

# THE CASE FOR SAFE AND DIGNIFIED MIGRATION IN AFRICA

JUSTICE IMPERATIVES FOR  
PEOPLE ON THE MOVE

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## INTRODUCTION

In 2016, the African Union (AU) took a significant step toward realising its vision of continental unity<sup>1</sup> by adopting the Protocol on the Free Movement of Persons, Right of Residence and Right of Establishment.<sup>2</sup> This Protocol embodies a fundamental Pan-African aspiration to empower Africans to move, work and reside freely across the continent, while promoting regional integration, economic growth and social cohesion.

While several factors shaped the AU's renewed commitment to mobility, the 2015 European migrant crisis, during which more than 2 000 Africans drowned while crossing the Mediterranean from North Africa,<sup>3</sup> stressed the urgency of developing continental solutions for safe and dignified movement. Equally, the 2017 revelations of slave markets in Libya increased the urgency for Africa to safeguard the dignity and rights of its people within the continent rather than through perilous external routes.

Nearly a decade later, free movement remains uneven and fragmented. The persistence of irregular migration, displacement crises and migrant rights violations reveals that Africa's challenge lies not in the absence of migration and protection policies, but in their multiplicity, inconsistency and limited implementation across AU institutions, Member States and Regional Economic Communities.

For policymakers, this fragmentation presents a serious governance dilemma. Despite progressive frameworks like the Free Movement Protocol (FMP), the Migration Policy Framework for Africa (MPFA)<sup>4</sup> and the African Union Transitional Justice Policy (AUTJP),<sup>5</sup> migration governance and justice mechanisms operate in silos. This disconnect weakens continental efforts to ensure safe and dignified mobility, excludes people on the move from justice avenues, and undermines Africa's own vision of a prosperous and integrated continent.<sup>6</sup>

This policy paper argues that bridging migration governance and transitional justice frameworks can strengthen accountability, enhance protection for people on the move, and advance the AU's goal for a borderless and inclusive continent.

## MIGRATION: CRISIS OR OPPORTUNITY?

Migration and displacement greatly shape Africa's social, political and economic landscape. Beyond displacement caused by crises such as armed conflict, inequality, governance failures and environmental shocks, Africans move for a myriad of reasons, including education, employment, trade and commerce, skills exchange, access to resources, marriage, family reunification, and, increasingly, for e-commerce and digital nomadism. Moreover,

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1 *Treaty Establishing the African Economic Community (Abuja Treaty)*, adopted 3 June 1991, entered into force 12 May 1994, <https://au.int/en/treaties/treaty-establishing-african-economic-community> (accessed 5 October 2025).

2 *Protocol to the Treaty Establishing the African Economic Community Relating to the Free Movement of Persons, Right of Residence and Right of Establishment*, adopted 29 January 2018, Addis Ababa, Ethiopia, <https://au.int/en/treaties/protocol-treaty-establishing-african-economic-community-relating-free-movement-persons> (accessed 5 October 2025).

3 William Spindler, "2015: The Year of Europe's Refugee Crisis," *UNHCR*, December 8, 2015, <https://www.unhcr.org/news/stories/2015-year-europes-refugee-crisis> (accessed 16 October 2025).

4 African Union Commission, "Migration Policy Framework for Africa and Plan of Action (2018–2030)," May 2018, [https://au.int/sites/default/files/documents/35956-doc-2018\\_mpf\\_a\\_english\\_version.pdf](https://au.int/sites/default/files/documents/35956-doc-2018_mpf_a_english_version.pdf) (accessed 5 October 2025).

5 African Union, *Transitional Justice Policy* (Addis Ababa: African Union, 2019), <https://au.int/en/documents/20190425/transitional-justice-policy> (accessed 5 October 2025).

6 African Union, *Agenda 2063: The Africa We Want* (Addis Ababa: African Union Commission, 2015), <https://au.int/en/agenda2063> (accessed 28 October 2025).

displacement mechanisms are increasingly influenced by refugee return policies<sup>7</sup> and the externalisation of asylum procedures,<sup>8</sup> as seen in recent US and UK strategies. These diverse movements, whether voluntary or forced, tell a broader story of resilience, adaptation and the quest for better futures, while revealing systemic failures in governance, justice and protection.

