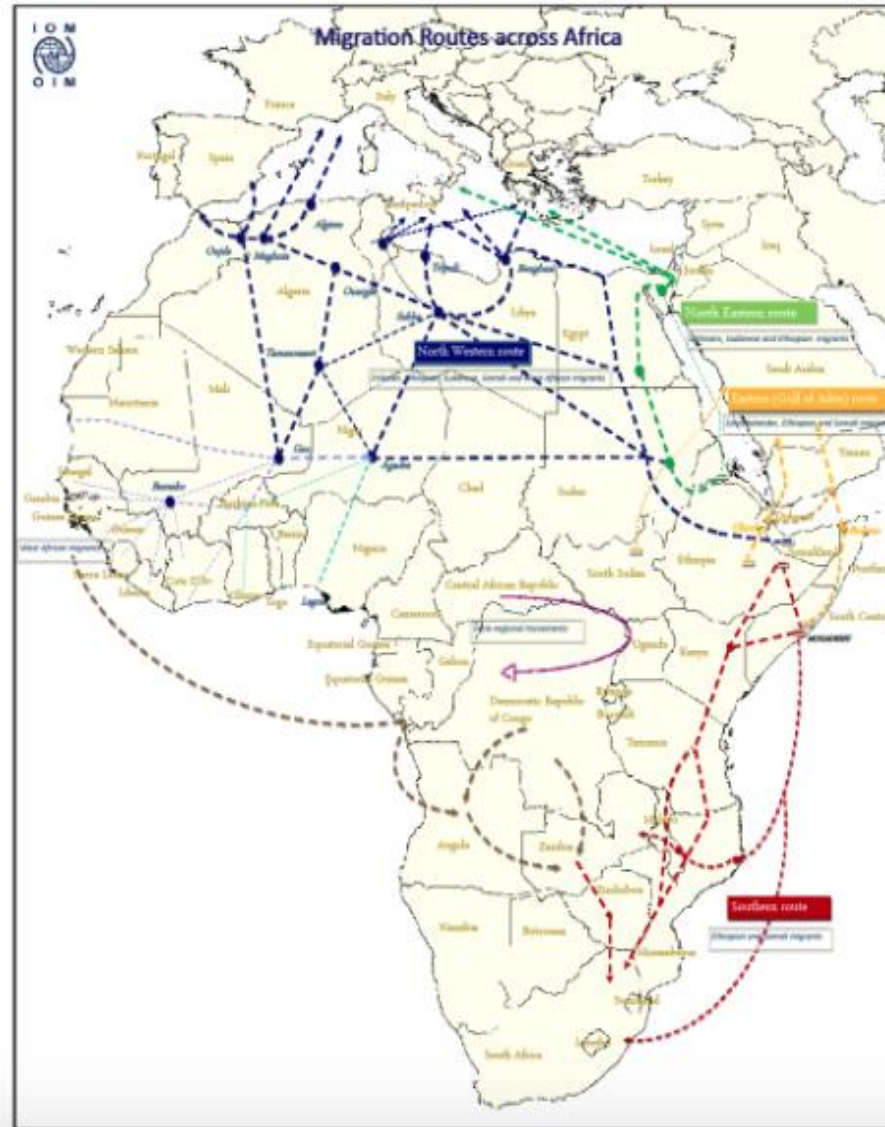# African Labour Migration: Setting the Scene

