

REPORT ON THE CIVIL SOCIETY FORUM ON YEAR OF REFUGEES, RETURNEES AND INTERNALLY DISPLACED PEOPLE: TOWARDS DURABLE SOLUTIONS TO FORCED DISPLACEMENT IN AFRICA

Pan-African Parliament Precincts, Midrand, South Africa
12 October 2019
09:00 – 13:30

1. INTRODUCTION

On 12 October 2019, the Centre for Human Rights, University of Pretoria (CHR) and the Pan-African Parliament (PAP) hosted a half-day dialogue between the PAP and the Civil Society Organisations (CSOs) Forum in order to discuss the theme, 'Year of Refugees, Returnees and Internally Displaced People (IDPs): Towards Durable Solutions to Forced Displacement in Africa,' which correlates with the African Union's theme for 2019.

The CSO Forum was held on the sidelines of the Third Ordinary Session of the Fifth Parliament of the Pan-African Parliament (PAP). It aimed to urge the PAP and civil society to act fast in finding solutions aimed at protecting displaced persons. The dialogue established that with the current wave of xenophobic violence in South Africa and other intolerances in many parts of the continent, the need to protect displaced persons had increasingly become important.

Participants of the civil society forum included representatives from the Pan African Parliament; South Africa based civil society organizations such as the Dullah Omar Institute at the University of the Western Cape, Lawyers for Human Rights, the Consortium for Refugees and Migrants in South Africa and Scalabrini Centre of Cape Town; the Human Rights Institute of South Africa; Lecturers from the University of Johannesburg, the University of Dar es Salaam, Tanzania and the University of Nairobi; attorneys; PAP staff Members; and representatives of the Centre for Human Rights of the University of Pretoria.

This CSO Forum meeting sought to discuss ways through which civil society could develop avenues for countering xenophobic violence in different regions of Africa; enhance protection for refugees in various parts of the continent; and mobilize effectively in protecting displaced populations.

2. SESSION 1: OPENING REMARKS

2.1 Remarks by Ms. Corlet Letlojane, Executive Director of Human Rights Institute of South Africa

In her welcoming remarks Ms. Letlojane acknowledged the presence of the fourth Vice President of the Pan-African Parliament (PAP), Hon Chief Fortune Zephania Charumbira, the PAP Legal Officer Mr. Clement Phebe Mavungu, Professor Magnus Killander of the Centre for Human Rights, University of Pretoria and all members of civil society organisations (CSOs) and academics that were present at the meeting.

Speaking on behalf of the Civil Society Forum steering committee, Ms. Letlojane reflected on the last CSO Forum meeting that was held at the PAP in May 2019, where the CSO was given an opportunity to reorganize itself to foster closer collaborations the PAP and increase its visibility in Africa. She highlighted that the last meeting was a golden moment and indicated that civil society had since formed a steering committee from members of civil society that were present at that meeting.

Ms. Letlojane reinforced the main objectives of the CSO forum which included:

- i. Sensitizing civil society organizations on the workings of the Pan-African Parliament and encourage more programming on issues pertaining to the Pan-African Parliament
- ii. Promoting active and constructive citizen and civil society engagement with the Pan-African Parliament
- iii. To enable sharing of best practices on effective civil society advocacy, lobbying and with AU institutions, in particular the Pan-African Parliament
- iv. identify gaps and challenges relating to civil society engagement with AU institutions, especially the Pan-African Parliament and devise common strategies for addressing them.
- v. Adopting a common approach for sustained civil society engagement with the Pan-African Parliament.

She concluded by acknowledging how encouraged the CSO Forum was in working with the PAP and thanked the PAP for its warm welcome and for opening its doors to civil society.

2.2 Remarks by Hon. Chief F.Z Charumbira, Fourth Vice President of the Pan African Parliament

Speaking on behalf of the President of the PAP Hon Roger Nkodo Dang and the Bureau of the PAP, Mr. Charumbira thanked Ms. Letlojane for her introduction and proceeded to acknowledging the representatives from the Centre for Human Rights, University of Pretoria especially Professor Magnus Killander; the staff of the PAP led by Mr. Clement Mavungu, the Legal Officer of the PAP and members of civil society.

Hon then indicated that the meeting encompassed two main dimensions which involved takings a closer look at the 2019 African Union (AU) theme, 'Year of Refugees, Returnees and

Internally Displaced Peoples (IDPs): Towards Durable Solutions to Forced Displacement in Africa,' with particular focus on the challenges facing economic and social integration in Africa; and the contribution of civil society in enhancing the agenda of the PAP.

Hon. Charumbira proceeded by giving brief description of the structure of the African Union. He indicated that Article 5 of the Constitutive Act of the African Union (CAAU), which deals with the organs of the AU, listed the PAP as its third out of its nine organs. Hon. Charumbira added that the other AU organs included the Assembly of the Union; the Executive Council; the Court of Justice; the Commission; the Permanent Representatives Committee; the Specialized Technical Committees; the Economic, Social and Cultural Council; and the Financial Institutions.

According to Hon. Charumbira, giving a background of the AU's structure enabled those in attendance to get a good starting point in understanding the PAP, its role within the AU framework and how civil society could contribute to enhance that role. In an attempt to explain why the PAP was one of the organs of the AU, Hon. Charumbira explained that according to Article 17 of the CAAU, the PAP existed,

'In order to ensure the full participation of African peoples in the development and economic integration of the continent...'

Hon. Charumbira thereby urged civil society to help the PAP to achieve this objective, noting that the PAP had not been known for or visible in achieving or making efforts to achieve its mandate. To emphasize his point, he recalled that people often questioned him as to what the PAP actually did, which he concluded was an indication that little was known about the work done by the institution and that the PAP continued to face challenges in terms of getting people to know its work.

Hon. Charumbira also emphasised the need for the PAP to ensure the full participation of all stakeholders including civil societies and added that the PAP could only be evaluated in context of its mandate, by asking whether the institution had enhanced the full participation of African peoples in development and other integration issues? In asking this question, Hon Charumbira pointed out that it was equally as important to ask *how* this mandate would be achieved?

In response to these challenges, the Hon. stressed that achieving the PAP's mandate could not be done in Midrand alone as the PAP generally had a limited number of Members of Parliament (MPs) who needed additional assistance in the furtherance of the PAP's objectives and the fulfilment of its mandate. He pointed out that civil society has a role to play towards helping PAP achieve its mandate and wondered how civil society could partner with the PAP to ensure that through the global mandate and objectives, the PAP did its role in ensuring full participation of CSOs.