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**Voluntary and irregular migrants on the continent, particularly those without economic means, often face harsh conditions and are frequently denied basic human rights and dignity**

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Despite this complexity, some studies continue to frame human mobility through humanitarian emergencies or border-management control.<sup>9</sup> This reductive lens obscures important policy considerations for Africans on the move. The biggest challenges with human movement in Africa are not that Africans are moving, but rather a lack of adequate protection and justice mechanisms for those who do move.<sup>10</sup> Many African countries continue to enforce encampment policies for refugees and resist integrating them into sustainable, long-term solutions, resulting in generations of displacement and, in some cases, statelessness.<sup>11</sup>

Voluntary and irregular migrants on the continent, particularly those without economic means, often face harsh conditions and are frequently denied basic human rights and dignity. A 2023 study by the African Commission on Human and Peoples' Rights (ACHPR) highlighted several challenges faced by migrants, including murder, arbitrary detention, enforced disappearances, torture, enslavement, sexual violence, rape, collective expulsion, forced return or repatriation to unsafe situations (refoulement), statelessness, denial of the right to participation, lack of consular assistance, lack of access to justice, food insecurity, cross-border criminality and violence targeting them, and other inhumane acts.<sup>12</sup>

Women on the move are also disproportionately exposed to violence, especially sexual violence and harassment.<sup>13</sup> Their vulnerability is compounded by the sectors they work in, including the entertainment,

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7 International Refugee Rights Initiative, *Returning to Stability? Refugee Returns in the Great Lakes Region* (Kampala: International Refugee Rights Initiative, 14 November 2019), [https://kpsrl.org/sites/kpsrl/files/2019-11/Returning\\_to\\_Stability\\_2019-10-15.pdf](https://kpsrl.org/sites/kpsrl/files/2019-11/Returning_to_Stability_2019-10-15.pdf) (accessed 28 October 2025).

8 Madeline Garlick, "Externalisation of International Protection: UNHCR's Perspective," *Forced Migration Review*, no. 68 (November 2021), <https://www.fmreview.org/externalisation/garlick-2/> (accessed 16 October 2025).

9 Ruvimbo Hazel Shayamunda, "Of Borders and a Borderless Africa: Deconstructing the Interplay of Migration, Securitization, and State Dynamics in Africa," *AfSOL Journal* 1, no. 3 (March 2025), <https://ipss-addis.org/download/of-borders-and-a-borderless-africa-deconstructing-the-interplay-of-migration-securitization-and-state-dynamics-in-africa/> (accessed 5 October 2025); see also Yolanda Weima and Jennifer Hyndman, *Managing Displacement: Negotiating Transnationalism, Encampment, and Return* (London: Adonis & Abbey Publishers, 2019), <https://doi.org/10.4337/9781786436030.00009> (accessed 5 October 2025).

10 Centre for Citizens Participation in the African Union (CCPAU), "Continental Report: Freedom of Movement of People Study," August 16, 2013.

11 P. Sebola Mokoko, "Refugees and Immigrants in Africa: Where is an African Ubuntu?" *Africa's Public Service Delivery & Performance Review* 7, no. 1 (2019): 1–7, <https://doi.org/10.4102/apsdpr.v7i1.285> (accessed 17 October 2025).

12 African Commission on Human and Peoples' Rights, *Study on African Responses to Migration and the Protection of Migrant Rights (2023)*, <https://achpr.au.int/en/soft-law/study-african-responses-migration-and-protection-migrant-rights> (accessed 5 October 2025).

13 Scalabrini Institute for Human Mobility in Africa, "The Exclusion of Migrant Women in Africa: Access to Safety and Security," August 10, 2021, <https://sihma.org.za/Blog-on-the-move/the-exclusion-of-migrant-women-in-africa-access-to-safety-and-security> (accessed 16 October 2025).

domestic and caregiving industries, which lack meaningful legal protections. The absence of guaranteed access to sexual and reproductive healthcare further increases their risk of maternal morbidity and other health consequences.

