. Much as the ECOWAS Common Approach (2008) constituted a much-needed clarification of the priorities of the regional block, it is equally silent on how the rights of migrants (especially voluntary migrants) are to be protected in times of crisis or conflict in ECOWAS host countries.

At a meeting of the committee on trade, customs and immigration in Accra, Ghana (25–27th September 2007), a memorandum of understanding was signed on “equality of treatment for refugees with other citizens of member states of ECOWAS in the exercise of Free Movement, Right of Residence and Establishment” (ECOWAS Commission, 2007). This memorandum acknowledged the increased number of ECOWAS citizens who have been displaced due to conflict situations in their home countries. It also noted the fact that most asylum seekers tend to seek refuge in neighbouring countries which sometimes share common ethnic and linguistics traits with displaced populations. The MOU emphasises the fact that the three phases of the ECOWAS Free Movement Protocol (i.e. freedom of movement, right of residence and right of establishment) should not be deemed to be applicable to only voluntary or economic migrants alone but should include asylum seekers and refugees too. The Committee concluded that refugees may enjoy rights under the Free Movement Protocols in addition to rights to which they are entitled under international refugee law. These rights extend to situations where refugees have voluntarily surrendered the refugee status and are no longer in need of international protection. The Committee (ECOWAS Commission, 2007: 5–6) recommended to the Council of ECOWAS Ministers that:

1. Refugees from ECOWAS member states continue to enjoy ECOWAS citizenship and are thus entitled to take full advantage of the ECOWAS protocols on free movement and the right of residence and establishment provided they reside in ECOWAS territories.
2. Requests the countries of origin of refugees to issue valid travel documents (ECOWAS passports and national identity cards) to those of their nationals who request such documents and are residing in other ECOWAS member states in the sub-region.
3. Requests host countries to issue residence cards or permits to refugees from ECOWAS member states residing in their territories at reduced cost.
4. Request that member states abide by the provisions of the Protocol on the three (3) years duration of the residence permit with the possibility of renewal. Non-renewal should be based only on the grounds prescribed in the Protocols (primarily, national security, public order or morality and public health) and adhere to the notice and process safeguards therein described.
5. Request UNHCR to establish a Regional Local Integration Management Unit (RLIMU) to, among other things:
 - (a) facilitate the acquisition of ECOWAS residence status, including assisting member states where appropriate in verifying individuals’ possession of refugee status
 - (b) Promote awareness of the ECOWAS Protocols and national laws and regulations pertaining to residence and employment
 - (c) Ensure conformity between the residence and establishment provisions in the ECOWAS Protocols and national legislation on naturalization
 - (d) Sensitize refugees on conditions for accessing relevant entitlements under the ECOWAS protocols

- (e) Monitor the issuance and renewal of ECOWAS residence permits and passports for refugees in the sub-region
- (f) Encourage referral of appropriate question and cases to the Community Court of Justice

These detailed and focused recommendations seek to protect the rights of refugees both in host and origin countries, within the context of the free movement protocol. While the MOU is not directly intended to safeguard the rights of refugees during crisis situations in host countries, at least a policy, legal and institutional framework is envisaged to guarantee that *optimal moral standing* (Ruhs & Chang, 2004) is extended to refugees.

All these frameworks, protocols and conventions at the continental and sub-Regional spatial levels feed into global actions that seek to create coherent migration infrastructures for state practice in the area of migration governance and management. The Global Compact for Safe, Orderly and Regular Migration, 2018 (especially Objective 7 on addressing and reducing vulnerabilities in migration) and sections under Objective 2 on “natural disasters, the adverse effects of climate change, and environmental degradation” and to “integrate displacement considerations into disaster preparedness strategies and promote cooperation with neighbouring and other relevant countries to prepare for early warning, contingency planning, stockpiling, coordination mechanisms, evacuation planning, reception and assistance arrangements, and public information” is one prime example. In addition, the Global Compact on Refugees notes that the ‘thorough management of a refugee situation is often predicated on the resilience of the host community’. This alludes to the need for a public-private partnership model within host states in order to realise the protection of the rights of migrants.