42nd ANNUAL CONFERENCE OF EMPLOYERS' ORGANISATIONS FROM EAST, CENTRAL & SOUTHERN AFRICA

Jason Theede, IOM

Senior Labour Mobility and Human Development Specialist

Kampala, 26 April 2018
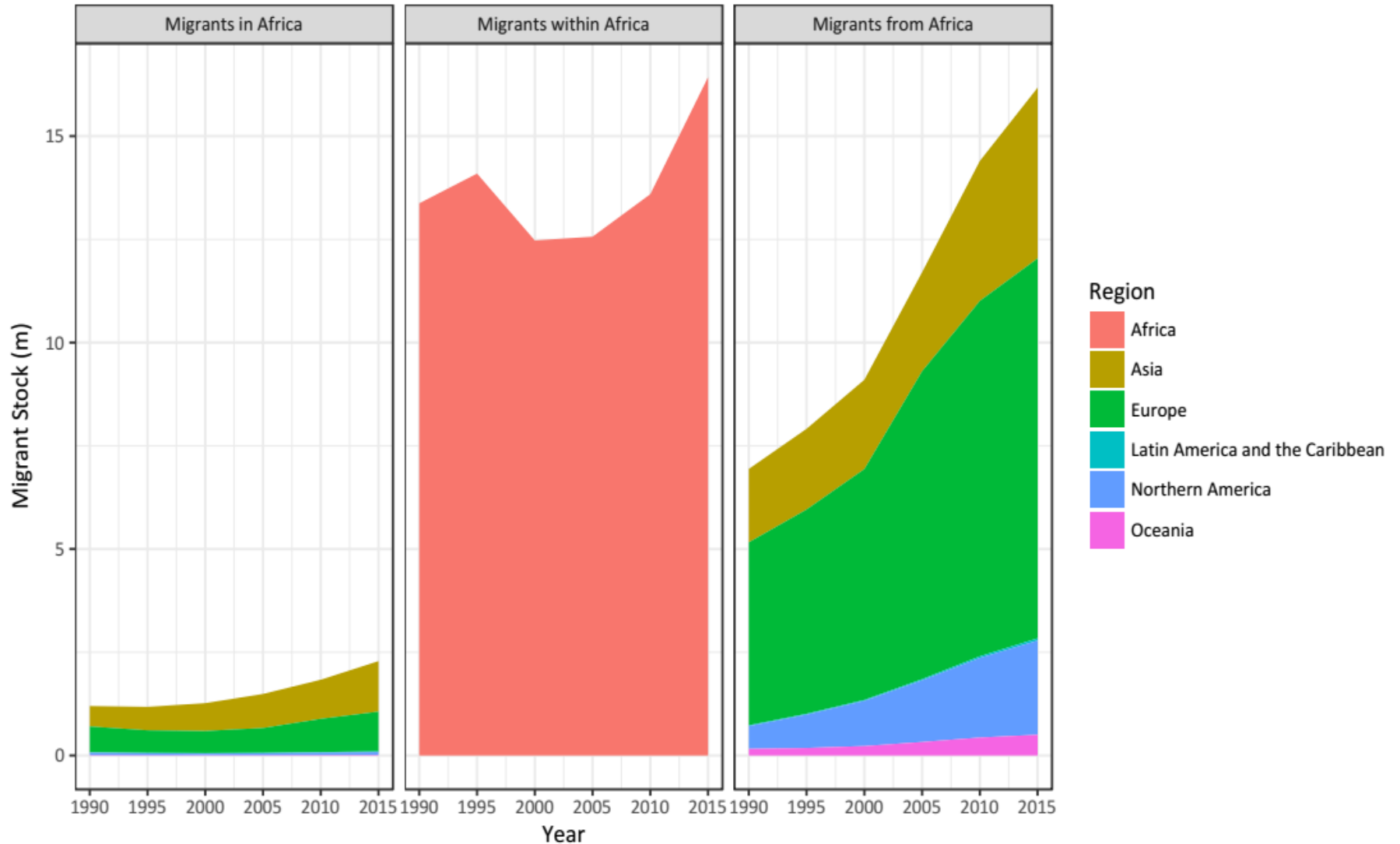
Migration Routes across Africa

MIGRATION – A MAJOR GLOBAL ISSUE

- 245 million international migrants, but just 3.3% of world population

- 150 million migrant workers

- Most migrants worldwide are of working age. In 2015, 72 % of all international migrants were aged 20 to 64 years.