Yet human mobility across the continent is the linchpin for Africa's largest economic project, dubbed the African Continental Free Trade Area (AfCFTA),<sup>14</sup> which is set to boost trade among Africa's 55 countries, spanning 1.3 billion people and a combined GDP of US\$3.4 trillion. Mobility is therefore not only a social and political issue but a core driver of Africa's economic future.

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**Understanding migration intentions across Africa is crucial  
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discussed in this paper**

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### **The scale of migration intentions: What do Africans think about migration?**

Understanding migration intentions across Africa is crucial for situating the justice and governance challenges discussed in this paper. The 2024 Afrobarometer survey, covering 24 African countries, reports that 47% of respondents considered emigrating, a sharp increase from 2016–2018. In several countries, the majority express a wish to leave, with Liberia (78%), The Gambia (68%), Cabo Verde (64%), Ghana (61%) and Nigeria (53%) leading the list.<sup>15</sup>

While intentions do not always translate into actual migration, the sheer scale of these sentiments signals a profound disconnect between citizens' expectations and their lived realities. Large segments of the population actively question whether their futures can be secured at home, highlighting structural challenges such as governance deficits, political repression, economic fragility and social exclusion as barriers to their security.

For policymakers, these findings represent both a challenge and an opportunity. The challenge lies in addressing widespread dissatisfaction and the risk of hazardous, irregular or forced migration. The opportunity is to design policies that transform potential 'brain drain' into safe, structured and rights-respecting mobility, which some scholars refer to as 'brain circulation', benefiting both migrants and their home and host countries.

### **Why are people actually moving? Structural drivers of migration**

Beyond the search for better lives and livelihoods, migration is driven by intersecting structural pressures, including education, marriage, family reunification, trade, governance deficits, inequality, and access to resources. Emerging factors such as changing work conditions and the rise of digital nomadism also play a growing role.

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14 *Agreement Establishing the African Continental Free Trade Area (AfCFTA)*, adopted 21 March 2018, Kigali, Rwanda, entered into force 30 May 2019, <https://au.int/en/treaties/agreement-establishing-african-continental-free-trade-area> (accessed 28 October 2025).

15 Afrobarometer, "International Migrants Day: Almost Half of Africans Have Considered Emigrating, Afrobarometer Survey Shows," 17 December 2024, [https://www.afrobarometer.org/wp-content/uploads/2024/12/News-release\\_Almost-half-of-Africans-have-considered-emigrating-Afrobarometer-17dec24-.pdf](https://www.afrobarometer.org/wp-content/uploads/2024/12/News-release_Almost-half-of-Africans-have-considered-emigrating-Afrobarometer-17dec24-.pdf) (accessed 5 October 2025).

Afrobarometer 2024<sup>16</sup> data shows that while better job opportunities (49%) and escaping poverty (29%) top the list, deeper systemic issues compound these motives. These include:

- **Governance and political repression:** Where political freedoms are curtailed, elections are disputed and corruption is systemic, migration becomes a pursuit of dignity and security.
- **Youth unemployment:** Africa's population is projected to double by 2050, but the economic systems remain unable to generate sufficient decent jobs.
- **Climate stress:** Droughts, floods and crop failures are no longer occasional disruptions; instead, they are recurring threats that undermine livelihoods, particularly in agriculture-dependent communities.
- **Social inequality and exclusion:** Structural discrimination and marginalisation based on ethnicity, region or social status contribute to a sense of exclusion that fuels migration.

These drivers rarely operate in isolation. In practice, they intersect and reinforce each other, creating compound pressures that leave individuals with limited options. The data provides empirical evidence that African migration is not merely a demographic or economic phenomenon, but a pressing issue of governance and justice.

## COUNTRY SPOTLIGHTS: LOCALISED DRIVERS AND IMPACTS

**Sudan:** The 2023 conflict, layered onto decades of instability, displaced over 2.5 million people internally and forced more than 400 000 to cross borders into South Sudan, Chad and Ethiopia.<sup>17</sup> State collapse and protracted conflict compel people to flee violence, destroyed homes and the breakdown of essential services, illustrating how governance failure produces mass displacement.

**Mozambique:** Insurgent violence in Cabo Delgado displaced nearly 850 000 people internally, with tens of thousands seeking refuge in Tanzania and Malawi.<sup>18</sup> Attacks on villages, disrupted livelihoods, and insecurity along transport and trade routes compel both internal and cross-border migration.