Hon. Charumbira suggested that civil society engage with the PAP through its 11 Permanent Committees including the Committees on Rural Economy, Agriculture, Natural Resources and Environment; Monetary and Financial Affairs; Trade, Customs and Immigration Matters; Cooperation, International Relations and Conflict Resolutions; Transport, Industry,

Communications, Energy, Science and Technology; Health, Labour and Social Affairs; Education, Culture, Tourism and Human Resources; Gender, Family, Youth and People with Disability; Justice and Human Rights; and Rules, Privileges and Discipline. He noted that civil society could also get involved in specific Committees to lend a better understanding of social issues related to the work of those specific Committees.

Hon Charumbira concluded by inviting civil society to unpack some the division issues affecting the Continent. He urged civil society not to work on an ad hoc basis because a sustained engagement on issues was need in order to assist the Pan-African Parliament to achieve its objectives in accordance with Agenda 2063 and the realize the AU Vision of 'One Africa, One Voice.' He noted that a collaboration of the PAP with the civil society allowed the PAP to have a wider perspective on the issues affecting the continent and put it in a better standing in order to address these issues.

2.3 Remarks by Professor Magnus Killander, Centre for Human Rights, University of Pretoria

Professor Killander welcomed all the parties to the meeting. He said that even though the CHR's relationship with the PAP had only become formal in 2017, the CHR has had a relationship with the Parliament for years. Recalling the words of Hon. Charumbira, he stressed the importance of developing a working relationship between the PAP and CSOs. He also emphasised the need for the CSO Forum to strike a positive result from its engagement with the PAP but also acknowledged an improvement in civil society's engagement therein.

At the forefront, Professor Killander stated that the main issue for discussion at the meeting concerned refugees, IDPs and other migrants. He recalled that when the Organization of African Unity (OAU) Refugee Convention was adopted 50 years ago, there was very little engagement with civil society. Later on, when the importance of inter-African solidarity became associated with the instrument, there was still a lack of the concept of this solidarity as seen in the recent spate of xenophobia in South Africa and elsewhere in the world.

He admitted that there isn't much change as he recalled that the OAU Refugee Convention was adopted by an all-male Assembly of Heads of State and governments, which tended to be the case with instruments that were adopted later as well. He noted however, that instruments like the Kampala Convention on IDPs, which was adopted ten years ago, has at least seen more engagement of civil society.

He further noted that with all the different issues concerning migration today, the importance of leadership was key in that, it could be used negatively in fuelling xenophobia for example, or positively as was the case of the Prime Minister of Ethiopia, who received a Noble Peace Prize on 10 December 2018, for his engagement towards peace with Eritrea.

Professor Killander proceeded to thank Ms. Bonolo Makgale for leading the PAP CSO forum and shared about the CHR 2019 campaign: #AfricanMigrantsMatter, which engages the issues of migrants. He concluded by stating that he looked forward to hearing participants' inputs and insights on how to deal with the matter of migrants on the continent and how the CSO planned to engage with the PAP on these issues.

2.4 Keynote Speech by Ms. Sharon Ekambaram from Lawyers of Human Rights

In her keynote address Ms. Ekambaram indicated that the gathering of CSOs at the PAP is promising and displayed a seriousness in the engagement of civil society with the PAP, through the CSO Forum. The substance of her speech concerned the political will of not only the PAP, but also civil society in advancing the accountability and responsibility of relevant stakeholders, when dealing with the issue of migrants, refugees and IDPs; and finding durable solutions for these issues.

In her opening comment, she stated that the CSO Forum Meeting was happening in an important and difficult time in South Africa, which was and had progressively witnessed horrific scenes of xenophobic violence towards specific foreign nationals since 2008. She questioned whether South Africa, as the host of the PAP, embraced the slogan of 'One Africa, One Voice,' stating that it was important that this question be underscored and asked of every South African living on the African continent.

Ms Ekambaram gave a brief background and description of the work done by Lawyers for Human Rights (LHR). She explained that the NGO had been around since the days of apartheid and had done a lot of work around the death penalty and its subsequent removal from what was then the apartheid regime. The NGO had been involved in activism and public interest litigation as well, but that its largest area of work was with respect to refugees, migrants and asylum seekers. She further informed the meeting that LHR provided a walk-in clinic which provided assistance, legal recourse and engaged in litigation and advocacy on issues relating to refugees, migrants and asylum seekers in South Africa.

Following the description of LHR's work and background, Ms. Ekambaram said that it was important to locate the discussion on the agenda of the Meeting in the context of the Vision of the African Union (AU) which was adopted through Agenda 2063. The robust framework of this Agenda looked at the context of addressing past injustices in the African continent including slavery, colonialism and with regards to South Africa, apartheid. With regards to South Africa, she claimed that these events, especially apartheid, had framed the geo-politics in South Africa with respect to socio-economic inequalities and the violence that had been witnessed in the country.

According to her, the realization of the Pan-African vision of an integrated prosperous and peaceful Africa had to be underscored in what the CSO Forum hoped to achieve. As a result, she intended to highlight the key elements that she believed could bring about suitable solutions to some of the problems facing migrants, refugees and asylum seekers in the country.

Acknowledging that there were a variety of issues causing forced displacement of people in Africa, Ms. Ekambaram drew attention to the issue of the climate crisis and its connection to the growing number of forcefully displaced people in Africa. She argued that the issue was problematic because it impacted the marginalised and vulnerable populations of the continent the most including women, children and people living in poverty conditions.

As a possible solution to this issue, Ms Ekambaram suggested that clause 67(k) of the African Union Agenda for 2016, which called for the introduction of an African passport issued by Member States capitalizing on global migration towards an e-passport; and the abolishment of visa requirements for all African citizens in all African countries, could be applied. At the same time, she also admitted that unlike other regions such as ECOWAS and the EAC, SADC, and especially South Africa, had not expressed a political will to achieve these objectives and wondered how this could be done.

She suggested that this could be done with reference to the Abuja Treaty, which established the right to the free movement of persons, the right of residence and establishment. Ms Ekambaram also explained that some of the challenge's countries faced in implementing these provisions stemmed from the socio-economic disparities within and between States in the SADC and advised that a collective approach be taken to collaborate and manage migration issues within the region.

Ms Ekambaram conceded that there was neither collaboration to manage migration in the SADC region, nor political will from any of the Partner States to enable such collaboration. She also argued that despite the fact that the White Paper on International Migration called upon SADC Partner States to make provisions for a SADC visa, no progress had been seen or made towards achieving this objective. These actions, she reasoned, were a clear indication of a lack of political will by not only SADC as a region, but also the South African government in implementing such provisions.