7.6 The Public-Private Partnership Model

Though international cooperation and actions have positive and broad strategic impacts on the nature, severity and scope of crises, especially in economically underdeveloped countries, the need for localised state and multi-stakeholder action before, during and after a crisis situation is critical. There is mostly a trust deficit between state agencies/state officials and labour migrants due to the power asymmetries that exist between the two parties. The role of non-state actors such as civil society organisations (CSOs), non-governmental organisations (NGOs), faith-based organisations and private sector actors therefore becomes important in coordinating services for migrants, especially during a crisis situation. Migrant-centred social protection initiatives could be channelled through impartial non-state private actors who tend to have a physical operational presence in local communities prior to the onset of crisis. This approach was also emphatically endorsed by the “*Migrants in Countries in Crisis (MICIC): Supporting an Evidence-based Approach for Effective and Cooperative State Action*” project, funded by the European Union (EU) and

implemented by the International Centre for Migration Policy Development (ICMPD). In this case, the central focus was on voluntary migrants but the guidelines and subsequent Partners in Preparedness (PiP) initiative that emerged from this broad project are equally instructive for state action even in the context of refugees and other involuntary migrants. Guideline number seven specifically recommends the need to build partnerships and establish routine coordination before a crisis breaks out and the maintenance of such coordination at all times, throughout the cycle of a crisis.

This is equally consistent with the Inter-Agency Standing Committee's (IASC) Early Warning, Early Action and Readiness Report (2016) which proposes pre-disaster/emergency planning requirements in order to mitigate the severity of such phenomena. Existing approaches to protection of refugees during disasters and humanitarian emergencies such as the IASC's Emergency Response Preparedness (ERP) therefore allow the international community to complement the efforts of individual states while acknowledging the fact that national governments ultimately are responsible for providing such reliefs to refugees. This statutory role is aptly captured in the UN General Assembly resolution 46/182 to the effect that 'Each State has the responsibility first and foremost to take care of the victims of natural disasters and other emergencies occurring on its territory. Hence, the affected State has the primary role in the initiation, organization, coordination, and implementation of humanitarian assistance within its territory'. Other initiatives such as the Preparedness Package for Refugee Emergencies (PPRE) and the Refugee Coordination Model (RCM) also stipulate approaches to preparing for refugee emergencies. Though states are obligated to provide protection for migrants (voluntary and involuntary), resource constraints compromise the ability of state agencies that are tasked with coordinating disaster responses from optimally protecting the rights of vulnerable persons. While these public-private models seem to be well embedded in the refugee humanitarian intervention scenarios, this is less so for voluntary migrants and thus, the NPPMC model is critical.

7.7 National Disaster Management and the NPPMC Model

Nationally, Ghana has a National Disaster Management Organisation (NADMO), established in 1996, by an act of parliament (Act 517) in response to the Yokohama Strategy for a safer world and plan of action, which is the statutory agency mandated to coordinate all disasters in the country. The organisation coordinates all the relevant civil authorities at the national, regional and district levels to respond to disaster situations. Since its establishment, NADMO has depended on state subventions for funding and the organisation has not been permitted to attract funding from other sources. Though theoretically the situation changed with the passage of the NADMO Act of 2016 (Act 927) which now permits NADMO to source funding from bilateral and multilateral partners in addition to government subventions, in practice, funding shortages have constrained the ability of the organisation to take

pre-emptive steps prior to crises occurring in order to either avert them, minimise the impact or to hasten the restoration of normalcy after a crisis. While the mandate of NADMO encompasses the protection of all persons present in Ghana at any given time, peculiar challenges pertain to migrants (voluntary and involuntary). Challenges include lack of local language proficiency, poor appreciation for local support systems, unsettled social networks, suspicion and discrimination, poor access to accommodation facilities and welfare services and invisibility due to lack of consistent formal records on migrants. As such, a national platform with specific focus on the rights of migrants during crisis situations is critical. The limitations of the national disaster management organisation highlight the enduring benefit of a public-private partnership in preparedness prior to, during and after crisis situations.