**Zimbabwe:** Economic instability, hyperinflation and political uncertainty have driven hundreds of thousands of youth and skilled professionals to emigrate, with South Africa hosting over 1.2 million Zimbabwean migrants.<sup>19</sup> Limited employment, eroded savings and declining confidence in the future push citizens to seek opportunities elsewhere.

These examples emphasise that while migration drivers are diverse, the underlying commonality is the interplay between political instability, economic fragility and human insecurity. These findings underscore the need for policies that extend beyond securitisation to ensure safe, dignified and rights-based mobility.

Transitional justice processes that ignore these structural dimensions risk treating only the symptoms while leaving the root causes intact. Policymakers must integrate these insights into transitional justice and migration frameworks to help address both the structural drivers of migration and the protection gaps that leave people on the move vulnerable.

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16 Ibid.

17 International Crisis Group, "Sudan: A Year of War," April 11, 2024, <https://www.crisisgroup.org/africa/horn-africa/sudan/sudan-year-war> (accessed 12 August 2025).

18 Vishal Mishra, "Violence in Northern Mozambique Forces Thousands to Flee, Straining Aid Efforts," August 8, 2025, <https://news.un.org/en/story/2025/08/1165560#:~:text=Recent%20attacks%20by%20armed%20groups%20in%20northern%20Mozambique,in%20Cabo%20Delgado%20and%20straining%20limited%20aid%20supplies> (accessed 12 August 2025).

19 David Mhlanga and Emmanuel Ndhlovu, "Socio-Economic and Political Challenges in Zimbabwe and the Development Implications for Southern Africa," *Journal of African Foreign Affairs* 8, no. 2 (2021): 75–98.

## WHY NARRATIVES MATTER

Dominant narratives about African migration often misrepresent the reality. Media portrayal typically centres on Africans seeking to reach Europe or North America. According to the 2024 Afrobarometer data report, 22% of prospective migrants prefer to relocate within Africa,<sup>20</sup> and most African migrants cross land borders rather than oceans. Africa accounts for just 14% of the global migrant population, compared to 41% from Asia and 24% from Europe.<sup>21</sup> Yet, the face of the 2015 European migrant crisis was of young Africans drowning while crossing the Mediterranean on rickety boats.

Such narratives are important because they influence migration governance and the implementation of migration policies across the continent. In response to what was called a ‘migration crisis’, the European Union (EU) established the Emergency Trust Fund (EUTF) for Africa to address the “root causes of instability, forced displacement and irregular migration and to contribute to better migration management” in the Sahel and Lake Chad, the Horn of Africa and North Africa.<sup>22</sup> In practice, the fund primarily targets countries along migratory routes to Europe. Critics have condemned these and similar arrangements for externalising EU borders and prioritising EU interests over those of African countries.<sup>23</sup> In particular, these arrangements have allegedly disrupted traditional migratory routes and continental and regional migration and free movement arrangements, and facilitated the promulgation of repressive laws, policies and practices that have led to human rights violations.

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For example, Niger’s 2015 Law on the Illegal Smuggling of Migrants, funded through EUTF with over €1 billion allocated to Niger between 2014 and 2020, caused inconsistencies in the system for granting asylum and protecting refugees and migrants. Following Niger’s 2023 coup, the transitional government repealed the law and overturned related convictions,<sup>24</sup> underscoring the conflict between European-driven policy agendas and African priorities. The lack of implementation of Africa’s own guidelines and norms on migration has, in part, been attributed to the bilateral migration agreements in place between Europe and African countries.

Migration has had a significant cultural, social and economic impact on Africa’s political economy since pre-colonial times, as relayed in the oral and written histories of the continent’s peoples. The 2020 Africa Migration Report asserts that “migration is woven into the DNA of African communities, economies, and societies”.<sup>25</sup>

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20 Ibid.

21 International Organization for Migration (IOM) and African Union Commission (AUC), *Africa Migration Report: Challenging the Narrative* (Addis Ababa: IOM, October 2020), <https://publications.iom.int/system/files/pdf/africa-migration-report.pdf> (accessed 5 October 2025).