Moreover, she argued that if there had been political will to see such provisions through in South Africa, resources would have been allocated to these projects, the country would be in a better position to manage migration issues and its approach to managing the movement and migration of people would be one from the perspective of respect for human rights and human dignity for all who live in South Africa, as enshrined in South Africa's Constitution and Bill of Rights. Instead, she revealed that South Africa often muted out unlawful practices particularly against foreign nationals and people that are forcefully misplaced including refugees, asylum seekers and migrants.

She referred to a speech that has been made by the Prime Minister of Barbados at the General Assembly of the UN in the UN General Debate and the UN's 73rd Session in which she had asked delegates whether they lived in a world where the mighty manoeuvred to make the majority minions or whether they lived in a world that had been promised to them in the Universal Declaration of Human Rights – a world where there was respect for dignity for all? Accordingly, she noted that what made this speech interesting was the fact that she had acknowledged that multinational corporations (MNCs) and imperialist countries like the United States (US) and those in Europe played a destructive role for their profit seeking incentives and were not meeting their commitments.

With regards to Brexit, Ms Ekambaram specified that serious questions needed to be asked as she believed that the notion of Brexit actually meant the control of borders, which was a euphemism for controlling immigration, which was also a euphemism for xenophobia and racism as witnessed in South Africa in recent years.

Reverting back to the issue of the climate crisis and its effect on the forced displacement of people in Africa. Ms. Ekambaram admitted that there were 22.5 million individuals who had been displaced by climate related events including flooding, droughts and related extreme weather events and that these events were responsible for the growing number of displaced people in Africa. In reference to the UNHCR's global trends report released on 19th June 2019, Ms. Ekambaram also highlighted that the number of forcefully displaced people had increased to 70.8 million.

She observed further that the issue of forced displacement caused by the climate crisis, mostly affected people from developing countries as they were less equipped to manage the extensive problems emanating from this crisis. Furthermore, she said that the burden of looking after these people usually fell on African countries, although South Africa's asylum system still did not embrace or understand the enormity of the climate crisis and what it was doing to those countries it affected.

She proceeded to ask where the political will of governments was in recognising this issue and providing enough resources to countries looking after people who had been forcefully displaced. Accordingly, she highlighted that instead, a trend of building or investing money in building borders to keep people out had emerged which did not speak to the AU Vision of 'One Africa, One Voice.'

Noting that the World Bank had produced research that by 2030, there were going to be over 100 million people who will be pushed into poverty because of climate change and that the figures for 2008 showed that there were 22.5 million individuals displaced by climate as opposed to conflict related issues, Ms Ekambaram stressed the need for SADC and particularly South Africa to take the climate crisis and its effects on migrants seriously especially because it was the economically dominant country in the region and could set an example for other countries within the region.

On the contrary, she noted that with regards to climate refugees, South Africa did not recognise nor understand the impact of climate change on the displacement of people today, yet droughts in Somalia and the recent cyclone in Zimbabwe were a testament of how the climate crisis was responsible for starvation, negatively impacting livelihoods and food security risks. With specific regard to the cyclone in Zimbabwe, she also noted that there were no adequate sources allocated to assist the country in dealing with that displacement.

Ms Ekambaram stressed the need to find an urgent plan to mitigate and adapt to climate change and asked how this could be achieved in a meaningful way. To this end, she gave the example of how the southern region had been sitting with a tuberculosis (TB) and HIV/AIDS pandemic, which had been largely based on the history of the migrant labour system and the hostels which have been identified as the cause for the region being the epicentre of both these diseases. Accordingly, she stated that because South Africa managed migration using constant routine arrests, detention and deportations of migrants, people affected by these diseases were less likely to come forward for treatment in fear of being arrested.

She advised that if South Africa wanted to reduce the spread of TB and HIV/AIDS, it needed an approach that enabled people to come forward for treatment as opposed to the policy

changes, practices of government, enforcement of unlawful behaviour which the country had displayed thus far, and which had resulted in pushing people underground hence not receiving treatment.

Ms. Ekambaram suggested that a simple solution to this problem would be the introduction of a health passport, which contained details of the person's treatment and what such a person needed in order to enable them to move in the region without risking their own lives or spreading diseases to other communities.

In her conclusion, she accentuated the massive corruption in the political system and the bad quality of decision-making, which disrespected the context in which many people seeking asylum and protection from South Africa were coming from.

3. SESSION 2: PANEL DISCUSSION ON STATELESSNESS

3.1 Remarks by Dr Robert Doya Nanima from the Dullah Omar Institute for Constitutional Law, Governance and Human Rights at the University of the Western Cape, South Africa.

Dr Nanima gave a brief description and background of the work carried out by the Dullah Omar Institute (DOI). In it, he stated that the DOI was a research entity, with various units dealing with social economic rights, children's rights, multi-level governance, constitutional law among others. He indicated that he had worked on issues concerning children in armed conflicts in Africa and found that people often thought that only children in regions with armed conflict were affected by it, forgetting that once these children fled from these regions, they were received as refugees or internally displaced persons and were thus not only refugees or migrants but also still children that had been affected by armed conflict.

As a result, Dr Nanima stressed the importance of having specific mechanisms and institutions in place that addressed the concerns that these children were facing. Furthermore, he admitted that the issue of statelessness with regards to children was a complex one and argued that it concerned not only a child who was in an area of armed conflict, but also a child who had moved to an area where there was no armed conflict but was still a refugee or displaced person in that area.

He emphasized that with regards to statelessness, it was imperative to contextualize the issue of children and armed conflict from a broader perspective. Accordingly, he stated that the African Commission on Human Rights which had done a lot of work on children, suggested that child participation be encouraged, whereby children with involving capacities could have their views placed into consideration at least before decisions concerning them was made. He stressed the importance of including the perspectives of children who had been affected by issues of armed conflict and noted that such inputs were vital in finding solutions to effectively address these issues.

Dr Nanima also informed the meeting that there was an increasing number of children affected by armed conflict in Africa. He exemplified this by showing that more than 14,000

children had been recruited as child soldiers in the Central African Republic between 2014 – 2019; 19,000 in South Sudan and that reports from Nigeria had confirmed that children were being used as bombers. He also added that in countries such as Somalia, girls were being used as spies.

Dr Nanima also alleged that the issue of armed conflict with regards to children brought with it a variety of dynamics. He reported that in certain cases, children were voluntarily joining armed groups as the safer option for protecting their communities. Consequently, he urged participants to harness engagements from one another whilst dealing with issues concerning statelessness and children who had been affected by it.