- Predominant push/pull for migration is for economic reasons

- Growing xenophobia & discrimination

- In 2015 over 16 million Africans were living in another African country, and another 16 million living in a different continent;

- African migrants residing within the region has grown from 2000 onwards, especially during the last five-year period;

- Majority of international migrants in Africa migrated within their region - 80% of which occurred between countries with a common border.

Migrants in Africa, within Africa and from Africa between 1990 and 2015

Top 20 African migrant countries in 2015

Source: UNDESA Global Migration Database, 2015

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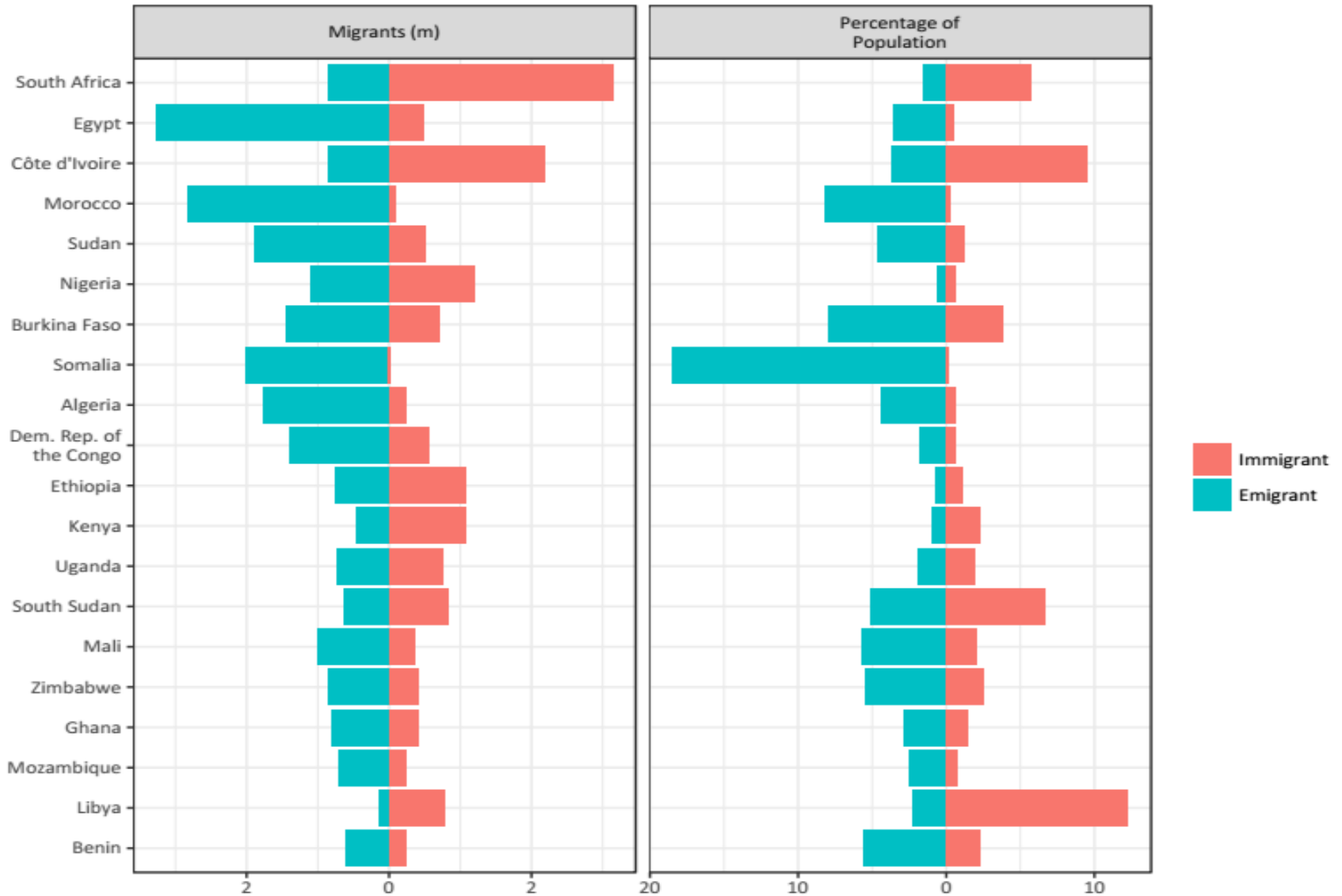
- Agenda 2063, with continental and regional integration a overarching agenda, states that the eradication of poverty will be achieved, inter alia, through investing in the productive capacities (skills and assets) of our people;