22 European Union, *Emergency Trust Fund (EUTF) for Africa* homepage, n.d., [https://trust-fund-for-africa.europa.eu/homepage\\_en](https://trust-fund-for-africa.europa.eu/homepage_en) (accessed 5 October 2025).

23 Clare Castillejo, “The European Union Trust Fund for Africa: What Implications for Future EU Development Policy?” *Briefing Paper* No. 5/2017, <https://www.econstor.eu/bitstream/10419/199793/1/die-bp-2017-05.pdf> (accessed 17 October 2025).

24 “Niger Junta Revokes Law Aimed at Curbing Migration to Europe,” *InfoMigrants*, November 28, 2023, <https://www.infomigrants.net/fr/post/53518/niger-junta-revokes-law-aimed-at-curbing-migration-to-europe#:~:text=Law%20aimed%20to%20curb%20illegal,is%20causing%20concern%20among%20experts> (accessed 5 October 2025).

25 IOM and AUC, *supra* note 18, no. 1.

However, African migration is often perceived through the lens of displacement, criminality and competition for resources. This framing leads to greater security-focused initiatives that control and prevent the economic and social benefits of migration.

Securitising human movement diminishes the proven value of cross-border trade and regional integration. Human mobility across the continent is primarily directed by historical patterns and local and regional imperatives, rather than colonially imposed borders. For example, pastoral and nomadic communities, such as the Maasai in East Africa, continue to migrate across countries in response to weather and natural patterns, rather than adhering to drawn border lines.

Terminology also reinforces harmful hierarchies. There is a false dichotomy between forced and irregular migration. Since the 1950s, the global refugee regime has set out a checklist of criteria to define who is a refugee or forced migrant and who deserves protection and a response. However, the situation of forced displacement in Africa has shifted markedly in recent years, and the rise of complex factors such as climate disasters, pandemics, violent extremism and repeated displacement has blurred the boundaries between the causes and effects of forced and irregular migration.

Economic inequality further influences migrants' options, routes and outcomes. Whether one is perceived as an expatriate, investor or illegal migrant determines access and treatment. Privileged migrants have access to different regional and international avenues to wealth, social mobility, basic services and documentation. In contrast, poor migrants, including forced migrants and refugees, often endure low-wage, precarious work and their integration into destination countries is often marked by intense social segmentation and exclusion.

## A CASE FOR JUSTICE IN AFRICAN MIGRATION

Migrants across Africa face persistent barriers to justice. Current responses in migration governance are typically framed within humanitarian and security frameworks, prioritising short-term relief and border control over long-term sustainable systemic reforms.

Regional and global displacement laws, many dating back 50 to 60 years, are increasingly outdated and fail to adequately reflect contemporary realities.<sup>26</sup> Refugees and asylum seekers encounter restrictive legal interpretations that limit access to regional citizenship rights. A notable example is the narrow reading of 'subversion'<sup>27</sup> under the African Refugee Convention,<sup>28</sup> which undermines broader protections.

Recognising these gaps, the ACHPR issued guidelines to affirm and operationalise migrant rights. The Commission emphasised that "human rights must be at the centre of State responses to human mobility" and that it is "the duty of States to affirmatively guarantee migrants' rights by taking action to ensure their protection,

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26 Nicholas Maple, Kudakwashe Vanyoro, E. Tendayi Achiume, Jo Vearey and Achieng Akena, "The Influence of the Global Refugee Regime in Africa: Still 'Akin to a Distant Weather Pattern'?" *Refugee Survey Quarterly* 42, no. 3 (September 2023): 247–258, <https://doi.org/10.1093/rsq/hdad010> (accessed 28 October 2025).

27 Chidi Anselm Odinkalu, "Article III of the OAU Refugee Convention in Context: The Emergence of Subversion in the African Inter-State System," *Refugee Survey Quarterly* 42, no. 3 (September 2023): 313–336, <https://doi.org/10.1093/rsq/hdad007> (accessed 28 October 2025).