In a recollection of his days a Prosecutor, he recalled a case he had worked on involving a child who was a refugee from an armed conflict region and who had been accused of defilement. Admitting that the child had defiled, he noted that this act was likely the result of such child growing up amongst rebels who had normalised sexual abuse on women and girls. In such cases, he noted that country systems were often harsh on such defendants and convicted such children without taking into consideration, the psychological and psychosocial problems; and traumas such child had faced.

In his conclusion, Dr Nanima acknowledged that from a domestic perspective, many African countries including South Africa, did not have effective mechanisms or legal systems that dealt with stateless children.

3.2 Perspectives of Children and Statelessness by Dr Maria Assim from the DOI at the University of the Western Cape

Dr Assim presented on some perspectives on childhood statelessness. She drew attention to specific elements including the work of people and organisations like Lawyers for Human Rights (LHR) on issues relating to Statelessness in Africa. She started off by recognising that although statelessness had occurred in South Africa for a long time, it had largely remained an invisible and silent topic.

She admitted that usually, when civil society organisations talked about childhood statelessness and children's rights, there were small pockets of the Rights' sector with people who still assumed that parent(s) were solely responsible for the child's wellbeing in the country where such child was stateless.

She argued that statelessness was one of those areas where a parent alone did not have the responsibility or power to issue certain documents such as a birth certificate or Identity card for their child and that these issues inevitably involved the State as well. In that regard, she added, what happened to a child as a legal entity was solely dependent on the State and not the parent.

Citing some of the research work done by the United Nations High Commission for Refugees (or UNCHR), she revealed that every ten minutes somewhere in the world, a stateless child was being born and that in the 20 largest stateless populations, about 70,000 stateless were children born each year.

Also, she noted that in more than 32 countries, children needed nationality documentation in order to receive medical care and that in at least 20 countries, stateless children could not be legally vaccinated.

In an effort to show how statelessness affected children's rights, she explained that there were four core principles that underpinned all the rights of children and that these principles were also rights within themselves. She continued to list these rights as the best interest of the child; the right to life, survival and development; the right to non-discrimination; and child participation.

Dr Assim explained that the principle of the best interest of the child had initially originated from divorce, family matters, decisions of maintenance and custody issues and access for children. She noted however, that over the years, this principle had become significant in determining how action concerning children by different stakeholders would be taken. To this end, she pointed out that when children claimed that they felt like dogs, worthless or expendable, one could not then say that the State and relevant stakeholders were promoting their best interests.

With regards to the core principle of the right to life, survival and development, Dr Assim argued that no one had the right or power to a life as life could not be taken arbitrarily except through a court decision. She proceeded by stating that, for children, one couldn't talk about life as just breathing air alone was not enough to ensure the health and wellbeing of that child in order for them to thrive, stay alive and contribute to society. In particular, she highlighted that without documents like an ID, passport or birth certificate, many of these children were unable to receive things like vaccination, could have fatal consequences.

Furthermore, she noted that other issues such as maternity care for pregnant mothers, neonatal mortality and other health indicators had to be taken into consideration when talking about a child's right to life. On this issue, she concluded by stating that one could not talk of the survival and development of a child, when there were no mechanisms in place which ensured it as this resulted in these children being sentenced to a meaningless life.

Dr Assim described the principle of non-discrimination as being very crucial because many of the statelessness issues were the result of discriminatory laws, which had not been changed because of a lack of political will. She argued that there was no way in which children left in a state or condition of statelessness promoted their best interest, their right to life, survival and development, their right to be protected from discrimination or promote their participation in anything that concerned them.

Dr Assim also explained that statelessness happened to children in two ways: through a migratory context and non-migratory context. She explained that the migratory context usually involved people who were fleeing from conflict or where migrants from one country had entered another country with a child that had no documents. The non-migratory aspect of statelessness on the other hand, involved instances where even within countries, people from certain ethnic groups or different racial or indigenous groups were subject to statelessness.

With this in mind, she noted the facts of the Nubian case in Kenya, which involved the Nubian minors of Kenya who a claim to the African Committee of Experts against the Kenyan government for multiple violations enshrined in the African Children's Charter. They cited that the Government had violated article 6 (1), 6 (2) and 6 (3) of the Charter. This case was brought because the children's parents had been denied birth notifications in public hospitals, making the parents unable to register for their births, which in turn had put them at risk of becoming stateless.

She stated that these children had also faced difficulties when accessing national identification cards due to their parents' origins and had less access to free and compulsory basic education and health facilities compared to other children. She also noted that as a result, the African Committee decided that the Kenyan government had committed multiple violations of the provisions listed in the Children's Charter and that its actions contravened the best interest of the child principle.

She concluded that even though South Africa's laws made provision for statelessness, there were no guidelines to determine whether the child was stateless and stated that such laws exacerbated the challenges faced by stateless minors as no actions were taken to implement these laws. In other words, there was a 'what' but not a 'how' approach to these laws.

3.3 The African Union's Approach to the Protection of Stateless Persons by Dr Romola Adeola from the Centre for Human Rights, University of Pretoria

Dr Adeola began by describing a stateless person simply as a person who was not considered a national of any State, by oppression of its law. She recalled the 1954 UN Convention on stateless persons and the AU's approach to statelessness, which had been very pertinent in developing a draft protocol on Statelessness. Within this context, Dr Adeola noted that one of the novelties of this Protocol was that it went beyond the scope of 1954 UN Convention and did not talk about statelessness with regards to a person who is not a national of any country by virtue its law, but it also spoke to a person who's nationality could not be established.

She argued that the question of how to determine a person's nationality, was of a technical nature and pointed out that it was such technicalities that created issues of statelessness. Some of the classic technicalities she identified related to issues of state succession e.g Sudan – South Sudan and circumstances where women were unable to pass their nationality to their children in certain countries.

She also noted that people became stateless not only as a result of societal reasons or consequences that created such situations of risk but also legal reasons. She said that in many countries, the loss of the provision of nationality had become notable in the laws, as was with issues relating to colonial border disputes and State succession.

She recognized that it did not matter so much if a child had a birth certificate or not when they are younger but as children grew older, issues around where they are from became more pertinent. She also drew focus to the issues of illiteracy and how this contributed to children being stateless.

To this end, she noted that platforms such as the CSO Forum in collaboration with the PAP, had a duty to inform States through strategic State engagement and push the narrative for the need to eradicate statelessness within their context, at the national, as well as the sub-regional level.

In concluding, she stated that the issue of statelessness got exciting and interesting when one thought about the concerns and issues it engaged.