The terms of reference of the NPPMC primarily focus on coordination of services specifically for migrants during crisis including: access to consular services, information (e.g. disseminating crisis information, alerts), documentation (e.g. interpretation/translation services), relief and humanitarian assistance (e.g. health-care, shelter, food, clothing, dignity kits for women) counselling/psycho-social support. Other services provided by NPPMC are referrals to relevant service providers as well as support in the provision of temporary identity and travel documents (e.g. emergency travel certificates). The Platform aims at **raising awareness** among different stakeholders of the existence of the Platform and the specific needs of migrants in crisis situations. The Platform also seeks to provide a space and means for relevant actors to **enhance their capacity** to identify, implement and review migrant-sensitive responses in crisis situations, for instance, through simulations, drills and research. In addition, the Platform aims to **strengthen collaboration** among government ministries/departments/agencies and between governmental and non-governmental partners at different spatial levels (district, regional and national) through the identification of focal points. Furthermore, the Platform seeks to **foster the sharing** of information, knowledge, skills and resources among relevant stakeholders.

To succeed, the platform is grounded in and guided by some enduring principles. Three core principles adopted include: (a) ensuring inclusive and meaningful participation as well as engagement with all relevant and interested stakeholders, at appropriate levels (local, regional and national), in the protection of migrants in crisis situations (b) facilitating multi-stakeholder partnerships that are stimulated and kept engaged through ongoing interactions, i.e. through formal meetings and other means of communication but also informal interactions and spontaneous exchanges and (c) maintaining transparency and openness of its operations to ensure mutual accountability amongst all stakeholders, within and outside the Platform. Membership of NPPMC comprises of both primary and secondary stakeholders. Primary stakeholders comprise all relevant government ministries/departments responsible for the management of disasters and crises while secondary stakeholders comprise of relevant institutions and agencies that do not necessarily play a continuous role in the functioning of the Platform but that are critical collaborators in times of crisis. Secondary Stakeholders are critical in the provision of logistics, information, rescue, relief and recovery support to migrants, in collaboration with

the primary stakeholders. Membership of the Primary Stakeholders category is based on the following criteria: (a) capacity/technical know-how in migration issues, (b) access to relevant information, possession of logistics and/or equipment that are relevant for the protection of migrants in crisis situations, (c) synergies between institution's core mandate and that of the NPPMC Platform, and (d) availability of appropriate human resources/staffing and possession of expertise in dealing with the particular type of crisis/disaster in question.

7.8 Applicability of the Platform Model to the Protection of Migrants During Crisis

Migrants are predisposed to vulnerabilities due to resource constraints in host countries, restricted legal rights due to '*minimal moral standing*' extended to them (Ruhs & Chang, 2004) and limited economic, cultural and social capitals they may have on their own. These could manifest in the form of poor sanitation, poor shelter, limited access to healthcare and educational facilities as well as poor nutrition. These vulnerabilities are amplified during crisis situations in host communities. Specific steps should therefore be taken to ameliorate the impact of national crisis situations on migrants. Protection of migrants should be considered a process rather than an event. In this regard, the phases in a full cycle of disaster management – pre-disaster phase (prevention, mitigation), the disaster phase (response), and the post disaster phase (recovery) – should be accorded equal attention. This suggests that prior to the actual occurrence of a disaster, the national platform must undertake prevention and mitigation activities that either prevent the disaster, minimise the effects or enhance the preparedness of agencies that need to be coordinated to respond to a disaster when it occurs. Practical activities within the pre-disaster phase should involve regular meetings by primary stakeholders to carry out emergency response planning. This should include an evaluation of existing plans, standard operating procedures (SOPs) and incident reports from previous disaster situations, with specific focus on how they protect the rights of migrants. In addition, the platform's primary stakeholders should monitor the political climate and natural disaster risks as well as reviewing information and data on the stock of migrants in the country. There is also the need to devise the platform's emergency response plan, targeting migrant-populated communities such as migrant residential and employment enclaves. Awareness of the existence of the platform will need to be raised to allow migrants and entities that support migrants to sign-post migrants to the range of services that are coordinated by the platform. In a pre-disaster phase, there is also a critical need for training and simulation exercises to enhance the operational preparedness and capacity to respond to actual crisis should they happen. The platform should, therefore, coordinate simulation exercises involving migrants, the leadership of civil society organisations and non-governmental

organisations, state agencies responsible for emergency response actions and development partners.