- Calls for strengthening technical and vocational education and training through scaled up investments, establishment of a pool of high-quality TVET centres across Africa, foster(ing) greater links with industry and alignment to labour markets, with a view to improve the skills profile, employability and entrepreneurship of especially youth and women, and closing the skills gap across the continent;

- Building and expanding an African knowledge society through transformation and investments in universities, science, technology, research and innovation; and through the harmonization of education standards and mutual recognition of academic and professional qualifications.

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AU protocol on free movement of persons, right
of residence and right of establishment

Primary elements related to labour mobility

- Right of Entry – Visa on Arrival (Visa Free Entry for 90 days max by 2023)

- Right of Residence

- Free Movement of Workers

- Harmonisation of Labour Laws and Procedures

- Movement of Students and Researchers

- Mutual recognition of qualifications

- Portability of Social Security Benefits

- Remittances

- Right of Establishment

Policy guidelines for AU Member States (MS) & RECs to promote migration & development, address migration challenges, and basis for migration policy development.

I. **MIGRATION GOVERNANCE**

II. **LABOUR MIGRATION AND EDUCATION**
– National Labour Migration Policies, Structures and Legislation
  • Domesticate ILO Conventions and Harmonization of laws and regulations with international standards
  • Transparent (open) and accountable labour <u>recruitment and admission systems,</u>
  • Accurate <u>information </u>on labour migration at <u>pre-departure and post-arrival </u>stages,
  • Monitor and <u>enforce compliance </u>with <u>recruitment regulations- </u>contracts

– Regional Cooperation and Harmonisation of Labour Migration Policies
  • Undertake research which highlights the economic gains increased mobility to promote the implementation of free movement regimes.
  • Undertake skills forecasting to determine the skills that will be necessary in the short, medium and long term

– Brain Drain
  • Establish policies for the replacement of qualified persons who have left the State of origin and implement retention policies and related strategies.
  • Facilitating regional and continental mobility of skills and labour

— Remittances

- Quality of data reporting on remittance and migration statistics
- Promote the effective mobilization and utilization of the Diaspora funds for investment and development of the public and private sector
- Access to financial services, including by extending financial literacy training to remittance senders and receivers
- Boost the use of technology, such as mobile money, for cross-border remittances.

III. DIASPORA ENGAGEMENT

— Diaspora focal points or agencies to manage Diaspora affairs

- Encourage entities such as the European Union (EU) /European Commission (EC), AU, ILO and IOM, to assist in development of effective Diaspora engagement policies and actions.
- Implement training on whole of government approach to engaging the Diaspora
- Undertake research on second and later-generation migrants
- Encourage on dual citizenship for the Diaspora.
- Enabling policy environment to attract Diaspora
- Boost financial investment through better investment protection, including insurance
- Database on the Diaspora
- Facilitate the return of qualified nationals resident
- Expand South-South and North-South dialogue and partnerships

LABOUR MIGRATION AND MIGRANT WORKERS

In accordance with African Union and ILO instruments on migration, State Parties shall endeavour to:

- Improve migration management and control, and strengthen mechanisms to combat smuggling and human trafficking;

- Create a favourable climate to facilitate and encourage the return to and/or participation of emigrants in the development of the country of origin;

- Ensure that fundamental rights are accorded to non-citizens, in particular labour/employment and social protection rights;