3.4 Plenary Discussions

On access of birth certificates to stateless parents

Laws should be reformed to ensure access to birth registration irrespective of the parents, the immigration status, particularly to facilitate sensitization for the people to be able to carry out or do registrations for their children because in many parts of Africa, particularly in the rural areas don't have access to registration services.

Strength in advocacy and the political will to ensure that children are registered is important in ensuring that children are planned for effectively by countries. The very factor of a birth certificate in itself does not confer nationality.

In many countries procedures such as birth registration are tedious so some countries have opted address this issue through naturalization.

On Statelessness as a growing problem in Africa

It was noted that the issue of statelessness was of great importance and had come up consistently over the last three sessions of the PAP. In May 2019, one of the resolutions that had been adopted by the PAP included a resolution by Members to end statelessness by 2024.

Kenya is a good example of several cases of statelessness but from a non-migratory perspective so it's critical for other states to learn what has happened and how the developments have gotten along.

4. SESSION 3: PANEL DISCUSSION ON XENOPHOBIA

4.1 Xenophobia and Economic Migration in Africa by Dr Cristiano d'Orsi

Dr d'Orsi started off with a general introduction of xenophobia where he noted that the word xenophobia had originated from the Greek language. In contrast however, he said that the term xenophobia was first used in a manifesto in 1877 in San Francisco, US, through the Workings Man Party, which was a radical regional party in California that was against the employment of Chinese manpower in the building of the railway in California at that time.

He explained that in accordance with the Declaration on racism, discrimination and xenophobia adopted at the Asia-Pacific NGO Meeting in Tehran in 2001, xenophobia could be defined as importing the attitudes, behaviour and prejudice that rejected and excluded verified persons based on the perception that they were outsiders and foreigners to the community, society or national identity.

He noted that although racism and xenophobia usually overlapped, they were not the same thing. He explained that racism usually entailed differences in physical characteristics such as skin colour, hair type and facial features, while xenophobia implied behaviour based on the idea that a person was a foreigner who originated from outside the community or nation.

Accordingly, he stated that xenophobic movements had emanated from the new migration patterns that had developed as a result of the internationalization of the labour market during the post-colonial era. In the receiving countries, he said that social groups in unfavourable conditions considered newcomers as competition for jobs and public services. He also stated that xenophobia had been instigated by globalisation to the extent that increased competition among had the effect of reducing services in the area of social welfare, education and healthcare. As a result, he argued that it was such competition for services between migrants and locals that resulted in the formation of xenophobic ideologies.

Dr d'Orsi admitted that economic inequalities and lack of access to basic economic and social needs often gave rise to tensions between locals and migrants, which resulted in manifestations of racism and xenophobia. In an example of Kenya, Dr d'Orsi noted that the locals thought that refugees in the refugee camps were treated better than themselves, which sparked tensions between the two groups of people.

He also drew attention to June 2019, where the Ivorian second biggest political party leader accused the President of nepotism and allowing armed migrants to exploit the West African nation's resources. This party leader who was also Cote d'Ivoire's Head of State from 1993 – 1999, argued that there was a difference between real Ivorians and migrants who had come to the country in the 1990s. Dr d'Orsi went on to admit that the issue of identity in the Ivory Coast was deep rooted, where almost a third of the population was expected to have parents who were immigrants.

By virtue of being the biggest receivers of migrants in West Africa, Dr d'Orsi noted that the Ivory Coast was the first country to initiate a collective expulsion of African migrants. In October 1958, 17000 migrant workers and their families, mainly from Benin and Togo, were ordered to leave the Ivory Coast. He further stated that similar to the issues today, they too were accused of holding administrative positions instead of Ivorians and building successful business activities.

Although they were contributing to exports such as coffee, cocoa and pineapples, he said that for a long time, these migrant settlers have not enjoyed legal protection for their activities. He also added that they had been denied the opportunity to own the land that they used. All these issues culminated into Ivory Coast having the largest number of stateless people, a majority of whom were from Burkina Faso and were not recognised as nationals from Ivory Coast.

In his conclusion, Dr d’Orsi emphasised the need to strengthen the laws in countries in order to protect immigrants and deter citizens from attacking them. He advised that laws be enacted which prosecuted all leaders – political, traditional or religious, who incited violence against refugees and migrants living in their countries. He stated that afterwards, the good management of the economies of respective countries by their leaders would help bring about the positive growth of such countries which would in turn help to reduce the number of people travelling to look for greener pastures in other countries or regions.

Furthermore, he asserted that there should be intensive education by the civic education mission in the various countries e.g. Ghana’s national commission on civic education, to help educate citizens on how to treat and deal with foreigners living amongst them in their respective countries. He added that there should also be a strict enforcement of the laws of international bodies like the UN, AU or ECOWAS to sanction member countries that abused the rights of foreigners living within those regions and that States should work at identifying the zones which were prone to or likely to get exposed to xenophobic attacks, so that the security and education in those areas could be intensified.

4.2 The Criminalisation of Migrants: How South Africa’s Broken Asylum System Exacerbates Xenophobia by Sally Gander, Head of Advocacy at Scalabrini Centre of Cape Town

Sally gave a brief description of Scalabrini, an NGO that was linked to the Fathers of Scalabrini, which is a mission across the world. Gander specified that the Scalabrini Cape Town branch dealt with migrants, refugees and asylum seekers, and that their programs included the advocacy program, employment access program, English language school and women’s platform

Sally’s contribution to this discussion was on the criminalisation of migration. To begin, Sally argued that rather than strengthen immigration laws, governments and institutions ought to look at implementing them instead. Sally said that implementation would go a long way in addressing some of the challenges South Africa was facing with regards to migrants and refugees.

To emphasise this point, Sally explained that in South Africa xenophobia did not just end with individuals but went right to the top of government involving its top officials as well. Sally then outlined the basic process incurred by immigrants upon their arrival in South Africa in order to obtain the ‘refugee’ or ‘asylum seeker’ status. Sally subsequently stated that when a foreign immigrant entered South Africa either lawfully, or unlawfully, they needed to get to a Refugee Registration Office (RRO). These offices are located in Musina, Pretoria, Durban, Port Elizabeth and one that was not fully functional in Cape Town.

Once at the RRO, the applicant filled out a form known as the BI-1590 form to apply for asylum. Afterwards, the applicant received a Refugee Status Determination Officer (RSDO) interview, after which they would be issued with an RSDO decision. Sally further stated that such RSDO decision had two results; one being a positive recognition of the applicant as a refugee and the other being a negative one.

With regards to applications that had resulted in a negative decision, Sally explained that such negative decision could either take the form of an 'unfounded claim' decision – which meant that you would have to appeal in which case, the claim would be referred to the Refugee Appeal Board (RAB); or a 'manifestly unfounded' decision which was automatically referred to the standing committee for refugees affairs (SCRA).