28 Organization of African Unity (OAU) Convention Governing the Specific Aspects of Refugee Problems in Africa, adopted 10 September 1969, entered into force 20 June 1974, Addis Ababa, Ethiopia, <https://au.int/en/treaties/oau-convention-governing-specific-aspects-refugee-problems-africa> (accessed 5 October 2025).

assistance, access to justice, and human rights...[in]...all stages of the migration process”.<sup>29</sup> It also highlighted persistent barriers, including the lack of appropriate legal and structural frameworks, unreliable data, and unclear information on migration statuses that obstruct justice for migrants.

Migrant justice needs are complex and layered. At the **individual level**, many lack access to legal mechanisms, such as police, courts or legal aid, due to a lack of financial resources, geographic isolation, limited legal literacy or inadequate documentation. For example, a returnee seeking property restitution or a migrant in conflict with the law may have no viable pathway to resolve their legal matters. At the **collective or community level**, groups of migrants are subjected to mass abuses such as slavery, trafficking or mass expulsions, and often lack mechanisms to seek redress. Finally, at the **structural or systemic level**, outdated legal frameworks, weak asylum and protection systems, and external pressures such as bilateral asylum agreements hinder access to justice, while structural inequalities related to gender, economic status or ethnicity further shape migrants’ inability to access or claim their rights.

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Transitional justice processes in post-conflict African countries frequently exclude migrant populations, including refugees and returnees, primarily due to the lack of structures, mechanisms and resources for inclusion

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A more recent complication is the externalisation of asylum processes by countries like the United Kingdom, the United States and Israel. These states have transferred asylum seekers and returnees to African countries such as Uganda and Rwanda through confidential bilateral agreements.<sup>30</sup> These arrangements lack transparency and it remains unclear whether and how transferred individuals have access to meaningful legal recourse, particularly regarding their asylum claims.

Transitional justice processes in post-conflict African countries frequently exclude migrant populations, including refugees and returnees, primarily due to the lack of structures, mechanisms and resources for inclusion. In some instances, conflict arises between those who left and those who stayed, as well as perceptions of a lack of patriotism or opposition to the government on the part of those who left, which creates and fuels resistance to such inclusion. For returnees, especially, their justice needs may conflict with broader development agendas, leaving reintegration low on the political agenda.

South Sudan illustrates this tension. Despite several pronouncements indicating intentionality to engage South Sudanese migrants in the country’s ongoing transitional justice processes, this has still not been achieved in practice.<sup>31</sup> Yet many South Sudanese who fled the country during the prolonged conflict, whether as refugees, asylum seekers or members of the diaspora, remain deeply connected to their homeland and possess valuable

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29 African Commission on Human and Peoples’ Rights, African Guiding Principles on the Human Rights of All Migrants, Refugees and Asylum Seekers, adopted October 20, 2023, <https://www.refworld.org/legal/legalguidance/achpr/2023/en/149620> (accessed 5 October 2025).

30 Michael O’Flaherty, “Externalised Asylum and Migration Policies and Human Rights Law,” *Council of Europe: Commissioner for Human Rights*, September 4, 2025, <https://www.refworld.org/reference/themreport/coecht/2025/en/150431>.

31 “Statement to the UN General Assembly Third Committee – Delivered by Mr Barney Afako, 29 October 2025,” *ReliefWeb*, <https://reliefweb.int/report/sudan/statement-un-general-assembly-third-committee-delivered-mr-barney-afako-29-october-2025> (accessed 29 October 2025).

testimonies, perspectives and resources for reconciliation. Their engagement in transitional justice processes is essential to ensure sustainable peace, institutional reform, national healing and accountability.<sup>32</sup>

### **Bridging transitional justice and migration governance**

The AUTJP<sup>33</sup> offers a valuable framework for addressing the root causes of displacement, including marginalisation, historical injustices and systemic exclusion. Importantly, it emphasises the rights and unique needs of internally displaced persons, refugees and stateless persons, calling for their protection, meaningful participation in transitional justice processes, and access to durable solutions such as repatriation, reintegration and reparations.

The AUTJP urges states to actively remove legal, administrative and social barriers to justice to ensure that their voices inform policy and programme design. By foregrounding the rights and agency of migrants and displaced populations, these provisions reinforce this paper's argument that transitional justice must integrate migration realities if it is to address both structural drivers and protection gaps.