- Adopt measures to provide for the special needs of migrant women, children and youth;

- Harmonise national migration legislation and policies; and adopt a regional migration policy in accordance with international conventions to ensure the protection of the rights of migrants;

- Adopt measures to facilitate the coordination and portability of social security benefits, especially through the adoption of appropriate bilateral and multilateral agreements;

- Develop mechanisms, services and effective financial products to facilitate the transfer of remittances by migrants;

- Ensure coherence between labour migration, employment policies and other development strategies;

- Reach an agreement on a common approach towards immigration within the Region;

- Promote labour migration data collection, analysis and exchange at regional and national levels.

Development Objective

The policy framework seeks to promote sound management of intra regional labour migration for the benefit of both the sending and receiving countries as well as the migrant workers.

Specific Objectives

The regional labour migration policy framework seeks to promote:

- Regular migration in the region;
- Development and implementation of national labour migration policies;
- Development and conclusion of multilateral and bilateral labour agreements;
- Protection of migrant workers rights at the workplaces and in the communities;
- Harmonisation and standardisation of national labour migration policies;
- Integration of the intra –regional labour migration data into the SADC LMIS.

Expected Outcomes

Pursuant to this framework and through the development and implementation of national labour migration policies (2019), multilateral/bilateral labour agreements and MoUs:

- Governance of intra –regional labour migration is enhanced;
- Protection of the rights of Migrant workers is strengthened ;
- Intra regional Labour Migration is mainstreamed into the national development plans and the Region's development strategic agenda;
- Intra regional labour migration data collected, analysed and used in the planning processes.

SADC LABOUR MIGRATION ACTION PLAN (2016-19)

- – Outcome 1: Governance of SADC Labour Migration Activities
- – <mark>Outcome 2: Harmonised labour migration policies and legal frameworks in SADC</mark>
- – Outcome 3: Availability of Data and Statistics on Migration among Member States
- – Outcome 4: Migrant workers to have access to health care across borders and at workplace
- – Outcome 5: Improved mechanism for remittance transfers across SADC Region
- – Outcome 6: Strengthening of migrant workers' access to pension and social protection across SADC

Outcome 2: Harmonised labour migration policies and legal frameworks in SADC

Output 2.1. SADC labour migration policy framework developed

2.1.a Hold regional stakeholder consultation meetings	COMPLETED: August 2013
2.1.b Establish a task team to draft a regional migration policy (use existing technical working group)	COMPLETED: SADC Labour Migration Policy Framework adopted by ELS Ministers at Victoria Falls, July 2014.

Output 2.2 Policies and legislations in Member States reviewed and formulated in conformity with International Labour Standards, African Union Migration Policy Framework for Africa and Joint Labour Migration Programme, and SADC Labour Migration Policy Framework

2.2.a Produce Progress reports on ratification of International Instruments on Labour Migration among SADC Member States	ELS steering committee under Output 1.1 to be tasked with production of progress reports.
2.2.b Sensitise Member States to the need to ratify the 2005 Protocol on Facilitation of Movement of Persons	Swaziland to sensitization Legislature on ratification of Protocol in 2018
2.2.c Hold national stakeholders consultative meetings to sensitize constituents to new frameworks and review policies and legislation in at least 10 SADC member states	Consultative meetings held in: LESOTHO (June 2015), ZIMBABWE (July 2015), SOUTH AFRICA (November 2015).
2.2.d Develop rights based, gender sensitive national labour migration policies / instruments in at least 10 member states	Member States assisted: LESOTHO, SOUTH AFRICA, ZIMBABWE, ZAMBIA (2016) MAURITIUS (2016), NAMIBIA (2017), SWAZILAND (2018)
2.2.e Harmonise and review bilateral labour agreements (BLAs) by establishing a benchmarking system among SADC member states and between them and third countries	COMPLETED: Regional Guidelines for the development of BLAs in the SADC (SADC/ELSM&SP/1/2016/16)