Sally proceeded to draw attention to the backlogs affecting the South African asylum system. The first involved people getting into an RRO in the first place. Here, Sally explained that her program at Scalabrini ran a paralegal clinic where they saw between 1,600 – 1,800 people per year, which gave them access to a lot of the 'on the ground' information they collected regarding the challenges of the South African asylum system.

Within this context, Sally explained that some RRO offices like the one In Port Elizabeth, told applicants to return in 2021 in order to apply for refugee and asylum seeker statuses. This left a majority of such applicants undocumented and without any indication that they could legally stay in the country. This meant that these migrants had no access to basic services such as hospitals, schools to register their children, driving licences and bank accounts. As a result of most of these constraints, it also meant that migrants had difficulties in finding jobs.

Another backlog Sally pointed out could be found within the RAB and SCRA offices. Here, Sally found that the backlogs at these offices were significant and did not even factor in the people who had been told to return in 2021 to apply for asylum. Sally also identified that some of the backlogs were as a result of applicants not getting decisions on their applications. In addition to delayed decisions, Sally also indicated that the RAB had only three members who all had to sit at the same time and interview applicants one by one.

In addition, these three officers had to go to each RRO office in the country to see applicants and determine their claims. As a result of this system, these officers could only here so many cases which created a backlog. Sally noted that in 2017 for example, only 193 appeal hearings had been heard and conceded that it would take 35 years for the RAB to get through just the number referred to them.

Sally also argued that xenophobia was explicit and implicit in South Africa's system, implicating even the top officials of government. In an example, Sally showed how the Minister of Home Affairs had at one point said that refugees and asylum seekers said that refugees and asylum seekers engaged in fraudulent marriages in order to acquire the country's citizenship.

Sally admitted that there were very narrow beliefs about refugees and asylum seekers coming to seek the protection from the South African government, which protection was offered in terms of international law, regional law and South Africa's own domestic laws to the extent that one could not convincingly say that South Africa did not have a system that exacerbated xenophobia.

In concluding, Sally stressed the need for South Africa to formulate ways to ensure that the laws on immigration were implemented. In addition, Sally advocated for mechanisms to be put in place, which fostered a human culture in the management of refugees, asylum seekers

and IDPs; ensured that non-nationals received services to which they were constitutionally entitled; and facilitated the integration of migrants.

4.3 The Progressive Realisation Towards Legislative Framework Addressing Incidents of Xenophobia by Mr. Thifulutheli Sinthumule, Executive Director for the Consortium for Refugees and Migrants in South Africa.

Mr. Sinthumule started with a brief introduction of the Consortium for Refugees and Migrants in South Africa (CoRMSA) which he described as professional network that worked to protect the rights of migrants, refugees and asylum seekers in South Africa. He further explained that the CRMSA was a membership-based organisation working with 25 member organisations based in the Western Cape, Eastern Cape, Limpopo, Gauteng and KwaZulu Natal.

He stated that the CoRMSA's objective and mandate was the promotion and protection of the human rights of asylum seekers, refugees and migrants in the country and in order to achieve this mandate, the CRMSA worked through network coordination and strengthening where the members came together to plan their advocacy rules and discuss issues relating to migration in the country, region and the rest of the world.

He indicated that the CoRMSA also did advocacy and lobbying where they gauged policies and lobbied government for the effective implementation of migration policies. He mentioned the new development commonly referred to as institutionalized xenophobia and said that most migration policies had not been implemented the way they should because some public servants felt that migrants should not be benefiting from certain basic services.

In addition to the functions performed by the CoRMSA, he stated that the institution also performed capacity building and training where they went around the country conducting community dialogues, engaging advice offices and training some of the public servants on migration policies and human rights so that the protection of human rights could be enhanced when dealing with matters concerning migrants in South Africa.

Mr. Sinthumule spoke about the progressive realization towards legislative framework addressing incidents of xenophobia. He argued that if African citizens and politicians did not accept and agree on the existence of xenophobia, there would be no solution to the problem. He said this in context with the recent xenophobic attacks and violence towards foreign nationals and noted that South Africa's leaders and politicians had simply attributed these actions to acts with criminal elements.

To this end, he argued that categorising such acts as 'criminal elements' prevented government from putting mechanisms in place that could address xenophobia. He added that in denying that such acts constituted xenophobia meant that monies could not be allocated to deal with the problem. In an example, he showed that the lack of resources to deal with the issue of xenophobia had been illuminated when xenophobic attacks led to victims being housed in churches and police stations.

Mr Sinthumule enquired as to the existence of a continental or regional political willingness to debate and address migration and the protection of migrants in Africa. To that end, he concluded that there was no such willingness, stating that migration was often an issue which was put on the SADC agenda to show that there was a problem, but often resulted in no solutions on how to manage and mitigate the challenges surrounding migration. He added that generally, African countries were quick to sign Protocols and Agreements relating to human rights and migration so as to make headlines, but often fell short of ratifying these agreements as this would obligate them to develop national and domestic policies and laws in order to implement the agreements.

Mr Sinthumule recalled a book that had been distributed on IDPs in which he realized that South Africa had never ratified the IDP document. He argued that when he approached officials about this, they often responded that South Africa had no IDPs and that it was only a criminal element that resulted in such displacement of people and that there were mechanisms in place this element. In contrast, he stressed that despite these claims, people who were victims of xenophobic attacks had been housed near police stations and churches.

In his conclusion, he stated that the conduct that had been portrayed by some of South Africa's politicians resulted in the violation of human rights because denying that a crime of a certain nature was happening under the guise of a criminal element, undermined the respect and the dignity of the person who is being attacked. He noted that subsequently, this was one of the reasons which showed that the issue of xenophobia was not taken seriously in South Africa.

4.4 Plenary Discussion

Was South Africa experiencing xenophobia or afrophobia

Rather than distinguish between afrophobia and xenophobia it was important to realise that there was discrimination and prejudice against refugees and migrants in South Africa. Additionally, these acts of xenophobic violence targeted not only black migrants and refugees, but Bangladesh and Pakistan nationals, albeit in minor numbers.

With regards to Strategic Litigation

It was noted that the Scalabrini Centre of Cape Town in South Africa, provided strategic litigation. Strategic Litigation of this manner could not work on its own as governments and certain social movements were not prepared to implement social court orders. As a result, one had to consider other options such as higher-level advocacy, media advocacy and advocacy before parliament before opting to engage in strategic litigation.