During the actual crisis phase, stakeholders of the platform should coordinate services in support of migrants which should involve field visits, collection of information and data on where migrants live, identify and assess the immediate needs of migrants, activate the platform's crisis mode and convene the platform's emergency meetings with partners who might be able to support not only in the form of rescue but also the provision of immediate relief services such as temporary shelter, food and healthcare. Again, this should adopt a public-private partnership approach. The response plan for crisis which should have been drafted at the pre-crisis phase should be activated by the platform to guide the coordinated response processes.

Post-crisis, the platform should evaluate the level of collaboration among the various stakeholders – primary, secondary and other actors who offered services to migrants. There is also the need to evaluate and document the response operations to serve as a guide to future responses. Finally, there is the need to review the platform's objectives periodically to amend them in light of gaps in the response, opportunities for better coordination and dynamics in vulnerabilities facing migrants. This acknowledges the fact that experiences of migrants are not static givens, that impacts on migrants are context-specific, and that the composition of coordinating partners should be subject to change.

7.9 Conclusion

The reflections in this chapter expose some gaps in existing protocols, conventions and frameworks within the West African context and the urgent need for a deliberate vehicle (national platform) that is specifically dedicated to the protection of voluntary migrants' rights during crisis situations in host countries. As noted, the public-private platform model would be complementary to the fundamental object of the Global Compact for Safe, Orderly and Regular Migration especially Objective 7 on addressing and reducing vulnerabilities in migration. Under Objective 2 of the Global Compact on Migration, natural disasters, the adverse effects of climate change, and environmental degradation are highlighted as imminent sources of crisis that could trigger involuntary movements of populations. Recommendations for the integration of displacement considerations into disaster preparedness strategies and the promotion of cooperation with neighbouring and other relevant countries to prepare for early warning, contingency planning, stockpiling, coordination mechanisms, evacuation planning, reception and assistance arrangements, and public information all adopt a state-centred approach to crisis management. State-led approaches are important, but a public-private model complements the efficacy of these protocols, agreements and conventions. In addition, the NPPMC model is aligned with the Global Compact on Refugees that notes that the 'thorough management of a refugee situation is often predicated on the resilience of the host community'. Resilience during national crisis situations is better attained through the

adoption of a ‘whole of society’ approach to the management of disaster situations. The agility, human resource capacity, outreach and scope, access to flexible funding, access to equipment and communication channels of the multi-stakeholders proposed in the platform model increase the potential to guarantee the protection of the rights of all typologies of migrants in crisis situations. The appreciation of crisis/disaster management, in this chapter, as a cyclical process allows for continuous engagement of stakeholders, including those from the private sector, civil society, non-governmental organisations, international/intergovernmental organisations, diplomatic missions, community groups as well as mainstream government ministries, departments and agencies. The early warning, preparedness and contingency planning propositions in the Global Compact on Refugees, aimed at shaping refugee reception by nation states, are consistent with the proposed national platform model in planning for, dealing with and evaluating crisis/disasters at the national spatial level.

The dedicated migration platform model avoids the neglect of migrants during national crisis. Resource constraints prevent national agencies that are responsible for managing disasters from deliberately focusing limited resources on marginalised communities. Existing generic national disaster management agencies are inadequate in providing specific support for voluntary migrants during disasters. We therefore recommend a public-private partnership in preparedness as it pertains to migrants in destination countries.

Advocacy by a migrant-centred platform highlights migrant-specific vulnerabilities that exist throughout the three main stages of the disaster management cycle and brings them into the limelight. Policies that target victims of a disaster as a homogenous group miss an important point and they need to be realigned to appreciate the diversity of needs that are embedded in the heterogenous backgrounds, experiences and life courses of migrants (voluntary and involuntary).

Ultimately, a move towards hybrid protection models is appropriate and effective. There is a critical need for hybrid of public-private efforts geared towards the forecasting of the likelihood and severity of crisis and a coherent response to both natural and man-made crises should they occur. Non-state actors have the potential to release complementary skills, technical expertise, equipment, enduring community relationships that are needed for collaborative activities as well as funding sources. Policy formulation and implementation should therefore privilege hybridity over unilateral and unifocal state actions.

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