Output 2.3 Labour Migration Policies legislations implemented in SADC Member States

2.3.a Conduct national labour migration assessments and skills audits.	Studies undertaken in ZAMBIA (2016), MAURITIUS (2016), LESOTHO (2017) and SEYCHELLES (2018)
2.3.b Develop and implement temporary labour migration programmes	Regional Migration Exporting Guiding Framework for South-South mobility within SADC (SADC/ELSM&SP/1/2016/17. Bilateral discussions concerning temporary labour migration programmes ongoing between some member states. No implementation to date.
2.3.c Develop and implement an intra-SADC labour migration circulation model (highly-, semi-, and low-skilled)	Model intra-SADC circular labour migration scheme developed in 2017. No implementation to date.

- Draft Labour Migration Policy Framework for EAC under development.

    – Rwanda has draft LM Policy - to be sent to cabinet in coming months
    – Kenya to revise LM Policy – IDF 2018
    – Burundi to develop LM Policy – IDF 2018
    – South Sudan and Uganda interested to develop LM Policy
    – Tanzania incorporated migration in Employment Policy

*The Economic Community of **Central African States (**ECCAS) has little in the form of policy and strategy to date.

INTERNATIONAL ORGANIZATION FOR MIGRATION

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Heads of State and Government committed to:

(a) **protect** safety, dignity, rights of all migrants, regardless of migratory status;

(b) **support** countries rescuing, receiving & hosting large numbers of refugees & migrants;

(c) **integrate** migrants – needs/capacities & those of receiving communities – in humanitarian & development planning;

(d) **combat** xenophobia, racism & discrimination;

(e) **develop** state-led process, non-binding principles & voluntary guidelines on treatment of vulnerable migrants; and

(f) **strengthen** global governance of migration, including by bringing IOM into the UN & development of a Global Compact for Safe, Orderly and Regular Migration.

INTERNATIONAL ORGANIZATION FOR MIGRATION

- **Framed by 2030 SDGs: MSs committed to cooperate internationally to facilitate safe, orderly and regular migration;**

- **Principles, commitments & understandings** on international migration in all its dimensions;

- Contribute to **global governance and enhance coordination** on international migration;

- **Framework for comprehensive international cooperation** on migrants & human mobility;

- **All aspects of international migration** – humanitarian, developmental, human rights-related & other aspects;

- **Guided** by the 2030 SDGs & Addis Ababa Action Agenda & **informed** by the Declaration of 2013 HLD on International Migration & Development

- Clear, transparent, inclusive process – views, expertise and priorities of:
  - MSs – all regions
  - UN, regional and sub-regional bodies
  - Broader migration community:
    - civil society, migrants & diaspora organizations
    - academia
    - private sector & unions
    - international financial institutions
    - Regional Consultative Processes on Migration and inter-regional fora.

A world in which migrants move by choice, not desperate necessity;
rights of migrants protected throughout;
migration well-governed to be a positive force for all.

Three major objectives:

1. **Facilitating** safe, orderly & regular migration – the migration we wish to have;

2. **Reducing** incidence & impact of forced & irregular migration – the migration we do not wish to have; and

3. **Responding** to the mobility impacts of natural and human-made disasters – the migration that occurs whether we want it or not.
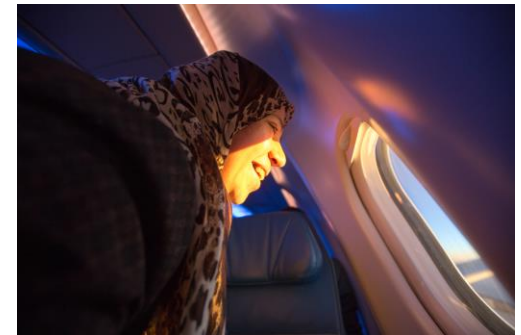
Thank You

When properly managed, labour migration has far-reaching potential for countries of origin and destination, migrants, their communities and employers

Migration for the Benefit of All