5 SESSION 4: PANEL DISCUSSION ON THE AFRICAN CONTINENTAL FREE TRADE AGREEMENT AND ISSUES OF MIGRATION AND LABOUR MOBILITY

5.1 Remarks from Ms. Ruvimbo Samanga, LLM Student and Junior Lecturer at the University of Pretoria

In an effort to contextualise the topic of discussion, Ms. Samanga noted that the discussion looked at the African Continental Free Trade Agreement (or AfCFTA), which, if passed, would be the largest trading bloc on the continent since the establishment of the World Trade Organisation (WTO). She noted that this Agreement aimed to establish a continental trade system which included a custom's union for the free movement of goods and services.

She also noted that the movement of goods, services and people in the General Agreement on Tariffs and Trade (GATT) framework fell under mode four, which had been a fairly neglected aspect of trade facilitation and regional integration on the continent. She noted that the discussion mainly entailed issues on labour mobility as well as migration including factors that caused migration and challenges such people and governments faced.

Ms. Samanga noted that with regards to the causes of migration, it was important that people were cognisant that Africa's greatest resource was human capital and that it has its fair share of challenges in mobilising, retaining and distributing resources in order to support the human capital. She listed some of the reasons that caused people to migrate from one country to another, including a lack of opportunity, climate change, environmental degradation, high poverty levels, armed conflicts as well as a general scarcity of service delivery from governments.

She said that the issue of labour mobility had been compounded further by Africa, with its patch work of trade regulations and reforms and regulations, which needed to be standardised. Ms Samanga recommended that it was important to look at the regional structures that had been put in place to facilitate labour in order to align them with the role the PAP had to play in ensuring accountability of States.

She concluded that there was a call for a united standardised approach to the way that trade regulation, trade facilitation and the greater nuances of labour mobility and migration were addressed.

5.2 Remarks from Dr Simon Ngalomba, Lecturer at the University of Dar es Salaam, Tanzania

Dr Ngalomba presented a paper on the linkage between the AfCFTA and the free movement of persons. He noted that the issue of free movement of persons could be traced back to the OAU in 1963, where one of its principle objectives was the promotion of unity and solidarity of African States and coordinating and intensifying their cooperation and efforts to achieve better lives for African people.

Later, there was the Lagos Plan of Action for the economic development of Africa, which, he stated, gave a new impetus to the African Common Market which aimed to allow the free movement of labour from one country to the other. He noted however, that the implementation of this plan of action faced a number of issues, one of which included structural adjustment programs (SAPs) as advocated by financial institutions such as the World Bank and the International Monetary Fund (IMF). He therefore argued that these SAPs slowed down the implementation of the Lagos Plan of Action.

He proceeded to state that the Abuja Treaty, which was concluded in 1991, qualified the free movement of persons in Africa into a legally binding commitment by Member States in Africa. He acknowledged that almost all African Member States had ratified this Treaty, whereby out of 55 States, 49 had ratified the Treaty. He added that within this Treaty, Member States agreed to conclude a Protocol on the free movement of persons, rights of residence and establishment, facilitate deeper integration and ease the process of realizing that vision.

Dr Ngalomba said that the transformation of the OAU into the AU in 2002, gave new momentum towards the integration of Africa as a continent. To this end, he noted that Article 3(a) of the Treaty establishing the AU had reinforced the objective of achieving a greater unity and solidarity of African countries and people of Africa. Within this context, he recalled that in 2012, the African Assembly had established the so-called African Continental Free Trade Area (AfCFTA).

Among its many objectives, the AfCFTA sought to facilitate the cross-border labour mobility. Further summits had also established an Action Plan for Boosting Intra-African Trade, which aimed to deepen Africa's market integration. Accordingly, Member States made recommendations to remove all barriers to the free movement of people, travel and the right of establishment. Dr Ngalomba also added that such constraints could be resolved by easing visa requirements for intra-African travel for Africans.

When it came to practical terms, Dr Ngalomba agreed that it often took long to acquire visas to other African countries within Africa. He acknowledged that there were similar provisions in other Treaties including Regional Economic Community (REC) agreements which addressed the issues of free movement of people and labour mobility.

Giving an example of the East African Community (EAC), he stated that east African citizens with valid travel documents were granted six months stay in Partner States countries other than their own, within the region. He referred to the fifth anniversary of the AU in 2013 during which the Assembly recommitted African leaders to the free movement of persons aimed to realize African citizenship, Pan-Africanism and African renaissance. Additionally, he stated that in the year 2015 in Johannesburg, the African Union Assembly had adopted a decision to accelerate the free movement of persons and the development of the African passport.

In order to realize the AU Agenda 2063 of an integrated continent, politically united and based on the idea of Pan-Africanism, he stated that the free movement of people was crucial. He explained therefore, that Member States had been urged to domesticate all the Protocols facilitating the free movement of people within the regional economic communities. He

distinguished countries like Rwanda, Benin, Ghana and Seychelles, which issued visas on entry for a stay of up to 30 days for all Africans.

Additionally, he informed those present of the Common Electronic Biometric African Passport, which was launched during the July 2016 AU Summit in Rwanda, where Member States agreed to begin drafting a protocol to facilitate the free movement of persons in Africa whereby the rights of entry, establishment and residence could be realized. He noted that there were interesting provisions in this Protocol such as the mutual recognition of academic or technical qualifications. Here, State parties were obligated, either individually, through bilateral, multilateral or regional arrangements to recognize those qualifications. He also noted that these recognitions helped to address and ease critical skill shortages and collaborations.

Another important aspect that Dr Ngalomba highlighted was the protection of property acquired in the host Member State. To this end, he noted that the Protocol stated that the lawfully property acquired by a national of a Member State in the host Member State, could not be nationalized, confiscated, expropriated or acquired by the host-Member State except in accordance with the law and with proper and adequate and fair compensation.

On issues concerning the portability of social security benefits, Dr Ngalomba indicated that the Protocol obligated Member States to facilitate the portability of social security in order to benefit the nationals from other Member States residing or established in a particular Member host-State. Additionally, he also identified the issue of the movement of specific groups, whereby State parties could extend the measures provided by the international, regional and continental instruments, to establish specific procedures for the movement of vulnerable groups like refugees, asylum seekers, pastoralist, migrants and victims of human trafficking.

He proceeded by explaining that the main part of his presentation paper. Had? been to seal the interface between the AfCFTA and the free movement of persons. Therefore, he continued, the AfCFTA provided the potential to open up the free movement for the trade of goods, services and people across the continent. Referencing the World Economic Forum of 2019, he said that the report had argued that the AfCFTA would help increase the combined business and consumer standing to USD 6.7 trillion by the year 2030.