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### **Integrating transitional justice and migration governance is both necessary and strategic**

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However, in practice, transitional justice mechanisms, including truth commissions, reparations programmes and institutional reforms, often fail to operationalise these provisions fully. Migrants and refugees remain excluded from consultation, redress and decision-making. This persistent gap underscores the urgent need to explicitly integrate migration governance and justice frameworks, ensuring that the AUTJP's principles translate into tangible protections for people on the move.

Likewise, the MPFA<sup>34</sup> stresses durable solutions, integration and rights-based mobility governance. However, without substantial alignment with justice-oriented frameworks like the AUTJP, migration policies risk treating movement as a technical or security challenge, rather than a symptom of deeper governance failures and development deficits.

Integrating transitional justice and migration governance is both necessary and strategic. Bridging these frameworks will help African states to address the root causes of forced displacement and meet the justice needs of affected populations. This alignment would strengthen efforts to develop inclusive, accountable institutions capable of supporting sustainable peace, mobility and reintegration across the continent.

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32 Office of the High Commissioner for Human Rights (OHCHR), "South Sudan: Support for Transitional Justice Processes Critical to Building..." November 25, 2024, <https://www.ohchr.org/en/press-releases/2024/11/south-sudan-support-transitional-justice-processes-critical-building> (accessed 29 October 2025).

33 African Union, *supra* note 5.

34 African Union Commission, *supra* note 4.

## CONCLUSION: WHAT NEEDS TO BE DONE?

As the AUTJP emphasises, transitional justice processes cannot succeed without addressing the justice needs of migrants. To strengthen justice, mobility and governance outcomes, policymakers should prioritise the following actions:

- **Fully include migrants in transitional justice arrangements:** Explicitly recognise the agency of internally displaced persons, refugees and migrants as rights-holders and active participants, rather than passive recipients of assistance. Engage them directly in truth-telling, reparations, institutional reform and reconciliation efforts, consistent with the AUTJP's emphasis on consultation and participation.
- **Address root causes of displacement:** Transitional justice and migration governance must jointly tackle structural and historical injustices, including land dispossession, political exclusion, economic marginalisation and social inequalities that drive migration. This approach ensures responses address both symptoms and root causes.
- **Foster cross-AU collaboration and policy alignment:**
  - AU departments, particularly Political Affairs, Peace and Security (PAPS) and Social Development, and Labour and Employment (SDLE), should coordinate policies and implementation strategies to harmonise migration and transitional justice priorities.
- **Cross-reference AU instruments:**
  - Ensure coherence among the MPFA, AUTJP and the Free Movement Protocol to ensure alignment and complementarity, and jointly monitor outcomes to reduce fragmentation and enhance impact.
  - **Integrate migration data into justice mechanisms:** Truth-seeking, reparations programmes and policy planning must explicitly include migration and displacement data. Migrant voices and experiences must inform reform processes to strengthen accountability and long-term inclusion.
  - **Challenge dominant migration narratives and decolonise research:** Promote evidence-based narratives that highlight migration's economic, social and cultural benefits, rather than solely security threats. This reframing can reduce stigmatisation, improve migrant protection and support rights-based mobility.
  - **Strengthen implementation and domestication of AU norms:** Member states must operationalise and domesticate AU migration and justice frameworks at national and regional levels. Peer-review mechanisms, monitoring, and capacity-building initiatives can support the translation of policy into meaningful protections.

Achieving Africa's Agenda 2063 vision of an integrated, prosperous and peaceful continent requires confronting governance failures, insecurity and limited opportunities that drive displacement. When managed through coordinated, justice-informed and rights-based policies, migration becomes a catalyst for social renewal, economic growth and regional integration, rather than a crisis to be contained.

## **AUTHOR BIOGRAPHIES**

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### **About CSVR**

The Centre for the Study of Violence and Reconciliation is an independent non-governmental organisation established in South Africa in 1989. We are a multidisciplinary institute that seeks to understand and prevent violence, heal its effects, and build sustainable peace at the community, national, and regional levels. Through our research, advocacy and psychosocial support work, and in collaboration with communities affected by violence, we seek to enhance state accountability, promote gender equality and build social cohesion, integration and active citizenship.

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