Dr Ngalomba also provided that Africa only contributed 2.4 per cent of the total global exports and 15 per cent in intra-African trade. As a result, he concluded that there was a need to boost intra-African trade. Additionally, he found that the migration movement of persons in Africa had been a one direction flow and recommended that this flow should be a two-directional flow in order to facilitate the exchange of skills. He also said that it was host-receiving States that increased their human capital index.

In finalising his presentation, Dr Ngalomba identified two asymmetries that affected the governance of migration processes in a host country. He distinguished between voters and non-voters and said that some countries were of the opinion that their citizens as opposed to migrants and refugees because unlike the latter two, citizens had the power remove politicians from office.

He concluded that the Protocol on the free movement of persons was crucial towards achieving the Agenda 2063 and the free movement of persons in Africa. He noted however, that the best way to achieve the free movement of persons was for African governments to immediately address the issue of the AfCFTA and challenges and not wait to be reactive but rather endeavour to be proactive.

5.3 Remarks from Mr. Ken Obura, Senior Lecturer at the University of Nairobi, Kenya

Mr. Obura began by informing the CSO Forum that according to the statistics of the International Labour Organization (ILO), the majority of migrants were actually economic migrants. He reported that out of every ten migrants, nine were economic migrants making this issue significantly important especially because it was this demographic of migrants that were the most ignored.

As a starting point, Mr. Obura alleged that the number of economic migrants had increased due to issues such demographics, the fact women were increasingly taking up formal work, wage differentials and advancements in transport and communication. On the issue of demographics, he indicated that western countries with an aging population (or demographic) often sought to attract younger generations from other countries due to labour shortages. As for women taking on more formal work, he stated that such acts resulted in these women finding other persons to manage their homes.

Additionally, he also argued that people also migrated for wage differentials where other countries offered such migrants a higher salary than what they would have received in their home State for the same job. Also, he stated that improvements and advancements in transport and communication had made it easy for persons to travel or migrate to other countries.

Mr. Obura proceeded to inform the CSO Forum about the status of the AfCFTA. He explained that the Agreement had been adopted in 2018 and came into force in 2019. He said that it had been signed by almost all the African countries except Eritrea and that it had been ratified by 27 countries so far.

In an attempt to illustrate the limitations of normal free trade agreements (FTAs) on labour mobility and migration in Africa, Mr. Obura argued that one of the main objectives of such agreements was to gradually eliminate import tariffs and tariff quotas among Member States and made provision for issues like the rules of origin among others.

Mr. Obura indicated that FTAs were also different from economic and customs unions which ranked higher on the scale than FTAs. To this end, he noted that some of the reasons why countries might not meet their objectives under FTAs was because African countries had not moved to the advanced stages of economic integration i.e. the customs union, the common market and the economic union.

Reflecting on Dr Ngalomba's presentation, Mr. Obura explained that the reason why his colleague had spoken about the Protocol as opposed to the AfCFTA, was because FTAs did not provide for the free movement of people as issues including how capital and labour got

into their countries, were left largely at the discretion of Member States to regulate. He noted that this was possibly why the AU adopted a Protocol that dealt specifically with the movement of people in Africa.

In relation to labour mobility, Mr. Obura stated that the AfCFTA gave States the autonomy to choose which companies they wanted to engage with. Accordingly, he noted that most of these companies moved with their technical staff, which then gave rise to labour mobility. He also noted that the AfCFTA on labour mobility provided an opportunity for companies to move to countries where labour prices were low.

Mr. Obura proceeded to identify the challenges concerning migration and labour mobility. Accordingly, he noted that the failure of FTAs to reach the stage of economic union, constrained the possibility of the free movement of people across the continent as certain States would still apply their discretion on who they allowed to enter their countries. He also noted that the issue of political integration had to be addressed as true economic integration could not be achieved without it. To this end, he argued that as long as Africa had independent States with independent citizens, there would always be the issue of 'us versus them.' Mr. Obura thus stressed that civil society needed to think of ways of advocating for political integration.

Mr. Obura identified other challenges migration and labour mobility in Africa including democratic border control, which he noted as an area without democracy; and criminal-migration which involved activities such as smuggling and human trafficking, as stringent African borders people taking advantage of people desperate to leave their countries and consequently put such people at risk of becoming undocumented in foreign countries.

5.4 Plenary Discussion

On the view of whether we want an African Union or a Progressive Africa

An immediate approach might not work because there are so many things that need to be put in place before the Union actually works so a progressive approach would be better. We need to look at what we want to achieve as a continent and learn from countries that have done it, and only then can we then speak of a successful African Union.

On the view of the various currencies in Africa with regards to the realisation of the AfCFTA

For the AfCFTA to materialize, it would be beneficial to have a single currency because having different currencies might hinder the progress of this treaty.

On the view of China and India's interests on the African continent and how it affects trade

Often, it is claimed that China is interested in trading with Africa, but we also have to consider that they want to position themselves geo-politically in order to compete with the US. India and China have also been known to dispose of their populations in other countries.

On the enforcement of agreements in the southern region

Most of these agreements usually provide for an enforcement mechanism which entails a tribunal or arbitration clause that allows states in disagreement with one another to present their cases before an arbitration tribunal so that their agreements can be resolved.

On civil society and the African Court of Human and People's Rights

Most of the African countries usually shy away from litigation. In fact, that is one of the misgivings civil society had when countries wanted to pull out from the International Criminal Court and engage such deliberations in African court.

6. Conclusion

The presenters shed light on issues of xenophobia, statelessness as it related to children and issues of climate change. They noted that there should be a deep appreciation of issues and that the engagement of policy makers and civil society was pertinent. As a result, the CSO Forum indicated its determination to ensure that civil society made a difference on issues of public interest.

- a. There are immense opportunities for the CSO Forum to engage with the PAP in a sustained manner and not on an ad hoc basis.
- b. Civil society should ensure that the Committees of the PAP are sufficiently capacitated with information which could be provided by civil society.
- c. There is rich information within the civil society that could be immensely beneficial to law makers.
- d. CSO should also be invited to address Plenary on important issues and see the resolutions adopted by the Forum, influence decisions of plenary and Heads of State when making decisions on various issues.

Recommendations

- a. The conclusions and deliberations that the CSO Forum makes must influence the resolutions of the various committees of the PAP, the Plenary and decisions made by Heads of State.
- b. CSO Forum must be able to support the individual capacities and engagement efforts of civil organizations working on different schematic areas.
- c. CSO Forum should be able to have access to the different committees of the PAP.
- d. CSO Forum should strive to engage the necessary resources to ensure that that engagement takes place.